

**North Beach Oceanfront Overlay District – LDR Amendments
(Amended for Second Reading)**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.6, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," SUBSECTION 7.2.6.3, "DEVELOPMENT REGULATIONS (RM-3)," TO REFERENCE MODIFIED DEVELOPMENT REGULATIONS FOR THE NORTH BEACH OCEANFRONT OVERLAY, FURTHER AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," BY CREATING SECTION 7.3.11, ENTITLED "NORTH BEACH OCEANFRONT OVERLAY DISTRICT," TO ESTABLISH DEVELOPMENT REGULATIONS THAT INCENTIVIZE DEVELOPMENTS INCLUDING THE PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS ON CERTAIN EXISTING OCEANFRONT LOTS WITHIN THE NORTH BEACH RESORT LOCAL HISTORIC DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, Lot 44, Block 1 of the Amended Second Oceanfront Subdivision is one of the largest single ocean front lots in the City, and the largest lot in the North Beach Resort Local Historic District; and

WHEREAS, the City seeks to create regulations for the development of Lot 44, Block 1 of the Amended Second Oceanfront Subdivision that promote the public health, safety, and general welfare of the public; and

WHEREAS, Lot 44, Block 1 of the Amended Second Oceanfront Subdivision was previously developed with a hotel known as the Deauville Beach Resort that was classified by the City as a contributing building within the North Beach Resort Historic District; and

WHEREAS, the Deauville Beach Resort substantially contributed to the heritage and culture of the City; and

WHEREAS, the City seeks to encourage the partial reconstruction of the original Deauville Beach Resort with a reinterpretation of the Deauville Beach Resort tower, as approved by the Historic Preservation Board in accordance with the City's Certificate of Appropriateness Criteria, while balancing the need for resilient design and pedestrian friendly public frontages; and

WHEREAS, the City seeks to appropriately limit residential density and hotel unit counts; and

WHEREAS, the City seeks to encourage development of cohesive residential and mixed-use communities with low density long-term residential uses; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives; and

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

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

Section 1. Chapter 7, "Zoning Districts and Regulations", Article II. "District Regulations", Section 7.2.6.3 entitled "Development Regulations (RM-3)" is amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II
DISTRICT REGULATIONS**

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7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

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7.2.6.3 Development Regulations (RM-3)

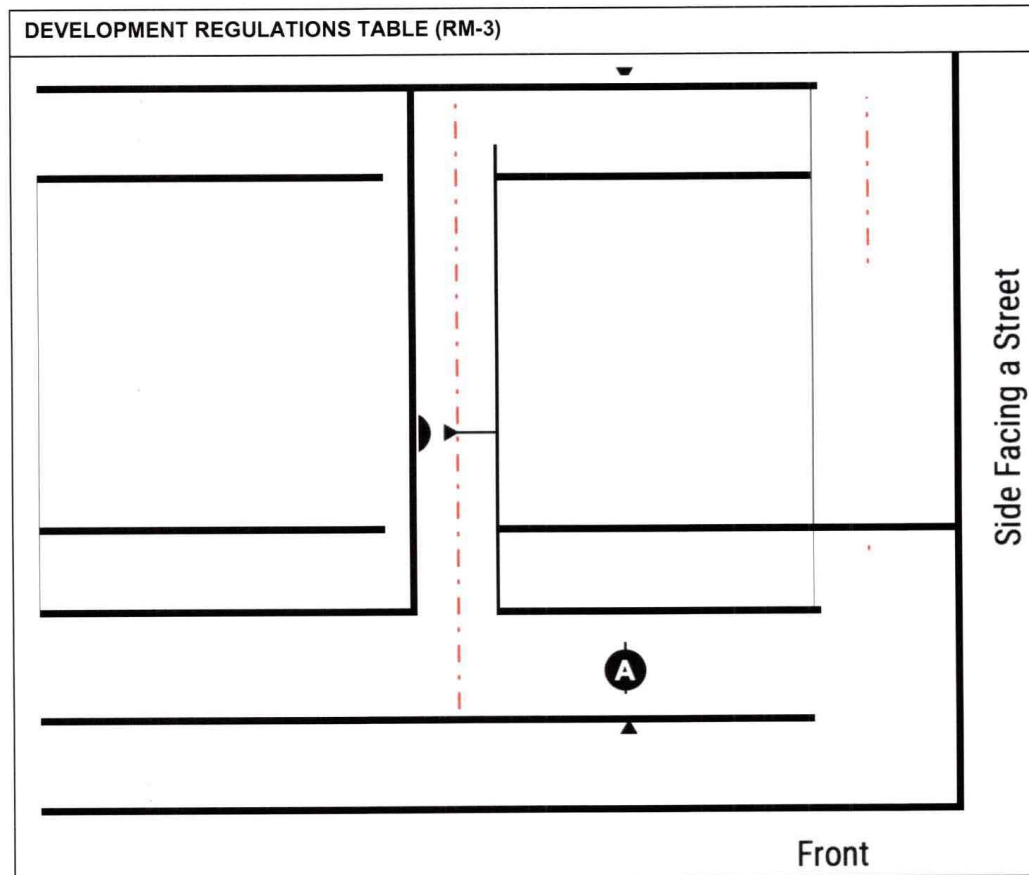
- a. The development regulations in the RM-3 residential multifamily, medium intensity district are as follows:

