

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **Pb24-0708, 6701 Collins Avenue – North Beach Oceanfront Overlay District
Comprehensive Plan Amendment**

**Pb24-0693, 6701 Collins Avenue - Development Regulations for The North
Beach Oceanfront Overlay District**

RECOMMENDATION

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) and continue the applications to the January 7, 2025 Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a community outreach meeting.

BACKGROUND

The Deauville name has a long history dating back to 1926. The original hotel was constructed in 1926, modified in the early 1930's, and totally demolished in 1956. The former Deauville Hotel, constructed in 1956 and designed by noted Miami Beach architect Melvin Grossman, in the Post War Modern (MiMo) style, was designated contributing in the Miami Beach Historic Properties Database and the site is located within the North Beach Resort Local Historic District.

One of the most noticeable features of the building was its dramatic porte-cochere, comprised of sweeping intersecting parabolic curves, created a defining entry point for this once all-inclusive resort. Stepped horizontal planes rose from the street to the 2nd floor lobby entrance along the building's façade, providing shelter and a clear pedestrian procession from Collins Avenue. This lobby entrance was one of the three main differentiated architectural features of the building.

The 2-story structure on the south side of the property contained ground level retail spaces with an enormous two-story height ballroom space above, made legendary by the 1960s appearance of the Beatles on the "Ed Sullivan Show". An elongated honeycomb pattern of ornamental hollow clay blocks formed a distinctive screening mechanism for the ballroom façade on Collins Avenue. The hotel portion of the project rose 15 stories at the north of the property with continuous horizontal windows and projecting concrete eyebrows.

After a fire in the Deauville's electrical room, the building was closed on July 25, 2017. The city took extensive action to attempt to ensure that the building was not demolished by neglect through enforcement action by the building department and by filing suit to attempt to force the Deauville owner to meet its obligations with respect to the 40-year building re-certification process and pursuant to a 2018 Unsafe Structures Board Order, among other relief intended to prevent the building's demolition by neglect. One of those obligations was for the owner to provide a Structural Condition Assessment Report from a licensed engineer.

After years of enforcement action and litigation, the owner provided the required Structural Condition Assessment Report. Unfortunately, that report (which the Building Official verified) made clear that the building was unsafe and could not be saved due to structural defects in the building. The building was demolished in November 2022.

PLANNING BOARD AND CITY COMMISSION REVIEW REQUIREMENTS

The application submitted herein is in accordance with Section 7.1.10.2(a) of the LDR's, which requires the following 3-step process, prior to the review by the City Commission:

a. Step One – Planning Board Preliminary Review.

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed ordinance. Notice of the Planning Board preliminary review hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for the preliminary Planning Board review shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

Prior to the Planning Board's preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, will perform an impact analysis of the proposed FAR increase; and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

For private applications, the applicant shall be required to provide all data and exhibits related to the above noted impact analysis as part of the application submission. The findings of this impact analysis shall be presented to the Planning Board at the preliminary review stage.

b. Step Two – Community Outreach Meeting:

Subsequent to the Planning Board's preliminary review meeting, the City shall facilitate a

public meeting for all affected stakeholders, in order to solicit additional input and feedback, as well as for City staff to address any outstanding issues or questions. A reasonable effort shall be made to ensure that such public meeting is held no later than 45 days from the date of the preliminary review by the Planning Board. Courtesy notice of the meeting shall be given by the applicable City department, in coordination with the Planning Department, in a manner consistent with the City's courtesy notices for other community meetings, workshops, or presentations.

c. Step Three – Planning Board Transmittal:

At a second duly noticed public hearing, which is separate and apart from the preliminary review hearing, the Planning Board shall consider and transmit the proposed ordinance to the City Commission with a recommendation. Notice of this transmittal hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

After transmittal to the City Commission, the review requires a similar 3-step process:

a. Step One – First Reading Public Hearing:

After transmittal of the ordinance by the planning board, the City Commission shall hold a first reading public hearing. Notice of the first reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for first reading shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

b. Step Two – Community Workshop:

