

# Miami Beach Resiliency Code

Planning Board – June 17, 2022

Click to add text

Perkins&Will  
Plusurbia  
Ana Gelabert-Sanchez  
Nancy Stroud  
Coastal Systems International



# Objectives for today

- Review the background to the Resiliency Code
- Recap the major changes to the Code
- Describe the changes to the RS and CD-2 districts in more detail
- Respond to PB questions from June 3 workshop
- Receive feedback from PB members and the community

# Resiliency Code Background

## A thorough review of best practices

***How are they translating resilience into policy and zoning regulations?***

## Zoning for Coastal Flood Resiliency

Zoning for Coastal Flood Resiliency seeks to promote resilient buildings throughout the city's current and future floodplains.

Buildings in the flood zone need to be designed or retrofitted to reduce damage from future hurricanes and give a nice return on costs. For this to happen, zoning needs to allow homeowners, business owners, and builders workable options for their buildings. Based on the Department of City Planning (DCP)'s experience working with communities throughout the floodplain since Hurricane Sandy in 2012, DCP has drafted a proposal to make zoning more supportive of resilient buildings. This proposal is expected to begin the public land use review process in 2020. More information about this effort can be found in the [Zoning for Coastal Flood Resiliency](#) document, located at [nyc.gov/zcfr](http://nyc.gov/zcfr).



**Allow buildings to be built to precautionary standards that take into account increasing flood risk**

All buildings located within areas at risk of coastal flooding would be able to proactively incorporate resiliency measures, even when not required by FEMA.

**Support resilient buildings that are accessible and fit in with their surroundings**

Zoning allowances paired with design rules would facilitate buildings and sites to accommodate sea level rise scenarios, without necessarily affecting the street.

**Preparing buildings to become resilient through partial retrofits**

Buildings would be able to incorporate resiliency, even when not able to fully meet FEMA

**Prepare today for recovery in the future**

Rules that support the recovery process after a disaster, including the ongoing COVID-19 pandemic, would be made available.

This work is part of the City's OneNYC plan, which includes numerous strategies to make the city more resilient through multiple lines of defense.

This proposal would make permanent zoning provisions that were adopted on a temporary basis in 2013, and improve them in several key areas where the rules do not fully support, or may contribute to discouraging resiliency investments in buildings.

The proposal would also provide flexibility for grading and shoreline design in waterfront areas to help mitigate flood risk and will prohibit the construction of new nursing homes in high-risk areas given the negative health consequences associated with evacuating nursing home residents.

Have questions or comments on this proposal? You can contact the DCP project team at:

