

**RM-1 AND RM-2 DEVELOPMENT REGULATIONS**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITION FOR LOT COVERAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-55, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, LOT COVERAGE, GROUND FLOOR REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, AND BY INCREASING THE BUILDING HEIGHT TO 55 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT; BY AMENDING SECTION 145-56, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AT SECTION 142-216, "DEVELOPMENT REGULATIONS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, AND GROUND FLOOR HEIGHT REQUIREMENTS; BY AMENDING SECTION 142-217, "AREA REQUIREMENTS," BY INCREASING THE BUILDING HEIGHT TO 65 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT, OR OTHERWISE MORE SPECIFICALLY DELINEATED WITHIN OTHER DEFINED DISTRICTS OR WITHIN HISTORIC DISTRICTS; AND BY AMENDING SECTION 145-218, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, sea level rise and flooding is an ongoing concern of the City; and,

**WHEREAS**, the regulation of grade elevations in multifamily districts is necessary in order to ensure compatible development with the built character of the City's neighborhoods; and,

**WHEREAS**, the current minimal building and parking setbacks for the low and medium intensity multifamily districts result in very little pervious landscaped areas; and,

**WHEREAS**, in order to expand the pervious landscaped areas within the City, which are beneficial for stormwater retention, result in more attractive living environments, and help buffer the impact of new in-fill construction on neighboring properties, changes to setbacks, height and parking requirements are necessary; and

**WHEREAS**, the low intensity RM-1 multifamily district is predominately comprised of low scale buildings developed on single or double lots; and

**WHEREAS**, in order to ensure compatible new construction in the low intensity RM-1 zoning districts, limits on lot aggregation are necessary; and

**WHEREAS**, the proposed regulations will accomplish these goals and ensure that the

public health, safety and welfare will be preserved in the City.

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

**SECTION 1.** Chapter 114 of the City Code, entitled "GENERAL PROVISIONS," Section 114-1, is hereby amended as follows:

**Sec. 114-1. - Definitions.**

\* \* \*

Lot coverage means the percentage of the total area of a lot that, when viewed directly from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided, however, that exterior unenclosed private balconies, and awnings ~~and porte-cochères~~ shall not be included in determining the building area.

\* \* \*

**SECTION 2.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-155, is hereby amended as follows:

**Sec. 142-155. - Development regulations and area requirements**

\* \* \*

The development regulations in the RM-1 residential multifamily, low density district are as follows:

- (1) Max. FAR: 1.25; west side of Collins Avenue between 76th and 79th Streets—1.4.
- (2) Public and private institutions: Lot area equal to or less than 15,000 sq. ft.—1.25; lot area greater than 15,000 sq. ft.—1.4.
- (3) Exterior building and lot standards:

a. Minimum yard elevation requirements.

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c., below, the minimum elevation requirements shall still apply.
2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. Front Yard, Side Yard Facing a Street, & Interior Side Yard. The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
  2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
    - (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
    - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements.
  - (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
  - (B) Within the required front yard and side yard facing a street the following shall apply:
    - i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
    - ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
    - iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal: vertical).
- e. Lot Coverage. The maximum lot coverage for a lot or lots greater than 65 feet in width shall not exceed 45%. In addition to the building areas included in lot coverage, as defined in section 114-1, Impervious parking areas and impervious driveways shall also be included in the lot coverage calculations. The design review board or historic preservation board, as applicable may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable.
- f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
  - (A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in

accordance with the design review or certificate of appropriateness criteria, as applicable.

- (B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
- (C) All parking and driveways shall substantially consist of permeable materials.
- (D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
- (E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

g. Lot Aggregation. No more than two contiguous lots may be aggregated for development purposes, with the exception of projects classified as affordable and/or workforce housing.

~~(3)~~(4) In the Flamingo Park Local Historic District, the following shall apply:

\* \* \*

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	<p>New construction—550</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400</p> <p>Hotel units: 15%: 300—335 85%: 335+</p> <p>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</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—550</p>	<p>Historic district—40</p> <p>Flamingo Park Local Historic District—35 (except as provided in section 142-1161)</p> <p>Otherwise—50</p> <p><u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -55</u></p>	<p>Historic district—4</p> <p>Flamingo Park Local Historic District—3 (except as provided in section 142-1161)</p> <p>Otherwise—5</p>

		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.			
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**SECTION 3.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-156, is hereby amended as follows:

**Sec. 142-156. - Setback requirements.**

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	<u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u>  <u>otherwise</u>  <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u>  <u>otherwise</u>  <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Non-oceanfront lots—5 feet abutting an alley, otherwise 10% of the lot depth</u> <u>Oceanfront lots—50 feet from bulkhead line</u>
Subterranean	20 feet	<u>5 feet, or 5% of lot width, whichever is greater (0 feet if lot</u>	<u>5 feet, or 5% of lot width, whichever is greater</u>	<u>Non-oceanfront lots—0 feet</u> <u>Oceanfront lots—50 feet</u>

		width is 50 feet or less)		from bulkhead line
Subterranean and Pedestal,	20 feet Except 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—50 feet	<u>Single lots less than 65 feet in width: 7.5 feet.</u>  <u>Lots equal or greater than 65 feet in width: Minimum—7.5 10 feet or 8% of lot width, whichever is greater, and sum</u> <u>Sum of the side yards shall equal 16% of lot width</u>	<u>Single lots less than 65 feet in width: 7.5 feet.</u>  <u>Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum</u> <u>Sum of the side yards shall equal 16% of lot width</u>	<del>Non-oceanfront lots—10% of lot depth</del> <del>Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line</del> <del>whichever is greater.</del>
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. Except 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—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum— <del>7.5</del> 10 feet or 8% of lot width, whichever is greater	<del>Non-oceanfront lots—15% of lot depth</del> <del>Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line</del> <del>whichever is greater</del>

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of residential space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or

sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

- (c) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

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**SECTION 4.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-216, is hereby amended as follows:

**Sec. 142-216. - Development regulations.**

The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:

- (1) Max. FAR: 2.0.  
(2) Exterior building and lot standards:

a. Minimum yard elevation requirements.

