

## 40<sup>th</sup> Street Religious Overlay Amendments

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 II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE FAMILY RESIDENTIAL DISTRICTS,” AT SUBSECTION 7.2.2.6, ENTITLED “40<sup>TH</sup> STREET OVERLAY (RS)”, TO AMEND THE REGULATIONS FOR RELIGIOUS INSTITUTIONAL USES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS,

WHEREAS, the amendments set forth below are necessary to accomplish 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 Resiliency coded, entitled “Zoning Districts And Regulations”, Article II, entitled “District Regulations,” Section 7.2.2, entitled “RS-1, RS-2, RS-3, RS-4 single family residential districts,” at Sub-Section 7.2.2.6, entitled “40<sup>th</sup> Street Overlay (RS),” is hereby amended as follows:

### 7.2.2.6 40TH Street Overlay (RS)

a. **Location and Purpose (40th Street Overlay – RS)**

The overlay regulations of this division shall apply to the properties, as they are configured as of January 1, 2010, with lot lines adjacent to the south right-of-way line of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east (MAP EXHIBIT-1). The purpose of this overlay district is to provide pedestrian-friendly religious institutional uses through the conditional use permit process at the properties to serve the surrounding residential uses. Expansion of the district shall only be permitted by amendment to these regulations.

b. **Compliance with Regulations (40th Street Overlay – RS)**

The following overlay regulations shall apply within the 40th Street Overlay District. All development regulations in the underlying zoning district shall apply, except as follows:

| DEVELOPMENT REGULATIONS TABLE (For Development Consisting of 2 or More Platted Lots in the 40 <sup>th</sup> Street Overlay) |       |
|-----------------------------------------------------------------------------------------------------------------------------|-------|
| Maximum Unit Size (% of Lot Area)                                                                                           | 100%. |
| Maximum Lot Coverage (% of lot area)                                                                                        | 50%   |
| BUILDING SETBACKS                                                                                                           |       |

|                                      |                                                          |
|--------------------------------------|----------------------------------------------------------|
| <u>Front Setback</u>                 | <u>20 feet</u>                                           |
| <u>Side, facing a street Setback</u> | <u>5 feet</u>                                            |
| <u>Side, Interior Setback</u>        | <u>10 feet</u>                                           |
| <b><u>BUILDING HEIGHT</u></b>        |                                                          |
| <u>Maximum Height (stories)</u>      | <u>3 stories</u>                                         |
| <u>Maximum Height (feet)</u>         | <u>36 ft – flat roofs</u><br><u>39 ft – sloped roofs</u> |

1. Religious institutions, dormitories associated with religious institutions and standalone schools, in existing rehabilitated structures or new construction, shall be conditional uses, subject to the regulations in section 2.5.2, conditional use procedure. The number of individual dormitories shall not exceed an aggregate of 4 dormitory units per platted lot.
  2. All new construction or additions to existing structures shall be compatible with the scale of the surrounding residential neighborhood and shall be designed to maintain a residential character, as determined by the planning director or designee, or the design review board, as applicable.
  3. Permits for new construction, alterations or additions to existing structures shall be subject to design review by the planning director or designee. For those sites consisting two or more platted lots, the review and approval of the design review board shall be required
  4. Covered stairs and walkways shall be exempt from unit size and lot coverage calculations.
  5. The overlay district shall be exempt from the following regulations in the underlying zoning district:
    - a) Section 7.2.2.3(b)(2): Two Story Houses Standards.
    - b) Section 7.2.2.3(b)(3): Nonconforming yards, for developments consisting of two or more platted lots.
    - c) 7.2.2.3(b)(4): Limitation on contiguous lots, not to exceed three platted lots.
    - d) 7.2.2.3(b)(7)A: The general statement shall not apply to the 40<sup>th</sup> Street Overlay District.
- c. **Off-street Parking Regulations (40th Street Overlay – RS)**  
For religious institutions in the 40th Street Overlay District (MAP EXHIBIT-1), the following off-street parking regulations shall apply:
1. For adaptive reuse of existing buildings, including expansions or additions thereto less than 50 percent (50%) of the size of the existing structure, there shall be no parking requirement provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property. Existing required parking spaces on site shall remain or be replaced on-site.

2. For new construction, and expansions or additions of more than 50 percent (50%) of the size of an existing structure, the parking requirement shall be the same as for a single-family detached dwelling pursuant to chapter 5 of the Land Development Regulations, entitled off-street parking, article II; requirements, provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property.
3. Existing parking spaces on a property may be discontinued, provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property. In the event that a religious institution converts back to a single family residence, the previously discontinued parking spaces shall be re-activated.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director