DEVELOPMENT REGULATIONS TABLE (RM-3)	
Maximum FAR	
Lot area equal to or less than 45,000 square feet	2.25 (1) (2)
Lot area greater than 45,000 square feet	2.75 (1) (2)
Oceanfront lots with lot area greater than 45,000 square feet	3.0(1) (2) <u>(11)</u>
Maximum Density (Dwelling Units per acre)	150 DUA (80% bonus for workforce or affordable units) <u>(11)</u>
MINIMUM UNIT SIZE (SQUARE FEET)	
Single Family Detached House	1,800 SF (7)

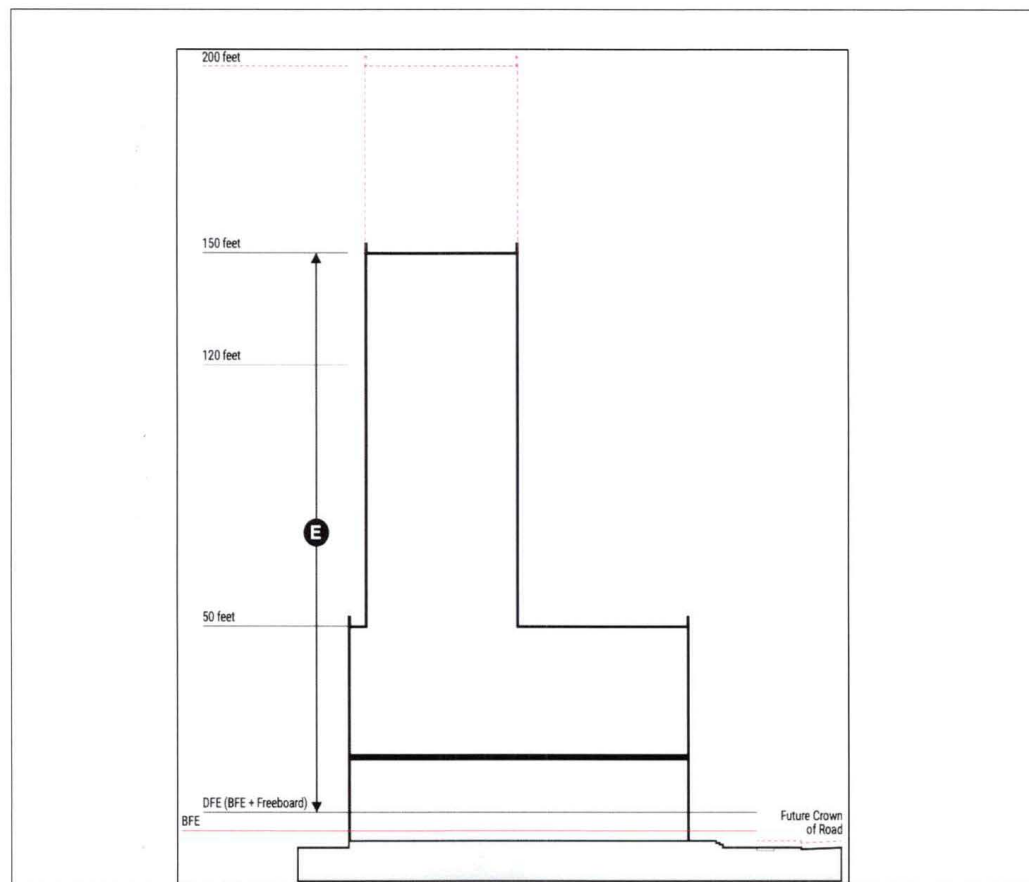
Apartments/Multi-family Units	
New Construction	550 SF
Non-elderly and elderly low and moderate income housing	400SF
Workforce Housing	400 SF
Rehabilitated Buildings	400 SF
Lodging and Hotel Units	15%: 300 SF—335 SF (8) 85%: 335 SF + (8)
Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings	200 SF
MINIMUM AVERAGE UNIT SIZE (SQUARE FEET)	
Single Family Detached House	N/A
Apartments/Multi-family Units	
New Construction	800 SF (9)(10)
Non-elderly and elderly low and moderate income housing	400 SF (9)(10)
Workforce Housing	400 SF (9)(10)
Rehabilitated Buildings	550 SF (9)(10)