**RNEIGHBORHOODS@**  
**planning.nyc.gov**



# Research-Based

## Sea Level Rise impacts City-wide

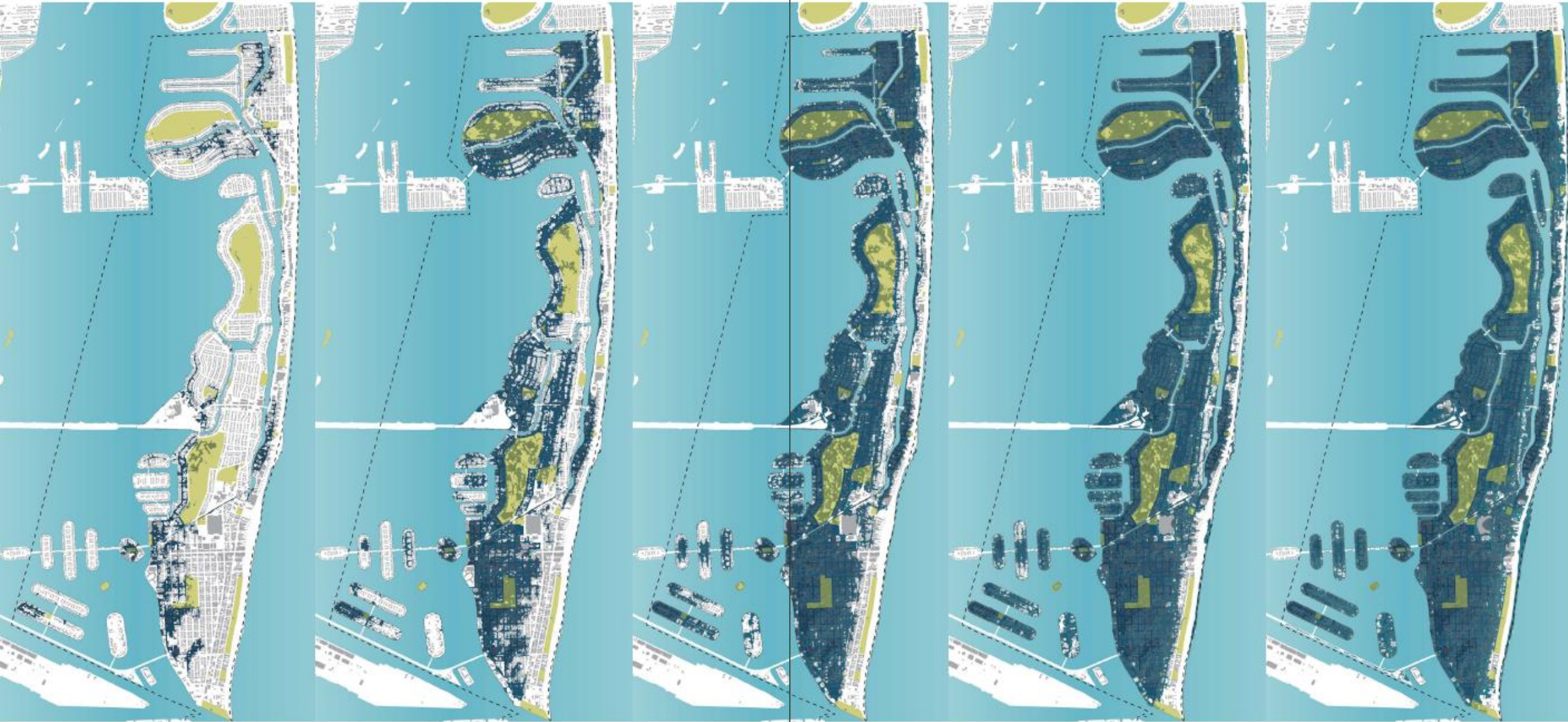
2 feet ~ 2050

3 feet ~ 2060

4 feet ~ 2070

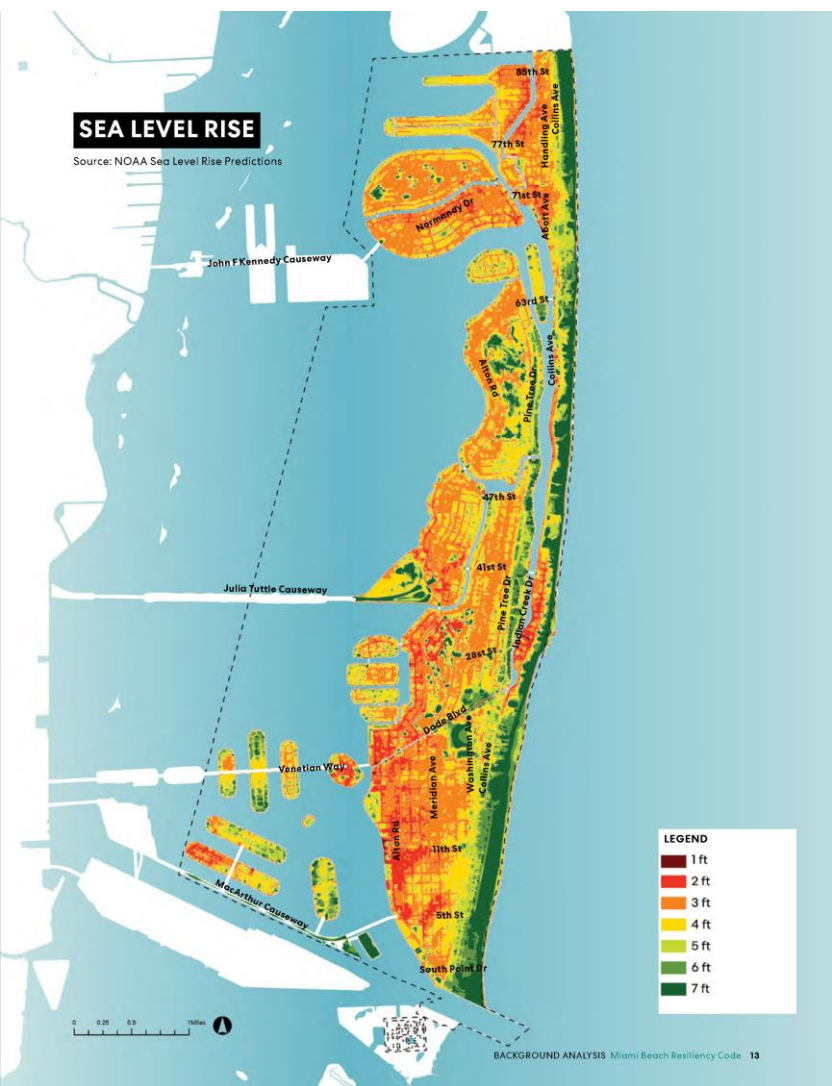
5 feet ~ 2090

6 feet ~ 2100





# Research-Based Mapping relationships between sea level rise and land use

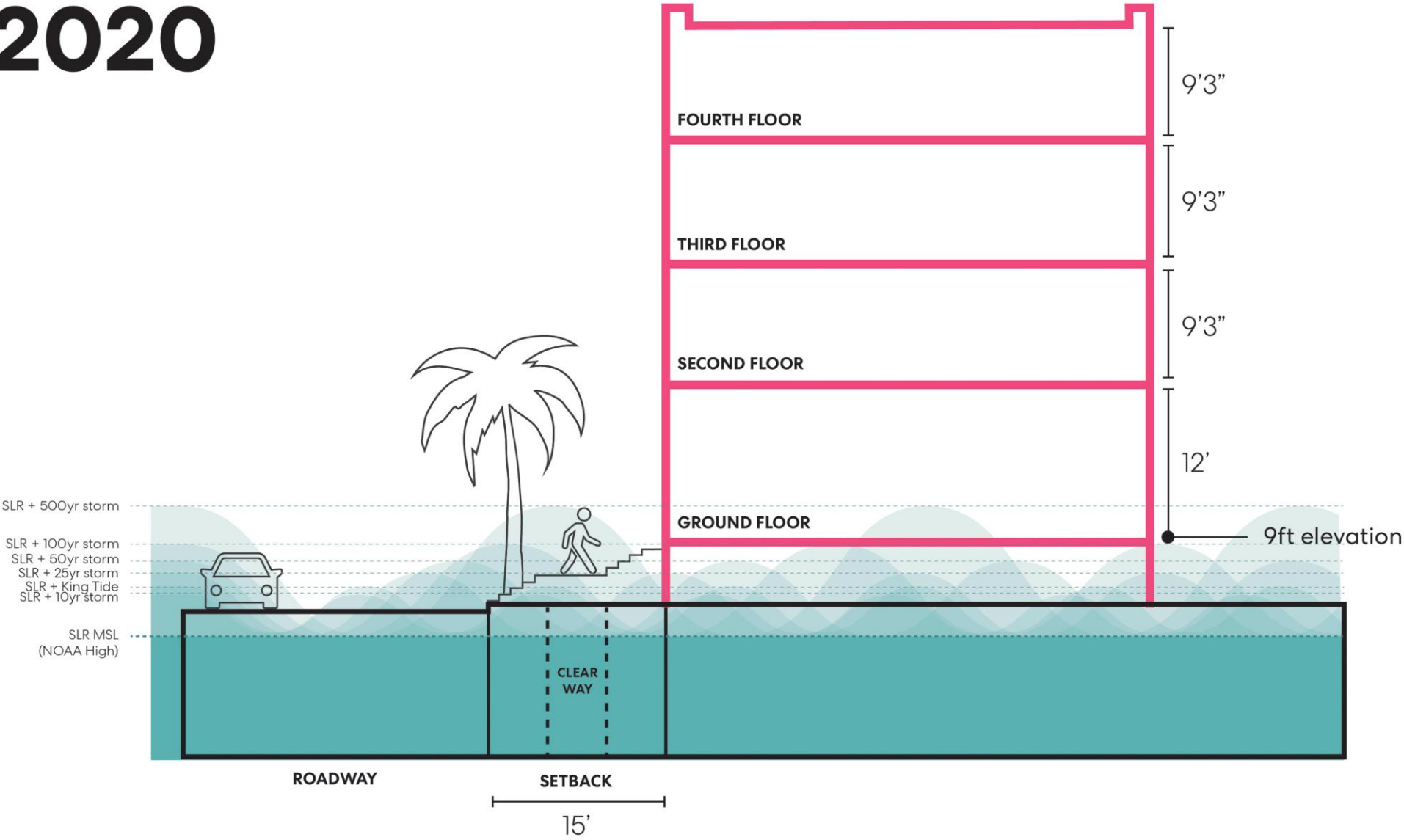




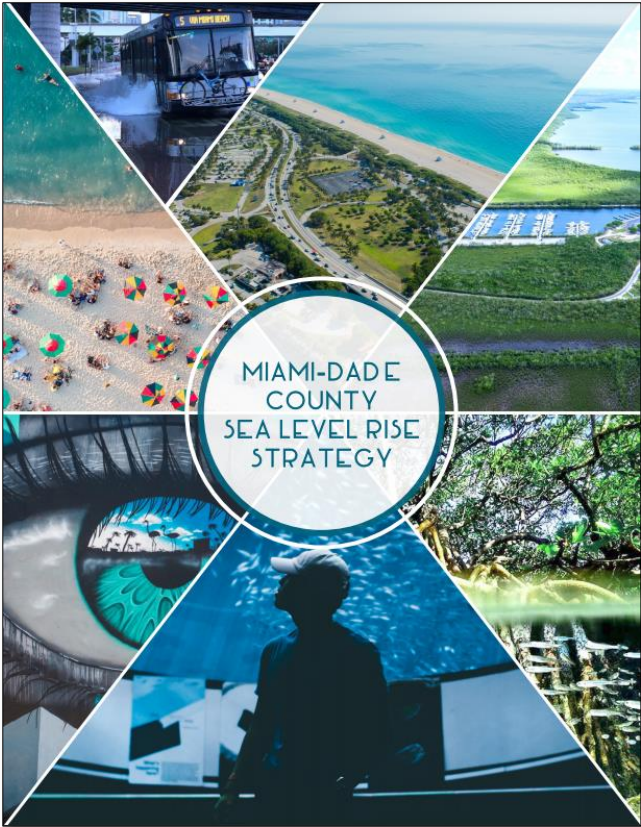
# Research-Based

## Mapping adaptation to building life-cycles

2020

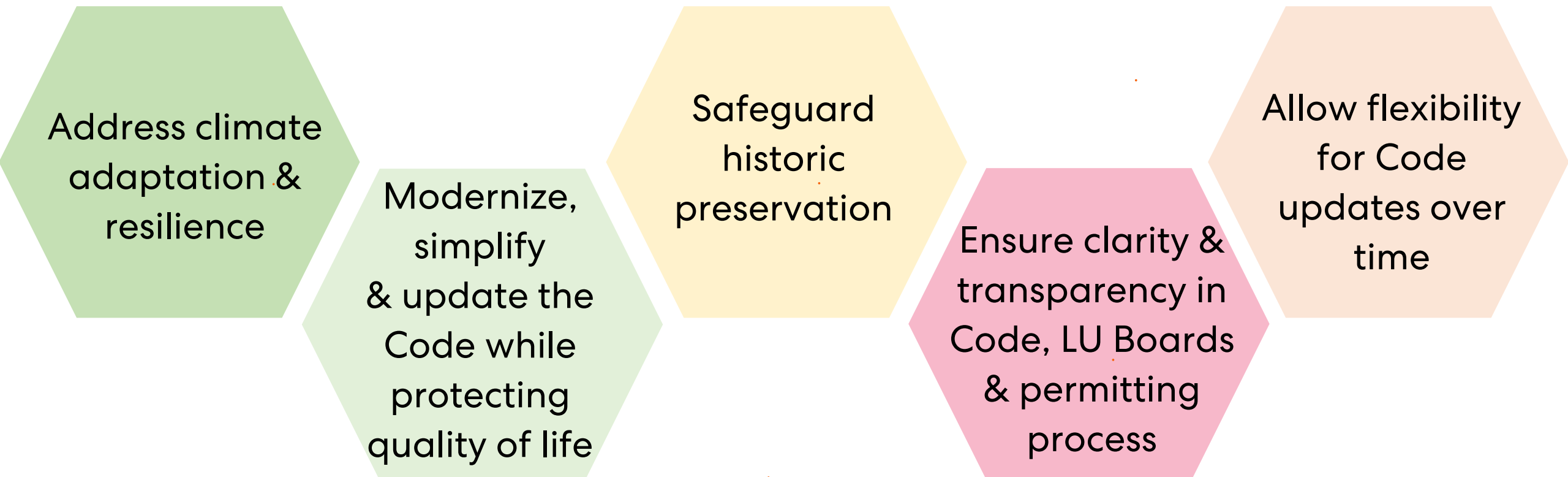


# Building on existing work





# Goals for the Code



Address climate  
adaptation &  
resilience

Modernize,  
simplify  
& update the  
Code while  
protecting  
quality of life

Safeguard  
historic  
preservation

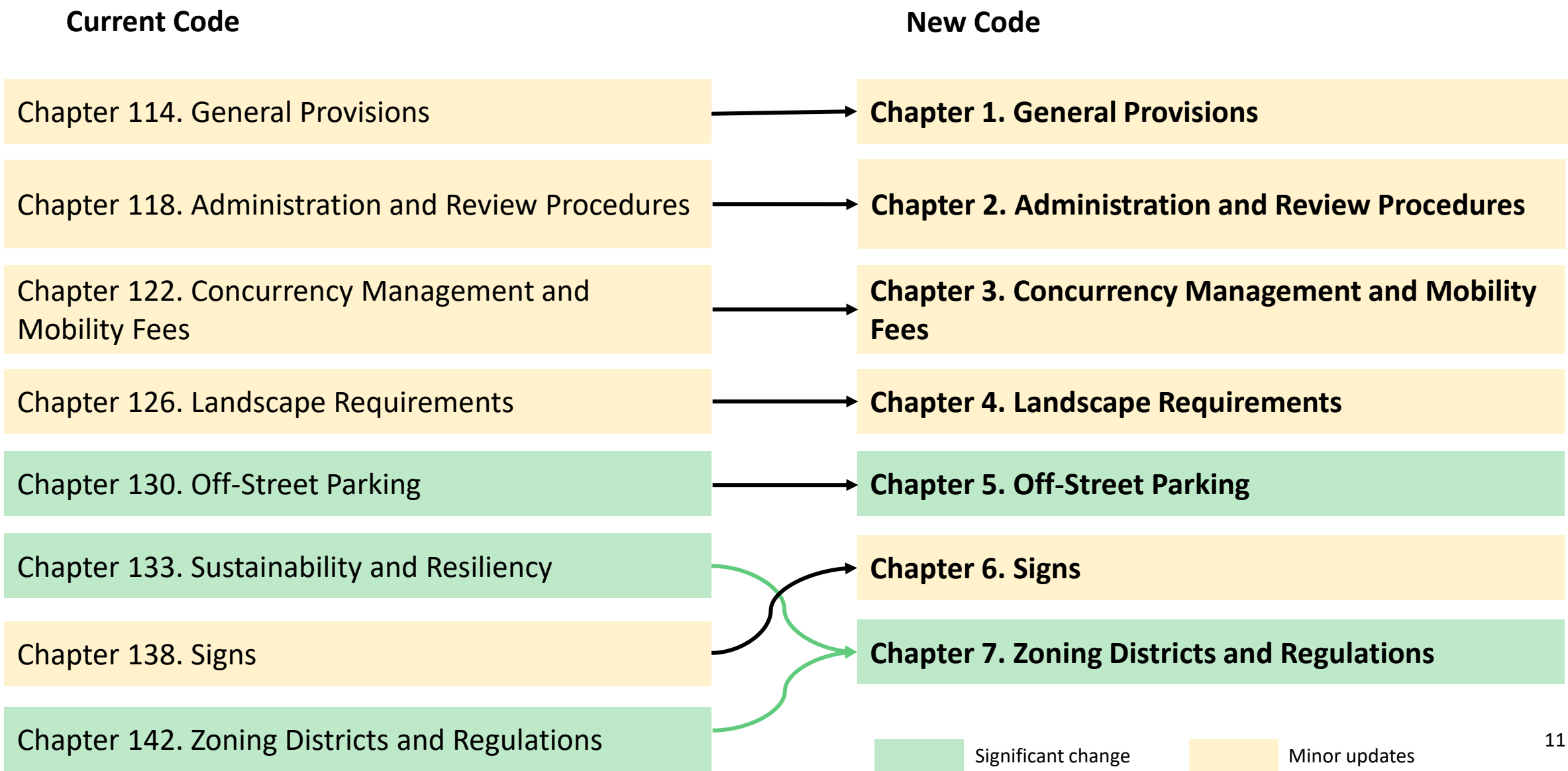
Ensure clarity &  
transparency in  
Code, LU Boards  
& permitting  
process

