

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 89-2665; AMENDING SECTION 3, ENTITLED "DEFINITIONS", AMENDING SUBSECTION 3-2, ENTITLED "TERMS DEFINED" BY MODIFYING THE DEFINITION OF "OPEN SPACE" TO EXCLUDE PARKING SPACES FROM THE CALCULATION OF OPEN SPACE; AMENDING SECTION 7, ENTITLED "PARKING REGULATIONS", AMENDING SUBSECTION 7-8, ENTITLED "PARKING CREDIT SYSTEM", BY CLARIFYING THE EFFECTIVE DATE FOR THE PURPOSES OF CALCULATING PARKING CREDITS AND THAT PARKING CREDITS ARE NOT APPLICABLE TO PORTIONS OF BUILDINGS WHICH HAVE BEEN DEMOLISHED, AND BY ALLOWING PARKING CREDITS FOR USES IN THE REDEVELOPMENT AREA AND FOR REHABILITATED HOTEL UNITS; AMENDING SECTION 13, ENTITLED "NONCONFORMING STRUCTURES AND USES", AMENDING SUBSECTION 13-5, ENTITLED "DESTRUCTION OR RENOVATION OF NONCONFORMING BUILDINGS AND USES" BY CLARIFYING THE REGULATIONS FOR NONCONFORMING USES AND NONCONFORMING BUILDINGS; AMENDING SECTION 20, ENTITLED "PS-PERFORMANCE STANDARD DISTRICT" BY RESTRICTING NIGHTCLUBS; BY MODIFYING THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT REGULATIONS IN TERMS OF LOT AREA, LOT WIDTH, MAXIMUM BUILDING HEIGHTS, MINIMUM AND AVERAGE UNIT SIZES, SETBACKS AND BY MODIFYING THE OPEN SPACE RATIO CALCULATIONS;

PROVIDING FOR INCLUSION IN THE ZONING ORDINANCE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach wishes to encourage development in the South Pointe Redevelopment Area; and,

WHEREAS, the South Pointe Advisory Committee has reviewed and accepted the proposed amendments to the District Regulations for the South Pointe Area; and,

WHEREAS, the University of Miami, in consultation with the City of Miami Beach, held a design symposium which helped refine the proposed amendments; and,

WHEREAS, the amendments set forth herein are necessary to the welfare of the residents of the City of Miami Beach, Florida.

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

SECTION 1. That Subsection 3-2, entitled "Terms Defined" of Zoning Ordinance No. 89-2665, is hereby amended as follows:

3-2 TERMS DEFINED

* * *

139. OPEN SPACE: That part of a Lot in the Redevelopment Area, including Courts and Yards which:

- a. is open and unobstructed from its lowest level upward, and
- b. is accessible to all residents on the Lot without restrictions except as may be required for safety, and
- c. is not occupied by Off-Street Parking, Streets, drives, or other surfaces for vehicles, ~~except as may be required to provide one parking space per Apartment Unit on the Lot.~~ Open Space is, in general, that part of a Lot available for entry and Use by the occupants of the Building or Buildings on the Premises, but may include space located and treated to enhance the amenity of the Development by providing landscaping, screening for the benefit of the occupants or neighboring areas, or a general appearance of openness. Open Space may include water surfaces that comprise not more than 10 percent of total Open Space, and may include
- ~~d. Landscaping, roofs, and decks or garages~~ d. Landscaping, roofs, and decks pursuant to conditions contained in the district regulations.

SECTION 2. That Subsection 7-8, entitled "Parking Credit System" of Zoning Ordinance No. 89-2665, is hereby amended as follows:

7-8 PARKING CREDIT SYSTEM

- A. Whenever a Building or Use that was established prior to ~~the Effective Date of this Ordinance October 1, 1989~~, is changed in a manner that results in an increase in the number of required Parking spaces, the following regulations shall apply.
1. Any Building or Use that lawfully existed ~~on the Effective Date of this Ordinance October 1, 1989~~, shall receive a parking space credit equal to the number of parking spaces required prior to the adoption of this Ordinance. The parking credit shall run with the land and shall be applied toward the required Parking as follows:
 - a. The Parking credit shall only be applied to the area within the existing shell of the Building.
 - b. Parking credits shall not be applicable to Buildings or portions of a Building that have been demolished, in the Redevelopment Area or when all or a portion of a Building has been demolished.
 - c. Parking credits in the MXE Mixed Use Entertainment District shall only be applied as of November 5, 1990. Parking credits in the Redevelopment Area shall only be applied as of (the effective date of Ordinance). Any existing Use in the MXE Mixed Use Entertainment District or Redevelopment Area which has satisfied the parking requirement through participation in the Parking Impact Fee Program may have its Parking Impact Fee adjusted for parking credits at the next due date for payment. No reimbursement or prorating shall be allowed.
 2. ~~Notwithstanding paragraph 1, when a Building is rehabilitated at a cost greater than fifty (50) percent of the Building's assessed value and when said Building contains Hotel Units, no parking credits shall be given for required Parking spaces for Apartment Units which are proposed to be converted to or replaced with new Hotel Units.~~

SECTION 3. That Subsection 13-5, entitled "Destruction or Renovation of Nonconforming Buildings and Uses" of Zoning Ordinance No. 89-2665, is hereby amended as follows for properties in the South Pointe Redevelopment Area:

13-5 DESTRUCTION, REPAIR AND/OR RENOVATION OF NONCONFORMING BUILDINGS AND USES.

A. NONCONFORMING USES

If a Building which contains a Nonconforming Use is damaged, repaired or renovated at a cost exceeding 50% of the Value Determination of the Building as determined by the Building Official pursuant to the standards set forth in the South Florida Building Code, it shall not be thereafter used except in conformity with the Use Regulations in the applicable Zoning District contained in this Ordinance and all rights as a Nonconforming Use are terminated.