Subsequent to the approval of the ordinance at first reading, and prior to second reading, at least one additional community workshop, which is separate and apart from the first reading public hearing, shall be held. This additional community workshop shall be considered a courtesy meeting, and open to participation by all affected stakeholders, including residents, property owners, or businesses in the surrounding area that may be affected by the proposed floor area or FAR increase, as determined by the City Commission. Such community workshops may be held in a virtual, in-person or hybrid formats, at the discretion of the City Commission, and shall be noticed in a manner to be determined by the City Commission.

c. Step Three – Second Reading / Adoption Public Hearing:

After the community workshop described above, the City Commission shall hold a second reading public hearing to consider final adoption of the proposed ordinance. Notice of the second reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Partially Consistent – As currently proposed, the amendments exceed the maximum intensity (FAR) in the Comprehensive Plan. The proposed increase may be out of scale with the immediate neighborhood, including existing structures that are non-conforming with current requirements for height and FAR. See Staff Analysis.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Consistent – The proposed amendment does creates an isolated overlay district that is for one property.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Partially Consistent - The proposed ordinance amendment does include potential benefits for the neighborhood, however the benefits to the neighborhood may not be commensurate with the impacts of the additional height and massing currently proposed.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Partially Consistent – The proposed amendment does include a reduction in density, which is less likely to burden water, sewer and road networks. However, the overall size of the proposal could have other unintended impacts on drainage and storm water runoff. These shall require further review as part of an impact analysis.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Consistent – The boundaries of the overlay district are not illogically drawn.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Partially Consistent – The proposal for public benefits could warrant the passage of reasonable bonuses. See Staff Analysis.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Not Consistent – The proposed ordinance amendment could adversely affect living conditions in the neighborhood with a larger, over scaled building.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change is not anticipated to excessively increase traffic congestion.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Partially Consistent – The proposed change would reduce light and air to adjacent areas with a development that far exceeds the maximum height and FAR currently allowed.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Not Consistent – The proposed change could adversely affect property values in the adjacent areas with an over scaled building that overshadows its neighbors.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Consistent – The proposed change could be a deterrent to the improvement or development of adjacent properties that would be overshadowed by an over scaled building.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Partially Consistent – While the property can be used in accordance with existing zoning, reasonable amendments would ensure the substantial reconstruction of the former Deauville Hotel.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Not Consistent – The proposal will not increase the resiliency of the City with respect to sea level rise, as the proposed new development will not comply with the City's resiliency requirements.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

The applicant is proposing to create a new overlay, entitled the North Beach Oceanfront Overlay district, as well as amend the RM-3 development regulations specific to 6701 Collins Avenue, the site of the former Deauville Hotel. The proposed amendments to the comprehensive plan and the Land Development Regulations of the City Code (LDR’s) would enable the construction of an apartment hotel development, including approximately 280 hotel rooms, 140 apartments, 7,300 square feet of retail, 5,737 square feet of food and beverage service, and 98 parking spaces. The former Deauville Hotel previously contained 566 hotel rooms.

The proposal includes up to 400,000 square feet of bonus floor area, which would equate to an overall FAR of 5.5 for the property. The maximum zoned FAR for the property would remain at 3.0. Additionally, the applicant is proposing up to 200 feet of bonus building height, which could result in new towers constructed with a total height of 400 feet. The maximum zoned building height for the property would remain at 200 feet.