Allow flexibility  
for Code  
updates over  
time

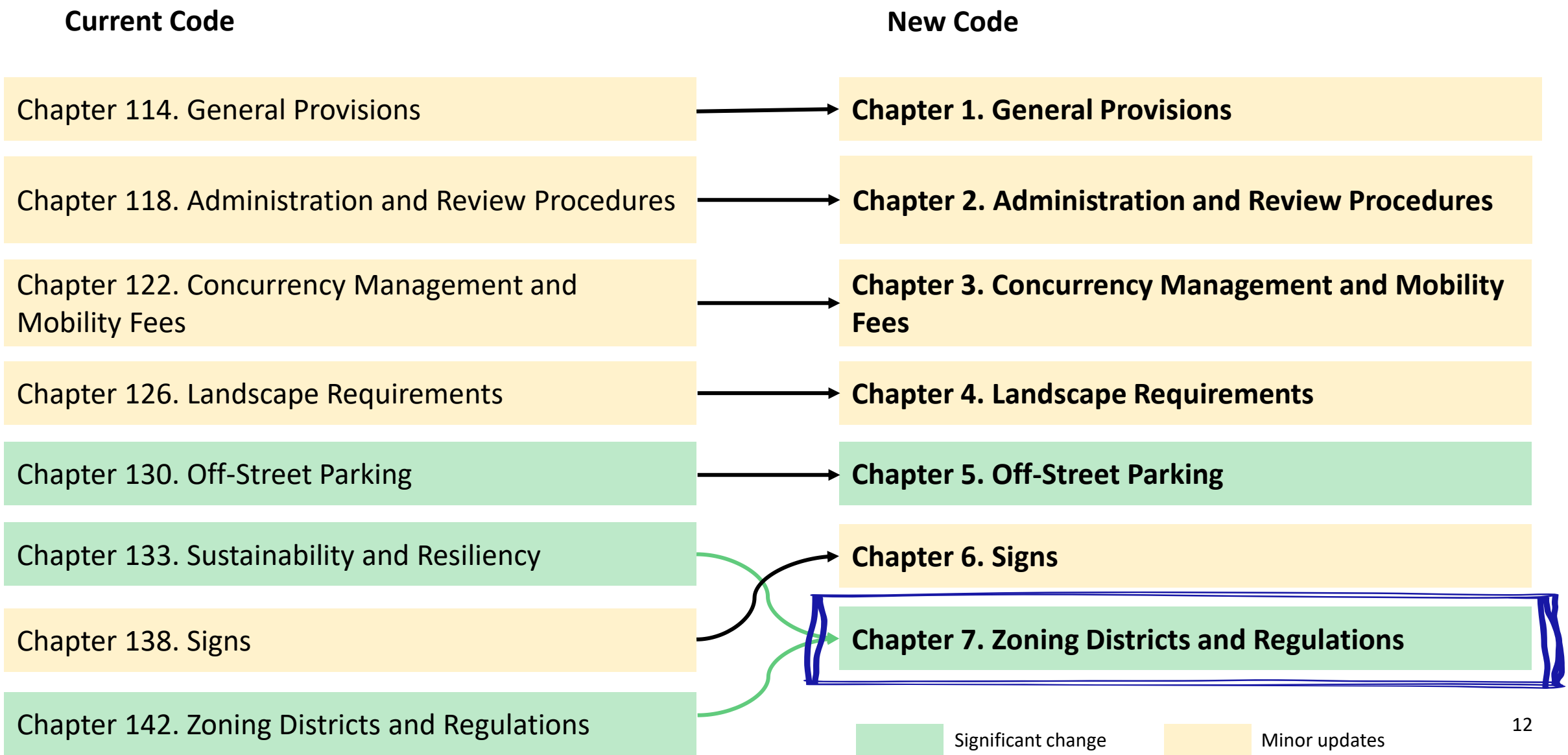
# Resiliency Code Detailed Review



**Proposed Code Structure**



**Proposed Code Structure**



Simplify the navigability of definitions in the Code and clarify roles and processes.

- Consolidate all definitions in Chapter 1
- Organize definitions by type
- Align use definitions categories with use tables in Districts
- New section: Administration of Regulations clarifies the role of the planning director to interpret the land development regulations

7.2.11.2 Uses (CD-2)

USES TABLE (CD-2)	
RESIDENTIAL	
Apartments	P
LODGING	
Apartment Hotels	P* Pro*
Hotels	P* Pro*
Hostels	P* Pro*
Suite Hotels	P* Pro*
Bed and Breakfast Inn	
OFFICE	
COMMERCIAL	
Commercial Uses	P
Restaurants with alcoholic beverage licenses	C*
Alcoholic Beverage Establishments	P* C*A*
Dance Halls	C* Pro*
Outdoor Entertainment Establishment	C Pro*
Open Air Entertainment Establishment	C Pro*
Entertainment Establishment	C* Pro*
Neighborhood Impact Establishment	C* Pro*
Video Game Arcades	C
Bars	Pro*
Pawnshops	C Pro*
Funeral Home	C
Tobacco and Vape Dealers	Pro*
Accessory outdoor bar counters	A* Pro*
Check Cashing Stores	Pro*
Convenience Stores	Pro*

Occult Science Establishment	Pro*
Souvenir and T-shirt Shops	Pro*
Package Stores	C*
Package liquor stores	Pro*
Tattoo Studios	Pro*
Gambling and Casinos	Pro
Rentals or leases of mopeds, motorcycles, and motorized bicycles	Pro
CIVIC	
Religious Institutions with occupancy of 199 persons or less	P
Religious Institutions	C
CIVIL SUPPORT	
Public and Private Institutions	C
EDUCATIONAL	
Schools	C
INDUSTRIAL	
OTHER	
storage and/or parking of commercial vehicles	C*
Any use selling gasoline	C
Self-Storage Warehouse	C*
Main Use Parking Garage	C*
<b>Key</b> P – Main Permitted Use C - Conditional Use A - Accessory Use Pro - Prohibited Use *See Supplemental Use Regulations below	



### **Update, standardize and clarify procedural requirements.**

- Reorganization for readability
- Standardized and consolidated provisions for appointment and conduct of Land Use Boards
- General application procedures standardized for all land use applications, including new preapplication requirements
- General hearing procedures standardized for all land use applications
- Updated timeframes for decision making per Florida Statutes
- No changes in decision making authority of Boards
- Establish zoning amendment cycle – 4 times a year
- Additional Commission waiver of percentage of certain LDRs, to allow better project design, after Planning Board recommendation and design review approval.

## Chapter 3. Concurrency Management and Mobility Fees

### **No substantial change proposed.**

- Minor clean up
- Parks Department is updating concurrency management and this will be inserted when complete

## Chapter 4. Landscape Requirements

# RESILIENCE

**Modify requirements to promote shade trees and drought and salt tolerant species suitable for Miami Beach.**

- Add minimum soil volumes
- Expand requirements for drought and salt tolerant species
- Increase stormwater permeability in parking lots



*Permeable surface in parking lot. Source: BIMsmith.com*



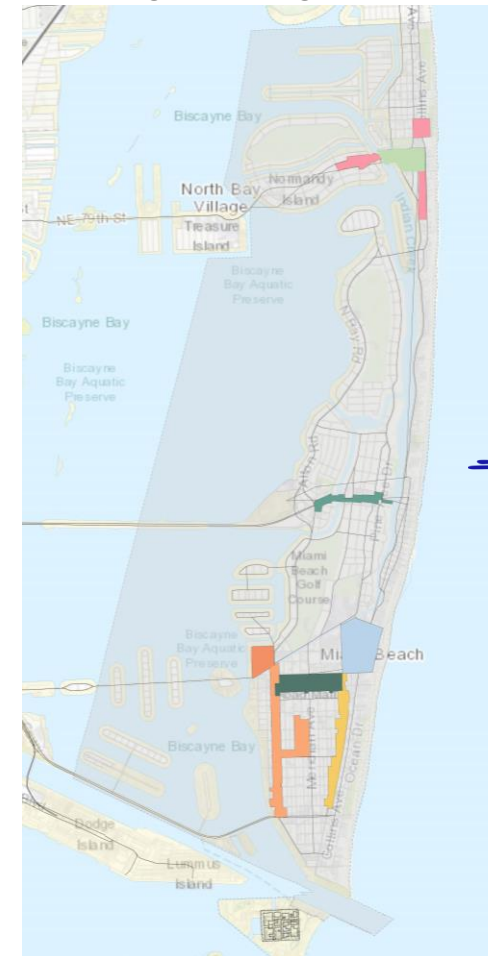
## Chapter 5. Off-street Parking

**Modernize and simplify parking requirements and align reduced parking requirement areas with transit nodes and corridors.**

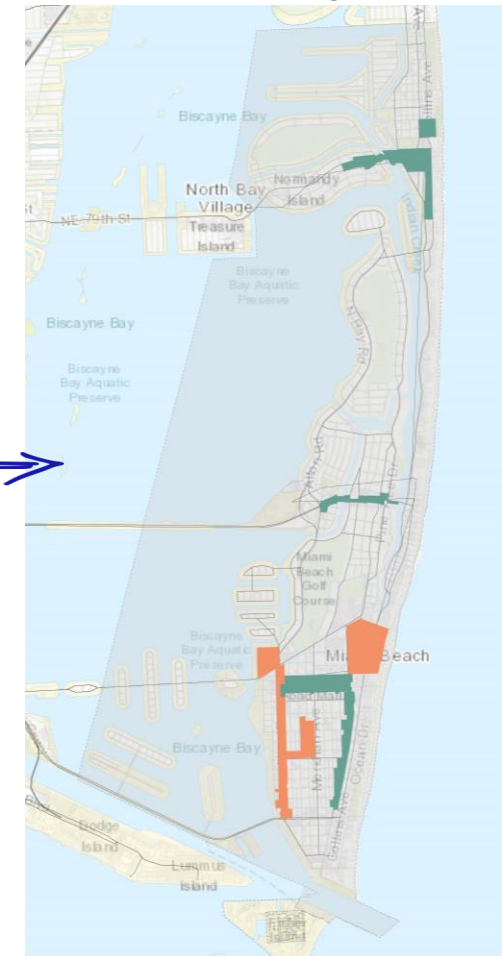
- Consolidate similar parking use categories and re-organize into tables
- Consolidate 9 parking districts into 3 parking tiers
  - **Tier 1** – former district 1 – standard requirements
  - **Tier 2** – former districts 5, 6 and 9 – intermediate parking requirements
  - **Tier 3** – former districts 2, 3, 4, 7 and 8 – lowest parking requirements
- Expand applicability of bike parking requirements city-wide
- New section: Non-conforming parking lots

# RESILIENCE, SIMPLICITY

**Existing Parking Districts**



**Proposed Parking Tiers**



**Simplify and clarify requirements and review responsibilities.**

- Clarify sign review responsibilities
- Add sign definitions and graphic exhibits
- Standardize requirements
- Reorganization for readability