B. NONCONFORMING BUILDINGS

1. Nonconforming Buildings which are damaged, repaired or rehabilitated by LESS THAN FIFTY (50%) PERCENT OF THE VALUE DETERMINATION of the Building as determined by the Building Official pursuant to the standards set forth in the South Florida Building Code, may be repaired or rehabilitated if the following conditions are met:
 - a. Renovated or repaired units shall meet the minimum Floor Area as set forth for the Zoning District in which the property is located. The number of units in the building shall not be increased.
 - b. The Building shall have previously been issued a Certificate of Use, Certificate of Completion, Certificate of Occupancy or Occupational License by the City to reflect it's current use.
 - c. Such repairs or reconstruction in the damaged or repaired portion of the Building shall meet the requirements of the Miami Beach Property Maintenance Standards, the South Florida Building Code, Fire Prevention and Safety Code, and if a Historic Structure, shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior(1983) and as amended.
2. Nonconforming Buildings which are damaged, repaired or rehabilitated by MORE THAN FIFTY (50%) PERCENT OF THE VALUE DETERMINATION of the

Building as determined by the Building Official pursuant to the standards set forth in the South Florida Building Code, it may be repaired or rehabilitated if the following conditions are met:

a. Historic Structures:

- 1). All Residential Units shall meet the minimum and average unit sizes for rehabilitated buildings as set forth in the Zoning District in which the property is located.
- 2). The existing structure's Floor Area, Height, and Setbacks may remain, but any new addition or alteration must comply with the current development regulations in the Zoning District in which the property is located.
- 3). All parking regulations pursuant to Section 7 of the Zoning Ordinance.
- 4). The Building shall meet all requirements (as amended) in the following: South Florida Building Code, State Fire Marshall's Rules and Regulations, Fire Prevention and Safety Code, the Miami Beach Property Maintenance Standards and shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior (1983) and as amended.

b. Non Historic Structures

- 1). All Residential Units shall meet the minimum and average unit sizes for new construction as set forth in the Zoning District in which the property is located.
- 2). The Building must meet all development regulations (lot size, lot width, setbacks, height, open space, etc.) as set forth in the Zoning District in which the property is located, except for the Floor Area Ratio which may remain as is if it currently exceeds the maximum FAR allowed in the Zoning District. No new floor area may be added if the maximum FAR is presently exceeded.
- 3). The Building shall receive no parking credits and must pay a parking impact fee or provide the required parking on site or within 1200 feet of the subject property.
- 4). The Building shall meet all requirements (as amended) in the following: South Florida Building Code, State Fire Marshall's Rules and Regulations, Fire Prevention and Safety Code and the Miami Beach Property Maintenance Standards.

~~A. Except as provided in paragraph B herein, if a Non conforming Building or Use is damaged by any cause to the extent of more than fifty (50%) percent of the Value Determination of a Building as determined by the Building Official as set forth in the South Florida Building Code, it shall not be restored except in conformity with the regulations contained in this Ordinance and all rights as a Nonconforming Building or Use are terminated.~~

~~B. A Nonconforming Building may be repaired regardless of the time a Building has been vacant or to the extent it is damaged at a cost exceeding 50% of the Value Determination of a Building as determined by the Building Official as set forth in the South Florida Building Code if the following conditions are met:~~

- ~~1. The Building is a Historic Building as determined by the Planning and Zoning Department. A Building Permit shall not be issued until the Planning and Zoning Department approves the architectural plans for a Historic Building pursuant to the Design Review Board procedures and which shall also include the Historic Preservation Board procedures, as set forth in Section 19-3 of this Ordinance.~~
- ~~2. The Building shall meet all requirements (as amended) in the following: South Florida Building Code, State Fire Marshal's Rules and Regulations, Fire Prevention and Safety Code and the Miami Beach Property Maintenance Standards and shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior (1983) and as amended.~~
- ~~3. The total number of units shall not exceed those which are listed on the Building Card, and each Hotel or Apartment Unit shall meet the Floor Area requirements set forth in Section 6 of this Ordinance for the applicable zoning district.~~

4. ~~The parking requirements for an Apartment Building or Commercial Uses may be satisfied by the Use of the Parking Impact Fee Program as set forth in Section 7-7 when applicable under the regulations of that Section. The required parking for such Uses shall be determined by using the Parking Credit system as set forth in Section 7-8. Parking credits are not applicable when any Use is converted into Hotel Units.~~
 5. ~~The above provisions are not applicable in those cases where multiple permits in one calendar year have been issued for a property where the value of the work exceeds 50% of the value determination of the property or for properties which are located in a Redevelopment Area or in Structures which are under a Demolition order from the Dade County Unsafe Structures Board.~~
- ~~C. If a Building is damaged or rehabilitated by less than fifty (50%) percent the Value Determination of a Building as determined by the Building Official as set forth in the South Florida Building Code, it may be repaired and used as before the time of damage, provided that:~~
1. ~~Such repairs or reconstruction are completed within twelve (12) months of the date of such damage and a Certificate of Use, Certificate of Completion, Certificate of Occupancy or Occupational License has been issued by the City;~~
 2. ~~Such repairs or reconstruction in the damaged portion of the Building shall meet the requirements of the Miami Beach Property Maintenance Standards, the South Florida Building Code, Fire Prevention and Safety Code, and if a Historic Structure, shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior (1983) and as amended and;~~
 3. ~~Damaged and subsequently repaired units shall meet the Floor Area requirements as set forth for the district in which the Property is located.~~
- ~~C.D. If a Nonconforming Building has been cited by the Dade County Unsafe Structures Board, the owners shall bring the Structure into conformity with applicable codes within the time period specified by said Board. With regard to multiple Family residential Buildings, all of the units shall meet the Floor Area requirements as set forth in Section 13-5.B. above. 6 of this Ordinance for the applicable Zoning District. If the Building is not brought into compliance within said time period, the Building shall not again be used except in compliance with all the regulations of this Ordinance.~~
- ~~E. Nonconforming Buildings and Uses in the Performance Standard (PS) Districts shall conform to Section 20-3,C of this Ordinance in addition to the regulations contained in Section 13.~~