The applicant is also proposing to modify the minimum setback requirements in a manner specific to the property. The following is a summary of the proposed modifications to floor area, building height and setbacks, as compared to the current requirements of the LDR’s:

	Current Required or Max	Proposed	Difference
FAR	3.0 FAR / 499,500 SF	400,000 SF Bonus 5.5 FAR / 915,750 SF	+416,250 SF / +2.5 FAR
Note: each 1.0 increase in FAR results in an addition of 166,500 SF to the site.			
Height	200 Feet	200 bonus feet (400 feet total height)	+200 feet
Front Setback (for new additions) ¹			
Pedestal	20	Zero feet	-20 feet
Tower	50 feet	40 feet	-10 feet
Side Setback (for new additions) ¹			
Pedestal	40 feet	15 feet	-25 feet
Side Sum	80 feet	None	-25 feet to – 65 feet
Tower	50 feet ²	30 feet	-20 feet

¹ Note: Proposed amendments would allow the reconstructed portions of the building to follow the setbacks that existed prior to demolition.
² Note: The current setbacks reflect code an overall height not to exceed 200 feet.

Other proposed amendments include modifications to the allowable encroachments, as identified in the attached ordinance. In addition, a reduction in the minimum off-street parking requirements is proposed, along with the allowance for subterranean parking and mechanical parking without the review of the Planning Board. Lastly, exemption from the requirements of the long frontage standards is also proposed.

In accordance with the requirements noted above for FAR increases, the following are required to be provided as part of the application submission:

1. **Impact analysis of the proposed FAR increase.** The current maximum permitted floor areas for the site is 499,500 square feet and a maximum of 915,750 square feet is proposed.

The draft ordinance includes an FAR bonus of up to 400,000 square feet; however, this bonus would allow a maximum square footage of 899,500 square feet. Additionally, the applicant has represented that previous square footage associated with the demolished Deauville Hotel structure is over 500,00 square feet, while a prior submission to the Historic Preservation Board for new development on the subject site in 2013, indicated a total existing square footage of just over 300,000 square feet.

2. **Infrastructure Analysis** regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space.

The applicant submitted an analysis prepared by Schwebke, Shiskin & Associates, that addresses water, sewer, and fire flow requirements. A traffic impact statement for the proposed development was prepared by Kimley Horn.

3. **Massing Studies**, which illustrate the volume and location of the area associated with the proposed FAR increase.

Staff believes that the massing study provided is insufficient for adequate review.

In concept, staff does not have an objection to the proposed zoning incentives and bonuses proposed for the substantial reconstruction of the Deauville Hotel. However, the documentation submitted to date is insufficient for the following reasons:

1. The plans submitted to the Historic Preservation Board in 2013 for the redevelopment of the subject property, including a new tower on the site, indicated that the existing Deauville Hotel structure contained approximately 309,000 square feet of floor area. However, the applicant for the proposed zoning change has indicated that the prior hotel contained over 500,000 square feet of floor area and is proposing incentives to allow the reconstruction of up to 400,000 square feet for a reconstructed hotel, in addition to the maximum allowed FAR of 3.0 for the site. Due to this discrepancy, adequate FAR drawings of the former hotel will need to be provided to account for this.
2. The massing study provided is inadequate, as only one basic site diagram, along with one axonometric drawing with 'ghosted' towers, has been provided. As this overlay is limited to a single property, significantly greater detail is required, including better massing drawings/renderings from multiple perspectives, and basic floor plan / elevation drawings.
3. As the applicant is requesting exemption from the requirements of the long frontage standards, an explanation is required as to why compliance cannot be achieved, and which exemptions are specifically being requested. These frontage standards are required to ensure

the long-term resiliency of the site and cannot simply be waived without adequate supporting documentation.

4. No details pertaining to the reconstruction of the Deauville Hotel, specifically which portions, have been provided.

Based upon the information and exhibits submitted to date, additional information will be needed for staff to support the proposed reduction in the tower setback, as currently drafted. A tower setback of only 30 feet for a new 400-foot tower at the south side of the site, where a 50 foot setback is otherwise required, will also require additional fine tuning of the proposed regulations. To this end, details of the dimensions of the proposed towers will be needed, and any reduction in setbacks should be specific to a narrowly defined building footprint.

