

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0118 & PB 17-0124. ORDINANCE AMENDMENTS PERTAINING TO RM-1 & RM-2 DEVELOPMENT REGULATIONS AND PARKING**

REQUESTS

PB 17-0118. 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 AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITION FOR LOT COVERAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-55, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, LOT COVERAGE, GROUND FLOOR REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, AND BY INCREASING THE BUILDING HEIGHT TO 55 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT; BY AMENDING SECTION 145-56, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AT SECTION 142-216, "DEVELOPMENT REGULATIONS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, AND GROUND FLOOR HEIGHT REQUIREMENTS; BY AMENDING SECTION 142-217, "AREA REQUIREMENTS," BY INCREASING THE BUILDING HEIGHT TO 65 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT, OR OTHERWISE MORE SPECIFICALLY DELINEATED WITHIN OTHER DEFINED DISTRICTS OR WITHIN HISTORIC DISTRICTS; AND BY AMENDING SECTION 145-218, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

PB 17-0124. RESIDENTIAL PARKING. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY

AMENDING CHAPTER 130, "OFF-STREET PARKING," DIVISION II, "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," AND SECTION 130-33, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, AND 7.", BY ELIMINATING THE PARKING REQUIREMENTS FOR APARTMENT BUILDINGS ON LOTS THAT ARE 65 FEET IN WIDTH OR LESS, AND BY REDUCING THE PARKING REQUIREMENTS FOR APARTMENT BUILDINGS ON LOTS WIDER THAN 65 FEET; AND BY AMENDING SECTION 130-38, "MECHANICAL AND ROBOTIC PARKING SYSTEMS," BY ESTABLISHING CONDITIONS UNDER WHICH MECHANICAL PARKING IN APARTMENT BUILDINGS AND SINGLE FAMILY HOMES MAY BE REVIEWED AND APPROVED BY THE DESIGN REVIEW BOARD OR HISTORIC PRESERVATION BOARD AS APPLICABLE; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed ordinance amendments to the City Commission with a favorable recommendation.

HISTORY

After several months of discussion and review, on January 17, 2017, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise discussed the attached ordinance amendments and recommended that the City Commission refer them to the Land Use and Development Committee and Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee and the Planning Board. This item will only move forward to Planning Board after LUDC review and approval.

On February 15, 2017, the Land Use and Development Committee discussed the proposed ordinances and continued the discussion to the March 8, 2017 meeting.

On March 8, 2017, the Land Use and Development Committee discussed the proposed ordinances and continued the discussion to the April 19, 2017 meeting.

On April 19, 2017, the Land Use and Development Committee recommended that the Planning Board transmit the ordinances to the City Commission with a favorable recommendation.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The uses proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Not Applicable – The proposed amendment does not modify district boundaries.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Not Applicable – The proposed Ordinance will not modify the scale of development.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed will not modify the intensity of development.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not Applicable – The existing boundaries are not proposed to be modified by the proposed Ordinance.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The need to enhance to address impacts related to Sea Level Rise and Climate Change makes passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed change will not adversely affect living conditions in the neighborhood, and is intended to safeguard low and medium scale residential properties from potential impacts of sea level rise.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed changes will not seriously reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposal will not be a deterrent to the improvement or development of adjacent property.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

ANALYSIS

The proposed ordinance amendments were vetted by the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise. The recommended code amendments are the result of numerous meetings in which the panel focused on changes needed to ensure the resiliency of new construction and properties located in the RM-1 and RM-2 districts. The proposed code amendments address resiliency and sustainability efforts, as well as complement our ongoing public investments in sea level rise risk reduction.

The Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections from 1992 to 2100 are provided below. These projections, which were approved by the City Commission last year for planning purposes, highlight three planning horizons:

1. Short term, by 2030, sea level is projected to rise 6 to 10 inches above 1992 mean sea level,
2. Medium term, by 2060, sea level is projected to rise 14 to 34 inches above 1992 mean sea level,
3. Long term, by 2100, sea level is projected to rise 31 to 81 inches above 1992 mean sea level.

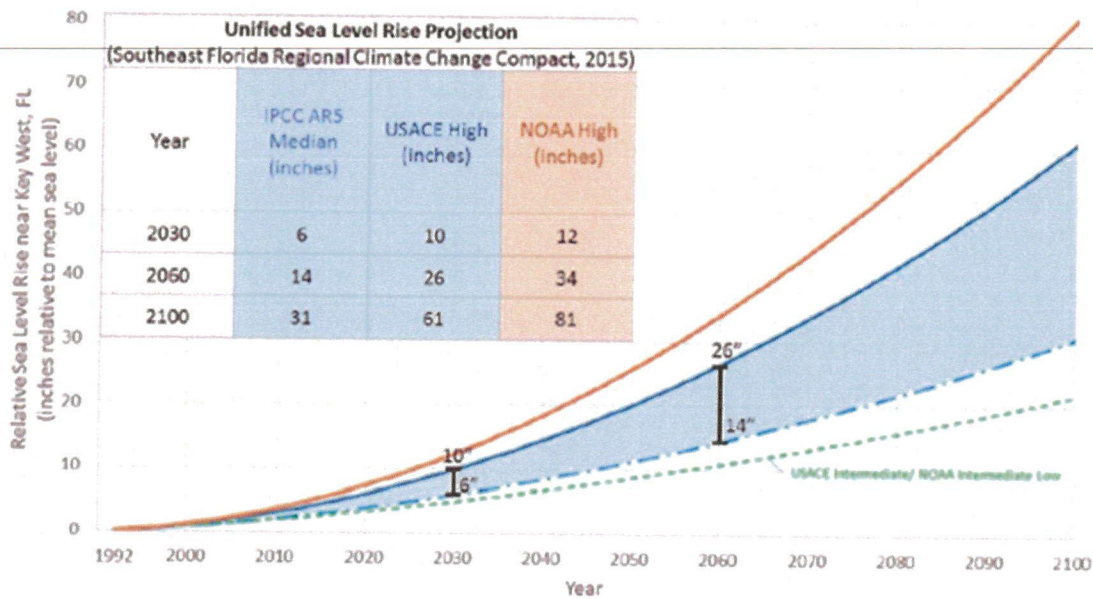


Figure 1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 RCP8.5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

There are two ordinance amendments attached. The following is a summary of the existing regulations along with the modifications as revised and recommended by the Land Use and Development Committee:

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	Single Lots – no requirement, double lots - 45% including building and parking, subject to waiver by DRB
2.b. Lot coverage RM-2		No requirements
3.a. Max Height RM-1	50 feet / 5-stories	55 feet/ 5-stories
3.b. Max Height RM-2	60 feet / 6 stories	65 feet / 6-stories
4. Parking setbacks		

Side	5 feet or 5% of lot width	Single Lots, no change, otherwise 10 feet or 8% of lot width
Rear	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth
5. Building Setbacks		
Side	7.5 feet or 8% of lot width	Single lots, no change, otherwise 10 feet or 8% of lot width
6. Parking		Zero for lots ≤ 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)
7. Mechanical Parking	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units
8. Additional Ground floor requirements		Requirements added to internalize conduits, utilize permeable materials, active outdoor spaces, and open and conveniently accessible stairs
9. Lot Aggregation requirements	The West Avenue Overlay District restricts lot aggregation to no more than two lots in the RM-1 district	Limit lot aggregation to no more than two lots in all RM-1 districts, with an exception for affordable and workforce housing

1. Yard elevations

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise. Currently there are no minimum yard elevation requirements for RM-1 and RM-2 properties, and the maximum elevation is 30 inches above grade. The proposed modifications would implement a minimum elevation and raise the maximum elevation for RM-1 and RM-2 zoned properties in a similar manner to the single family districts, as outlined below:

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards be raised to a minimum elevation of five feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface stormwater shallow conveyance and LID features and areas where landscaping is to be preserved.