SECTION 4. That Section 20, entitled "PS - PERFORMANCE STANDARD DISTRICT" of Zoning Ordinance No. 89-2665, is hereby amended as follows:

20-1 ESTABLISHMENT OF DISTRICT AND DIVISIONS

The PS - Performance Standard District is hereby established as shown on the map designated as the City of Miami Beach Zoning District Map. The PS district consists of all land in the Redevelopment Area and consists of five (5) districts including: a Residential Performance Standard (R-PS) District, a Commercial Performance Standard (C-PS) District, a Residential Limited Mixed Use Performance Standard (M-PS) District (each of which is further subdivided based upon the type and density or intensity of permitted Uses) a GU Government Use District and MR Marine Recreation District.

20-2 DISTRICT PURPOSE AND SUBDISTRICTS

F. Residential Performance Standards.

The Residential-Performance Standards Districts are designed to accommodate a broad spectrum of medium-low to high density residential Development including Townhome Development and multiple-Family Development pursuant to "performance standards" which control the permissible type and density of residential Development. Performance standards development will allow for modification of requirements affecting certain individual Lots, greater flexibility, particularly for large-scale Development, and incentives for provision of certain amenities and for conformance with specified objectives, thereby encouraging more flexible and innovative design and Development, in accordance with the goals and objectives of the Comprehensive Plan and the Redevelopment Plan.

In order to adequately and properly distinguish among the permissible types and densities of residential Development, the Redevelopment Area is divided into the following residential districts:

R-PS 1	Medium - Low Density
R-PS 2	Medium Density
R-PS 3	Medium - High Density
R-PS 4	High Density

B. Commercial Performance Standards.

The Commercial Performance Standards Districts are designed to accommodate a range of business, Commercial, office and Hotel Uses, as well as medium to high density residential Development pursuant to "performance standards" which control the permissible type, density or intensity, and mix of Development. Performance standards Development will allow for modification of requirements affecting certain individual Lots; greater flexibility, particularly for large-scale Development; large commercial, medium to high density residential and mixed Use Developments in phases over time where the overall Development at a single point in time or in a single instance by private owners would not be practical; providing incentives for provision of certain amenities and for conformance with specified objectives, thereby encouraging more flexible and innovative design and Development in accordance with the goals and objectives of the Comprehensive Plan and the Redevelopment Plan.

In order to adequately and properly distinguish between types, densities and intensities of Uses and mix of permitted commercial Development in the Redevelopment Area, districts are divided as follows:

- C-PS1 Limited Mixed-Use Commercial
- C-PS2 General Mixed-Use Commercial
- C-PS3 Intensive Mixed-Use Commercial
- C-PS4 Intensive Mixed-Use Phased Bayside Commercial

C. Residential Limited Mixed Use Performance Standards.

The Residential Limited Mixed Use Performance Standards District is designed to accommodate the new construction of light Commercial, office and public uses, as well as low density residential Development pursuant to "performance standards" which control the permissible type, density or intensity, and mix of Development. Performance standards Development will allow for modification of requirements affecting certain individual Sites; greater flexibility, particularly for large-scale Development; light commercial, low density residential and mixed Use Developments in phases over time where the overall Development at a single point in time or in a single instance by private owners would not be practical; providing incentives for provision of certain amenities and for conformance with specified objectives, thereby encouraging more flexible and innovative design and Development in accordance with the goals and objectives of the Comprehensive Plan and the Redevelopment Plan.

In order to adequately and properly distinguish between types, densities and intensities of Uses and mix of permitted mixed Development in the Redevelopment Area, the RM-PS1 Residential Limited Mixed Use Development is established.

20-3 USE REGULATIONS

A. Uses Permitted By Right, Uses Permitted by Conditional Use Permit and Uses Not Permitted.

No Building, Structure or land shall be Used or occupied except as a main permitted Use, a Conditional Use, or an Accessory Use to a main permitted Use, in accordance with the Table and text of Permitted Uses. A Use in any district denoted by the letter "P" is a Use permitted by right in such district or subdistrict, provided that all requirements and performance standards applicable to such Uses have been met. A Use in any district denoted by the letter "C" is permissible as a Conditional Use in such district or subdistrict, provided that all requirements and performance standards applicable to such Use have been met and provided that all requirements of Section 17-3 of the Zoning Ordinance have been met. A Use in any district denoted by the letter "N", or specifically listed as a use not permitted in the text of Section B. below, is not permitted in such district or subdistrict. Uses permitted by right, as a Conditional Use, or as an Accessory Use shall be subject to all Use regulations and performance standards contained herein and to such other regulations as may be applicable, including Site Plan review and design review. Uses not listed in the Table of Permitted Uses are not permitted in the district or subdistrict. Notwithstanding any provision of this Section, no Use is permitted on a parcel, whether listed by right, as a Conditional Use or as an Accessory Use in such district, unless it can be located on such parcel in full compliance with all of the performance standards and other requirements of the Zoning Ordinance applicable to the specific Use and parcel in question.

B. Table of Permitted Uses

General Use Category	R-PS 1,2	R-PS 3,4	C-PS 1,2,3,4	RM-PS 1
Single Family; Townhome; Apartment; Apt/Hotel	P	P	P	P Apt/Hotel not permitted
Hotel	N	P	P	N
Commercial	N	N	P*	P* 8% of Floor Area
Institutional	C	C	C	C 1.25% of Floor Area
Accessory	P	P	P	P

P - Main Permitted Use C - Conditional Use N - Not Permitted
 Floor Area in the RM-PS 1 District refers to total Floor Area in project. Commercial Uses in RM-PS1 limited to stores and restaurants.