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph b. below, the minimum elevation requirements shall still apply.
2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard, Side Yard Facing a Street, & Interior Side Yard.* The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.

- 2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
  - (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
  - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements.
  - (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
  - (B) Within the required front yard and side yard facing a street the following shall apply:
    - i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
    - ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
    - iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).
- e. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
  - (A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.
  - (B) All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
  - (C) All parking and driveways shall substantially consist of permeable materials.
  - (D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
  - (E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal



path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

**SECTION 5.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-217, is hereby amended as follows:

**Sec. 142-217. - Area requirements.**

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ 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</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 <u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -</u> 65 Lots fronting</p>	<p>Historic district—5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8 Otherwise—6 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11</p>

		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.		Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200	Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—21
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**SECTION 6.** Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-218, is hereby amended as follows:

**Sec. 142-218. - Setback requirements.**

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	<u>Single lots less than 65 feet in width: 5 feet, or 5 % of lot width, whichever is greater</u> <u>otherwise</u> <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Single lots less than 65 feet in width: 5 feet, or 5 % of lot width, whichever is greater</u> <u>otherwise</u> <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Non-oceanfront lots Abutting an alley—5 feet</u> <u>Oceanfront lots—50 feet from bulkhead line</u>

Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and Pedestal	20 feet Except 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—50 feet	<u>Single lots less than 65 feet in width: 7.5 feet.</u>  <u>Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum Sum of the side yards shall equal 16% of lot width</u>	<u>Single lots less than 65 feet in width: 7.5 feet.</u>  <u>Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum Sum of the side yards shall equal 16% of lot width</u>	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
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. Except 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—50 feet	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

- (b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

## **SECTION 7. REPEALER.**

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

**SECTION 8. 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 9. SEVERABILITY.**

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

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this 26 day of July, 2017.

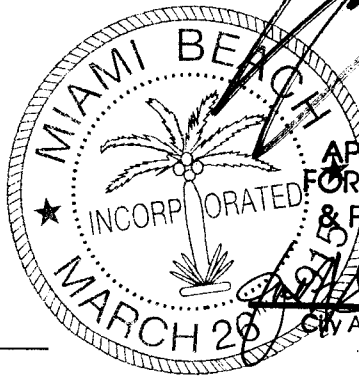
**ATTEST:**

781 8/2/17  
Rafael E. Granado, City Clerk

First Reading: June 7, 2017  
Second Reading: July 26, 2017

Verified By: Thomas R. Mooney, MSCP  
Planning Director

Philip Levine, Mayor



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

for  
City Attorney

7/14/17  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: July 26, 2017

**10:40 a.m. Second Reading Public Hearing**

SUBJECT: RM-1 AND RM-2 DEVELOPMENT REGULATIONS:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITION FOR LOT COVERAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-55, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, LOT COVERAGE, GROUND FLOOR REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, AND BY INCREASING THE BUILDING HEIGHT TO 55 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT; BY AMENDING SECTION 145-56, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AT SECTION 142-216, "DEVELOPMENT REGULATIONS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, AND GROUND FLOOR HEIGHT REQUIREMENTS; BY AMENDING SECTION 142-217, "AREA REQUIREMENTS," BY INCREASING THE BUILDING HEIGHT TO 65 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT, OR OTHERWISE MORE SPECIFICALLY DELINEATED WITHIN OTHER DEFINED DISTRICTS OR WITHIN HISTORIC DISTRICTS; AND BY AMENDING SECTION 145-218, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the Ordinance.

### **ANALYSIS**

#### **BACKGROUND**

After several months of discussion and review, on January 17, 2017, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise discussed the attached ordinance amendment and recommended that the City Commission refer it to the Land Use and Development Committee and Planning Board.

Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee and the Planning Board. On February 15, 2017, the Land Use and Development Committee discussed the proposed ordinance and continued the discussion to the March 8, 2017 meeting.

On March 8, 2017, the Land Use and Development Committee discussed the proposed ordinance and continued the discussion to the April 19, 2017 meeting. On April 19, 2017, the Land Use and Development Committee recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

**PLANNING ANALYSIS**

The proposed ordinance amendment was vetted by the Mayor’s Blue Ribbon Panel on Flooding and Sea Level Rise. The recommended code amendments are the result of numerous meetings in which the panel focused on changes needed to ensure the resiliency of new construction and properties located in the RM-1 and RM-2 districts. The proposed code amendments address resiliency and sustainability efforts, as well as complement our ongoing public investments in sea level rise risk reduction.

The Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections from 1992 to 2100 are provided below. These projections, which were approved by the City Commission last year for planning purposes, highlight three planning horizons:

- 1. Short term, by 2030, sea level is projected to rise 6 to 10 inches above 1992 mean sea level,
- 2. Medium term, by 2060, sea level is projected to rise 14 to 34 inches above 1992 mean sea level,
- 3. Long term, by 2100, sea level is projected to rise 31 to 81 inches above 1992 mean sea level.