Grade means the city sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the front of the property shall be used.

Adjusted Grade means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

Future Adjusted Grade means the midpoint elevation between the future crown of the road as defined in the CDM Smith Stormwater Plan, and the base flood elevation plus minimum freeboard for a lot or lots.

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. All new construction and substantial improvements to existing construction shall meet the minimum freeboard requirement, and may exceed the minimum freeboard requirement up to the maximum freeboard without such height counting against the maximum height for construction in the applicable zoning district.

Freeboard, minimum equals one (1) foot.

Freeboard, maximum equals five (5) feet.

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation ranges between 7 to 10 feet NGVD.

NGVD and **NAVD** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

LID - ***Low-Impact Development*** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

2. Lot coverage

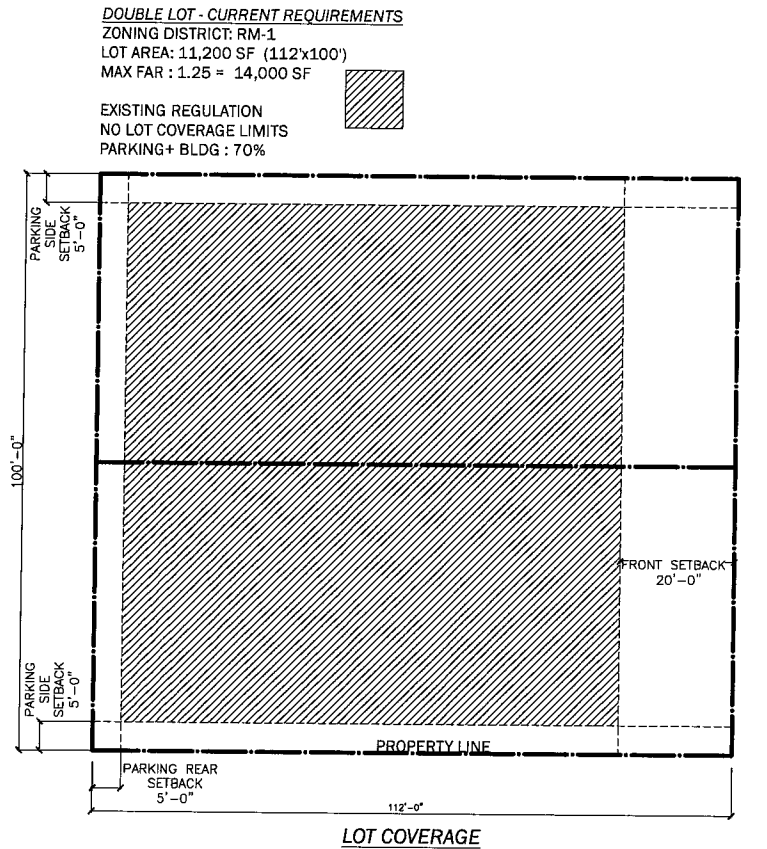
Currently there are no lot coverage requirements for RM-1 and RM-2 zoned properties. Subject to the approval of the HPB or DRB, an RM-1 or RM-2 zoned site can be developed with a 20 foot front setback, and as little as five feet of side and rear setback for parking spaces, resulting in very little pervious landscape area on site. Such landscaped areas are very beneficial for stormwater retention, result in attractive living environments, and help buffer the impacts of new in-fill construction on neighboring properties. Under the existing regulations, constructing a building with parking extending beyond the building walls results in a lot coverage of 64-72% of the total lot area.

As proposed, the maximum lot coverage for RM-1 lots would be 45%, with the exception of single lots. This lot coverage takes into consideration the proposed increase in building and parking setbacks, as outlined in #4 and #5 below, as well as the decrease in parking requirements as outlined in #6. The DRB or HPB may waive this requirement in accordance with the Design Review Criteria or Certificate of Appropriateness criteria, as applicable

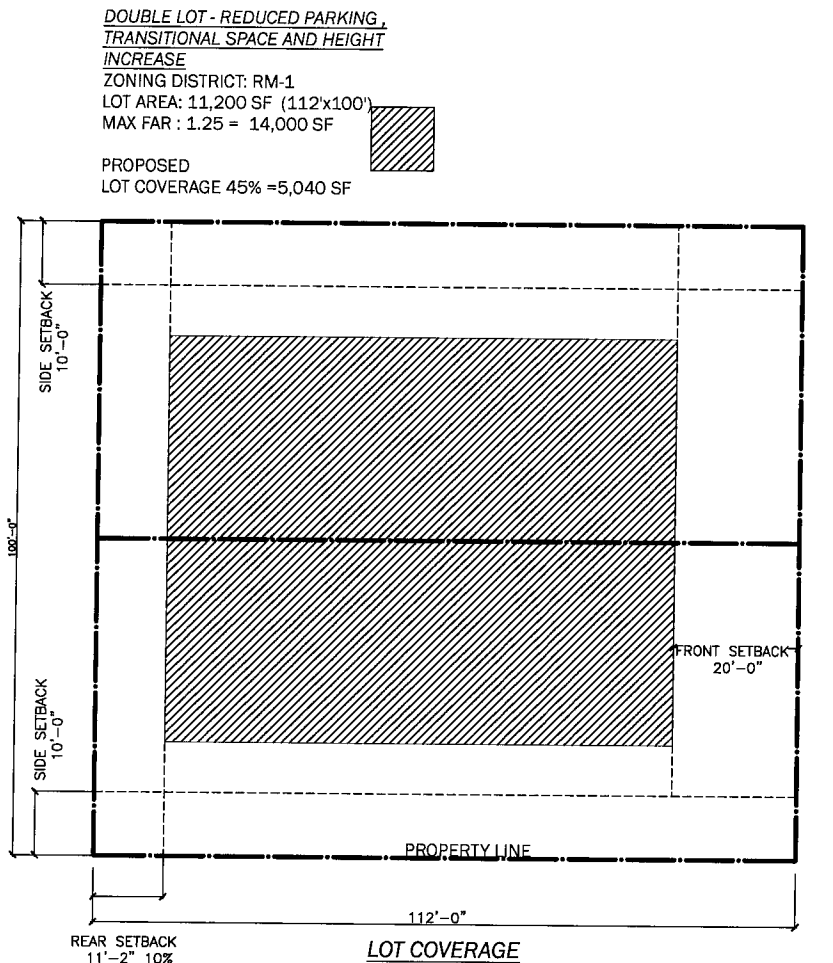
Due to the increased floor area ratio (FAR) allowances for RM-2 properties (2.0 vs. 1.25 generally for RM-1 properties), it is difficult to institute a lot coverage limitation for RM-2 properties while also accommodating the required parking. The referenced increased building and parking setbacks, along with the reduced parking requirements will together result in a reduced lot coverage compared to today's requirements, without actually putting in place a requirement.