## 7.1 Zoning Districts and Regulations

### 7.1 - GENERAL TO ALL ZONING DISTRICTS

**Resilience and Mitigation Standards are most prominent in this Chapter.**

# RESILIENCE

## Chapter 7 – ZONING DISTRICTS AND REGULATIONS

### 7.1 GENERAL TO ALL ZONING DISTRICTS

#### 7.1.1 Intent

#### 7.1.2 Resilience and Adaptation Standards

##### 7.1.2.1 Purpose

##### 7.1.2.3 Resilience and Adaptation Standards for Buildings

- a. Purpose
- b. Subterranean Level Standards for Buildings
- c. Understory Level Standards for Buildings
- d. Residential First Habitable Level (FHL) Standards
- e. Nonresidential First Habitable Level (FHL) Standards

##### 7.1.2.3 Resilience and Adaptation Standards for Exterior Building and Lot

- a. Purpose
- b. New Construction

##### 7.1.2.4 Sea Level Rise and Resiliency Review Criteria

- a. Criteria

#### 7.1.3 Environmental Mitigation Standards

##### 7.1.3.1 Purpose

##### 7.1.3.2 Green Building

- a. Original Green Standards
- b. USGBC or International Living Future Institute Based Standards

#### 7.1.4 Frontages

##### 7.1.4.1 Purpose

##### 7.1.4.2 Frontage Standards

#### 7.1.5 Minimum Unit Sizes

##### 7.1.5.1 Purpose

##### 7.1.5.2 Minimum Unit Size Standards



**RS – SINGLE FAMILY RESIDENTIAL DISTRICTS**

## DIVISION 2. - RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS



### Sec. 142-101. - Purpose.



The RS-1, RS-2, RS-3, RS-4 single-family residential districts are designed to protect, and preserve the identity, image, environmental quality, privacy, attractive pedestrian streetscapes, and human scale and character of the single-family neighborhoods and to encourage and promote new construction that is compatible with the established neighborhood context. In order to safeguard the purpose and goals of the single-family districts mandatory review criteria are hereby created to carry out the provisions of these land development regulations.

(Ord. No. 89-2665, § 6-1(A)(1), eff. 10-1-89; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 94-2966, eff. 12-31-94; Ord. No. 2006-3529, § 1, 9-6-06)

### Sec. 142-102. - Main permitted uses.



The main permitted uses in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are single-family detached dwellings.

(Ord. No. 89-2665, § 6-1(A)(2), eff. 10-1-89; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 94-2966, eff. 12-31-94)

### Sec. 142-103. - Conditional uses.



(a) Conditional uses in the RS-1, RS-2, RS-3, RS-4 single-family residential districts include the following:

(1) An at-grade parking lot in the RS-4 district when located immediately adjacent, without a gap due to alley, road, waterway or any other cause, to a CD-3 district. See subsection [142-105\(c\)](#).

(2) Religious institutions for those properties located in the 40th Street Overlay. See [chapter 142](#), zoning districts and regulations, article III, overlay districts, division 8, 40th Street Overlay.

(Ord. No. 89-2665, § 6-1(A)(3), eff. 10-1-89; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 94-2966, eff. 12-31-94; Ord. No. 97-3069, § 1, 1-22-97; Ord. No. 2011-3714, § 3, 1-19-11)

### Sec. 142-104. - Accessory uses.



The accessory uses in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are those uses customarily associated with single-family homes. (See article IV, division 2 of this chapter.)

(Ord. No. 89-2665, § 6-1(A)(4), eff. 10-1-89; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 94-2966, eff. 12-31-94)

## 7.2.2.2 Uses (RS)

USES TABLE (RS)			
RESIDENTIAL			
Single-family detached dwellings	P		
Accessory Dwelling Unit	A*		
LODGING			
OFFICE			
Home Based Business Office	A*		
COMMERCIAL			
Commercial use of single-family Home	Pro*		
Gambling and Casinos	Pro		
Rentals or leases of mopeds, motorcycles, and motorized bicycles	Pro		
CIVIC			
		Religious Institutions	C*
		CIVIL SUPPORT	
		EDUCATIONAL	
		Day Care Facility	A*
		INDUSTRIAL	
		OTHER	
		At-grade parking lot	C*
		<b>Key</b> P – Main Permitted Use C - Conditional Use A - Accessory Use Pro - Prohibited Use * See Supplemental use regulations below	

### a. Supplemental Main permitted uses Regulations (RS)

None

### b. Supplemental Conditional uses Regulations (RS)

The Supplemental Conditional Uses are:

- An at-grade parking lot in the RS-4 district when located immediately adjacent, without a gap due to alley, road, waterway or any other cause, to a CD-3 district. See [subsection 142-105\(c\)](#).
- Religious institutions for those properties located in the [40th Street Overlay](#). (MAP EXHIBIT-1) See chapter [142, zoning districts and regulations, article III, overlay districts, division 8, 40th Street Overlay](#).



RS – EXISTING DEVELOPMENT REGULATIONS



Sec. 142-106. - Setback requirements for a single-family detached dwelling.		
(b) The d	(a) The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:	
(1) L	(1) <i>Front yards.</i> The minimum front yard setback requirement for these districts shall be as follows:	
	a. One-story structures. Twenty feet, provided that any portion of a two-story attached structure shall be setback a minimum of 40 feet.	
	b. Two-story structures. Thirty feet, provided subsection (a)(1)a. above does not apply.	
	c. [Reserved.]	
	d. At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.	
	e. In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required front yard be sodded or landscaped pervious open space.	
	(2) <i>Side yards.</i>	
	a. The sum of the required side yards shall be at least 25 percent of the lot width.	
	b. Side, facing a street.	
	1. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.	
	2. At least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.	
	3. In the event that an existing single family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required side yard area facing a street consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space if the side yard area facing a street is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required side yard area facing a street be sodded or landscaped pervious open space.	
	c. Interior sides.	
	1. For lots greater than 65 feet in width each interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.	
	2. For lots 65 feet in width or less each interior side yard shall have a minimum of seven and one-half feet.	
	d. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The elevation (height) of the open space provided shall not exceed the elevation of the first habitable floor, and at least 50 percent of the required interior open space area shall be sodded or landscaped previous open space. The additional open space may contain mechanical equipment. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through historic preservation board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.	
	e. Nonconforming yards.	
	1. If a single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet all setback regulations existing at the time, unless otherwise exempted under <a href="#">chapter 118</a> , article IX of these land development regulations.	
	2. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.	
	3. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least five feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall only apply to the linear extension of a single story building, provided such linear extension does not exceed 20 feet in length and does not exceed 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure (measured to the mid-point of the slope), as measured from the minimum flood elevation.	
	(3) <i>Rear.</i> The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.	
	2. Attic space. providing structural headroom of less than seven feet six inches.	

EXPAND

elevation, plus

oved by the  
eria.

s freeboard,  
slope for a  
4)b.

may be

ited lots, and the

ude the

# RS – PROPOSED DEVELOPMENT REGULATIONS TABLE

PROPOSED

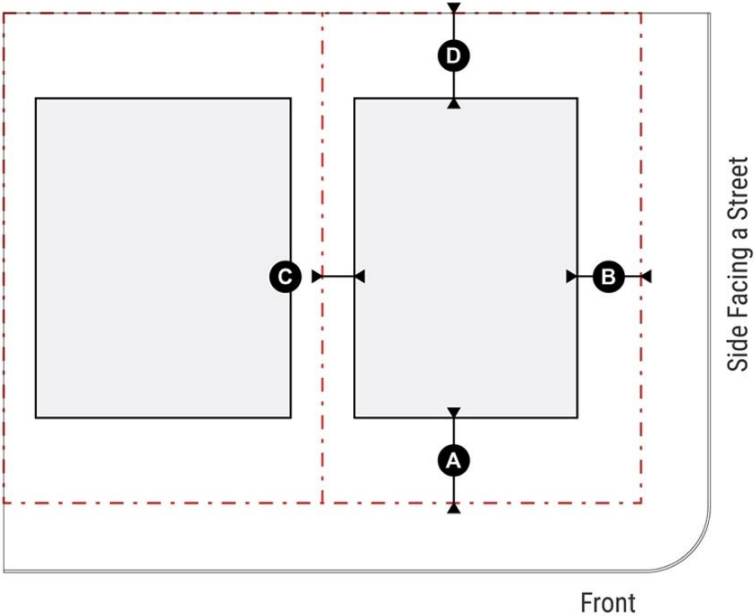
DEVELOPMENT REGULATIONS TABLE (RS)				
	RS-1	RS-2	RS-3	RS-4
Maximum FAR	N/A			
Maximum Density (Dwelling Units per Acre)	7 DUA			
Minimum Unit Size (Square Feet)	1,800 SF			
Maximum Unit Size (% of Lot Area)	50%			
LOT OCCUPATION	RS-1	RS-2	RS-3	RS-4
Minimum Lot Area (square feet)	30,000 SF	18,000 SF	10,000 SF	6,000 SF
Minimum Lot Width (feet)	100 feet (1)	75 feet (1)	50 feet - Oceanfront lots (1) 60 feet - All others (1)	50 feet (1)
Maximum Lot Coverage for a single-story Home (% of lot area)	40% (2)			
Maximum Lot Coverage for a 2-story Home (% of lot area)	30%			

**Maximum Density  
from Comprehensive  
Plan**

RS – PROPOSED DEVELOPMENT REGULATIONS TABLE

PROPOSED

BUILDING SETBACKS				
Front Setback <b>A</b>	RS-1	RS-2	RS-3	RS-4
1 Story Structures	20 feet -provided that any portion of a two-story attached structure shall be setback a minimum of 40 feet (5)			
2 Story Structures	30 feet (above does not apply) (5)			
Side, facing a street Setback <b>B</b>	RS-1	RS-2	RS-3	RS-4
	10% of the lot width or 15 feet, whichever is greater (5) and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback <b>C</b>	RS-1	RS-2	RS-3	RS-4
Lots 65 feet in width or less	7.5 feet			
Lots greater than 65 feet in width	10% of the lot width or 10 feet, whichever is greater			
Rear Setback <b>D</b>	RS-1	RS-2	RS-3	RS-4
	15 % of the lot <u>depth</u> (6) 20 feet minimum 50 feet maximum			





# RS – PROPOSED DEVELOPMENT REGULATIONS TABLE

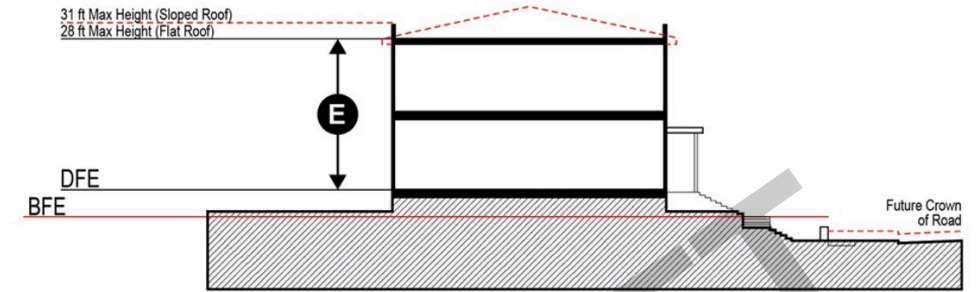
PROPOSED

BUILDING HEIGHT	RS-1	RS-2	RS-3	RS-4
Maximum Height (stories)	2 stories			
Maximum Height (feet) <b>E</b>	28 ft - flat roofs (3) (7) 31 ft - sloped roofs (3) (7)		24 ft - flat roofs (3) (4) (7) 27 feet - sloped roofs (4) (7)	24 ft - flat roofs (3) (7) 27 feet - sloped roofs (3) (7)