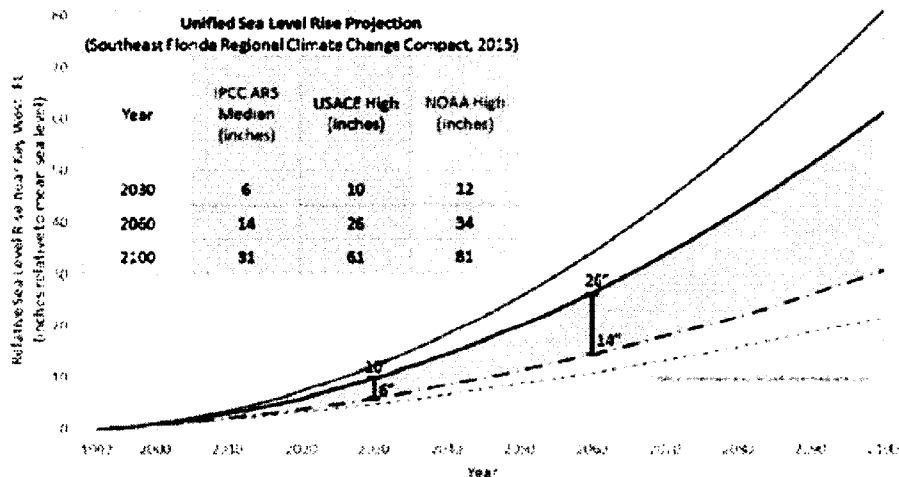


Figure 1. Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 RCP8.5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

The following is a summary of the existing regulations along with the modifications as revised and recommended by the Land Use and Development Committee:

	Current Regulations	Proposed Regulations

<b>1.a. Minimum yard elevation</b>	No minimum	6.56 feet NGVD
<b>1.b. Maximum yard elevation</b>	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
<b>1.c. Maximum yard elevation waterfront lots (rear)</b>	30 inches above grade	Base flood elevation plus freeboard
<b>2.a. Lot coverage RM-1</b>	No requirements ~52%-62% for building alone ~64%-72% incl. parking	Single Lots – no requirement, double lots - 45% including building and parking, subject to waiver by DRB
<b>2.b. Lot coverage RM-2</b>		No requirements
<b>3.a. Max Height RM-1</b>	50 feet / 5-stories	55 feet/ 5-stories
<b>3.b. Max Height RM-2</b>	60 feet / 6 stories	65 feet / 6-stories
<b>4. Parking setbacks</b>		
<b>Side</b>	5 feet or 5% of lot width	Single Lots, no change, otherwise 10 feet or 8% of lot width
<b>Rear</b>	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth
<b>5. Building Setbacks</b>		
<b>Side</b>	7.5 feet or 8% of lot width	Single lots, no change, otherwise 10 feet or 8% of lot width
<b>6. Parking</b>		Zero for lots <= 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)
<b>7. Mechanical Parking</b>	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units
<b>8. Additional Ground floor requirements</b>		Requirements added to internalize conduits, utilize permeable materials, active outdoor spaces, and open and conveniently accessible stairs
<b>9. Lot Aggregation requirements</b>	The West Avenue Overlay District restricts lot aggregation to no more than two lots in the RM-1 district	Limit lot aggregation to no more than two lots in all RM-1 districts, with an exception for affordable and workforce housing

### **1. Yard elevations**

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise. Currently there are no minimum yard elevation requirements for RM-1 and RM-2 properties, and the maximum elevation is 30 inches above grade. The proposed modifications would implement a minimum elevation and raise the maximum elevation for RM-1 and RM-2 zoned

properties in a similar manner to the single family districts, as outlined below:

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards be raised to a minimum elevation of five feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface stormwater shallow conveyance and LID features and areas where landscaping is to be preserved.

**Grade** means the city sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the front of the property shall be used.

**Adjusted Grade** means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

**Future Adjusted Grade** means the midpoint elevation between the future crown of the road as defined in the CDM Smith Stormwater Plan, and the base flood elevation plus minimum freeboard for a lot or lots.

**Freeboard** means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. All new construction and substantial improvements to existing construction shall meet the minimum freeboard requirement, and may exceed the minimum freeboard requirement up to the maximum freeboard without such height counting against the maximum height for construction in the applicable zoning district.

**Freeboard, minimum** equals one (1) foot.

**Freeboard, maximum** equals five (5) feet.

**Base Flood Elevation** means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation ranges between 7 to 10 feet NGVD.

**NGVD** and **NAVD** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

**LID - Low-Impact Development** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

## **2. Lot coverage**

Currently there are no lot coverage requirements for RM-1 and RM-2 zoned properties. Subject to the approval of the HPB or DRB, an RM-1 or RM-2 zoned site can be developed with a 20 foot front setback, and as little as five feet of side and rear setback for parking spaces, resulting in very little pervious landscape area on site. Such landscaped



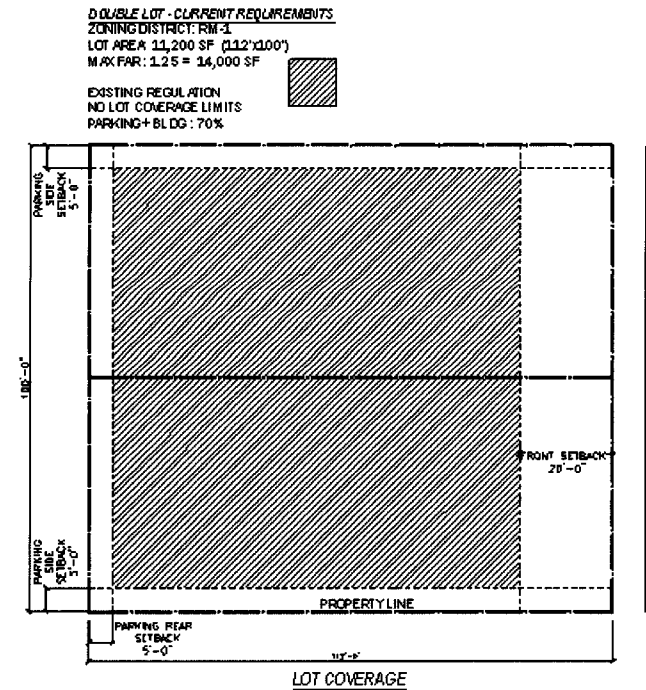
areas are very beneficial for stormwater retention, result in attractive living environments, and help buffer the impacts of new in-fill construction on neighboring properties. Under the existing regulations, constructing a building with parking extending beyond the building walls results in a lot coverage of 64-72% of the total lot area.

