

Visibility Triangle Requirements for Oceanfront Properties - LDR

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, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, ENTITLED "OVERLAY DISTRICTS," DIVISION 1, ENTITLED "DUNE PRESERVATION AND OCEANFRONT OVERLAYS," SECTION 7.3.1.2, ENTITLED "OCEANFRONT," BY REFERENCING COMPLIANCE WITH NEWLY CREATED SECTION 14-1 OF THE MIAMI BEACH CODE, ENTITLED "BEACHWALK ACCESS AND VISIBILITY," AND ADOPTING CORRESPONDING AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, a separate amendment to Section 14-1 of the City Code has been drafted to regulate structures and landscaping within six (6) to ten (10) feet of public access points to the Beachwalk that obstruct pedestrian visibility between two (2) and ten (10) feet in height; and

WHEREAS, the proposed changes align with Crime Prevention Through Environmental Design (CPTED) guidelines, promoting safer public spaces; and

WHEREAS, a companion amendment to Section 7.3.1.2 of the Land Development Regulations (LDRs) is proposed to ensure consistency with the new visibility requirements for oceanfront properties; and

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

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

SECTION 1. Chapter 7 of the Miami Beach Resiliency Code, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

*** * ***
ARTICLE III. Overlay Districts
*** * ***

DIVISION 1. DUNE PRESERVATION AND OCEANFRONT OVERLAYS

*** * ***

SECTION 7.3.1.2 OCEANFRONT.

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- b. Additional regulations for oceanfront lots (Oceanfront Overlay).
Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no

construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

* * *

10. Oceanfront lots shall be required to comply with Section 14-1 of the Miami Beach City Code.

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 relettered 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:

Steven Meiner, Mayor


Rafael E. Granado, City Clerk

First Reading: December 11, 2024

Second Reading: February 3, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 _____
City Attorney NK Date 12/11/2024