DEVELOPMENT REGULATIONS TABLE (RM-3)		
Lodging and Hotel Units	N/A	
LOT OCCUPATION		
Minimum Lot Area (square feet)	7,000 SF	
Minimum Lot Width (feet)	50 feet	
Maximum Lot Coverage (%)	N/A	
BUILDING SETBACKS		
Front Setback [Ⓐ]	OCEANFRONT	NON-OCEANFRONT
Subterranean	20 feet 50 feet (For 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) (<u>MAP EXHIBIT-4</u>) (<u>11</u>)	
Pedestal		
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. 50 feet (For 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) (<u>MAP EXHIBIT-4</u>) (<u>11</u>)	
Side, Facing a Street Setback [Ⓑ]	OCEANFRONT	NON-OCEANFRONT
Subterranean	7.5 feet or 8% of lot width, whichever is greater Sum of the side yards shall equal 16% of lot width Minimum (<u>11</u>)	
Pedestal		
Tower		
Side, Interior Setback [Ⓒ]	OCEANFRONT	NON-OCEANFRONT
Subterranean	7.5 feet or 8% of lot width, whichever is greater Sum of the side yards shall equal 16% of lot width Minimum (<u>4</u>) (<u>11</u>)	
Pedestal		

Tower	The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. (4) (11)	
Rear Setback ①	OCEANFRONT	NON-OCEANFRONT
Subterranean	20% of lot depth or 50 feet from the bulkhead line whichever is greater. (4) (11)	10% of lot depth (4)
Pedestal		
Tower	25% of lot depth or 75 feet minimum from the bulkhead line whichever is greater. (4) (11)	15% of lot depth (4)



BUILDING HEIGHT	
Maximum Height (E)	150 feet (5) (6)
Oceanfront lots	200 feet north of 23rd Street; 150 feet south of 23rd Street
Architectural district, New Construction	120 feet (5) (11)
Ground floor additions (whether attached or detached) to existing structures on oceanfront lots	50 feet (3) (11)



- (1) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0
- (2) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- (3) Except as provided in section 7.5.2.
- (4) Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic district buildings may follow existing nonconforming side, interior pedestal setbacks.
- (5) Notwithstanding the above, oceanfront lots located in the Miami Beach Architectural District shall be permitted to construct detached additions at a height not to exceed 25 feet and shall have setback requirements as follows:
 1. Side, interior: 5 feet.
 2. Side, street: 5 feet.
 3. Rear: 10 percent (10%) of lot depth or the western edge of the Oceanfront Overlay, whichever is greater.
- (6) In the Morris Lapidus/Mid-20th Century Historic District the following shall apply: Roof-top additions, whether attached or detached, may follow the established lines of the interior side setbacks of the existing structure on the site, subject to the review of the historic preservation board.
- (7) Excluding Accessory Building.
- (8) 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.
- (9) The number of units may not exceed the maximum density set forth in the comprehensive plan.
- (10) See section 7.1.5.2 for eligibility for average unit size exception.
- (11) See Section 7.3.10, establishing the North Beach Oceanfront Overlay regulations.