As proposed, the maximum lot coverage for RM-1 lots would be 45%, with the exception of single lots. This lot coverage takes into consideration the proposed increase in building and parking setbacks, as outlined in #4 and #5 below, as well as the decrease in parking requirements as outlined in #6. The DRB or HPB may waive this requirement in accordance with the Design Review Criteria or Certificate of Appropriateness criteria, as applicable

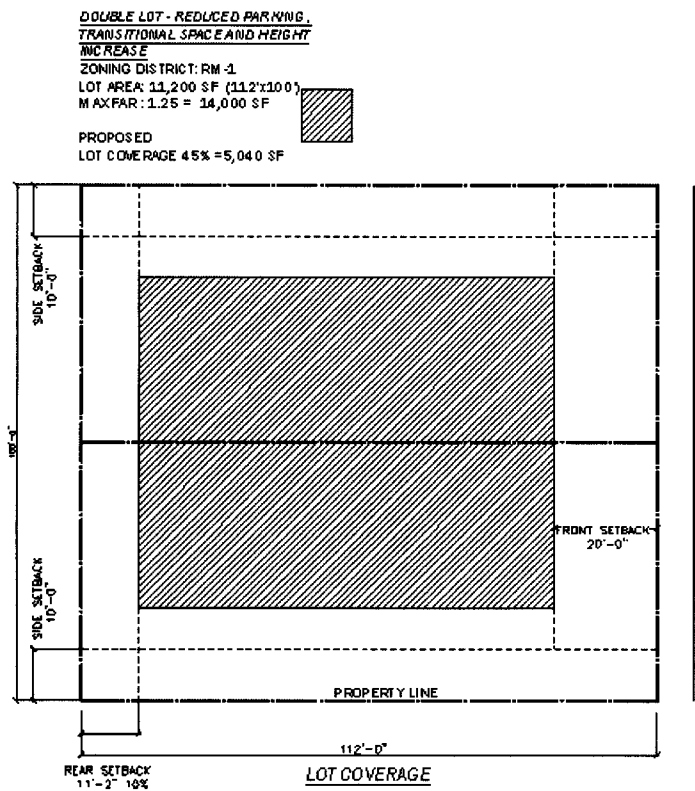
Due to the increased floor area ratio (FAR) allowances for RM-2 properties (2.0 vs. 1.25 generally for RM-1 properties), it is difficult to institute a lot coverage limitation for RM-2 properties while also accommodating the required parking. The referenced increased building and parking setbacks, along with the reduced parking requirements will together result in a reduced lot coverage compared to today's requirements, without actually putting in place a requirement.

	Current Regulations	Proposed Regulations
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	Single Lots – no requirement, double lots - 45% including building and parking, subject to waiver by DRB
2.b. Lot coverage RM-2		No requirements

Although there are currently no lot coverage limitations for RM properties, the graphic below illustrates the potential area that can be covered by building or parking for a typical double lot in the RM-1 zoning district (70%).



As proposed, lot coverage would be limited to 45% for RM-1 properties, as outlined in the shaded area below for a typical double lot in the RM-1 zoning district.

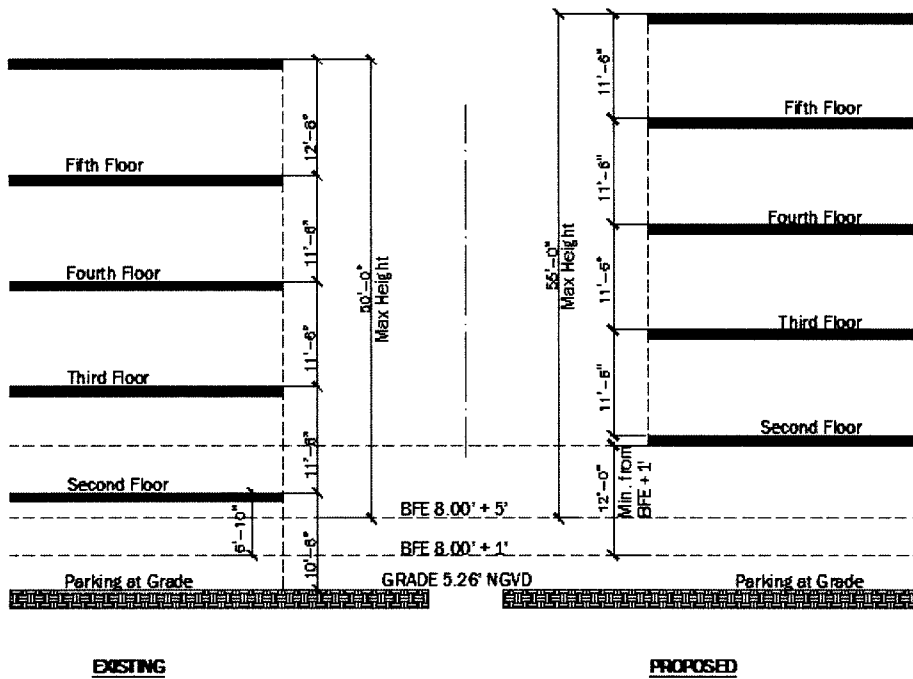


**3. Maximum building height**

Currently, the maximum building height is generally 50 feet/5-stories for RM-1 properties, and 60 feet/6-stories for RM-2 properties. The proposal would increase the maximum height to 55 feet for RM-1 districts and 65 feet for the RM-2 district. This proposed increase in height of 5 feet will allow more flexibility in providing higher first floor clearances, such as for parking areas or amenity areas under the building. Elevating the first floor will aid in allowing light and air at the ground level, and assist in the future repurposing of parking areas for recreational or passive uses.