For purposes of this Section, a Car Wash, Filling Station and any Use that sells gasoline, automobiles or automotive or related repair Uses are considered as industrial Uses and are not permitted in the Redevelopment Area.

* For purposes of this Section, Nightclubs are not permitted as a Main Permitted or Accessory Use in the Redevelopment Area; however, in the C-PS3 and C-PS4 Districts a Nightclub shall be permitted as an Accessory Use within a hotel of 250 rooms or more with access to the Nightclub only from the interior lobby and not from the street.

Commercial and non-commercial Parking Lots and Garages shall be considered as a Conditional Use in the R-PS1,2,3 and 4 Districts.

C. ~~Supplemental Regulations as to Non-Conforming Uses, Lots and Structures~~

1. ~~Applicability.~~ Non-conforming Uses, Lots and Structures shall be subject to the regulations contained in Section 13 of this Ordinance ~~and the additional and supplemental regulations prescribed herein.~~
2. ~~Building Permit or other permit(s) shall be issued by the City for rehabilitation of a Non-conforming Structure or Use:~~
 - a. ~~If no other Building Permit or City permit for repair or rehabilitation has been issued during the Preceding calendar year.~~
 - b. ~~When the cost of rehabilitation is less than fifty (50%) percent of the Dade County tax assessed valuation of the Structure or fifty (50%) percent of the replacement value as determined by the Dade County Property Appraiser, whichever is greater, and the Structure meets all applicable standards of the Miami Beach Property Maintenance Standards, the South Florida Building Code, and Fire Prevention and Safety Code as determined by an on Site inspection; and no damaged and subsequently repaired unit shall contain less than the Floor Area requirements as set forth in the Zoning District in which the Structure is located.~~
 - e. ~~When the cost of rehabilitation is equal to or greater than fifty (50%) percent of the assessed valuation of the Structure or fifty (50%) percent of the replacement value as determined by the Dade County Property Appraiser, whichever is greater, and the Structure meets all applicable standards of the Miami Beach Property Maintenance Standards and the South Florida Building Code as determined by an on Site inspection; and not less than eighty five (85%) percent of all Apartment Units in the Structure(s) shall have a minimum gross Floor Area of 750 square feet or greater; and not more than fifteen (15%) percent of the Apartment Units in the Structure(s) shall have a minimum gross Floor Area of not less than 400 square feet, unless a Variance is granted pursuant to Section 16 of this Ordinance.~~
3. ~~A Non-conforming Structure shall not again be used except in conformity with the regulations of the PS Districts, if such Non-conforming Structure is unused as of the Effective Date of this Ordinance and either:~~
 - a. ~~The Structure has remained idle or unused for a continuous period of six (6) months.~~
 - b. ~~The Structure has remained idle or unused for 18 months during any three (3) year period whether or not the equipment or Fixtures are removed.~~

20-4 PERFORMANCE STANDARD REGULATIONS

A. General Requirement. No Building, Structure or land shall be used or occupied except in conformance with the performance standards applicable to the Use and subdistrict as set forth in the applicable Table of Performance Standards. The purposes of the performance standards are as:

1. to provide detailed regulations by means of minimum criteria which must be met by all Uses in order to ensure Development consistent with the goals and objectives of the Comprehensive Plan and the Redevelopment Plan;
2. to protect the integrity of the Comprehensive Plan and the Redevelopment Plan and the relationships between Uses and densities that are essential to the viability of these Plans and the Redevelopment Area; and
3. to promote and protect the public health, safety, and general welfare by requiring all Development to be consistent with the land Use, circulation and amenities components of the redevelopment element of the Comprehensive Plan and the capital improvements program for the area, as specified in the Comprehensive Plan.

B. Table of Residential Performance Standards

		Residential Subdistricts			
Performance Standard		R-PS1	R-PS2	R-PS3	R-PS4
1.	Minimum Lot Area	10,000 5,750 sq. ft.	10,000 5,750 sq. ft.	10,000 5,750 sq. ft.	10,000 5,750 sq. ft.
2.	Minimum Lot Width	100 50 ft	100 50 ft	100 50 ft	100 50 ft
3.	Required Open Space Ratio	.60, See Sec 20-4,J	.65, See Sec 20-4,J	.70, See Sec 20-4,J	.70, See Sec 20-4,J
4.	Maximum Building Height	None 45 ft Lots 50' wide or less - 35 ft	None 45 ft Lots 50' wide or less - 35 ft	None 60 ft Lots 50' wide or less - 35 ft	None Non-oceanfront -80 ft; Oceanfront -100 ft Lots 50' wide or less - 35 ft
5.	Base FAR (without bonus)	.75	1.0	1.25	1.5
6.	Max FAR (with bonus)*	1.5	1.75	2.00	2.25
7.	Minimum Floor Area Per Apartment Unit (square feet)	<u>New Construction</u> 700 <u>Rehabilitated Buildings</u> 400	<u>New Construction</u> 650 <u>Rehabilitated Buildings</u> 400	<u>New Construction</u> 600 <u>Rehabilitated Buildings</u> 400	<u>New Construction</u> 550 <u>Rehabilitated Buildings</u> 400
8.	Minimum Average Floor Area Per Apartment Unit (square feet)	<u>New Construction</u> 950 <u>Rehabilitated Buildings</u> 550	<u>New Construction</u> 900 <u>Rehabilitated Buildings</u> 550	<u>New Construction</u> 850 <u>Rehabilitated Buildings</u> 550	<u>New Construction</u> 800 <u>Rehabilitated Buildings</u> 550
9.	Minimum Floor Area Per Hotel Unit (square feet)	N.A.	N.A.	15% = 300-335 sq.ft. 85% = 335+ sq.ft.	15% = 300-335 sq.ft. 85% = 335+ sq.ft.
10.	Minimum Parking	Pursuant to Section 7 of Zoning Ordinance and Section 20-4,K Requirement herein.			
11.	Minimum Off-Street Loading	Pursuant to Section 7-5 of Zoning Ordinance.			
12.	Signs	Pursuant to Section 9 of Zoning Ordinance.			
13.	Suites Hotel	Pursuant to Section 6-22 of Zoning Ordinance.			