SECTION 2. Chapter 7, "Zoning Districts and Regulations", Article III. "Overlay Districts", is amended to add Section 7.3.10, as follows:

**ARTICLE III
OVERLAY DISTRICTS**

* * *

Sec. 7.3.10. Development Regulations for the North Beach Oceanfront Overlay

a. Location and Purpose (North Beach Oceanfront Overlay District).

The overlay regulations of this section shall apply to oceanfront lots within the North Beach Resort Historic District, which, as of January 1, 2025, are oceanfront lots with a lot area greater than 140,000 square feet and a minimum lot width of 450 feet and are proposed to be developed with the partial reconstruction of a previously existing contributing building, as determined by the Historic Preservation Board.

b. Development Regulations.

Notwithstanding the development regulations contained in Section 7.2.6, the following regulations shall govern proposed development within the boundaries of this overlay district. **Eligibility for the incentives set forth in these regulations, including but not limited to bonus FAR and bonus building height, shall require the partial reconstruction of a previously existing contributing building, as determined by the Historic Preservation Board.** In the event of any conflict between the overlay regulations and the requirements of Resiliency Code, these regulations shall control:

1. Floor Area and Height Bonuses: As a voluntary development incentive, subject to the property owner's strict compliance with the conditions of this subsection, projects within the overlay shall be eligible for the following floor area and height bonuses:
 - a) The base maximum floor area ratio in the overlay shall be 3.0.
 - b) New construction limiting density to a maximum of 75 units per acre shall receive a floor area ratio bonus of 0.25, **up to a maximum of 140 units.**
 - c) New construction limiting hotel unit count to a maximum of **280 200** hotel units shall receive a floor area ratio bonus of 0.25.
 - d) A property that elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.50. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the City Commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed.
 - e) A property that provides pedestrian pathways from Collins Avenue to the beach walk on the north and south sides of the property for public beach access in perpetuity shall receive a floor area bonus of 0.50. Such pathways shall be subject to the review and approval of the Historic Preservation Board, and at least one of the pathways shall be

located at ground level. The minimum width of each pathway shall be no less than 15 feet for the entirety of the pathway, except that stairs or other areas required to access the pathways may be a minimum of 8 feet in width.

- f) For projects that satisfy all floor area bonus criteria in subsection 1(a)-(e), an additional floor area bonus of 1.0, and not exceeding 166,500 square feet of additional floor area, shall be available for the sole purpose of partially reconstructing the pedestal of a contributing building on the site, in a manner to be approved by the Historic Preservation Board.
- 2. Height Bonus: The maximum building height shall not exceed 200 feet. A project that meets the criteria for floor area bonuses in subsection (1)(a)-(f) shall be permitted a building height bonus of up to ~~200~~ 180 additional feet, provided the maximum building height for the property does not exceed ~~400~~ 380 feet.
- 3. Setbacks: The setbacks for the partially reconstructed pedestal of the contributing building may follow the same or greater setbacks as the original footprint of the contributing building, except that the pedestal shall be set back a minimum of 30 feet from the north interior side property lines, and a minimum of 20 feet from the south interior side property line.
 - a) New construction located above the partially reconstructed pedestal of the contributing building shall be permitted in accordance with the following setbacks:
 - i. Front Setback:
 - 1. Pedestal: 0 feet
 - 2. Tower: 40 feet.
 - ii. Side Interior Setback
 - 1. Tower: 30 feet
 - 2. Sum of Side Yards: There shall be no sum of side yard requirement in the overlay.
 - iii. Rear Setback:
 - 1. Pedestal: 0 feet
 - 2. Tower: 50 feet
 - iv. Driveways: 0 feet from side property lines.
 - v. An enclosed loading and/or raised public beach access pathway may be set back 0 feet from side property lines. A raised public beach access pathway or screened enclosure may be constructed up to 40 feet in height, as measured from Base Flood Elevation plus freeboard to the top of the required hand railing. Walls, fences, privacy screens, pergolas, or other architectural elements providing privacy or shade, and as approved by the Historic

Preservation Board, may be permitted as part of the raised public beach access pathway.

