

**DEVELOPMENT REGULATIONS FOR THE
NORTH BEACH OCEANFRONT OVERLAY DISTRICT**

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 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 3. "OVERLAY DISTRICTS" BY INCORPORATING SECTION 7.3.10 ENTITLED "NORTH BEACH OCEANFRONT OVERLAY DISTRICT" TO PROVIDE DEVELOPMENT REGULATIONS THAT INCENTIVIZE PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS AT CERTAIN EXISTING OCEANFRONT LOTS WITHIN THE NORTH BEACH RESORT HISTORIC DISTRICT; 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;

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;

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:

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

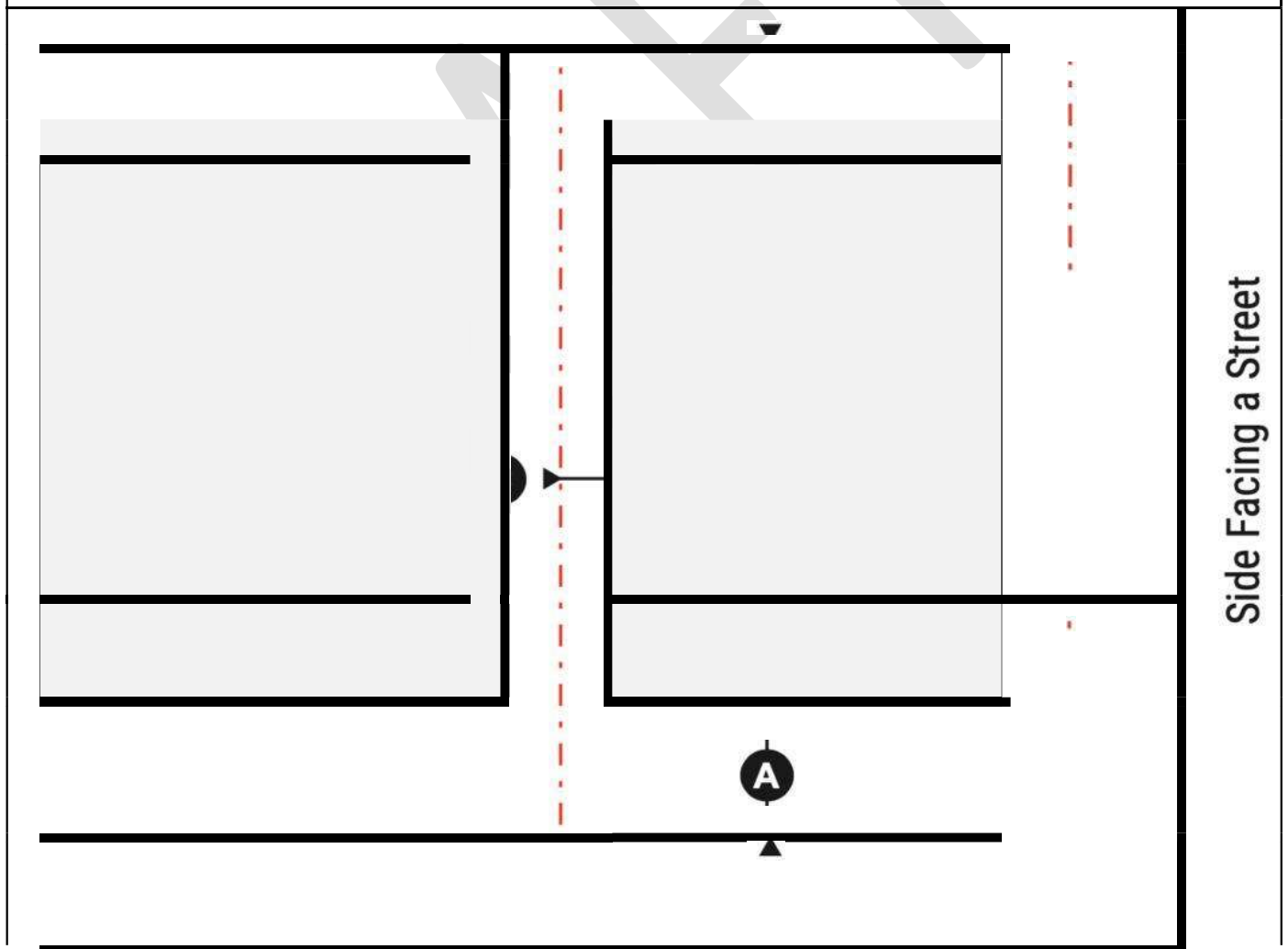
DEVELOPMENT REGULATIONS TABLE (RM-3)	
Maximum FAR	
Lot area equal to or less than 45,000 square feet	2.25 (1) (2)
Lot area greater than 45,000 square feet	2.75 (1) (2)
Oceanfront lots with lot area greater than 45,000 square feet	3.0(1) (2) <u>(11)</u>
Maximum Density (Dwelling Units per acre)	150 DUA (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) (MAP EXHIBIT-4) (<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) (MAP EXHIBIT-4) (<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 (4) (<u>11</u>)	
Pedestal		