* The maximum FAR increase above the base Floor Area Ratio is achieved by using the Design Bonus provisions as listed in Section 6-24 of this Ordinance.

C. Setback Requirements R-PS1,2,3,4

		1. Front	2. Side, Interior	3. Side, Facing a Street	4. Rear
a.	At Grade Parking Lot (below Building)	5' - 20'	5', or 5% of Lot Width, whichever is greater. (0' if Lot Width is 50' or less).	5', or 5% of Lot Width, whichever is greater.	Non-oceanfront Lots -5 feet Oceanfront Lots - 50 feet from Bulkhead Line.
b.	Subterranean	5' - 20'	5', or 5% of Lot Width, whichever is greater. (0' if Lot Width is 50' or less)	5', or 5% of Lot Width, whichever is greater.	Non-oceanfront Lots -0 feet Oceanfront Lots - 50 feet from Bulkhead Line.
c.	Pedestal	5' - 20'	7.5' Lots 50' wide or less - 5 ft Sum of the Side Yards shall equal 16% of Lot Width. Min. 7.5' or 8% of Lot Width, whichever is greater.	5'. Sum of the Side Yards shall equal 16% of Lot Width. Min. 7.5' or 8% of Lot Width, whichever is greater.	Non-oceanfront Lots -10% of Lot Depth. Oceanfront Lots - 20% of Lot Depth, 50' minimum from Bulkhead Line.
d.	Tower	50' - 20' + 1' for every 1' increase in height above 50', to a maximum of 50', then shall remain constant.	The required Pedestal setback plus .10 the height of the Building. Tower not to exceed 50 feet.	The required Pedestal setback plus .10 the height of the Building. Sum of the Side Yards shall equal 16% of the Lot Width. Min. 7.5' or 8% of Lot Width, whichever is greater.	Non-oceanfront Lots -15% of Lot Depth. Oceanfront Lots - 25% of Lot Depth, 75' minimum from Bulkhead Line.

5. All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and pedestal side yard facing a street setback which shall be considered as both a minimum and maximum requirements.
6. For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of three (3) square feet for every linear foot of lot frontage.

D. Table of Commercial Performance Standards

		Commercial Subdistricts			
Performance Standard		C-PS1	C-PS2	C-PS3	C-PS4
1.	Minimum Lot Area	10,000 6,000 sq. ft.	10,000 6,000 sq. ft.	10,000 6,000 sq. ft.	10,000 6,000 sq. ft.
2.	Minimum Lot Width	100 ft. 50 ft	100 ft. 50 ft	100 ft. 50 ft	100 ft. 50 ft
3.	Maximum Building Height	75 ft	75 ft	None	None
4.	Base FAR	1.0	2.0	2.5	2.5
5.	Maximum FAR (with bonus)*	2.0	2.5	3.5	3.5
6.	Residential and Hotel Development	Pursuant to all R-PS2 district regulations, except maximum building height for residential and mixed use buildings shall be 75 ft.	Pursuant to all R-PS3 district regulations, except maximum building height for residential and mixed use buildings shall be 75 ft.	Pursuant to all R-PS4 district regulations, except maximum Floor Area Ratio shall be 3.5, no height restriction and Open Space Ratio .60 measured at or above Grade.	Pursuant to all R-PS4 district regulations, except maximum Floor Area Ratio shall be 3.5, no height restriction and Open Space Ratio .60 measured at or above Grade.
7.	Minimum Apt. Unit Size (sq.ft.)	New Construction 650 Rehabilitated Buildings 400	New Construction 600 Rehabilitated Buildings 400	New Construction 550 Rehabilitated Buildings 400	New Construction 550 Rehabilitated Buildings 400
8.	Average Apt. Unit Size (sq.ft.)	New Construction 900 Rehabilitated Buildings 550	New Construction 850 Rehabilitated Buildings 550	New Construction 800 Rehabilitated Buildings 550	New Construction 800 Rehabilitated Buildings 550

9.	Minimum Floor Area Per Hotel Unit (square feet)	15% = 300-335 sq.ft.; 85% = 335+ sq.ft. in all districts.
10.	Minimum Parking Requirements	Pursuant to Section 7 of Zoning Ordinance and Section 20-4, H Requirement herein.
11.	Minimum Off-Street Loading	Pursuant to Section 7 of Zoning Ordinance.
12.	Signs	Pursuant to Section 9 of Zoning Ordinance.

* The maximum FAR increase above the base Floor Area Ratio is achieved by using the Design Bonus provisions as listed in Section 6-24 of this Ordinance.

E. Setback Requirements C-PS1,2,3,4

		1. Front	2. Side, Interior	3. Side, Facing a Street	4. Rear
a.	Subterranean	0 feet	0 feet	0 feet	0 feet
b.	Pedestal and Tower (non-oceanfront)	0 feet	7.5' - 10' when abutting a residential district, otherwise none. Residential Uses shall follow the R-PS1,2,3,4 setbacks (See Section 20-4.C).	0 feet 10' when abutting a residential district, unless separated by a Street or Waterway otherwise none. Residential Uses shall follow the R-PS1,2,3,4 setbacks (See Section 20-4.C).	10' when abutting a residential district, otherwise - 5' unless separated by a Waterway otherwise - none.
c.	Pedestal and Tower (oceanfront)	Pedestal - 15' Tower - 20' + 1' for every 1' increase in height above 50', to a maximum of 50', then shall remain constant.	Comm Uses - 10' Residential Uses shall follow the R-PS1,2,3,4 setbacks (See Section 20-4.C).	Comm Uses - 10' Residential Uses shall follow the R-PS1,2,3,4 setbacks (See Section 20-4.C).	25% of Lot Depth, 75' minimum.
d.	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 Section 6-24, B.14.			