	Current Regulations	Proposed Regulations
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	Single Lots – no requirement, double lots - 45% including building and parking, subject to waiver by DRB
2.b. Lot coverage RM-2		No requirements

Although there are currently no lot coverage limitations for RM properties, the graphic below illustrates the potential area that can be covered by building or parking for a typical double lot in the RM-1 zoning district (70%).



As proposed, lot coverage would be limited to 45% for RM-1 properties, as outlined in the shaded area below for a typical double lot in the RM-1 zoning district.



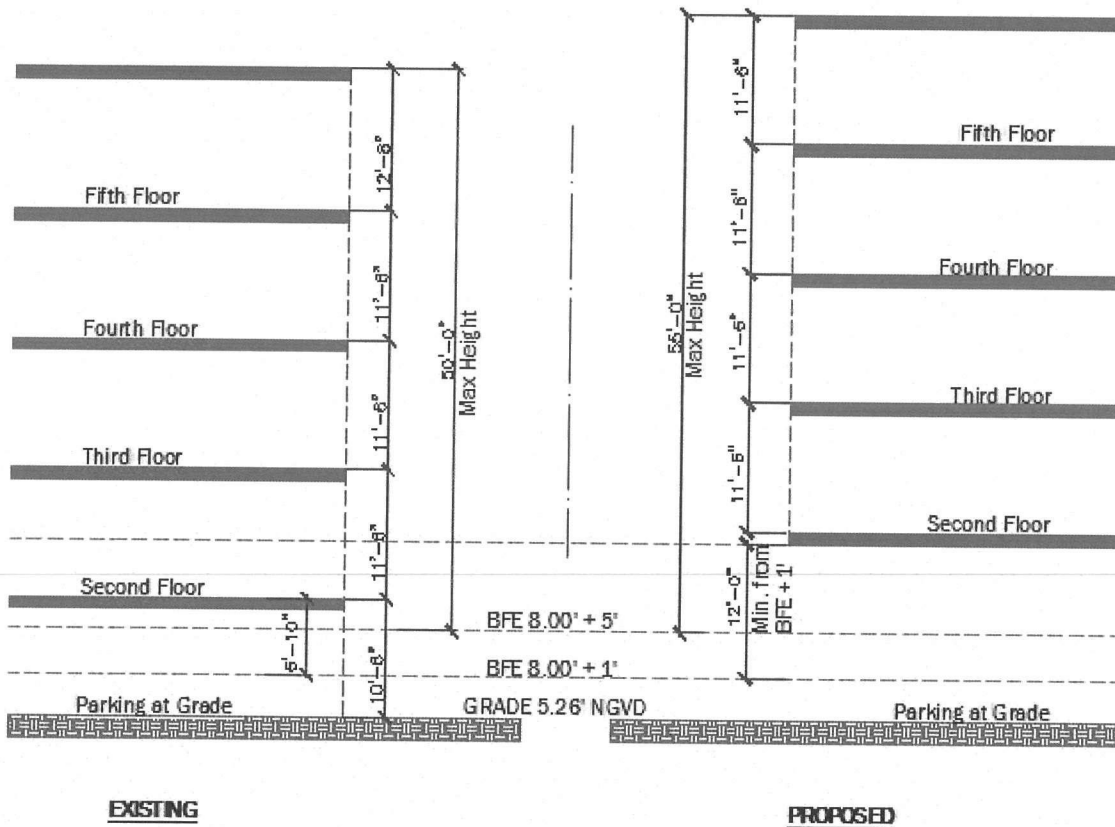
3. Maximum building height

Currently, the maximum building height is generally 50 feet/5-stories for RM-1 properties, and 60 feet/6-stories for RM-2 properties. The proposal would increase the maximum height to 55 feet for RM-1 districts and 65 feet for the RM-2 district. This proposed increase in height of 5 feet will allow more flexibility in providing higher first floor clearances, such as for parking areas or amenity areas under the building. Elevating the first floor will aid in allowing light and air at the ground level, and assist in the future repurposing of parking areas for recreational or passive uses.

The ordinance would also require, that when parking or other non-habitable transition uses are provided under a building that the minimum clearance between the ground level and the

underside of the first floor slab is at least 12 feet measured from BFE (base flood elevation) + 1 foot. The DRB or HPB could waive this requirement by up to two (2) feet, as recommended by the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise. As there may be instances where such height may not be feasible, such as when constructing a townhouse type of development on a single lot, staff would recommend that the DRB or HPB be allowed to fully waive this requirement.

In the illustration below, the current height requirements for a typical RM-1 property are shown on the left, and the proposed height requirements are shown on the right. Because of the increased ground floor height requirements of 12 feet, as previously noted, in order to accommodate the same number of habitable floors, a height increase of five (5) feet is proposed.



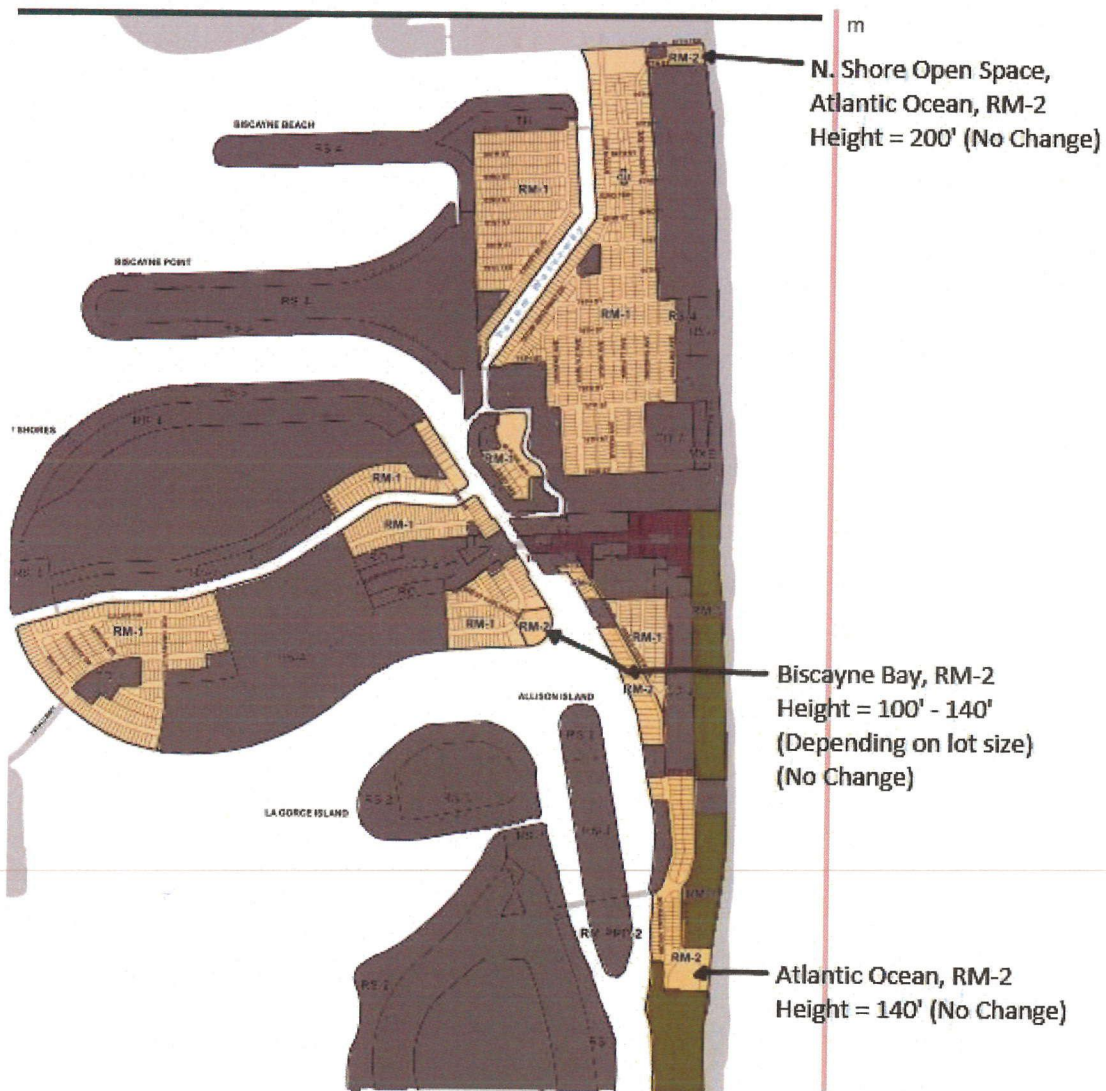
	Current Regulations	Proposed Regulations
3.a. Max Height RM-1	50 feet / 5-stories	55 feet/ 5-stories
3.b. Max Height RM-2	60 feet / 6 stories	65 feet / 6-stories