The ordinance would also require, that when parking or other non-habitable transition uses are provided under a building that the minimum clearance between the ground level and the underside of the first floor slab is at least 12 feet measured from BFE (base flood elevation) + 1 foot. The DRB or HPB could waive this requirement by up to two (2) feet.

In the illustration below, the current height requirements for a typical RM-1 property are shown on the left, and the proposed height requirements are shown on the right. Because of the increased ground floor height requirements of 12 feet, as previously noted, in order to accommodate the same number of habitable floors, a height increase of five (5) feet is proposed.



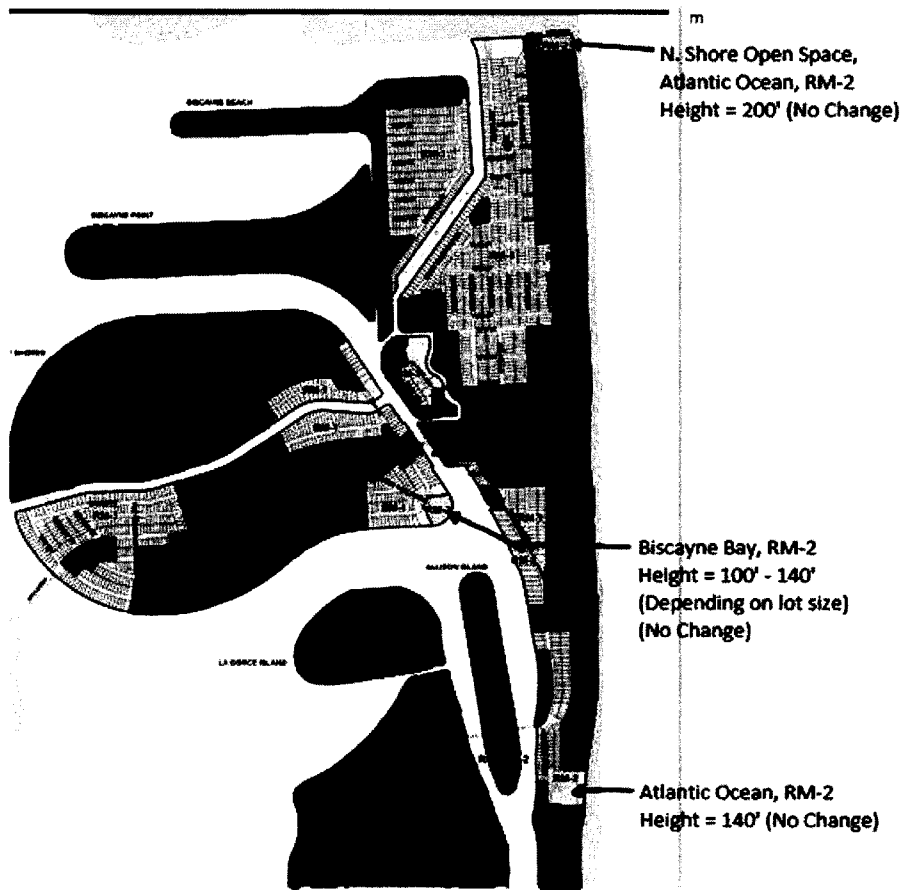
	Current Regulations	Proposed Regulations
<b>3.a. Max Height RM-1</b>	50 feet / 5-stories	55 feet/ 5-stories
<b>3.b. Max Height RM-2</b>	60 feet / 6 stories	65 feet / 6-stories

It is important to note that the proposed amendments do not modify the more specific overlay regulations for the RM-1 portion of the Flamingo Park area, where the maximum height will remain at 35 feet. It also does not modify the heights of other more specific RM-1 and RM-2 properties.