Also, since the site is vacant, there is an opportunity to provide appropriate pedestrian accessways from Collins Avenue to the Beachwalk on both the north and south sides of the site. Additional details regarding such accessways are needed, and the overlay text pertaining to such accessways needs to be better defined in the development regulations.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The proposal requires an amendment to the Comprehensive Plan for the proposed changes to the maximum intensity requirements for the property. In this regard, the following revision is recommended regarding the proposed text in the attached comprehensive plan amendment:

Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that establish bonus floor area for the substantial reconstruction of a contributing structure within the North Beach Oceanfront Overlay, as approved by the Historic Preservation Board, up to a maximum of 400,000 square feet of bonus floor area, provided that density and intensity of development at the property where the reconstruction occurs is limited as follows:

Density: 75 dwelling units per acre.

Hotel Unit Count Maximum: 280 units.

Accessory Uses: the enclosed portions of accessory uses shall not exceed 35% of the square footage of the reconstructed contributing building square footage of the historic structure.

Under Section 163.3184(2), Florida Statutes, this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

SUMMARY

The required community outreach meeting is scheduled to take place via zoom on Tuesday December 17, 2024 at 5:00 P.M., which is approximately 3 weeks prior to the January 7, 2025 Planning Board meeting. As noted herein, staff believes the information provided for the proposed

zoning incentives and development regulation modifications, including the proposed bonus floor area and building height, as well as the reduced setbacks and exemption from the frontage exemption, is insufficient.

To address these deficiencies, staff recommends that the proposed LDR amendment be amended as follows:

1. The subsection pertaining to bonus floor area shall be amended as follows:

Floor Area: 3.0. Notwithstanding, bonus floor area in excess of a 3.0 FAR, and not exceeding 400,000 square feet of additional floor area, shall be available for the sole purpose of substantially reconstructing a contributing building on the site, in a manner to be approved by the Historic Preservation Board.

2. The subsection pertaining to the pedestrian path from Collins Avenue to the beach walk shall be amended as follows:

Pedestrian pathways, from Collins Avenue to the beach walk, shall be provided on the north and south side of the property, and shall provide public beach access in perpetuity. Such pathways shall be subject to the review and approval of the Historic Preservation Board, and at least one of the pathways shall be a ground level. Additionally, the width of each pathway shall be no less than 15 feet, for the entirety of the pathway.

3. The subsection pertaining to a restrictive covenant for non-transient apartment units shall include the following:

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.

4. The subsection pertaining to a height bonus shall be amended as follows:

Building Height: 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) shall be permitted a height bonus of up to 200 additional feet, but the maximum height for the property shall not exceed 400 feet.

5. The subsection pertaining to allowable encroachments shall be amended as follows:

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.

6. The applicant shall provide a clear rationale as to why the long frontage standards should be exempt for those portions of the project that are not a reconstruction of a contributing building.

7. The applicant shall provide a maximum building footprint dimension for the tower portions of the project that will be subject to the reduced side setback.

Staff has no objection to the application being continued to the January 7, 2025, Planning Board meeting. However, all revised documents and exhibits must be received by staff no later than December 20, 2024. Considering the recommended modifications to the ordinance, as well as the additional information needed, as more specifically noted above, the applicant should consider having the application continued to a date certain of February 4, 2025.

RECOMMENDATION

Staff recommends the Planning Board review the proposed ordinances amending the Comprehensive Plan and LDR's and continue the review of the ordinances to the January 7, 2025, Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a new community outreach meeting.

**NORTH BEACH OCEANFRONT OVERLAY DISTRICT
COMPREHENSIVE PLAN AMENDMENT**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY 1.1.7: HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3), ESTABLISHING THE NORTH BEACH OCEANFRONT OVERLAY LAND USE CATEGORY, PROVIDING AUTHORITY TO CREATE A FLOOR AREA EXEMPTION FOR DEVELOPMENT THAT PROVIDES CERTAIN PUBLIC BENEFITS AND MEETS CERTAIN DENSITY AND INTENSITY REDUCTION THRESHOLDS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; 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;

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 Hotel that was classified by the City as a contributing building within the North Beach Resort Historic District; and