It is important to note that the proposed amendments do not modify the more specific overlay regulations for the RM-1 portion of the Flamingo Park area, where the maximum height will remain at 35 feet. It also does not modify the heights of other more specific RM-1 and RM-2 properties.

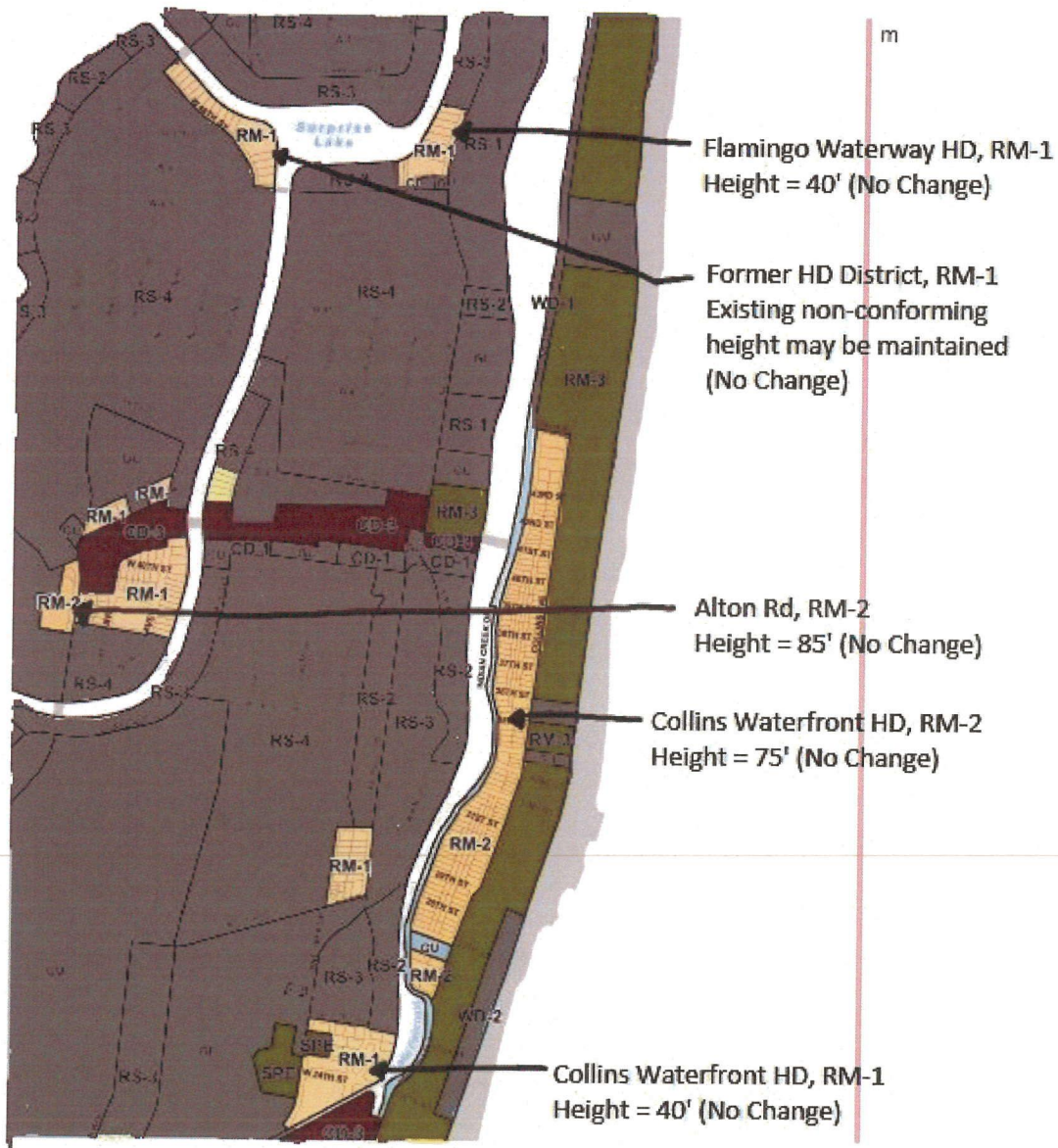
Although increased heights are part of the ordinance, no changes are proposed to the tower setback requirements. For example, under the current regulations, a 60 foot tall building located in the RM-2 district, is required to set back the front tower portion of the building (above 50 feet in height) an additional 10 feet from the required pedestal setback of 20 feet. This effectively results in the tower portion being set back 30 feet from the front property line. With the proposed Ordinance, a new building constructed to the maximum height of 65 feet, would require a front setback of 35 feet from the property line for the portion of the building located above the pedestal height of 50 feet.

The illustrations on the next pages highlight the RM-1 and RM-2 properties located in North Beach, Mid Beach, and South Beach. The areas noted on the illustrations already have either lower or higher height limitations, and will not be modified as part of these ordinances. It should also be noted that if the North Beach local historic districts are adopted, the height increases proposed herein would not apply to those districts. Further, if the North Beach Conservation District is adopted, the increased height allowances would also not apply to the conservation district.