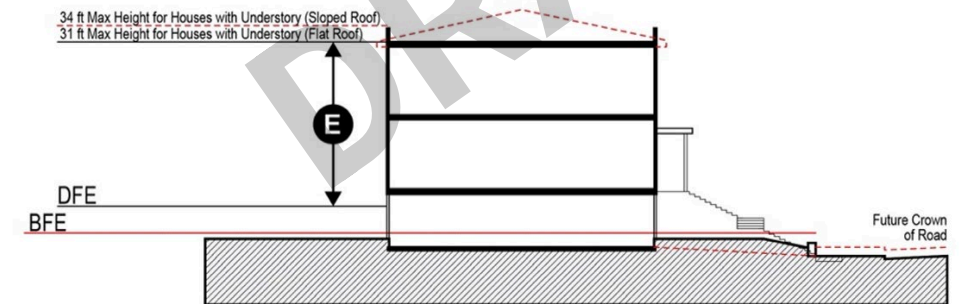
- Except those lots fronting on a cul-de-sac or circular street as defined in lot width.
- Single story homes shall follow the requirements of [section 142-105\(b\)\(5\)b.](#)
- Height shall be measured from the required base flood elevation for the lot, plus freeboard. (See Height of Building definition). Single story homes shall follow the requirements of [section 142-105\(b\)\(5\)b.](#)
- May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
- At least 50 percent (50%) of the required front yard and side facing a street yard areas (including portions of the rear and front yards) shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. **When a pool is located in the side yard, facing a street the area of the water may count as part of the open space.**

In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.

- At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement
- If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.



NO UNDERSTORY



WITH UNDERSTORY

## RS – EXISTING ALLOWABLE ENCROACHMENTS WITHIN THE REQUIRED YARD – CARPORTS

EXISTING

(4) *Carports and solar carports.* Only one carport or solar carport shall be erected within a required yard of a single-family home, subject to the following requirements, as may be applicable:

a. Carports shall be subject to the following requirements:

1. Carports shall be constructed of canvas and pipe for the express purpose of shading automobiles.
2. Setbacks. Minimum setbacks for carports shall be as follows:
  - i. Front yard: 18 inches from the property line, provided the carport is attached to or immediately adjacent to the main building.
  - ii. Interior side yard: Four feet from the property line.
  - iii. Side yard facing the street: 18 inches from the property line, provided the carport is attached to or immediately adjacent to the main building.
  - iv. The side of the carport that faces the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five feet from the rear property line.
  - v. When a carport is detached and located more than 12 inches from the main home it shall not be located in the required front or side-facing-the-street yards.
3. Carports shall not be permitted to exceed 20 feet in width or 20 feet in length. An unobstructed view between the grade and the lower ceiling edge of the carport of at least seven feet shall be maintained.
4. Carports constructed prior to the adoption of this section shall be considered legal nonconforming structures. Such nonconforming canopies may be repaired or replaced; however, the degree of their nonconformity shall not be increased thereby.

b. Solar carports. Solar carports shall be subject to the following requirements:

1. Setbacks. Minimum setbacks for solar carports shall be as follows:
  - i. Front yard: 15 feet from the property line, provided the solar carport is attached to or immediately adjacent to the main building.
  - ii. Interior side yard: Four feet from the property line.
  - iii. Side yard facing the street: Five feet from the property line, provided the solar carport is attached to or immediately adjacent to the main building.
  - iv. The sides of the solar carport that face the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five feet from the rear property line.
  - v. When a solar carport is detached and located more than 12 inches from the main home, it shall not be located in the required front or side-facing-the-street yards.
2. Solar carports shall not be permitted to exceed 20 feet in width or 20 feet in length. An unobstructed view between the grade and the lower ceiling edge of the carport of at least seven feet shall be maintained.

RS – PROPOSED ALLOWABLE ENCROACHMENTS WITHIN THE REQUIRED YARD - CARPORTS



4. **Carports and solar carports.** Only one carport or solar carport shall be erected within a required yard of a single-family home, subject to the following requirements, as may be applicable:
- a. Carports and solar carports shall be subject to the following requirements:
    - I. Carports shall be constructed of canvas and pipe for the express purpose of shading automobiles.
    - II. Carports or solar carports constructed prior to the adoption of this section shall be considered legal nonconforming structures. Such nonconforming canopies may be repaired or replaced; however, the degree of their nonconformity shall not be increased thereby.

CARPORTS AND SOLAR CARPORTS STANDARDS TABLE (RS)		
Maximum Carport and Solar Carport Size	20 feet width 20 feet length	
SETBACKS	Car Port	Solar Car Port
Front Setback <b>A</b>	18 inches min (1)	15 feet min (1)
Side, Facing a Street Setback <b>B</b>		5 feet min (1)
Side, Interior Setback <b>C</b>	4 feet min	4 feet min
Rear Setback <b>D</b>	5 feet min (2)	5 feet min (2)

Maximum Height	7 feet (Unobstructed view between grade and lower edge of the carport or solar carport)	
<div>1. Provided the carport or solar carport is attached to or immediately adjacent to the main building. When a carport or solar carport is detached and located more than 12 inches from the main home it shall not be located in the required front or side-facing-the-street yards.</div> <div>2. The sides of the carport or solar carport that face the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of 5 feet from the rear property line.</div>		



## **CD-2 – COMMERCIAL MEDIUM INTENSITY DISTRICT**

CD-2 – EXISTING USES



Sec. 142-302. - Main permitted uses.



The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses (including, for example, personal service establishments); apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to [section 142-1105](#) of this chapter); religious institutions with an occupancy of 199 persons or less and alcoholic beverages establishments pursuant to the regulations set forth in [chapter 6](#); Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in [section 142-310](#):

- (a) *Alton Road corridor.* Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road.
- (b) *Sunset Harbour neighborhood.* The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south.

(Ord. No. 89-2665, § 6-7(A)(2), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2000-3257, § 2, 7-12-00; Ord. No. 2001-3328, § 4, 10-17-01; Ord. No. 2004-3445, § 1, 5-5-04; Ord. No. 2012-3786, § 4, 12-12-12; Ord. No. 2014-3869, § 1, 5-21-14; Ord. No. 2016-4005, § 1, 3-9-16; Ord. No. 2016-4014, § 2, 5-11-16; Ord. No. 2016-4046, § 1, 10-19-16; Ord. No. 2017-4146, § 2, 10-18-17; Ord. No. 2020-4339, § 2, 5-13-20)

Sec. 142-303. - Conditional uses.



- (a) *Generally.* The conditional uses in the CD-2 commercial, medium intensity district include the following:
  - (1) Reserved;
  - (2) Funeral home;
  - (3) Reserved;
  - (4) Religious institutions;
  - (5) Pawnshops;
  - (6) Video game arcades;
  - (7) Public and private institutions;
  - (8) Schools;
  - (9) Any use selling gasoline;
  - (10) New construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards;
  - (11) Outdoor entertainment establishment;
  - (12) Neighborhood impact establishment; however, for properties that front Washington Avenue from 6th Street to 16th Street, a restaurant with a full kitchen that serves full meals may have entertainment without obtaining conditional use approval, subject to the following additional requirements:
    - a. Entertainment shall be restricted to an interior enclosed area; and
    - b. Occupancy shall not exceed 299 persons; and
  - (13) Open air entertainment establishment; and
  - (14) Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See [section 142-1103](#).
- (b) *Sunset Harbour neighborhood.* The conditional uses for the Sunset Harbour neighborhood, generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south, shall include those conditional uses listed at [section 142-303\(a\)](#), but shall exclude pawnshops, outdoor entertainment establishments, neighborhood impact establishments, and open air entertainment establishments, as these specific uses are prohibited in the Sunset Harbour neighborhood pursuant to [section 142-305](#). The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:
  - (1) Main use parking garages.
  - (2) Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.

Sec. 142-304. - Accessory uses.



The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m. Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in [section 142-310](#):

- (a) *Alton Road corridor.* Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road.
- (b) *Sunset Harbour neighborhood.* The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south.

(Ord. No. 89-2665, § 6-7(A)(4), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2016-4005, § 1, 3-9-16; Ord. No. 2016-4014, § 2, 5-11-16; Ord. No. 2016-4046, § 1, 10-19-16)

Sec. 142-305. - Prohibited uses.

modified



- (a) The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in [section 142-310](#), or in article IV, division 2 of this chapter and in [chapter 6](#).
- (b) Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district also include the following:
  - (1) In the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, prohibited uses also include the following:
    - a. Hotels, apartment hotels, suite hotels and hostels;
    - b. Outdoor entertainment establishments;
    - c. Neighborhood impact establishments;
    - d. Open air entertainment establishments;
    - e. Bars;
    - f. Dance halls;
    - g. Entertainment establishments (as defined in [section 114-1](#) of this Code);
    - h. Pawnshops;
    - i. Tobacco and vape dealers;
    - j. Check cashing stores;

# CD-2 – PROPOSED USES TABLES

## 7.2.11.2 Uses (CD-2)

USES TABLE (CD-2)	
RESIDENTIAL	
Apartments	P
LODGING	
Apartment Hotels	P* Pro*
Hotels	P* Pro*
Hostels	P* Pro*
Suite Hotels	P* Pro*
OFFICE	
Office	A*
COMMERCIAL	
Commercial Uses	P
Restaurants with alcoholic beverage licenses	C*
Alcoholic Beverage Establishments	P* C*A*
Dance Halls	C* Pro*
Outdoor Entertainment Establishment	C Pro*
Open Air Entertainment Establishment	C Pro*
Entertainment Establishment	C* Pro*
Neighborhood Impact Establishment	C* Pro*
Bars	Pro*
Pawnshops	C Pro*
Funeral Home	C
Tobacco and Vape Dealers	Pro*
Accessory outdoor bar counters	A* Pro*
Check Cashing Stores	Pro*
Convenience Stores	Pro*
Occult Science Establishment	Pro*
Souvenir and T-shirt Shops	Pro*
Package Stores	C*

Fitness club, exercise studio or health club	A*
Package liquor stores	Pro*
Tattoo Studios	Pro*
Gambling and Casinos	Pro
Rentals or leases of mopeds, motorcycles, and motorized bicycles	Pro
CIVIC	
Religious Institutions with occupancy of 199 persons or less	P
Religious Institutions	C
CIVIL SUPPORT	
Public and Private Institutions	C
EDUCATIONAL	
Schools	C
Family Day Care Center	A*
INDUSTRIAL	
OTHER	
Storage and/or parking of commercial vehicles	C*
Any use selling gasoline	C
Self-Storage Warehouse	C*
Main Use Parking Garage	C*
Neighborhood Impact Structure	C
<b>Key</b>	
P – Main Permitted Use	
C - Conditional Use	
A - Accessory Use	
Pro - Prohibited Use	
*See Supplemental Use Regulations below	