WHEREAS, the City seeks to encourage the substantial reconstruction of the Deauville Hotel's architecturally significant design elements in accordance with the City's Certificate of Appropriateness Criteria, while balancing the need for resilient design and pedestrian friendly streetscapes; 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. The following amendments to the City's 2040 Comprehensive Plan Future Land Use Element are hereby adopted:

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

* * *

GOAL RLU 1: LAND USE

* * *

POLICY RLU 1.1.7 HIGH INTENSITY MULTI-FAMILY (RM-3)

* * *

Density Limits: 150 dwelling units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed the following:

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.;
- a floor area ratio of 2.0 on oceanfront lots in architectural district;
- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities;

- Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that exempt square footage from the calculation of floor area ratio for the substantial reconstruction of a contributing historic structure within the North Beach Oceanfront Overlay, as approved by the Historic Preservation Board, up to a maximum of 400,000 square feet of floor area, provided that density and intensity of development at the property where the reconstruction occurs is limited as provided below:
 - Density: 75 dwelling units per acre.
 - Hotel Unit Count Maximum: 280 units.
 - Accessory Uses: the enclosed portions of accessory uses shall not exceed 35% of the square footage of the reconstructed contributing building square footage of the historic structure.

* * *

MAPS SERIES

* * *

2040 FUTURE LAND USE MAP

The 2040 Future Land Use Map shall be amended to include the “Alton Beach North Beach Oceanfront Overlay District.” The overlay regulations of this section shall apply to the following property, further identified and outlined in the excerpt of the 2040 Future Land Use Map below:

Lot 44 in Block 1 of the Amended Plat of the Second Oceanfront Subdivision, according the plat thereof recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, and adjacent lands to the east, west of the Erosion Control Line, as shown in the plat of the Erosion Control Line recorded in Plat Book 105, Page 62 (Sheet 9) of the Public Records of Miami-Dade County



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 _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

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

**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 SUBSTANTIAL 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 substantial reconstruction of the Deauville Beach Resort's architecturally significant design elements, 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:

