

**Residential Office Regulations for CD-2 District**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114 OF THE CITY CODE ENTITLED "DEFINITIONS," BY CREATING A DEFINITION FOR "RESIDENTIAL OFFICE UNIT," AND BY AMENDING CHAPTER 142 OF THE CITY CODE ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-307, ENTITLED "SETBACK REQUIREMENTS," TO CLARIFY THAT RESIDENTIAL OFFICE UNITS ARE AMONG THE RESIDENTIAL USES THAT QUALIFY FOR THE FLOOR AREA RATIO APPLICABLE TO THE CD-2 DISTRICT, AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the CD-2 commercial, medium intensity district provides for commercial activities, services, offices, and related activities which serve the entire City; and

**WHEREAS**, the Land Development Regulations incentivize diverse combinations of residential lifestyles and unique commercial services in mixed-use development, in certain neighborhoods and town center districts; and

**WHEREAS**, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 142-307(d)(1) of the City Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio for the property shall be as set forth in the RM-2 district; and

**WHEREAS**, the Mayor and City Commission desire to create a definition for "residential office unit," in order to regulate residential dwelling units that contain a commercial or office component, but are primarily defined by certain minimum residential features and characteristics; and

**WHEREAS**, in order to encourage dynamic mixed-use development and clarify the applicability of the Land Development Regulations to future development, this Ordinance has been drafted to define "residential office unit" and confirm that residential office units are residential units for purposes of FAR calculations for the CD-2 commercial, medium intensity district; and

**WHEREAS**, residential office units shall only be eligible for the voluntary development incentives set forth in this Ordinance if a property owner elects, at the owner's sole discretion, to prohibit the rental or lease of any unit for a period of less than six months and one day.

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

**SECTION 1.** Chapter 114, "General Provisions," at Section 114-1 entitled "Definitions," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 114  
GENERAL PROVISIONS**

**Sec. 114-1. Definitions.**

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \* \*

Residential office unit shall mean a residential dwelling unit which may be used jointly for residential living space together with office use, provided that such unit includes living space that is contiguous with the office space and contains separate bedrooms, as well as an abutting bathroom, full kitchen with a cook-top, refrigerator, sink and range, as well as a dining area. Additionally, the following shall be applicable:

1. For units that are 4,000 square feet or less in size, at least 1,000 square feet shall be dedicated to residential use and contain a minimum of one bedroom.
2. For units that are greater than 4,000 square feet in size, at least 25% of the unit shall be dedicated to residential use and contain a minimum of two bedrooms.

**SECTION 2.** Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 5, entitled "CD-2 Commercial, Medium Intensity District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II. DISTRICT REGULATIONS**

\* \* \*

**DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT**

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**Sec. 142-307. Setback requirements.**

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

	Front	Side, Interior	Side, Facing a Street	Rear
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At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley—0 feet
Subterranean, pedestal and tower (non-oceanfront)	0 feet	10 feet when abutting a residential district, otherwise none. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none	5 feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet. Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.
Subterranean, pedestal and tower (oceanfront)	Pedestal—15 feet 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.	Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming	10 feet	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

		rear pedestal setbacks.		
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(b) 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 142-1132(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, residential office, or hotel units, the floor area ratio range shall be as set forth in the RM-2 district. Notwithstanding the foregoing, new development or redevelopment of residential office units may only be eligible for the floor area ratio range as set forth in the RM-2 district in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.

(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.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.


**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney      NK      5-30-23  
Date

First Reading: June 28, 2023  
Second Reading: July 26, 2023

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