## b. Supplemental Conditional Uses Regulations (CD-2)

The supplemental conditional uses are:

- Neighborhood impact establishment; however, for properties that front Washington Avenue from 6th Street to 16th Street (MAP EXHIBIT-3), a restaurant with a full kitchen that serves full meals may have entertainment without obtaining conditional use approval, subject to the following additional requirements:
  - Entertainment shall be restricted to an interior enclosed area; and
  - Occupancy shall not exceed 299 persons
- Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See section 142-1103.
- Sunset Harbour neighborhood.* The conditional uses for the Sunset Harbour neighborhood, generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south (MAP EXHIBIT-4), shall include those conditional uses listed at section 142-303(a), but shall exclude:
  - pawnshops,
  - outdoor entertainment establishments,
  - neighborhood impact establishments, and
  - open air entertainment establishments, as these specific uses are prohibited in the Sunset Harbour neighborhood pursuant to section 142-305.
  - The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:
    - Main use parking garages.
    - Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.
  - Package stores.
- North Beach neighborhood.* All conditional uses shall comply with the conditional use criteria in section 118-192(a). The conditional uses for the North Beach neighborhood (located north of 65th Street) (MAP EXHIBIT-5) shall include those listed at section 142-303(a), and shall also include the following:
  - Alcoholic beverage establishments (not also operating as a full restaurant with a full kitchen, serving full meals);
  - Dance halls; and
  - Entertainment establishments.
- South Alton Road corridor.* All conditional uses shall comply with the conditional use criteria in section 118-192(a). The conditional uses for the South Alton Road corridor, which includes properties located along Alton Road between 6th and 11th Street (MAP EXHIBIT-6), shall include those listed at section 142-303(a), and shall also include the following:
  - Self storage warehouse, provided the minimum distance separation between self-storage warehouses shall be 300 feet and self-storage warehouses shall follow the development regulations for "self-storage warehouse" in section 142-305 and setback requirements in section 142-307.
- Additional requirements.* Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in section 142-310:
  - Alton Road corridor.* Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street (MAP EXHIBIT-1), except alcoholic beverage establishments fronting Lincoln Road between West Avenue, and Alton Road.
  - Sunset Harbour neighborhood.* The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south. (MAP EXHIBIT-2)

PROPOSED

## CD-2 – SUPPLEMENTAL USES – GEOGRAPHIC EXHIBITS

PROPOSED

### b. Supplemental Conditional Uses Regulations (CD-2)

The supplemental conditional uses are:

- i. Neighborhood impact establishment; however, for properties that front **Washington Avenue from 6th Street to 16th Street (MAP EXHIBIT-3)**, a restaurant with a full kitchen that serves full meals may have entertainment without obtaining conditional use approval, subject to the following additional requirements:
  1. Entertainment shall be restricted to an interior enclosed area; and
  2. Occupancy shall not exceed 299 persons
- ii. Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See **section 142-1103**.
- iii. Sunset Harbour neighborhood. The conditional uses for the Sunset Harbour neighborhood, **generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south (MAP EXHIBIT-4)**, shall include those conditional uses listed at section 142-303(a), but shall exclude:
  1. pawnshops,
  2. outdoor entertainment establishments,
  3. neighborhood impact establishments, and
  4. open air entertainment establishments, as these **specific uses are prohibited in the Sunset Harbour neighborhood pursuant to section 142-305**.
  5. The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:
    - I. Main use parking garages.
    - II. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.
  6. Package stores.





## EXPAND

**OFFICIAL ZONING MAP  
OF THE  
CITY OF  
MIAMI BEACH  
• FLORIDA •  
INCORPORATED 1915  
ADOPTED 21ST DAY OF SEPTEMBER, 1989  
EFFECTIVE 1ST DAY OF OCTOBER, 1989  
AS AMENDED  
DATE OF LAST REVISION FEBRUARY 13, 2015**

**EXISTING**

[illegible]

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

(c) The tower setback shall not be less than the pedestal setback.

(c) Parking lots and garages: If located on the same lot as the main structure the above setbacks shall apply. If primary use the setbacks are listed in subsection [142-132\(n\)](#).

(d) Mixed use buildings: Calculation of floor area ratio:

(1) Floor area ratio. When more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-2 district.

(2) The maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in [section 142-307\(d\)\(2\)](#) above shall not apply to self-storage warehouse development.

(e) Notwithstanding the above setback regulations, "self-storage warehouse" in this district shall have the following setbacks:

(1) Front—Five feet;

(2) Side facing a street—Five feet;

(3) Interior side—Seven and one-half feet or eight percent of the lot width, whichever is greater;

(4) Rear—For lots with a rear property line abutting a residential district the rear yard setback shall be a minimum of 25 feet; for lots with a rear property line abutting an alley the rear setback shall be a minimum of seven and one-half feet.

(Ord. No. 89-2665, §§ 6-7(C), 6-9, eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 95-3027, eff. 12-16-95; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3799, § 3, 5-8-13; Ord. No. 2018-4160, § 2, 1-17-18; Ord. No. 2019-4315, § 3, 10-30-19)

# CD-2 – PROPOSED DEVELOPMENT REGULATIONS TABLE

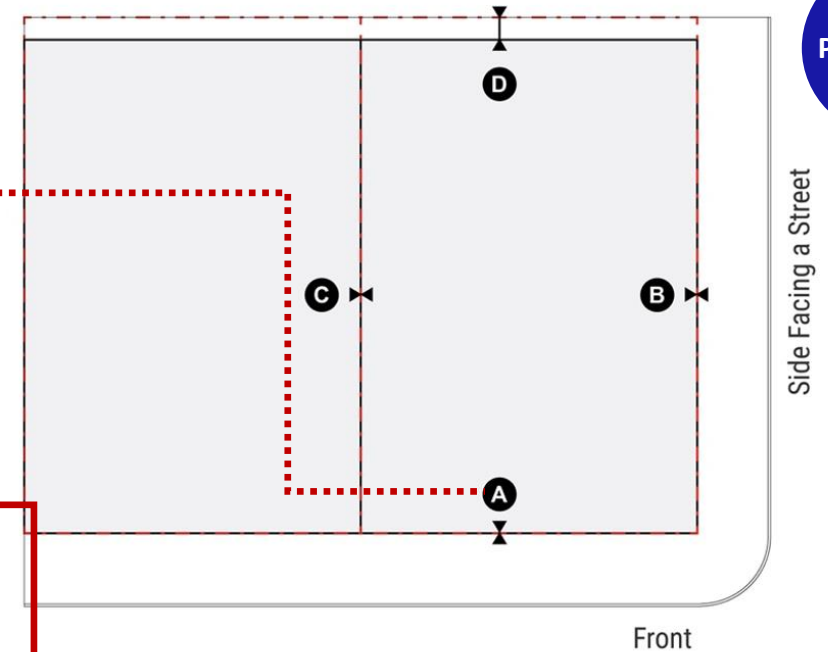
PROPOSED

DEVELOPMENT REGULATIONS TABLE (CD-2)	
Maximum FAR	1.5 (5)
<b>Mixed Use Buildings</b> (When more than 25 percent (25%) of the total area of a building is used for residential or hotel units)	2.0
Maximum Density (Dwelling Units Per Acre)	100 DUA
Minimum Unit Size (square feet)	See Section 7.1.5 For contributing hotel structures located within the Collins Park District, ger bounded by the erosion control line on the east, the east side of Washington on the west, 23rd Street on the north, and 17th Street on the south (MAP E) hotel units shall be a minimum of 200 square feet.
LOT OCCUPATION	
Minimum Lot Area (square feet)	None
Minimum Lot Width (feet)	None
Maximum Lot Coverage (% of lot area)	N/A

MINIMUM UNIT SIZE TABLE	
UNIT TYPE	MINIMUM UNIT SIZE (Square Feet)
Single Family Detached House	1,800 SF (1) (2)
Townhouse/Single Family Attached House	1,600 SF (2)
Apartments/Multi-family Units	
New Construction	550 SF (2)
Non-elderly and elderly low and moderate income housing	400 SF (2)
Workforce Housing	400 SF (2)
Rehabilitated Buildings	400 SF (2)
Lodging and Hotel Units	1. 15%: 300 SF–335 SF (2) (3) 2. 85%: 335 SF + (2) (3)
(1) Excluding Accessory Building. (2) See supplemental unit size in district and/or overlay regulations. (3) For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings–200.	

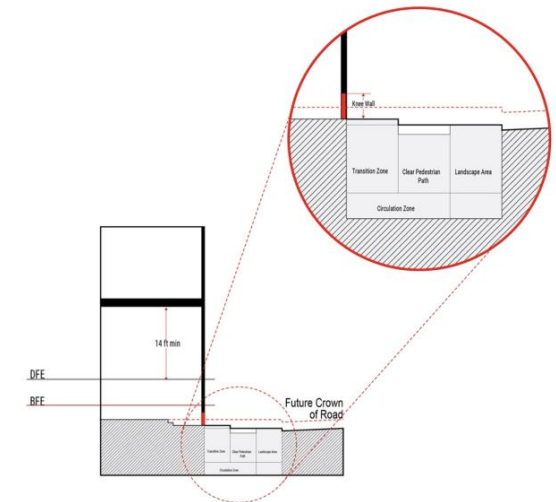
## CD-2 – PROPOSED DEVELOPMENT REGULATIONS TABLE

BUILDING SETBACKS	
Front Setback <b>A</b> ←	
Subterranean	0 feet (See Section 7.2.2.2)
Pedestal	5 feet (Self-Storage Warehouse)
Tower	
Side, Facing a Street Setback <b>B</b>	
Subterranean	0 feet (See Section 7.2.2.2) ←
Pedestal	10 feet (when abutting a residential district, separated by a street or waterway)
Tower	5 feet (Self Storage Warehouse)
Side, Interior Setback <b>C</b>	
Subterranean	0 feet (4)
Pedestal	10 feet (when abutting a residential district) (4)
Tower	7.5 feet or 8 percent (8%) of the lot width, whichever is greater (Self-Storage Warehouse)
Rear Setback <b>D</b>	
Subterranean	5 feet (4)
Pedestal	10 feet (when abutting a residential district) (4)
Tower	0 feet (abutting a residential district separated by a street or waterway) (4) 25 feet (Self-storage Warehouse (for lots with a rear property line abutting a residential district)) 7.5 feet (Self-storage Warehouse (for lots with a rear property line abutting an alley))