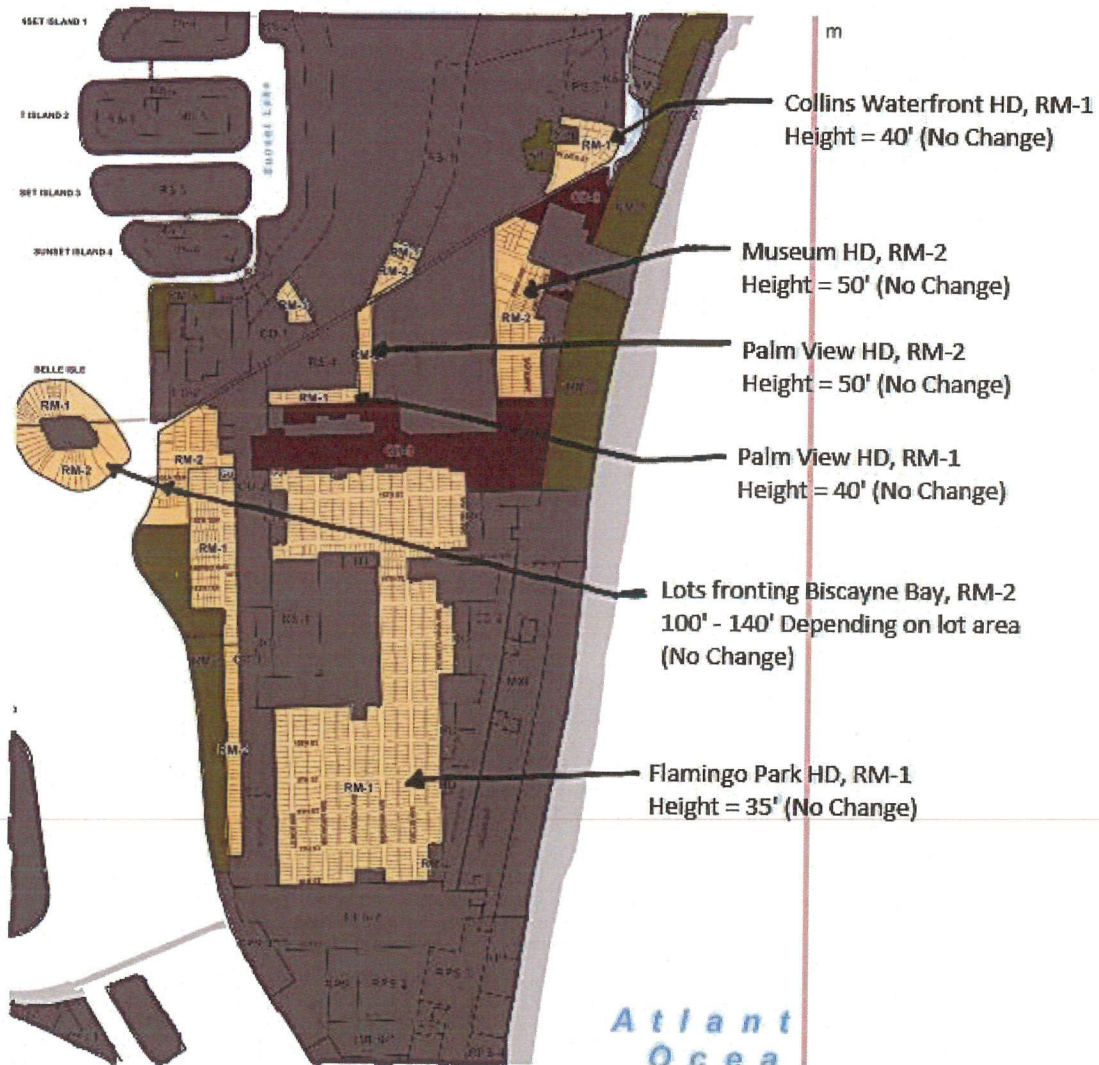
RM-1 & 2 Districts North Beach



RM-1 & 2 Districts Mid Beach



RM-1 & 2 Districts South Beach

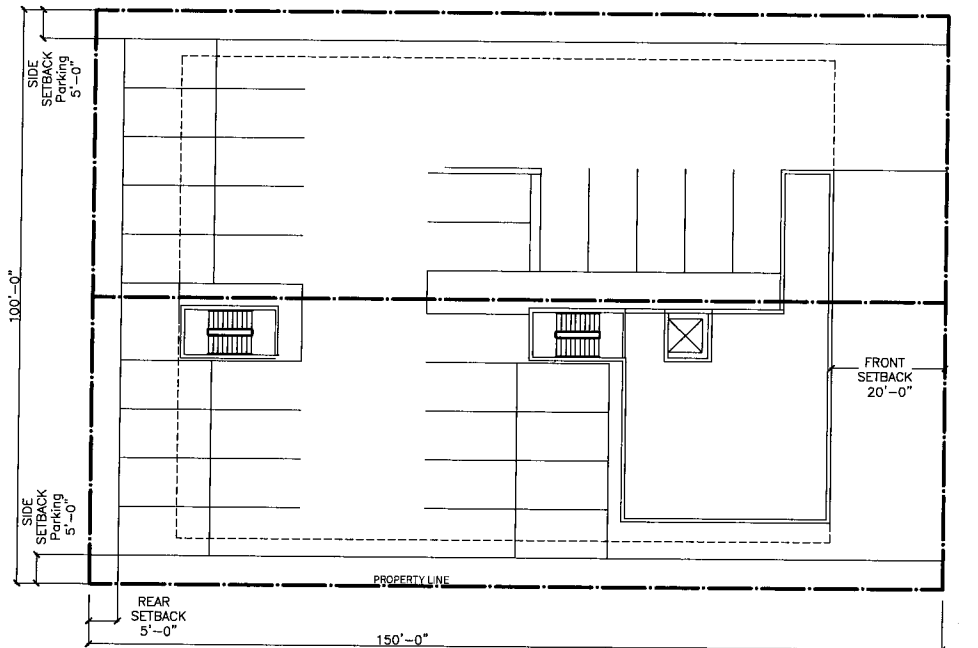


4. Parking setbacks

Currently in the RM-1 and RM-2 districts, parking can be constructed at a 5 foot setback along the sides and rear of a property. This allowance results in parking areas extending into the side and rear yards, leaving only very minimal areas available for landscaping. As proposed, parking would have to follow the building setbacks, which would allow more pervious landscaped areas and retention of more storm water on site.

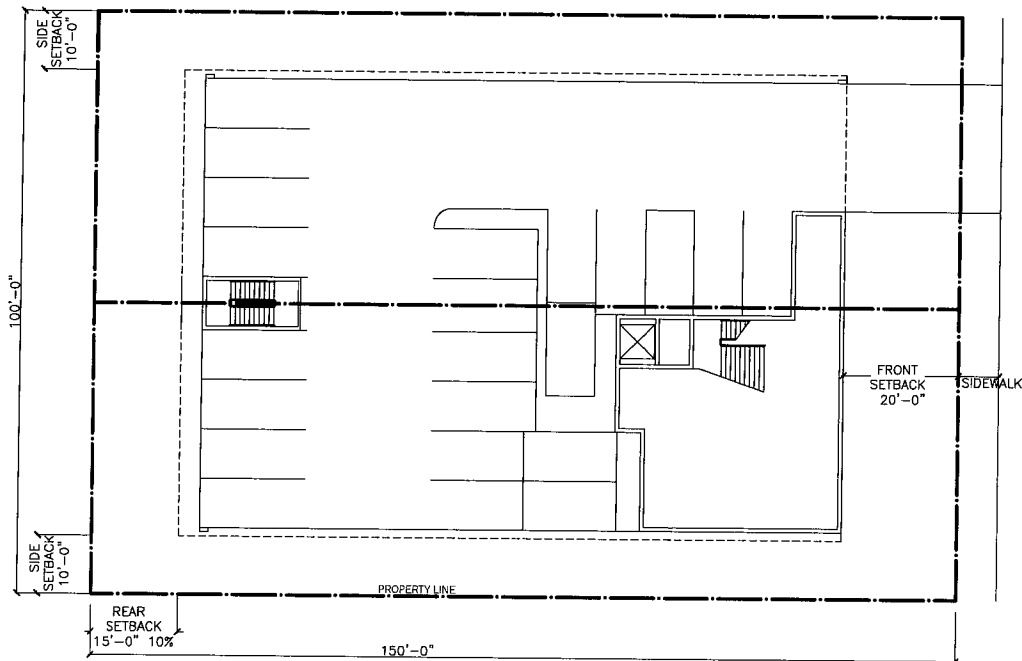
	Current Regulations	Proposed Regulations
4. Parking setbacks		
Side	5 feet or 5% of lot width	Single Lots, no change, otherwise 10 feet or 8% of lot width
Rear	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth

The illustration below shows typical example of the arrangement of parking spaces for the development of a double lot in the RM-2 district, with parking constructed to a five (5') foot setback along the sides and rear, leaving little room for any landscaped areas.



GROUND FLOOR PLAN - Existing requirements
 w/5' (5%) side and rear parking setbacks and 8' (8%)
 building side setbacks

The illustration below shows the same lot configuration with the proposed increased parking setbacks to align with the required building setbacks. This plan also takes into consideration the proposed reduction in parking requirements.

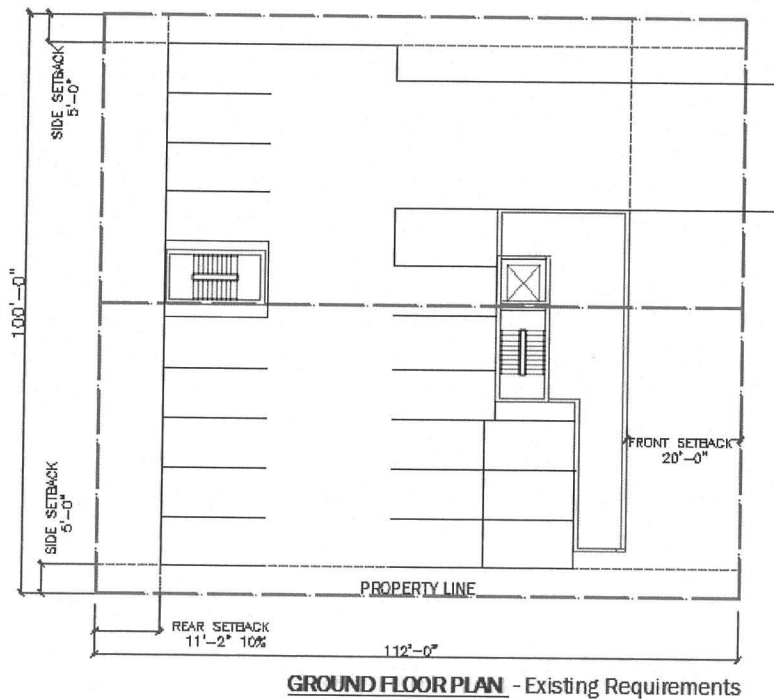


GROUND FLOOR PLAN - PROPOSED
Increased parking setbacks (to follow
increased building setbacks (10% of side
yard) and reduced parking requirements

Double RM-1 Lot:

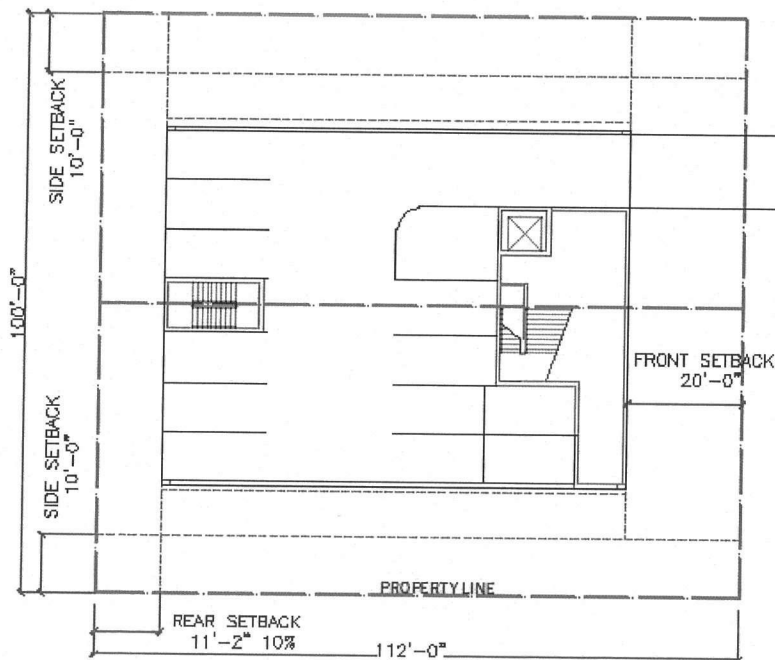
The scenarios below took a closer look at parking requirements and lot coverage for a typical interior, double lot in the RM-1 zoning district (no alley), with a lot area of 11,200 SF, and corresponding FAR of 14,000 SF. Each scenario takes into consideration the requirements for screening of the parking area from the street as required by the City Code, as well as requirements for building circulation.

Scenario A1 - Existing requirements (1.5 parking spaces per unit, 5 foot parking setback, no lot coverage requirement):



18 parking space can reasonably be accommodated on site, resulting in 12 apartment units with an average size of approximately 935 SF per unit.

Scenario A2 (1 parking space per unit, increased parking setbacks of 10 feet, lot coverage = 45%):



GROUND FLOOR PLAN
1 parking space/unit, increased parking setbacks of 10 feet, lot coverage = 45%

12 parking spaces can reasonably be accommodated on site, resulting in 12 apartment units with an average unit size of approximately 935 SF per unit.

Due to the more limited area and difficulty in developing a project on a single lot, no changes to the side setbacks are proposed for single lots.

5. Building setbacks

The required building side setbacks in the RM-1 and RM-2 districts is 7.5 feet or 8% of the lot width. With the exception of single lots, the proposed ordinance increases this to 10 feet or 8% of the lot width, in order to get slightly more landscaped areas within the side yards.

	Current Regulations	Proposed Regulations
5. Building Setbacks		
Side	7.5 feet or 8% of lot width	Single lots, no change, otherwise 10 feet or 8% of lot width

6. Parking requirements

Currently the City code requires between 1.5 to 2.0 parking spaces per residential unit as outlined below. As proposed, no parking would be required on lots that are less than 65 feet in width, and the range of parking spaces required for larger properties is outlined below. On small

lots it can be difficult to provide parking, and may overly restrict the redevelopment of small single lots. Development on small lots allows strategic infill rather than more extensive demolition and larger new construction. Such smaller scale construction is often more pedestrian oriented for the neighborhood.

	Current Regulations	Proposed Regulations
6. Parking		Zero for lots <= 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)

Recently the City of Miami adopted code modifications to the Little Havana area to eliminate the parking requirements for buildings that are under 10,000 SF and located near public transit. The market will dictate need.

