

## RM-1 and RM-2 Setbacks and Height

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, ; and,

WHEREAS, ; and,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

**SECTION 1.** Chapter 114 of the City Code, entitled “GENERAL PROVISIONS,” Section 114-1, is hereby amended as follows:

### Sec. 114-1. - Definitions.

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Lot coverage means the percentage of the total area of a lot that, when viewed directly from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided, however, that exterior unenclosed private balconies, and awnings ~~and porte-cochères~~ shall not be included in determining the building area.

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**SECTION 2.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-155, is hereby amended as follows:

### Sec. 142-155. - Development regulations and area requirements

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The development regulations in the RM-1 residential multifamily, low density district are as follows:

- (1) Max. FAR: 1.25; west side of Collins Avenue between 76th and 79th Streets—1.4.
- (2) Public and private institutions: Lot area equal to or less than 15,000 sq. ft.—1.25; lot area greater than 15,000 sq. ft.—1.4.
- (3) Exterior building and lot standards:
  - a. Minimum yard elevation requirements.
    1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation

- requirements as outlined in paragraph c., below, the minimum elevation requirements shall still apply.
2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.
- b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:
1. Front Yard, Side Yard Facing a Street, & Interior Side Yard. The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
  2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
    - (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
    - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements. Within the required front yard and within the required side yard facing a street the following shall apply:
- (A) Within the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
  - (B) When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
  - (C) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of Section 142-105.
  - (D) The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).
- e. Lot Coverage. The maximum lot coverage shall not exceed 45%. In addition to the building areas included in lot coverage, as defined in section 114-1, Impervious parking areas and impervious driveways shall also be included in the lot coverage calculations.
- f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, a minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.

~~(3)~~(4) In the Flamingo Park Local Historic District, the following shall apply:

\* \* \*

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+</p> <p>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.</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—<del>50</del><u>55</u></p>	<p>Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5</p>

**SECTION 3.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-156, is hereby amended as follows:

**Sec. 142-156. - Setback requirements.**

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	<del>5-10</del> feet, or <del>5</del> 8% of lot width, whichever is greater	<del>5-10</del> feet, or <del>5</del> 8% of lot width, whichever is greater	<del>Non-oceanfront lots—5 feet abutting an alley, otherwise 10% of the lot depth</del> Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	<del>5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)</del>	<del>5 feet, or 5% of lot width, whichever is greater</del>	<del>Non-oceanfront lots—0 feet</del> Oceanfront lots—50 feet from bulkhead line
<u>Subterranean</u> <u>and Pedestal,</u>	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum— <del>7.5</del> 10 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum — <del>7.5</del> 10 feet or 8% of lot width, whichever is greater	<del>Non-oceanfront lots—10% of lot depth</del> Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater.
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum — <del>7.5</del> 10 feet or 8% of lot width, whichever is greater	<del>Non-oceanfront lots—15% of lot depth</del> Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

	the Amended Plat of First Ocean Front Subdivision—50 feet			
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(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of residential space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

(c) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

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**SECTION 4.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-216, is hereby amended as follows:

**Sec. 142-216. - Development regulations.**

The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:

- (1) Max. FAR: 2.0.
- (2) Exterior building and lot standards:
  - a. Minimum yard elevation requirements.
    1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph b. below, the minimum elevation requirements shall still apply.
    2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to

- properties designated as "contributing" within a local historic district, or a National Register Historic District.
- b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:
1. Front Yard, Side Yard Facing a Street, & Interior Side Yard. The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
  2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
    - (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
    - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements. Within the required front yard and within the required side yard facing a street the following shall apply:
- (A) Within the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
  - (B) When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
  - (C) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of Section 142-105.
  - (D) The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).
- e. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, a minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.

**SECTION 5.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-217, is hereby amended as follows:

**Sec. 142-217. - Area requirements.**

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+</p> <p>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.</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161) <del>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—</del> 75 <del>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—</del> 75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 75 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting</p>	<p>Historic district—5 (except as provided in section 142-1161) <del>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—</del> 8 <del>Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—</del> 8 <del>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—</del> 8 Otherwise—6 8 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15 Lots fronting Atlantic Ocean with a property line within 250</p>

				Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200	feet of North Shore Open Space parking Boundary—21
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**SECTION 6.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-218, is hereby amended as follows:

**Sec. 142-218. - Setback requirements.**

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	5 <u>10</u> feet, or 5 <u>8%</u> of lot width, whichever is greater	5 <u>10</u> feet, or 5 <u>8%</u> of lot width, whichever is greater	<del>Non-oceanfront lots</del> <u>Abutting an alley—5 feet</u> Oceanfront lots—50 feet from bulkhead line
<del>Subterranean</del>	20 feet	<del>5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)</del>	<del>5 feet, or 5% of lot width, whichever is greater</del>	<del>Non-oceanfront lots—0 feet</del> <del>Oceanfront lots—50 feet from bulkhead line</del>
<del>Subterranean and Pedestal</del>	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum— <del>7.5</del> <u>10</u> feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum— <del>7.5</del> <u>10</u> feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then	Same as pedestal for structures with a total height of 60 feet or less.	Sum of the side yards shall equal 16% of the lot width	Non-oceanfront lots—15% of lot depth Oceanfront lots—



	shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Minimum— <del>7.5</del> 10 feet or 8% of lot width, whichever is greater	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater
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- (b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

#### **SECTION 7. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

#### **SECTION 8. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section” or other appropriate word.

#### **SECTION 9. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

#### **SECTION 10. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20176.

\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

Underline denotes additions  
~~Strike through~~ denotes deletions

First Reading: \_\_\_\_\_, 2017

Second Reading: \_\_\_\_\_, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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