PROPOSED

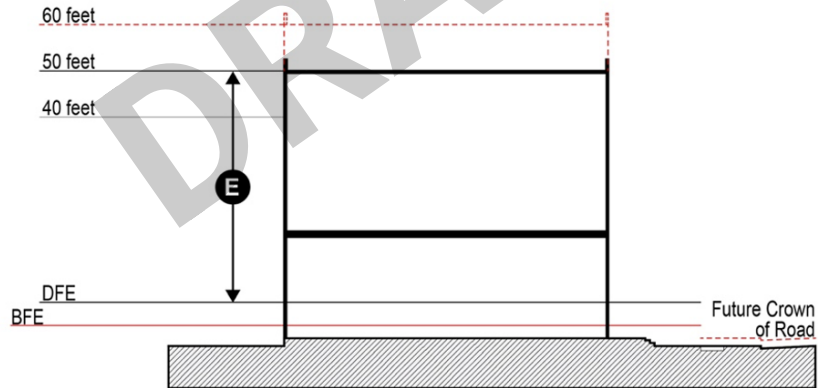
SHORT FRONTAGE STANDARDS TABLE



## CD-2 – PROPOSED DEVELOPMENT REGULATIONS TABLE



BUILDING HEIGHT	
Maximum Height <b>E</b>	50 feet (1) (2) (6)
<u>Self Storage</u> Warehouse	40 feet (3)
Mixed-use and commercial buildings that include structured parking for properties on the <b>west side of Alton Road from 6th Street to Collins Canal (MAP EXHIBIT-8)</b>	60 feet (6) (2) ←



1. Except as provided in [section 142-1161](#).
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum [ceiling](#) height of [14 feet](#) above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.
4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in [section 142-307\(d\)\(2\)](#) shall not apply to self-storage warehouse development.
6. Subject to conditional use approval from the planning board, as of January 1, 2019, sites which
  - i. are located outside of historic districts,
  - ii. are greater than 50,000 square feet in area, and
  - iii. that contain an existing building that is nonconforming as to height (hereinafter "existing building"), may be redeveloped with a new building, which new building shall not exceed the existing building's height.

The portion of any new building exceeding 60 feet in height may be placed on a pedestal and shall not exceed 2.25 times the footprint area for the existing building, and may be located on any portion of the site. Additionally, open space not less than the 25 percent (25%) of the square feet of the non-conforming building footprint (i.e., the formerly existing building) shall be provided at around level, and shall be directly accessible from a public sidewalk. Such open space may be located in different areas on the site. Under no circumstance shall the redevelopment of the site exceed the maximum floor area ratio permitted under the zoning district regulations.



# CD-2 – EXISTING DEVELOPMENT REGULATIONS FOR WASHINGTON AVENUE



Sec. 142-309. - Washington Avenue development regulations and area requirements.

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street; where there is conflict within this division, the criteria below shall apply:

- (1) The maximum building height shall be as follows:
  - a. Fifty-five feet, unless otherwise specified below;
  - b. Lots that have a frontage equal to or greater than 200 feet: 75 feet;
  - c. Main use parking garages: 55 feet, regardless of lot frontage.
- (2) For lots that have a frontage that is equal to or less than 100 feet, the setbacks shall be pursuant to [section 142-307](#). For lots that have a frontage that is greater than 100 feet, the setbacks shall be as follows:
  - a. Front:
    - i. Subterranean: Zero feet.
    - ii. Ground level: Zero feet.
    - iii. Above the ground level up to 35 feet in height:
      - 1. Minimum five feet for parking garages with liners; or
      - 2. Minimum ten feet for parking garages without liners; or
      - 3. Minimum 15 feet for all other uses.
    - iv. Above 35 feet in height:
      - 1. Minimum five feet for parking garages with liners; or
      - 2. Minimum ten feet for parking garages without liners; or
      - 3. Minimum 30 feet for all other uses.
  - b. Rear:
    - i. Subterranean: Zero feet.
    - ii. Ground level: Zero feet.
    - iii. Above the ground level:
      - 1. Minimum ten percent of lot depth; or
      - 2. Minimum zero feet for parking garage floors above the minimum truck clearance.
  - c. Side, facing a street:
    - i. Subterranean: Zero feet;
    - ii. Nonresidential uses: Zero feet;
    - iii. Residential and hotel uses: Seven and one-half feet.
  - d. Side, interior:
    - i. Subterranean: Zero feet;
    - ii. Nonresidential uses: Zero feet;
    - iii. Residential and hotel uses: Seven and one-half feet or eight percent of lot width, whichever is greater, up to ten feet. When abutting a nonresidential or non-hotel use, the minimum interior side setback shall be seven and one-half feet.
- (3) The maximum frontage for nightclubs and dance halls, located at the ground level shall not exceed 25 feet in width unless such a space has a certificate of use for nightclub or dance hall, or unless a valid license was issued after January 1, 2011, and before the date of adoption of the ordinance codified in this section for the use of such space as a nightclub or dance hall.
- (4) For new hotel construction or conversion to hotel use, the minimum hotel room unit size may be 175 square feet, provided that:
  - a. A minimum of 20 percent of the gross floor area of the hotel consists of hotel amenity space that is physically connected to and directly accessed from the hotel. Hotel amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel. Bars and restaurants shall count no more than 50 percent of the total hotel amenity space requirements.
  - b. Windows shall be required in all hotel rooms and shall be of dimensions that allow adequate natural lighting, as determined by the historic preservation board.
- (5) Co-living or micro residential units are permitted subject to the following regulations:
  - a. For co-living or micro residential units, the minimum unit size may be 275 square feet, provided that a minimum of 20 percent of the gross floor area consists of amenity space on the same unified development site. Amenity space includes the following types of uses: Common area kitchens; club rooms; business center; retail; screening rooms; fitness center; wellness center; spas; gyms; pools; pool decks; roof decks, restaurant, bar or cafe above the ground floor; and other similar uses whether operated by a condominium or cooperative association or another operator. Fitness centers, wellness centers, spas, and gyms located on the ground floor shall be open to the public. Restaurants, bars, or cafes on the ground floor shall not count toward the amenity space requirements set forth herein. These amenities may be combined with the amenities for hotel units on the same unified development site, provided that residents and hotel guests have access to such amenities.
  - b. While the same unified development site offerings are provided with a minimum of 10,000 square feet shall be provided

CD-2 – WASHINGTON AVENUE - PROPOSED DEVELOPMENT REGULATIONS TABLE



7.2.11.5 WASHINGTON AVENUE (CD-2)

a. Location and Purpose (Washington Ave – CD-2)

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street (MAP EXHIBIT-10);

b. Development Regulations (Washington Ave – CD-2)

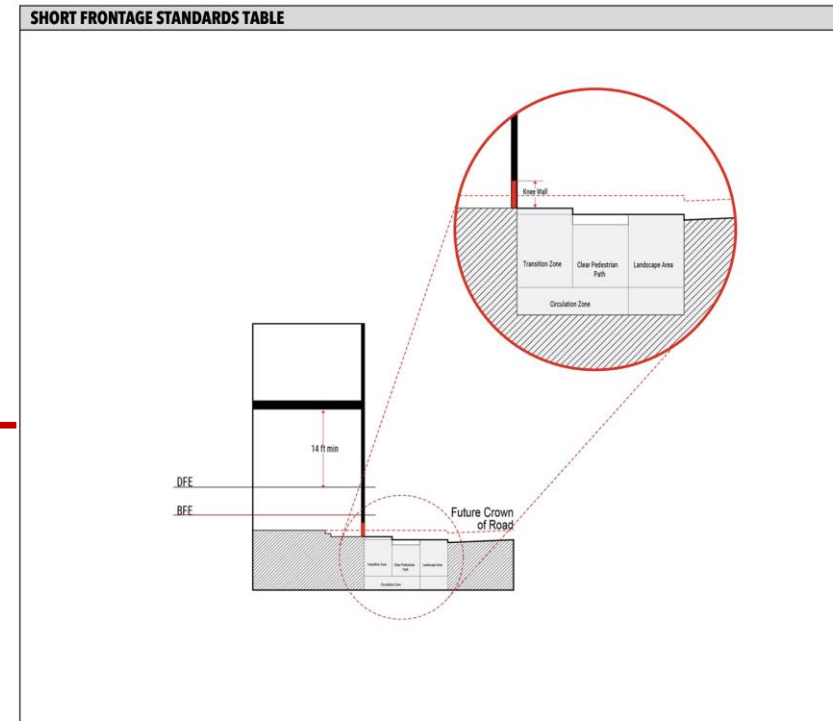
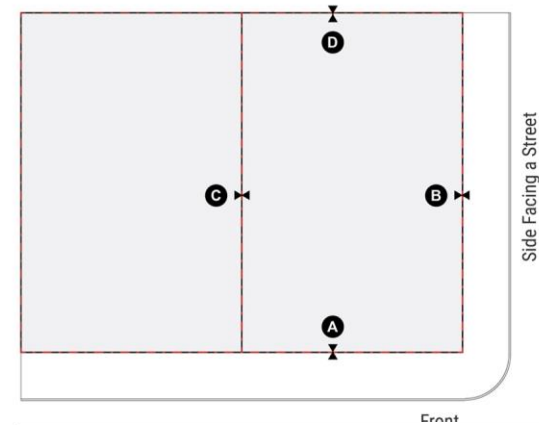
The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street (MAP EXHIBIT-10); where there is conflict within this division, the criteria below shall apply:

DEVELOPMENT REGULATIONS TABLE (WASHINGTON AVE - CD-2)	
Maximum FAR	1.5
Maximum Density (Dwelling Units Per Acre)	100 DUA
Minimum Unit Size (square feet)	See Section 7.1.5
Supplemental Minimum Unit Size	See c. Additional Regulations below.
LOT OCCUPATION	
Minimum Lot Area (square feet)	None
Minimum Lot Width (feet)	None
Maximum Lot Coverage (% of lot area)	N/A