5. All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and the pedestal side yard facing a street setback which shall be considered as both a minimum and maximum requirements.

6. For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of three (3) square feet for every linear foot of lot frontage.

F. Mixed Use Buildings: Calculation of Setbacks and Floor Area Ratio

- Setbacks - When more than 25% of the total area of a Building in a C-PS District is used for residential or Hotel Units, any floor containing such units shall follow the R-PS1,2,3,4 setback regulations.
- FAR - When at least 75% of the linear frontage of the Building at the ground floor level is used for commercial uses, the Floor Area Ratio shall follow the range of the commercial district in which the Building is located. In all other instances ~~When more than 25% of the total area of a Building in a C-PS District is used for residential or Hotel Units,~~ the FAR range shall follow the Floor Area Ratios as follows: in the C-PS1 District, the FAR as set forth in the R-PS1 District; in the C-PS2 District, the FAR as set forth in the R-PS2 District; in the C-PS3 District, the FAR as set forth in the R-PS3 District; in the C-PS4 District, the FAR as set forth in the R-PS4 District.

G. Table of Residential Limited Mixed Use Performance Standards

Mixed Subdistricts		
Performance Standard		RM-PS1
1.	Minimum Site Area	120,000
2.	Minimum Site Width	350 ft.
3.	Required Open Space Ratio	.60
4.	Maximum Building Height	60 feet above ground or above enclosed parking.
5.	Base FAR (without bonus)	.75
6.	Maximum FAR (with bonus)	1.5
7.	Minimum Floor Area Per Apartment Unit (square feet)	600
8.	Minimum Average Floor Area Per Apartment Unit (square feet)	1000
9.	Minimum Floor Area Per Hotel Unit (square feet)	N/A
10.	Minimum Parking	Pursuant to Section 7 of Zoning Ordinance and Section 20-4, L3 M Requirement herein.
11.	Minimum Off-Street Loading	Pursuant to Section 7-5 of Zoning Ordinance.
12.	Signs	Pursuant to Section 9 of Zoning Ordinance.
13.	Suites Hotel	N/A

H. Setback Requirements RM-PS1

1.	Front, Rear, Sideyard Facing Street	2 feet when approved by the Design Review Board otherwise Section 20-4,C applies.
2.	Side Interior	See Section 20-4,C.

I. Performance Standard Bonuses. Floor Area Ratio bonuses may be accumulated by meeting one or more of the criteria as set forth in Section 6-24; provided that in no event shall any Use be permitted an increase in Floor Area Ratio so as to exceed the maximum Floor Area Ratio specified in the applicable Table of Residential, Commercial Performance Standards or Residential Limited Mixed Use Performance Standards, except through the Use of Transfer of Development Rights as set forth in Subsection 6-29 herein.

J. Minimum Required Yards in Relation to Minimum Open Space Ratio. In all cases, except as otherwise provided herein, an Applicant shall comply with both minimum Required Yard and minimum Open Space requirements. ~~Where the minimum Open Space Ratio results in greater required Open Space at Grade than that required by the minimum Yards requirements alone, the Applicant shall provide not less than 50% of the difference in the form of Open Space at Grade.~~

1. The Open Space Ratio may include Open Space on roof top decks which are ~~less than fifty (50) feet or less above Grade, except that in the C-PS4 and RM-PS1 Districts the Applicant shall provide not less than 25% of the difference in the form of Open Space at Grade.~~ At least 25% of the roof top deck shall constitute living landscape material. ~~Open Space above Grade may be in the form of recreational facilities above the Pedestal portion of the Building.~~

~~2. Required Yards and Open Space, whether at or above Grade, may not be utilized for parking or Accessory Structures except as set forth above and in Section 7-6,H in the regulations for Temporary Parking Lots; however, at Grade drives in the C-PS3 District shall be permitted within Required Yards and Open Space when said drives are not less than 7½ feet from the property line.~~

2.3. Required Yards and Open Space, whether at or above Grade in the C- PS4 and RM-PS1 Districts may also be utilized for drives and Off-Street Parking Spaces, except that if drives are ramped, they shall be at least seven and one half (7 ½) feet from the front property line and, not more than ten (10) feet or one level above Grade at their

highest point; the total length of an elevated drive shall not exceed forty percent (40%) of that portion of the Lot facing the adjacent Street.

3.4. Required Yards adjacent to Biscayne Bay in the C-PS4 District may be utilized for open and unenclosed decks, platforms, planters, canopies, canvass type Awnings, baywalks or removable furniture such as tables and chairs. Required Side Yards in the C-PS4 District may have public walkways that are partially covered.

4. Up to fifty percent (50%) of the Open Space required by this Ordinance may be fulfilled by payment of an in-lieu-of fee into the South Pointe Streetscape Fund. Notwithstanding the above, in no case shall the Open Space provided at grade be less than the total area resulting from the required setbacks.

a. The in-lieu-of payment as described above shall be made at the rate of \$1.00 per square foot of Open Space not provided. Said fee shall be paid in full at the time of application for the Building Permit. The fee shall be refunded if construction does not commence prior to the expiration of the Building Permit.

5. No variances shall be granted from the requirements of this Sub-Section.

K. Alternative Parking Requirement for Multi-Family Residential Development in R-PS Districts Pursuant to the Parking Impact Fee.

See the Parking Impact Fee Program as set forth in Section 7-7.