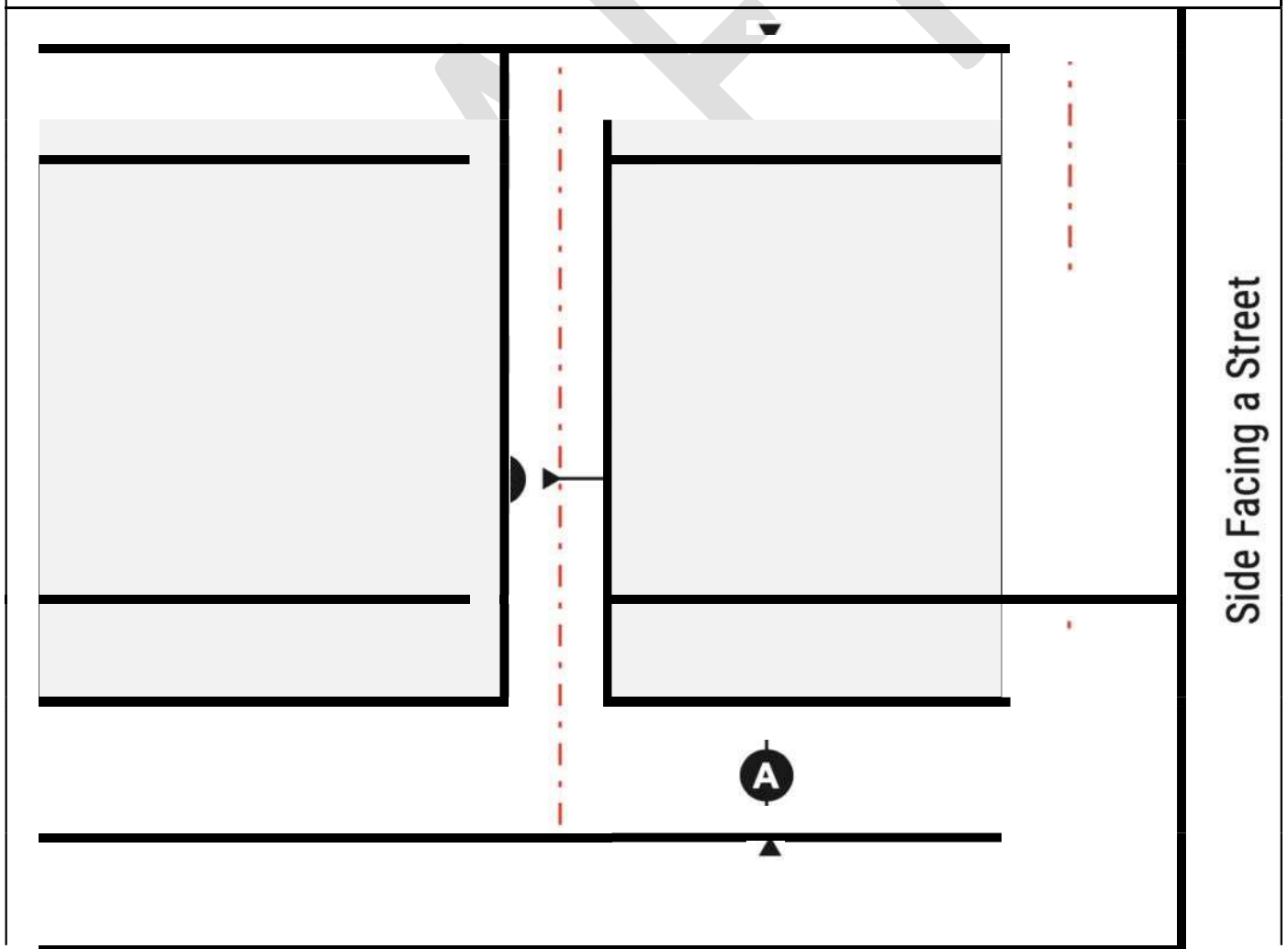
DEVELOPMENT REGULATIONS TABLE (RM-3)	
Maximum FAR	
Lot area equal to or less than 45,000 square feet	2.25 (1) (2)
Lot area greater than 45,000 square feet	2.75 (1) (2)
Oceanfront lots with lot area greater than 45,000 square feet	3.0(1) (2) <u>(11)</u>
Maximum Density (Dwelling Units per acre)	150 DUA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