# CD-2 – WASHINGTON AVENUE - PROPOSED DEVELOPMENT REGULATIONS TABLE

PROPOSED

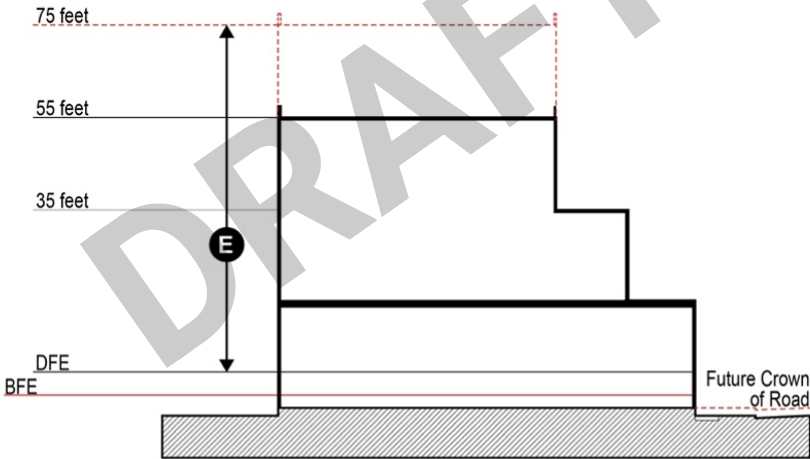
BUILDING SETBACKS	Lots with frontage greater than 100 feet (see section 142-307)
<b>Front Setback A</b>	
Subterranean	0 feet
Ground Level	0 feet See Section 7.1.2.2 d-e
Above the ground level up to 35 feet in height	5 feet min (for parking garages with liners) 10 feet min (for parking garages without liners) 15 feet min (for all other uses)
Above 35 feet in height	5 feet min (for parking garages with liners) 10 feet min (for parking garages without liners) 30 feet min (for all other uses)
<b>Side, Facing a Street Setback B</b>	
Subterranean	0 feet
Nonresidential Uses	0 feet See Section 7.1.2.2 e
Residential and Hotel Uses	7.5 feet See Section 7.1.2.2 d
<b>Side, Interior Setback C</b>	
Subterranean	0 feet
Nonresidential Uses	0 feet
Residential and Hotel Uses	7.5 feet or 8% of lot width (whichever is greater, up to 10 feet) 7.5 feet (when abutting a nonresidential or non-hotel use)
<b>Rear Setback D</b>	
Subterranean	0 feet
Ground Level	0 feet
Above the Ground Level	10 % of lot depth 0 feet (for parking garage floors above the minimum truck clearance)



CD-2 – WASHINGTON AVENUE - PROPOSED DEVELOPMENT REGULATIONS TABLE



BUILDING HEIGHT	
Maximum Height <b>E</b>	55 feet
Lots that have frontage equal to or greater than 200 feet	75 feet
Main Parking Garages	55 feet (Regardless of frontage)





# Responses to Planning Board Questions

## Planning Board Questions

**Q:** Can the 50% rule be clarified? Can replacement values be standardized?

**A:** We are exploring options as to how this can be facilitated within the limits of the Florida Building Code.

## Planning Board Questions

**Q:** Can property history for each property be made publicly available without having to go through staff?

**A:** Permitting and LU Board approvals post 2016 are available via CSS searching by property address.

## Planning Board Questions

**Q:** Will there be changes to what can change by variance or waiver? Some flexibility for the director to administer the Code is required.

**A:** We anticipate that will be addressed in Phase 2.



## Planning Board Questions

**Q:** Can there be a specified timeline for when applications and supporting documents can be submitted to allow for appropriate review time for the Board and the public?

**A:** Yes, there are time limitations for submittals to the city and waiver of the time limitations is available only with 5/7 of Board approval.

## Planning Board Questions

**Q:** Are there any existing zoning districts that have outlived their purpose and can be removed from the Code? An example is MXE in North Beach.

**A:** RM-2 and RM-3 have been removed because they were never deployed in the zoning map. The remainder of zoning districts are active and continually evolving.

## Planning Board Questions

**Q:** Is there a way to codify a fairer process for balancing competing interests to avoid the situation where the loudest case wins?

**A:** The quasi-judicial procedures are spelled out in more detail; these procedures are what are required by law to ensure that all interested parties have a fair process and that board decisions are based on facts and the law.

## Planning Board Questions

**Q:** Can there be procedural changes to help the layperson understand proposed ordinance changes (agenda titling, exact density, total square footage, height, renderings)?

**A:** There are specific legal requirements that all titles must include. Ordinance amendments are not for specific project approvals, but rather intended to be more general to a specific area. There is a proposal to reduce the need for ordinance amendments in the future.

## Planning Board Questions

**Q:** Is there a way to incentivize adaptive reuse, rather than demolishing and building new?

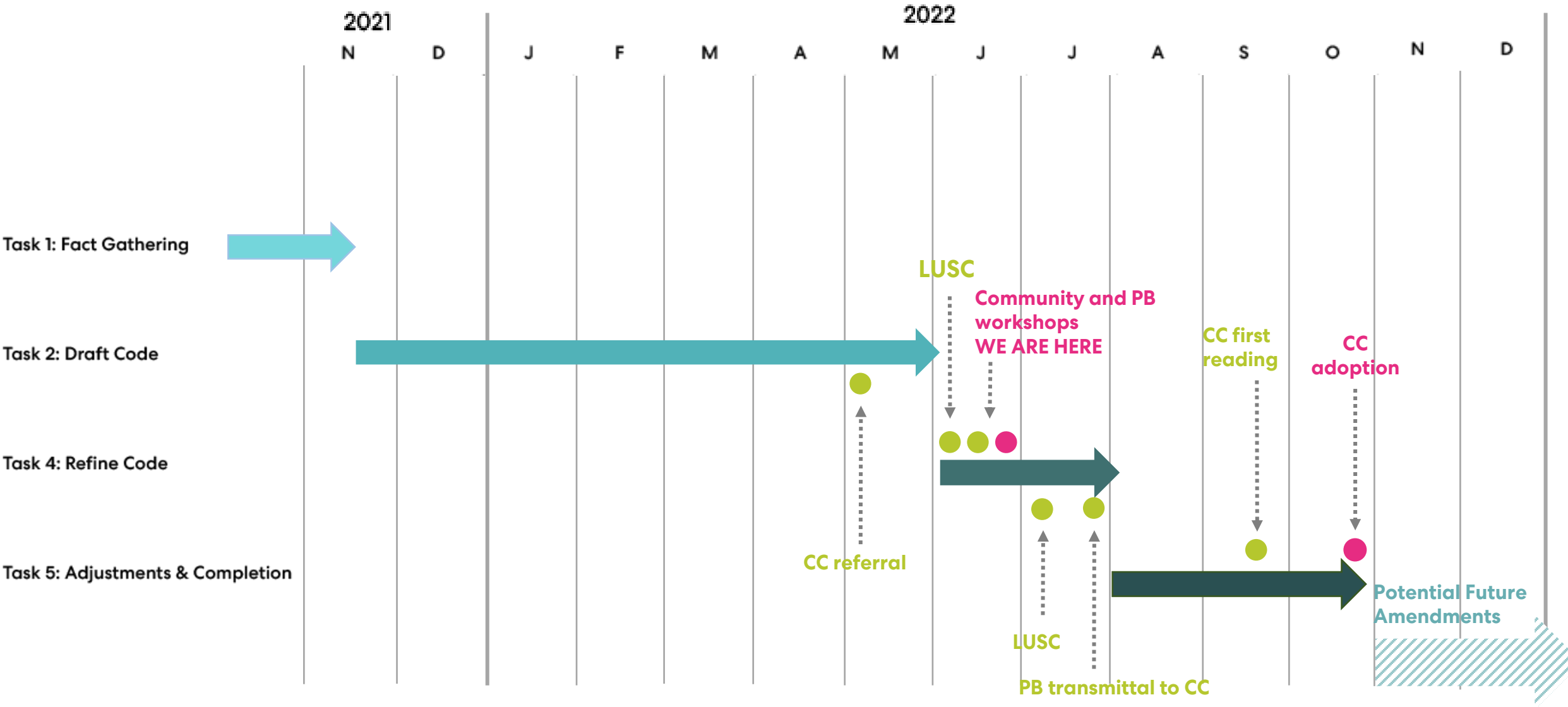
**A:** There are a few strategies:

- Allow certain exceptions to uses and waivers to the code regulations within medium and high density zones. As long as it does not increase allowable density, intensity and height requirements and promotes and encourages the preservation and adaptive reuse of historic properties.
- Consider reduction or exemption of parking requirements for properties seeking adaptive reuse and promote the character, quality of life and goals of the City.



# Next steps

# Resiliency Code Timeline



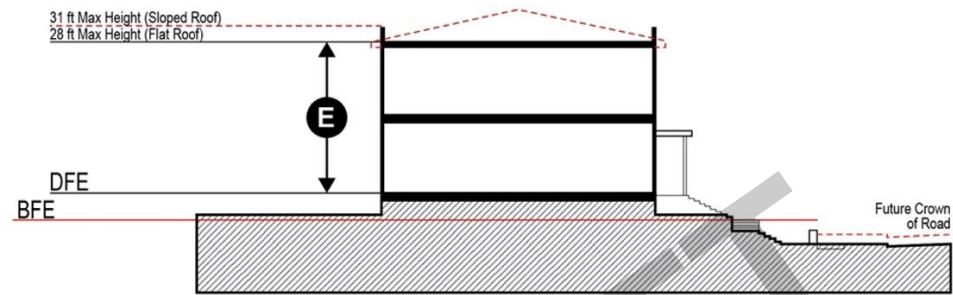
# Backup Slides

RS – PROPOSED DEVELOPMENT REGULATIONS TABLE

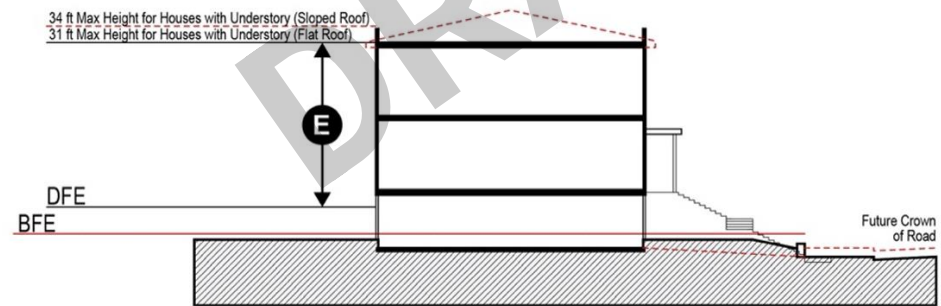
PROPOSED

BUILDING HEIGHT	RS-1	RS-2	RS-3	RS-4
Maximum Height (stories)	2 stories			
Maximum Height (feet) E	28 ft - flat roofs (3) (7) 31 ft - sloped roofs (3) (7)	24 ft - flat roofs (3) (4) (7) 27 feet - sloped roofs (4) (7) 28 ft - flat roofs (3) (7) 31 ft - sloped roofs (3) (7)	24 ft - flat roofs (3) (7) 27 feet - sloped roofs (3) (7) 28 ft - flat roofs (3) (7) 31 ft - sloped roofs (3) (7)	

1. Except those lots fronting on a cul-de-sac or circular street as defined in lot width.
2. Single story homes shall follow the requirements of [section 142-105\(b\)\(5\)b.](#)
3. Height shall be measured from the required base flood elevation for the lot, plus freeboard. (See Height of Building definition). Single story homes shall follow the requirements of [section 142-105\(b\)\(5\)b.](#)
4. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
5. At least 50 percent (50%) of the required front yard and side facing a [street yard areas \(including portions of the rear and front yards\)](#) shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. **When a pool is located in the side yard, facing a street the area of the water may count as part of the open space.**  
  
In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.
6. At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement
7. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.



NO UNDERSTORY



WITH UNDERSTORY