7. Mechanical parking

Lastly, for small residential buildings of less than 20 units, the proposed ordinance would allow the DRB or HPB to review and approve mechanical parking. Currently, any mechanical parking, regardless of the size of development, requires the review and the approval of the Planning Board.

	Current Regulations	Proposed Regulations
7. Mechanical Parking	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units

As proposed, the ordinance would also allow the Design Review Board or Historic Preservation Board to review and approve mechanical parking for up to three (3) mechanical lifts in single family homes.

8. Ground Floor Requirements.

Additional ground floor requirements when parking or amenity areas are located below the first habitable level are also included in the Ordinance as outlined below:

- A. All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
- B. All parking and driveways shall substantially consist of permeable materials.
- C. Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
- D. At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety requirements, shall be in

addition to required egress stairs.

9. Lot Aggregation

As it pertains to the discussion on lot aggregation, currently, the West Avenue Overlay District restricts the aggregation of lots to no more than two lots for properties zoned RM-1. Within the RM-2 zoning of the Gilbert Fine Neighborhood Conservation District, the aggregation of lots is required for new development. Within other portions of the city, the height of an RM-2 property is dependent upon the size of the lot, as noted in the height illustration maps above. As part of the proposed North Beach Neighborhood Conservation District, limitations on lot aggregation are also proposed.

As recommended by the Land Use and Development Committee, a limitation on the aggregation of lots is now included in the ordinance for RM-1 zoned properties, and limits aggregation to no more than two platted lots. For properties substantially comprised of affordable or workforce housing units, the limits on lot aggregation would not apply.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendments to the City Commission with a favorable recommendation.

TRM/MAB

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 AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITION FOR LOT COVERAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-55, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, LOT COVERAGE, GROUND FLOOR REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, AND BY INCREASING THE BUILDING HEIGHT TO 55 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT; BY AMENDING SECTION 145-56, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AT SECTION 142-216, "DEVELOPMENT REGULATIONS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, AND GROUND FLOOR HEIGHT REQUIREMENTS; BY AMENDING SECTION 142-217, "AREA REQUIREMENTS," BY INCREASING THE BUILDING HEIGHT TO 65 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT, OR OTHERWISE MORE SPECIFICALLY DELINEATED WITHIN OTHER DEFINED DISTRICTS OR WITHIN HISTORIC DISTRICTS; AND BY AMENDING SECTION 145-218, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and,

WHEREAS, the regulation of grade elevations in multifamily districts is necessary in order to ensure compatible development with the built character of the City's neighborhoods; and,

WHEREAS, the current minimal building and parking setbacks for the low and medium intensity multifamily districts result in very little pervious landscaped areas; and,

WHEREAS, in order to expand the pervious landscaped areas within the City, which are beneficial for stormwater retention, result in more attractive living environments, and help buffer the impact of new in-fill construction on neighboring properties, changes to setbacks, height and parking requirements are necessary; and

WHEREAS, the low intensity RM-1 multifamily district is predominately comprised of low scale buildings developed on single or double lots; and

WHEREAS, in order to ensure compatible new construction in the low intensity RM-1 zoning districts, limits on lot aggregation are necessary; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City.

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.

* * *

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.

* * *

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

* * *

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.
 - (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
 - (B) Within the required front yard and side yard facing a street the following shall apply:
 - i. 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.
 - ii. 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.
 - iii. 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 for a lot or lots greater than 65 feet in width 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. The design review board or historic preservation board, as applicable may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable.
- f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
 - (A) 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.
 - (B) All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in

accordance with the design review or certificate of appropriateness criteria, as applicable.

(C) All parking and driveways shall substantially consist of permeable materials.

(D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.

(E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

g. Lot Aggregation. No more than two contiguous lots may be aggregated for development purposes, with the exception of projects classified as affordable and/or workforce housing.

(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</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400</p> <p>Hotel units:</p> <p>15%: 300—335</p> <p>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</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—550</p>	<p>Historic district—40</p> <p>Flamingo Park Local Historic District—35 (except as provided in section 142-1161)</p> <p>Otherwise—50</p> <p><u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -55</u></p>	<p>Historic district—4</p> <p>Flamingo Park Local Historic District—3 (except as provided in section 142-1161)</p> <p>Otherwise—5</p>

		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.			
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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	<p><u>Single lots less than 65 feet in width: 5 feet, or 5 % of lot width, whichever is greater</u></p> <p><u>otherwise</u></p> <p><u>10 feet, or 8% of lot width, whichever is greater</u></p>	<p><u>Single lots less than 65 feet in width: 5 feet, or 5 % of lot width, whichever is greater</u></p> <p><u>otherwise</u></p> <p><u>10 feet, or 8% of lot width, whichever is greater</u></p>	<p>Non-oceanfront lots—5 feet abutting an alley, otherwise 10% of the lot depth</p> <p>Oceanfront lots—50 feet from bulkhead line</p>
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	<p>Non-oceanfront lots—0 feet</p> <p>Oceanfront lots—50 feet from bulkhead line</p>
<u>Subterranean and</u>	20 feet Except lots A and 1—30 of the	Sum of the side yards shall equal 16% of	Sum of the side yards shall equal	Non-oceanfront lots—10% of lot depth

Pedestal,	Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	lot width Minimum— 7.5 10 feet or 8% of lot width, whichever is greater	16% of lot width Minimum— 7.5 10 feet or 8% of lot width, whichever is greater	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 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	Sum of the side yards shall equal 16% of the lot width Minimum— 7.5 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

(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.

* * *

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.
 - (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
 - (B) Within the required front yard and side yard facing a street the following shall apply:

- i. 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.
 - ii. 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.
 - iii. 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, the following requirements shall apply:
 - (A) 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.
 - (B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - (C) All parking and driveways shall substantially consist of permeable materials.
 - (D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - (E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

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	Minimum Lot Width	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height	Maximum Number of Stories

Feet)	(Feet)			(Feet)	
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+ 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) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 <u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -65</u> 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 Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200</p>	<p>Historic district—5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8 Otherwise—6 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 feet of North Shore Open Space parking Boundary—21</p>

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	Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater 10 feet, or 8% of lot width, whichever is greater	Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater otherwise 10 feet, or 8% of lot width, whichever is greater	Non-oceanfront lots Abutting an alley—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and Pedestal	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— 7.5 10 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum— 7.5 10 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 shall remain constant. Except lots A and 1—30 of the Amended Plat	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower	Sum of the side yards shall equal 16% of the lot width Minimum— 7.5 10 feet or 8% of lot width, whichever is	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the

	Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	portion of the building. The total required setback shall not exceed 50 feet	greater	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 _____, 2017.

Philip Levine, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading: June 7, 2017
Second Reading: July 26, 2017

Verified By: _____
 Thomas R. Mooney, AICP
 Planning Director

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Residential Parking ORDINANCE

An ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the City Code, by amending Chapter 130, "Off-Street Parking," Division II, "Districts; Requirements," at Section 130-32, "Off-street parking requirements for parking district no. 1," by eliminating the parking requirements for apartment buildings on lots that are 65 feet in width or less, and by reducing the parking requirements for apartment buildings on lots wider than 65 feet; and by amending Section 130-38, "Mechanical and robotic parking systems," by establishing conditions under which mechanical parking in apartment buildings and single family homes may be reviewed and approved by the design review board or historic preservation board as applicable; providing codification; repealer; severability; and an effective date.