L. Supplemental Parking Regulations: ~~C-PS3 and C-PS4 District~~

1. All Districts

All non-oceanfront and non-bayfront Residential development shall be encouraged to have parking with access to and from the Alley only and such parking shall be rendered not visible from the street by the building's front facade. However, on corner buildings, the side view may be obscured by a wall.

2. C-PS3 and C-PS4 District

1.25 parking spaces per Apartment Unit, 1 parking space per Hotel Unit, and 2.5 parking spaces per 1,000 square feet of commercial space. ~~Up to forty percent (40%) of the total parking spaces created on the Premises may be for compact cars.~~ Required parking for Hotel, Hotel Accessory Uses and club Uses may be satisfied through the provision of valet parking spaces. Twenty percent (20%) of required Apartment Unit parking spaces may be satisfied through the provision of valet parking spaces.

3. RM-PS1 District

1.65 parking spaces per Apartment Unit, and one (1) parking space per 1,000 square feet of any non-residential use. Up to twelve percent (12%) of the total parking spaces created on the Premises may be for valet parking spaces.

~~Parking spaces shall be sized in accordance with the following chart:~~

<u>Parking Angle</u>	<u>Standard Spaces</u>
90°	8'6" Wide 18'0" Long
60°	8'6" Wide 18'0" Long
45°	8'6" Wide 18'0" Long
Parallel	8'6" Wide 23'0" Long
Handicapped	12'0" Wide 18'0" Long

~~Access aisles shall be provided in accordance with the following chart:~~

Size/Car	Angle of Parking	Width of Aisle: One Way Traffic Double Loaded	Width of Aisle: Two Way Traffic Double Loaded	Width of Aisle: One Way Traffic Single Loaded
Standard	90°	23.0 feet	23.0 feet	23.0 feet
Standard	60°	11.8 feet	19.3 feet	12.7 feet
Standard	45°	9.5 feet	18.5 feet	10.8 feet
Compact	90°	20.0 feet	21.0 feet	20.0 feet
Compact	60°	9.5 feet	19.0 feet	10.3 feet
Compact	45°	9.2 feet	18.7 feet	10.6 feet
Standard & Compact	Parallel Parking	10.0 feet	20.0 feet	10.0 feet

~~M. Supplemental Parking Regulations: RM PS1 District~~

~~1.65 parking spaces per Apartment Unit, and one (1) parking space per 1,000 square feet of any non residential use. Up to twelve percent (12%) of the total parking spaces created on the Premises may be for valet parking spaces.~~

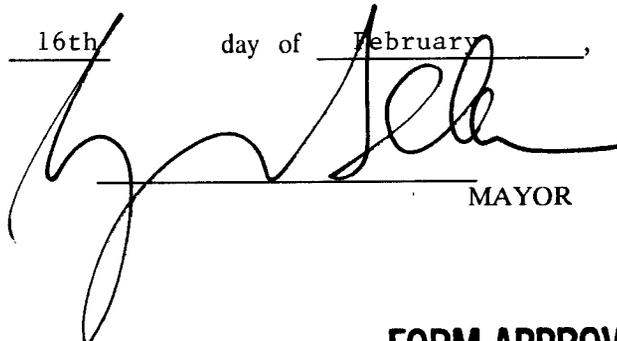
SECTION 5. INCLUSION IN ZONING ORDINANCE NO. 89-2665. It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the City of Miami Beach Zoning Ordinance No. 89-2665 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. REPEALER. That all Ordinances or parts of Ordinances in conflict herewith be and the same are herewith repealed.

SECTION 7. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

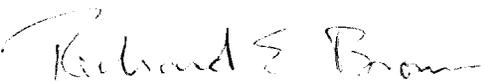
SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect on the 26th day of February, 1994.

PASSED and ADOPTED this 16th day of February, 1994.



MAYOR

ATTEST:



CITY CLERK
1st reading 2/2/94
2nd reading 2/16/94
Underline = new language
~~Strike-out~~ = deleted language

FORM APPROVED
LEGAL DEPT.
By JCD
Date 2-10-94

DJG/JGG

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY MANAGER

TELEPHONE: (305) 673-7010
FAX: (305) 673-7782

COMMISSION MEMORANDUM NO. 122-94

TO: Mayor Seymour Gelber and
Members of the City Commission

DATE: Feb. 16, 1994

FROM: Roger M. Carlton
City Manager

Handwritten signature of Roger M. Carlton.

SUBJECT: **AMENDMENT TO ZONING ORDINANCE NO. 89-2665 RELATIVE TO
AMENDING THE DEVELOPMENT REGULATIONS FOR THE SOUTH POINTE
REDEVELOPMENT AREA - SECOND READING.**

RECOMMENDATION

The City Administration recommends that the City Commission, upon holding a public hearing, adopt on second first reading the attached amendment package which deals primarily with the Development Regulations for the South Pointe Redevelopment Area. The package also addresses the rehabilitation of non-conforming buildings and uses within the South Pointe Area, as well city-wide.

BACKGROUND

As part of an on-going analysis of the City's current Zoning Ordinance and development patterns south of 6th Street, the City Administration has identified the need to encourage new construction and rehabilitation of existing structures within the Performance Standards Districts which is more consistent and compatible with the character of the area comprising the South Pointe Redevelopment Area. The City contracted with the University of Miami School of Architecture to analyze proposed zoning changes that were drafted by City staff to accomplish these objectives. In response to this report, numerous meetings with the South Pointe Advisory Committee and through the efforts of other departments and staff, the following Ordinance Amendments were formulated to create a more practical and sensitive environment for both new construction and rehabilitation within the Redevelopment Area.

The underlying goal of the Amendments is to foster development which is pedestrian friendly. Rather than tall towers surrounded by large landscaped setback areas, the proposed zoning envisions buildings which are constructed close to the street and reflective of the historic 'built' environment. While taller buildings would be allowed, there would be height restrictions and substantial setback requirements for the tower portions of these structures. Smaller fifty (50) ft. wide lots could once again be developed and larger site development would be architecturally detailed in a manner to visually break up the mass of the building fronting on the street so as not to a "concrete canyon".