4. Allowable encroachment into required yards:

- a) Balconies may project into any required yard for a distance not to exceed 10 feet.
- b) Fences, walls, and gates along a side property line shall not exceed 7 feet in height, as measured from Design Flood Elevation.
- c) The entirety of all pathways providing public beach access from Collins Avenue, including elevated pathways and all vertical circulation elements, may be located within any required yards.
- d) **Architectural projections and supporting columns, pergolas, trellis structures,** or other shade structures that are at least 50% open to the sky and located over public beach access pathways may ~~project into 100% of~~ encroach into the required side yard setback, in a manner to be approved by the Historic Preservation Board. In addition, streetscape furniture, fixtures, bicycle racks, public art, or other similar streetscape elements may be located within required yards.

5. Ground Floor Addition: An attached or detached addition with a rooftop pool not exceeding a height of 30 feet measured from the minimum elevation required by the Florida Building Code shall be permitted. In addition, a canopy at a maximum height of 12 feet from the roof of the addition shall be permitted. The setbacks for the ground floor attached or detached addition are as follows:

- a) Front: 75 feet
- b) Side, Interior: 15 feet
- c) Side, street: 5 feet
- d) Rear: 10 feet.

6. Off-Street Parking:

- a) Hotel and accessory uses within **and above** the footprint of the partially reconstructed **pedestal and tower of the** contributing building, shall be exempt from all applicable off-street parking requirements, including any areas used for outdoor seating or rooftop seating.
- b) Subterranean parking levels, whether fully or partially below grade, shall be permitted and may follow the same setbacks as the partially reconstructed contributing building. The Historic Preservation Board may waive minimum setback requirements

for subterranean parking levels, in accordance with the certificate of appropriateness criteria in chapter 2 article VIII.

7. Drive Widths: Drives within the overlay shall have a minimum width of 20 feet for two-way traffic.
8. Mechanical Parking:
 - a) Within the overlay the minimum off-street parking requirements may be satisfied using mechanical or robotic parking systems. Such mechanical or robotic parking systems shall be exempt from the requirements of Section 5.2.11, and Planning Board approval shall not be required for the use of mechanical or robotic parking systems within the overlay.
 - b) Notwithstanding the exemption in subsection (a), the mechanical/robotic parking system must satisfy the conditions provided in Section 5.2.11(f), and a restrictive covenant stipulating that a valet service or operator must be provided for as long as the mechanical/robotic system remains in use.
9. Resiliency and Adaption Standards: Projects within the overlay shall be exempt from the long frontage standards provided in Section 7.1.2.2(f)(2), except that development within the overlay shall comply with the minimum ground floor elevation requirements in Section 7.1.2.2(f)(2)(C), and shall, to the greatest extent practicable, provide a circulation zone adjacent to portions of the pedestal of the partially reconstructed contributing building, subject to approval by the Historic Preservation Board in accordance with the certificate of appropriateness criteria in chapter 2 article VIII. Projects within the overlay may seek waivers from the Historic Preservation Board of any applicable requirement of Section 7.1.2 of the Resiliency Code. **Notwithstanding the foregoing, non-residential habitable space fronting Collins Avenue within the pedestal of the partially reconstructed contributing building shall be exempt from the minimum ground floor elevation requirements, provided that the nonresidential habitable space provides a minimum floor to ceiling height of 12 feet, measured from the elevation of the finished floor to the underside of the ceiling slab.**
10. Oceanfront Overlay: Projects within the overlay shall be exempt from the requirements of Section 7.3.1.2. However, in order to provide enhanced resiliency and mitigate impacts of development east of the bulkhead line, projects within the overlay shall:
 - a) Provide landscaped open space throughout the property. For purposes of this subsection, landscaped open space shall include landscaped areas above a concrete slab and landscaped areas located above the ground floor; and

b) Provide resiliency elements for enhanced capture or filtration of stormwater including, but not limited to systems such as:

- i. cisterns or other rainwater harvesting systems, or
- ii. bioswales, or
- iii. green roofs, or
- iv. rain gardens, or
- v. Injection wells; or
- vi. Permeable driveways/walkways.

11. Maximum floor plate. All floors of the residential towers containing residential units shall have a maximum floor plate of 10,000 square feet, per floor, exclusive of allowable projections and unenclosed balconies. This restriction shall not apply to any part of the partially reconstructed contributing building, including the partially reconstructed hotel tower.

SECTION 3. REPEALER.

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

SECTION 4. 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 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

First Reading: March 19, 2025

Second Reading: May 21, 2025

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

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



City Attorney NK

4/14/2025
Date