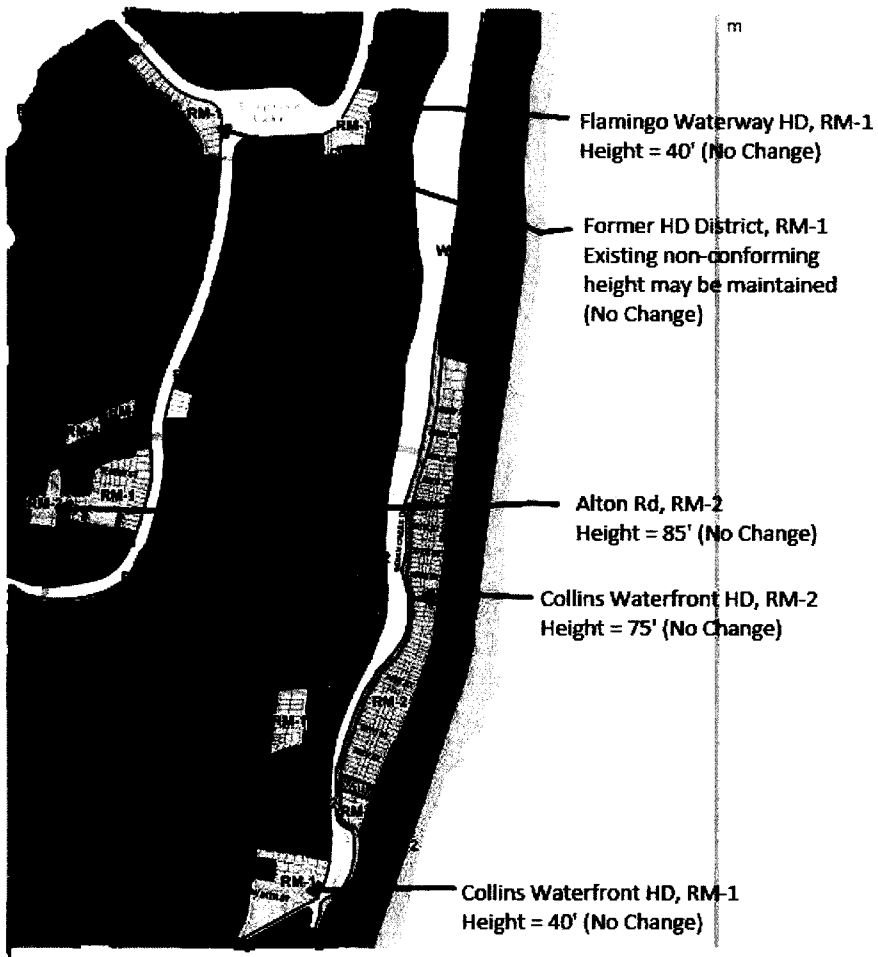
Although increased heights are part of the ordinance, no changes are proposed to the tower setback requirements. For example, under the current regulations, a 60 foot tall building located in the RM-2 district, is required to set back the front tower portion of the building (above 50 feet in height) an additional 10 feet from the required pedestal setback of 20 feet. This effectively results in the tower portion being set back 30 feet from the front property line. With the proposed Ordinance, a new building constructed to the maximum height of 65 feet, would require a front setback of 35 feet from the property line for the portion of the building located above the pedestal height of 50 feet.

The illustrations on the next pages highlight the RM-1 and RM-2 properties located in North Beach, Mid Beach, and South Beach. The areas noted on the illustrations already have either lower or higher height limitations, and will not be modified as part of these ordinances. It should also be noted that if the North Beach local historic districts are adopted, the height increases proposed herein would not apply to those districts. Further, if the North Beach Conservation District is adopted, the increased height allowances would also not apply to the conservation district.