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AGENDA
ITEM

R-3-L

DATE

2-16-94

The Administration is requesting that Amendments to the Zoning Ordinance be considered regarding the definition of open space, the calculation of Parking Credits, the definition of nonconforming structures and uses, restriction of nightclubs within a Performance Standard District, and by modifying the Residential and Commercial Performance Standards Development Regulations in terms of lot area, lot width, maximum building heights, minimum and average unit sizes, setbacks, and by modifying the open space ratio calculations.

The Planning Board, at its meeting of November 23, 1993, voted 6-0 (1 abstention due to conflict) to recommend in favor of the amendment package. The City Commission, at its meeting of February 2, 1994, voted 7-0 to adopt, on first reading, the proposed Ordinance.

ANALYSIS

The attached Ordinance identifies the proposed new Sections of the Zoning Ordinance. The underlined portions are those that would be added to the existing ordinance and the struck through portions are those that would be deleted. To assist in the review of the proposed amendments, the following provides a brief explanation of each proposal:

<u>Sub-Section</u>	<u>General Title</u>	<u>Pages</u>	<u>Explanation\</u> <u>Impact</u>
3-2.139	Terms Defined Open Space	1	Clarification of Open Space. Definition to exclude parking areas and garages.
7-8A.1	Parking Credit System	2	Establishes effective date of parking credit system to be concurrent with the creation of the Zoning Ordinance (10/1/89).
7-8A.1.b	Parking Credit System	2	Clarifies parking credit exemption for demolished portions of buildings; further, that parking credits will now apply within the South Pointe Redevelopment Area.

<u>Sub-Section</u>	<u>General Title</u>	<u>Pages</u>	<u>Explanation\ Impact</u>
7-8A.1.c	Parking Credit System	2	Allows existing Parking Impact Fee participants in the South Pointe Redevelopment Area to adjust the parking credits and Parking Impact Fee account at the next due date. Of the \$28,000 in parking impact fees non collected in the South Pointe area, approximately \$20,000 would initially have been lost by instituting parking credits. However, the use of parking credits should spur significantly more rehabilitation, thereby generating additional parking impact fees.
7-8A.2	Parking Credit System	2	Deletes 50% Assessed Value Rehabilitation Rule and allows parking Credits for change of use from apartment to hotel units.
13-5	Destruction, Repair and/ or Renovation of Non Conforming Buildings and Uses	2	Adds 'Repair' to Subsection title.

<u>Sub-Section</u>	<u>General Title</u>	<u>Pages</u>	<u>Explanation\ Impact</u>
13-5A	Nonconforming Uses	2	New text clarifies 50% Rule determination for non-conforming uses and their continuation and their termination. (Grandfather clause)
13-5B.1	Nonconforming Buildings	2,3	New text for construction work less than 50% of the value determined by the Building Official, Citywide.
13-5B.2	Nonconforming Buildings	3	New text for construction work exceeding 50% of the value determination for historic and nonhistoric structures.
13-5	Nonconforming Buildings and Uses	3,4	Deletes old text addressed above.
13-5C	Nonconforming Buildings	4	Clarifies regulations for buildings cited by the Dade County Unsafe Structures Bd.
20-3A&B	Use Regulations Performance Standards District	5,6	New text clarifies specific uses allowed in the Redev. Area.
20-3C	Nonconforming Uses	6	Deletes old text addressed above.

<u>Sub-Section</u>	<u>General Title</u>	<u>Pages</u>	<u>Explanation/ Impact</u>
20-4B	Performance Standards - Residential Districts	7	Revised development regulations for minimum lot area, lot width, open space ratio, maximum building height and minimum and average unit sizes for rehabilitated buildings. No change to existing Floor Area Ratios.
20-4C	Setback Requirements - R-PS 1,2,3,4	8	New Setback requirements for residential development.
20-4D	Performance Standards - Commercial Districts	8	New development regulations for min. lot area and lot width, bldg. height, min. and avg. unit sizes and regulations for Residential construction in a Commercial district.
20-4E	Setback Requirements C-PS 1,2,3,4	9	Changes to side setback requirements. Also, defines front pedestal setback as min. and maximum requirement for front setback; open courts on larger bldgs. added.
20-4F	Mixed Use Buildings in the Redev. Area	9	Clarifies and amends the F.A.R. range for mixed use buildings; qualification changed to commercial frontage.
20-4J	Open Space Ratio	10	Clarifies Open Space Ratio definition and deletes old ambiguous language.

<u>Sub-Section</u>	<u>General Title</u>	<u>Pages</u>	<u>Explanation/ Impact</u>
20-4J.4	Open Space Ratio	11	Creates method to fulfill Open Space Ratio with an in-lieu-of fee; sets rate and restrictions.
20-4L.1	Supplemental Parking Regulations	11	Encourages parking access from the alley for non-oceanfront residential buildings and visual screening.
20-4.L.2	Supplemental Parking Regulations	11	Deletes text related to compact parking spaces which are no longer permitted.
20-4L.3	Supplemental Parking Regulations, RM-PS1	11,12	Parking requirements for this district are taken from 20-4M which is to be deleted; also deletes unnecessary text which follows.

CONCLUSION

The Administration recommends the adoption of the proposed amendments to Zoning Ordinance 89-2665 and supports the conclusions of the University of Miami study, the review by the South Pointe Advisory Committee and the Planning Board's review and recommendation. Essentially, the amendments would implement a transition from the original concept of demolition and development of large scale development for the South Pointe Redevelopment Area to a concept which balances large scale development, where appropriate, with the rehabilitation of remaining existing buildings and new less intense in-fill development.

RMC:DJG:ml