WHEREAS, Chapter 130 of the Land Development Regulations of the City Code contains various provisions related to off-street parking ; and

WHEREAS, the City proposes to reduce requirements that mandate a minimum number of parking spaces for new housing Development, or to limit the amount of parking; and

WHEREAS, there are locations with high-quality transit, which could incentivize public transportation, and as such, the City seeks reduce or eliminate parking requirements; and

WHEREAS, excess parking results in more massive buildings, and the current parking requirements severely limit the amount of pervious landscaped areas that can be provided on a site; and

WHEREAS, the proposed regulations would further facilitate new construction on small lots by reducing the parking requirements generally, and eliminating the parking requirements on the smallest of lots; and

WHEREAS, these proposed regulations will not affect the general health, safety and welfare of the residents of the City; and

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

SECTION 1. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(6) Apartment building and apartment-hotel:

50 65 feet in
requirement,
rs; bicycles.

n 65 feet:

in 50 feet:

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all have no
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- (2) Parking spaces to be used to satisfy accessory off-street parking requirements must conform to the provisions of article III "design standards" of this chapter, with respect to ~~all-weather surface area, minimum parking space dimensions, drive width, interior aisle width, and required markings.~~ Therefore, the use of mechanical parking devices, robotic parking systems and vehicle elevators to satisfy accessory off-street parking requirements shall not be permitted, except as hereinafter provided.
- (3) Exceptions to the mechanical parking prohibition may be considered by the planning board, pursuant to the conditional use process in chapter 118, article IV of the City Code, if the proposed project meets the following conditions:
 - (a) Commercial main use parking garages on a separate lot.
 - (i) Commercial main use parking garages, open to the public, may utilize mechanical parking devices, robotic parking systems and/or vehicle elevators, subject to all other provisions of section 130-68.
 - (ii) Parking spaces within commercial main use parking garages utilizing mechanical parking may be used to satisfy off street parking requirements for residential or commercial uses required within the building by section 130-68 for the cladding of such garages, as may be required by the design review procedures. Notwithstanding the foregoing, any accessory commercial use within commercial main use parking garages utilizing mechanical parking shall not generate an off-street parking requirement in excess of 25 percent of the total number of spaces in the garage.
 - (iii) Parking spaces within commercial main use parking garages utilizing mechanical parking, constructed on land:
 - a. Located within a local historic district (except not within the Ocean Beach local historic district); and
 - b. On land which was vacant as of October 17, 2008; and
 - c. On land within 300 feet of a proposed new hotel development;

May be used to satisfy off street parking requirements for the proposed new hotel units and the following hotel accessory uses: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium, spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments). However, in order to utilize mechanical parking to satisfy off street parking requirements for the foregoing uses, the following conditions must be satisfied:

 1. At least one-half of all parking spaces within the commercial main use parking garage shall be reserved for use by the general public (not to be used for valet storage for offsite, valet services);
 2. Mechanical parking permitted under this subsection shall be for the sole purpose of new hotel development. For purposes of this subsection, new hotel development means newly constructed hotel units and the following hotel accessory uses, provided that such hotel accessory uses are part of the same development project as the newly constructed hotel units: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium, spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments);

3. A restrictive covenant in a form acceptable to the city attorney committing the parking garage to providing parking for the related hotel property, and maintaining such hotel property as a hotel, for at least 30 years, subject to release by the planning board if such board determines that the restriction is no longer necessary, shall be recorded prior to the issuance of a full building permit; and
 4. Suite hotel units, as defined by section 142-1105, cannot satisfy their off-street parking requirements by using mechanical parking.
- (iv) Except as described above in subsections 3(a)(ii) and (iii), mechanical parking system within main use parking garages, operating either as commercial garages open to the public, or, as private noncommercial garages, may not be used to satisfy off street parking requirements for uses on a separate lot. This provision may be waived through the procedures detailed in subsection (c), below.
- (b) Existing multifamily buildings.
 - (i) Existing multifamily buildings with a deficiency of parking may utilize mechanical parking devices within the space of the existing parking structure area. All parking lifts shall be located within a fully enclosed parking garage and shall not be visible from exterior view. No outside parking lifts shall be permitted.
 - (ii) The increased number of parking spaces as a result of mechanical parking under this provision shall not be used to satisfy any accessory off-street parking requirements.
 - (c) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.
 - (i) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:
 1. One set of schematic plans sufficient to show the proposed development project with accessory and main use off-street parking requirements satisfied by traditional, nonmechanical means, meeting all aspects of the design standards for parking spaces required in article III of chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions; and
 2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.

The first set of schematic plans shall be reviewed by planning department staff for zoning compliance prior to the site plan review hearing by the applicable land use board. This first set of schematic plans may include one level of below-grade parking spaces, provided such below grade spaces are within the confines of the subject development site and are not located below city property, adjacent private property that is not part of the development site or

any rights-of-way. If it is determined that these schematic plans meet the requirements of the design standards of the city code, then the total number of parking spaces shown on the plans shall be noted. Henceforth, the project may proceed to site plan approval based on the second set of plans, using mechanical parking. However, if the first set of schematic plans includes below grade parking spaces, at least 50 percent of the number of below grade parking spaces shown in the first set of plans must be located below grade in the second set of plans utilizing mechanical parking. Further, the allowable residential density, and the intensity of the uses permitted for the proposed project, shall not exceed that which would have been permitted using the number of parking spaces noted on the first set of plans using traditional parking. No variances to these provisions shall be permitted.

(4) The following exceptions to the mechanical parking prohibition may be considered by the design review board or historic preservation board, as applicable.

(a) Apartment buildings with 20 apartment units or less may utilize mechanical lifts, in accordance with the review criteria of section 138-38(5), provided the parking area is accessed from a rear alley and secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site.

(b) Single-family homes utilizing up to three (3) mechanical lifts may be approved by the design review board or historic preservation board, as applicable, in accordance with the applicable review criteria of Section 130-38(5).

~~(4)~~ (5) As part of the conditional use, design review board, or historic preservation board review process for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators under any of the provisions of this section, the planning board shall consider the following review criteria shall be evaluated when considering each application for the use of mechanical parking systems:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;
- (b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated to the planning board how the scale, mass, volume and height of the building are reduced by the use of mechanical parking;
- (c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;
- (d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;
- (e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;
- (f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;

- (g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;
 - (h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;
 - (i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;
 - (j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;
 - (k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;
- (5) Mechanical parking devices, robotic parking systems and/or vehicle elevators must also satisfy the following conditions:
- (a) The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;
 - (b) For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;
 - (c) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;
 - (d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
 - (e) The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
 - (f) All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the planning director and the building official; and
 - (g) All parking lifts shall be maintained and kept in good working order.
- (6) The proposed use of mechanical parking systems, including mechanical parking lifts, robotic parking systems or vehicular elevators, for any type of development or

improvement, including, but not limited to, vehicle storage, whether proposed under the provisions of section 130-38, or any other section of the City Code, shall require ~~compliance with the provisions of subsections 130-38(4) and 130-38(5), and, with the exception of mechanical parking used to provide parking on a property containing less than 20 units,~~ shall require the review and approval of the planning board, pursuant to the conditional use process in chapter 118, article IV of the Code.

SECTION 4. REPEALER.

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

SECTION 5. 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 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2017.

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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