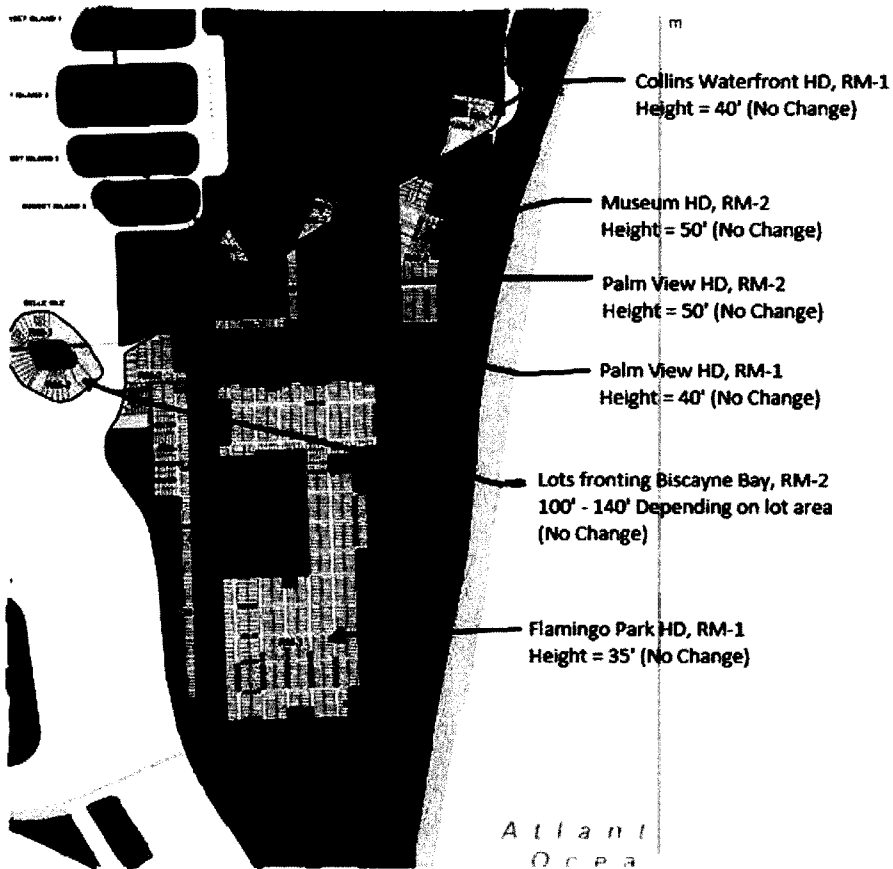
## RM-1 & 2 Districts North Beach



## RM-1 & 2 Districts Mid Beach



## RM-1 & 2 Districts South Beach

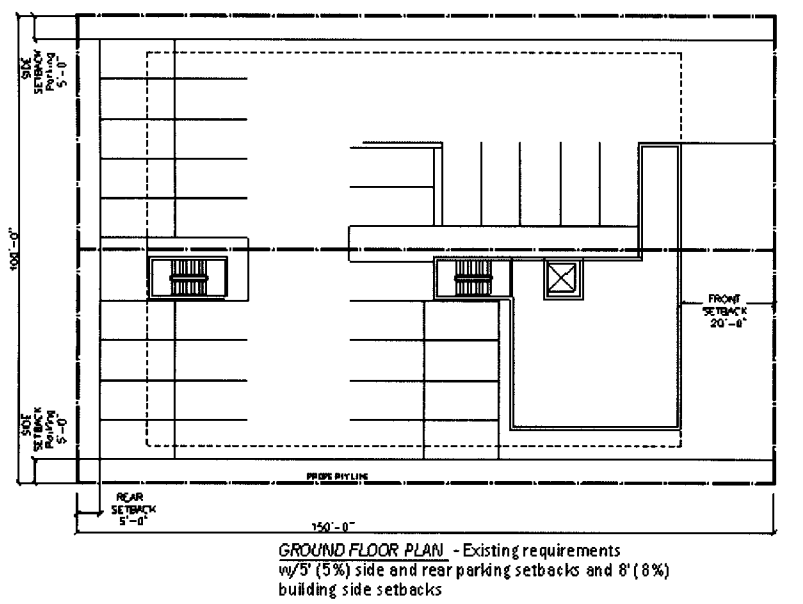


### 4. Parking setbacks

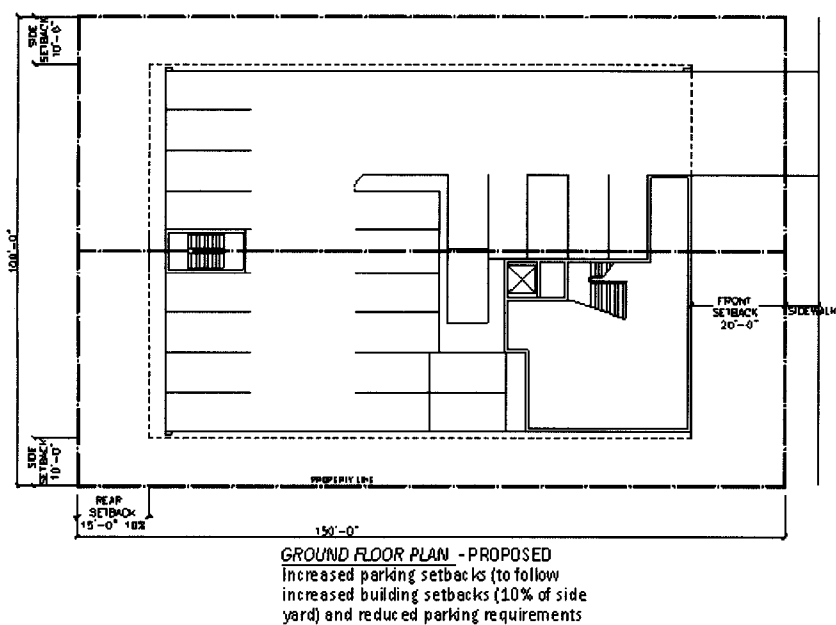
Currently in the RM-1 and RM-2 districts, parking can be constructed at a 5 foot setback along the sides and rear of a property. This allowance results in parking areas extending into the side and rear yards, leaving only very minimal areas available for landscaping. As proposed, parking would have to follow the building setbacks, which would allow more pervious landscaped areas and retention of more storm water on site.

	Current Regulations	Proposed Regulations
<b>4. Parking setbacks</b>		
<b>Side</b>	5 feet or 5% of lot width	Single Lots, no change, otherwise 10 feet or 8% of lot width
<b>Rear</b>	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth

The illustration below shows typical example of the arrangement of parking spaces for the development of a double lot in the RM-2 district, with parking constructed to a five (5') foot setback along the sides and rear, leaving little room for any landscaped areas.



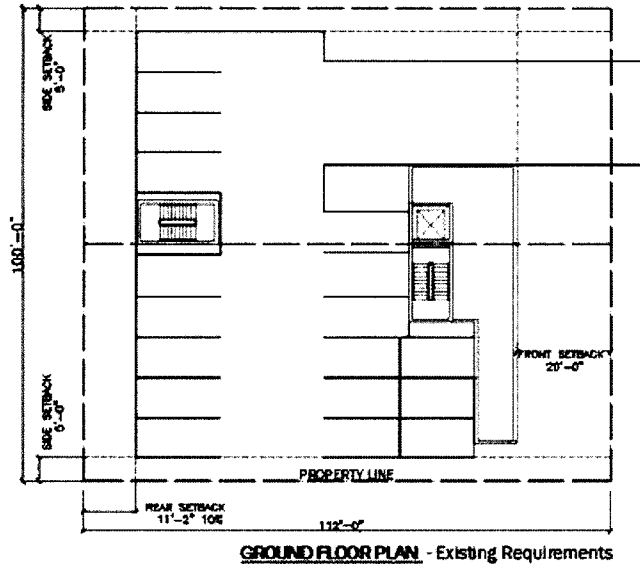
The illustration below shows the same lot configuration with the proposed increased parking setbacks to align with the required building setbacks. This plan also takes into consideration the proposed reduction in parking requirements.



**Double RM-1 Lot:**

The scenarios below took a closer look at parking requirements and lot coverage for a typical interior, double lot in the RM-1 zoning district (no alley), with a lot area of 11,200 SF, and corresponding FAR of 14,000 SF. Each scenario takes into consideration the requirements for screening of the parking area from the street as required by the City Code, as well as requirements for building circulation.