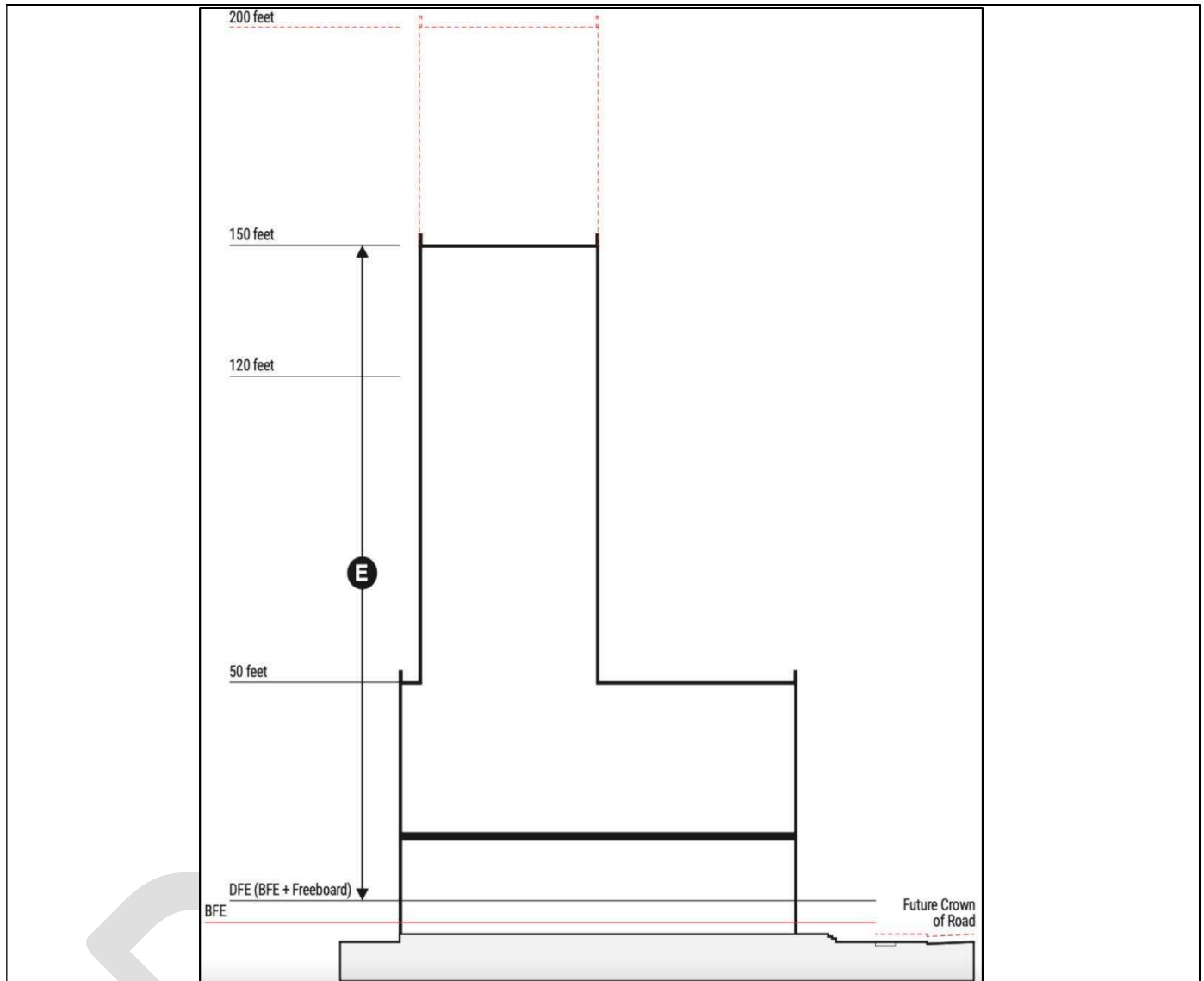
Tower	The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. (4) <u>(11)</u>	
Rear Setback ⑩	OCEANFRONT	NON-OCEANFRONT
Subterranean	20% of lot depth or 50 feet from the bulkhead line whichever is greater. (4) <u>(11)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

DEVELOPMENT REGULATIONS TABLE (RM-3)



Front	
BUILDING HEIGHT	
Maximum Height ☹	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)

DEVELOPMENT REGULATIONS TABLE (RM-3)



- (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 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:

* * *

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 the effective date of this overlay (April , 2025), are oceanfront lots with a lot area greater than 140,000 square feet and a minimum 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, and 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 floor area in the Alton Beach 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.
 - c) New construction limiting hotel unit count to a maximum of 280 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, that 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 the 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 shall be a minimum of 8 feet in width.
 - f) Notwithstanding, for projects that satisfy all floor area bonus criteria, additional bonus floor area in excess of the total floor area permitted by subsections 1(a)-(e), 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 additional floor area in accordance with subsection (1)(a)-(f) shall be permitted a height bonus of up to 200 additional feet, but the maximum height for the property shall not exceed 400 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 setback a minimum of 30 feet

from the north side interior property lines, and a minimum of 20 feet from the south side interior 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 accessway may be setback 0 feet from side property lines. A raised public beach accessway or screened enclosure may be constructed up to 40 feet in height, as measured from Base Flood Elevation plus minimum Freeboard to the top of the railing. Walls, fences, privacy screens, pergolas, or other architectural elements providing privacy or shade may be permitted as part of the raised public beach accessway.

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) Pergolas, trellises, or other shade structures that are at least 50% open to the sky and located over public beach accessways may project into 100% of the required side yard setback. 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. Parking:
- a) Hotel and accessory uses within the footprint of the partially reconstructed contributing building, shall be exempt from 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. Subterranean parking levels may follow the same setbacks at the partially reconstructed contributing building. The historic preservation board shall have the ability to waive 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.

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.

SECTION 2. REPEALER.

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

SECTION 3. 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 renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption. **PASSED and ADOPTED** this ____ day of _____, 2025.

ATTEST:

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

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