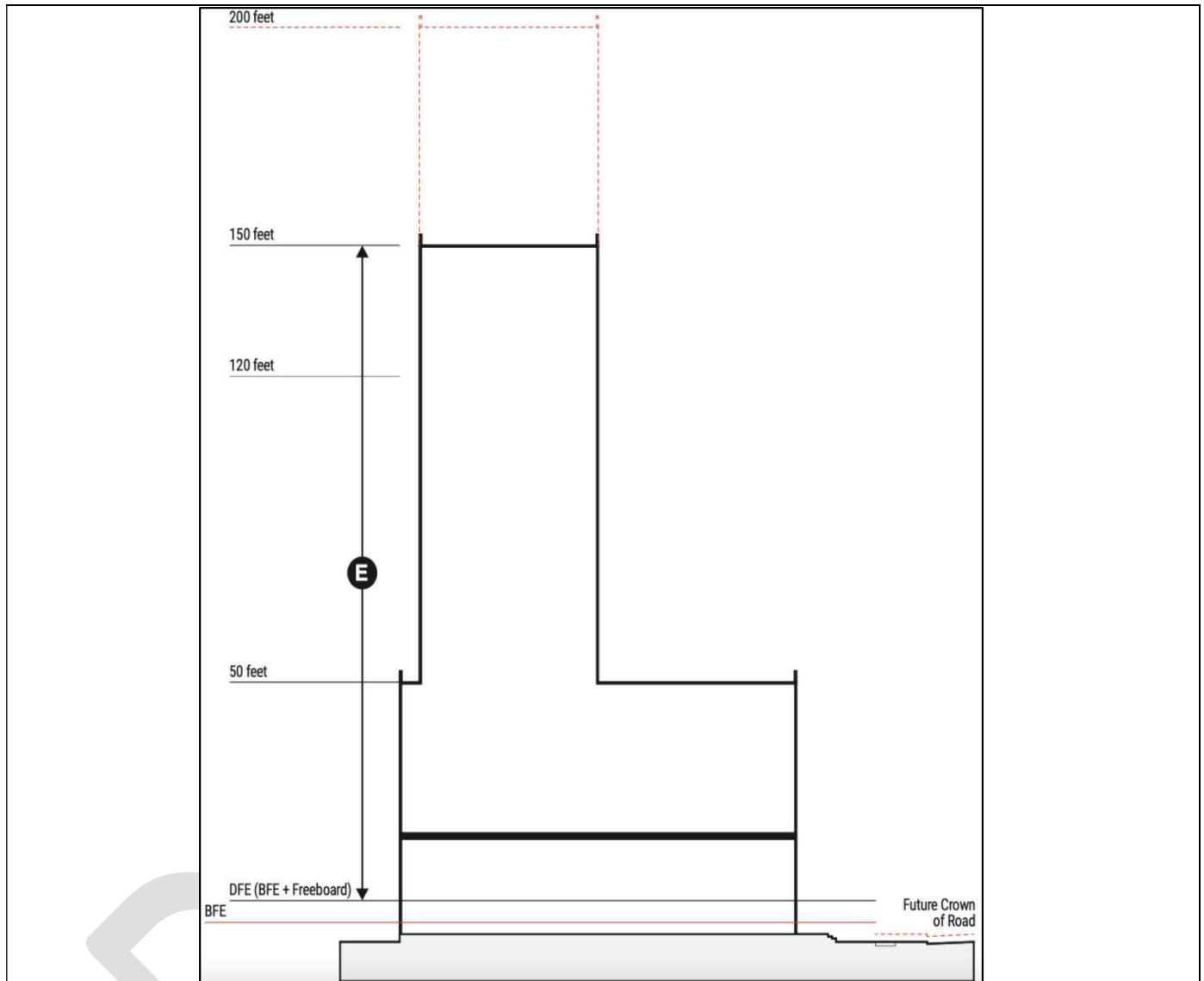
Tower	The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. (4) <u>(11)</u>	
Rear Setback ⑩	OCEANFRONT	NON-OCEANFRONT
Subterranean	20% of lot depth or 50 feet from the bulkhead line whichever is greater. (4) <u>(11)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

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: 3.0, however additional floor area shall be available for the sole purpose of substantial reconstruction of a contributing building, as approved by the Historic Preservation Board, up to a maximum of 400,000 square feet of floor area, provided that:
 - i. Residential density is limited to 75 units per acre; and
 - ii. Hotel unit count is limited to 280 hotel rooms; and
 - iii. The property owner provides a pedestrian pathway from Collins Avenue to the beach walk for public beach access in a manner approved by the Planning Director; and
 - iv. The property owner 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; and
 - v. A building permit for the project that includes the substantial reconstruction of the Deauville Hotel is obtained within five (5) years of the adoption of this overlay.
 - vi. The property owner provides a level of service analysis accounting for all floor area, including floor area incorporated into the substantially reconstructed contributing building, analyzing the impacts of the proposed development on the City's applicable level of service standards.
2. Height Bonus: A project that meets the criteria for additional floor area in accordance with subsection (1)(a) shall be permitted a height bonus up to 400 feet.
3. Setbacks: The setbacks for the substantially reconstructed contributing building may follow the same or greater setbacks as the original footprint of the contributing building, except that the pedestal and tower of the substantially reconstructed contributing building shall be setback at least 30 feet from the north interior side property line.

a) New construction located above the pedestal of the substantially reconstructed 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: 50 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) Ground level public beach accessways may be located in required side 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 substantially reconstructed Deauville Hotel 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 as the footprint of the original Deauville Hotel. 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).

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. 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