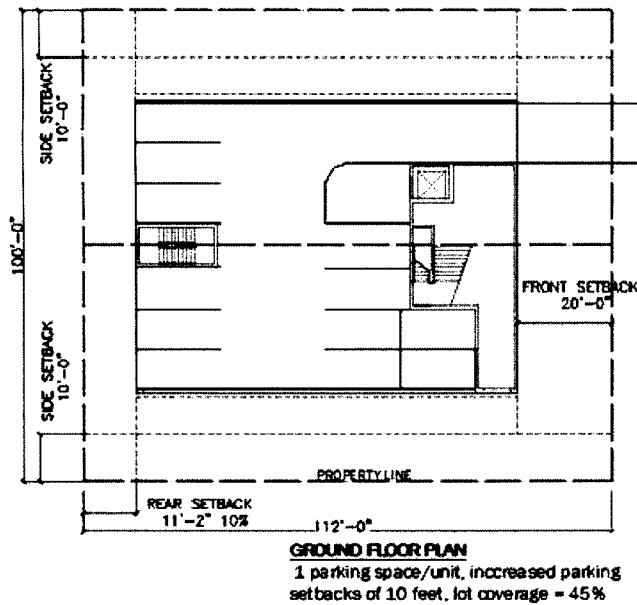
**Scenario A1 - Existing requirements (1.5 parking spaces per unit, 5 foot parking setback, no lot coverage requirement):**



18 parking space can reasonably be accommodated on site, resulting in 12 apartment units with an average size of approximately 935 SF per unit.

**Scenario A2 (1 parking space per unit, increased parking setbacks of 10 feet, lot coverage = 45%):**





12 parking spaces can reasonably be accommodated on site, resulting in 12 apartment units with an average unit size of approximately 935 SF per unit.

Due to the more limited area and difficulty in developing a project on a single lot, no changes to the side setbacks are proposed for single lots.

### 5. Building setbacks

The required building side setbacks in the RM-1 and RM-2 districts is 7.5 feet or 8% of the lot width. With the exception of single lots, the proposed ordinance increases this to 10 feet or 8% of the lot width, in order to get slightly more landscaped areas within the side yards.

	Current Regulations	Proposed Regulations
<b>5. Building Setbacks</b>		
<b>Side</b>	7.5 feet or 8% of lot width	Single lots, no change, otherwise 10 feet or 8% of lot width

### 6. Ground Floor Requirements.

Additional ground floor requirements when parking or amenity areas are located below the first habitable level are also included in the Ordinance as outlined below:

- A. All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
- B. All parking and driveways shall substantially consist of permeable materials.
- C. Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
- D. At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety requirements, shall be in addition to required egress stairs.

## **7. Lot Aggregation**

As it pertains to the discussion on lot aggregation, currently, the West Avenue Overlay District restricts the aggregation of lots to no more than two lots for properties zoned RM-1. Within the RM-2 zoning of the Gilbert Fine Neighborhood Conservation District, the aggregation of lots is required for new development. Within other portions of the city, the height of an RM-2 property is dependent upon the size of the lot, as noted in the height illustration maps above. As part of the proposed North Beach Neighborhood Conservation District, limitations on lot aggregation are also proposed.

As recommended by the Land Use and Development Committee, a limitation on the aggregation of lots is now included in the ordinance for RM-1 zoned properties, and limits aggregation to no more than two platted lots. For properties substantially comprised of affordable or workforce housing units, the limits on lot aggregation would not apply.

## **PLANNING BOARD REVIEW**

On May 23, 2017, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission, with a favorable recommendation. The Planning Board also recommended the following modifications:

1. The lot coverage requirement for RM-1 districts shall be eliminated.
2. Replace the proposed Lot Aggregation limit with tangible design criteria for aggregated lots. Should the City Commission agree with the recommendation of the Planning Board and modify the proposed limits on lot aggregation, the administration recommends the following criteria be included when lots are aggregated:

*Where a development is proposed on more than two (2) lots, the following shall be required:*

1. New construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.
2. A view corridor through the parcel, open to the sky, shall be required above the 2<sup>nd</sup> floor of the building.
3. The width of any new building shall not exceed 70% of the aggregated lot width.
4. A courtyard or semi-public outdoor area, comprised of at least 500 square feet, shall be required. Private terraces at the ground level may be included within this 500 square feet, provided individual units can be accessed directly from the exterior of the terrace.

The primary rationale for the proposed lot aggregation limitations is to ensure that new construction is compatible with the low-scale character of the typical RM-1, Residential, Multifamily Low-Intensity zoning district. The assemblage of multiple lots often results in a large continuous building mass, which is inconsistent with the more typical construction of one building on a single or double lot. The above recommended criteria would help ensure that the mass and scale of construction on multiple lots would be broken-down to be more compatible with the historic pattern of development in the RM-1 zoning districts.

## **UPDATE**

On June 7, 2017, the City Commission approved the subject Ordinance at First Reading. This approval did not include the recommendation from the Planning Board noted above as it pertains to lot aggregation; the limitations on lot aggregation (2 lot maximum, except for workforce and affordable housing, which may aggregate 3 lots) remain. However, the Commission did agree with the recommendation of the Planning Board as it pertains to lot coverage. In this regard, the previous limitation of 45% lot coverage for larger RM-1 lots (subject to waiver by DRB or HPB) has been deleted (shown as double strike-thru in the ordinance).

The ordinance has also been updated to correct an oversight in the previously noted new setback requirements. The

additional building side setback requirements were only intended to apply to lots larger than 65 feet in width, as noted in the analysis section of this memo. For lots less than 65 feet in width, the existing minimum side setbacks of 7.5 feet would remain. The increased setbacks of ten (10') feet or 8% of the lot width was only intended to apply to lots larger than 65 feet in width. The Ordinance for Second Reading has been updated with a double underline and double strike-thru to denote the changes when compared to the ordinance approved on First Reading.

### **CONCLUSION**

The Administration recommends that The City Commission adopt the Ordinance.

### **Legislative Tracking**

Planning

### **Sponsor**

Commissioners John Elizabeth Aleman and Joy Malakoff

### **ATTACHMENTS:**

#### **Description**

- Form Approved Ord - 2nd Reading