


MEMORANDUM

To: Mr. Thomas Mooney, Planning Director
City of Miami Beach

Mr. Nick Kallergis, First Assistant City Attorney
City of Miami Beach

From: Alex Fernandez, Member 
Planning Board

Date: May 19, 2021

Subject: Proposed amendment to the Alton Road office height ordinance to protect existing residential uses from abutting height increases.

Intent:

My proposed amendment seeks to protect existing residential uses along the east side of West Avenue from the height increases being proposed as an incentive for office development along the west side of Alton Road.

Summary of amendment to the proposed ordinance:

To achieve the intent previously mentioned, my amendment seeks to contract the proposed overlay to the following areas:

- **The west side of Alton Road between 8th Street and 10th Street.** *These blocks abut predominantly non-residential uses facing West Avenue.*
- **The east and west side of Alton Road between Lincoln Road and 17th Street.** *This portion of the west side of Alton Road abuts non-residential uses facing West Avenue. The east side of Alton Road abuts P25, one of the largest City-owned public parking lots north of Lincoln Road which is included in the City's concurrent public solicitation from parties interested in developing Class A office space. Further to the east are additional publicly-owned parcels included in the RFP for office development.*

Conclusion:

By adopting the proposed amendment, height incentives would be limited to areas that do not abut existing residential uses and, consequently, high-end office uses would anchor either end of this portion of Alton Road as opposed to defining the character of the street.

Additionally, by including the east side (in addition to the west side) of Alton Road between Lincoln Road and 17th Street, the amendment complements the City's actions seeking interested parties to develop office space on City-owned parcels (P25, P26, P27, and G5) along the south side of 17th Street, which does not abut existing residential uses, and which would allow for office uses to predominantly define the corridor along 17th Street from Pennsylvania Avenue to West Avenue.

C: Mr. Kareem Brantley, Chair
Members, Miami Beach Planning Board
Mr. Rogelio A. Madan, Chief of Community Planning & Sustainability

Commercial Height Limits for Office Uses – Alton Road

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, “DISTRICT REGULATIONS,” AT DIVISION 5, “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT,” SECTION 142-306, “DEVELOPMENT REGULATIONS,” TO ALLOW FOR ADDITIONAL HEIGHT FOR DEVELOPMENTS WITH SIGNIFICANT OFFICE COMPONENTS LOCATED ON ALTON ROAD BETWEEN 8TH STREET AND 17TH STREET; AND ESTABLISHING SECTION 142-313, “ALTON ROAD OFFICE DEVELOPMENT OVERLAY,” TO CREATE NEW DEVELOPMENT REGULATIONS FOR OFFICE USES INCLUDING A VOLUNTARY HEIGHT INCENTIVE FOR CERTAIN DEVELOPMENT, HEIGHT LIMITS, HEIGHT EXCEPTIONS, MINIMUM GROUND FLOOR ACTIVATION, UPPER LEVEL SETBACK AND MECHANICAL SCREENING REQUIREMENTS; AND NEW REGULATIONS FOR OUTDOOR USES AND SPECIAL EVENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, economic trends indicate that demand has increased for Class A office space within the City, as businesses relocate from other states to Miami Beach; and

WHEREAS, office development marketed as “Class A” tends to require higher floor-to-ceiling heights than other classes of office space; and

WHEREAS, the development of Class A office space will promote the growth, diversification, and resiliency of the City’s economy; and

WHEREAS, the Alton Road corridor is an appropriate area for Class A office space due to its accessibility to the regional transportation network; and

WHEREAS, the proposed changes are necessary to promote the development of Class A office space within the City; and

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

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

SECTION 1. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 5, “CD-2 Commercial, Medium Intensity District,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. – DISTRICT REGULATIONS

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DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-306. Development regulations.

(a) The development regulations in the CD-2 commercial, medium intensity district are as follows:

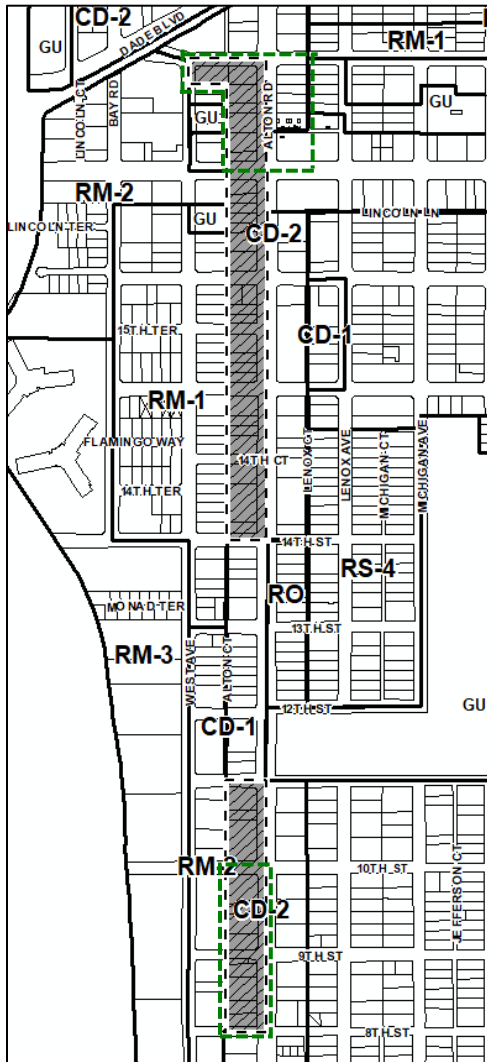
Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.5	None, except as provided for mixed-use and commercial buildings as provided herein.	None	New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335; 85%: 335+ For contributing hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan.	50 (except as provided in section 142-1161). Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. Self-storage warehouse - 40 feet, except that


		<p>Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, hotel units shall be a minimum of 200 square feet. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being 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 shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above</p>		<p>the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley. Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet. <u>For office developments that satisfy the applicable requirements in Sec. 142-313 - 75 feet.</u></p>
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			<p>described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.</p>		
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Sec. 142-313. – Alton Road Office Development Overlay.

(a) The Alton Road office development overlay includes the parcels on the west side of Alton Road, between 8th Street and 41th 10th Street, and the west and east sides of Alton Road between 44th Street Lincoln Road and 17th Street, as depicted in the map below:



 Proposed contracted boundary proposed by Alex Fernandez

(b) Voluntary office height incentive program. The following regulations shall apply to developments within the Alton Road office development overlay that are proposed to be constructed at a height that exceeds 60 feet:

- (1) Minimum office requirement. The development shall consist solely of office use above the ground level of the structure; provided, however, that residential uses, but not hotel units, may be permitted on such properties up to a maximum FAR of 2.0, pursuant to section 142-307(d)(1), but only if the first 1.5 FAR of the development is dedicated to office use and ground floor commercial use.

- (2) Covenant. New development may only be eligible for the voluntary office height incentive provided in this subsection (b) if the property owner elects, at the owner's sole discretion, to voluntarily execute a restricted covenant running with the land, in a form approved by the City Attorney, affirming that, for a term of 30 years, none of the residential units on the property shall be leased or rented for a period of less than six months and one day.
- (3) Ground level activation. The ground level of the building shall consist of active retail, restaurant, personal service or similar uses. Office uses, including, but not limited to, professional offices, banks, and financial services, shall not be permitted at the ground level. This shall not preclude a ground level lobby to access the upper floors.
- (4) Height. Notwithstanding the requirements of Sec. 142-306, the maximum building height shall be 75 feet for development permitted under this voluntary office height incentive program. Additionally, all portions of the building above 60 feet in height shall be set back a minimum of 20 feet from the rear property line.
- (5) Height exceptions. In general, rooftop elements that are exempt from a building's height calculations shall be located in a manner to minimize visual impacts on predominant neighborhood view corridors as viewed from public rights-of-way and waterways. The height regulation exceptions contained in section 142-1161 shall not apply to the Alton Road Office Development Overlay. Instead, only the following rooftop elements shall be excluded from a building's maximum height and, unless otherwise specified, such elements shall not exceed ten feet above the main roof of the structure:
 - a. Roof-top operational and mechanical equipment. This exception shall be limited to essential, non-habitable, building elements such as mechanical rooms/devices, air conditioning and cooling equipment, generators, electrical and plumbing equipment, as well as any required screening. The height of such elements shall not exceed 25 feet above the roof slab.
 - b. Roof-top elevator towers, including code required vestibules, and stair towers, with the height of such structures not exceeding 25 feet above the roof slab. Projecting overhangs at the doorways to elevator vestibules and stair towers required by the Florida Building Code may be permitted, provided the projection does not exceed the minimum size dimensions required under the Building Code
 - c. Satellite dishes, antennas, sustainable roofing systems, solar panels and similar elements. Such elements shall be set back a minimum of 15 feet from the roof parapets on street-facing facades.
 - d. Decks located more than six inches above the top of the roof slab, and not exceeding three feet above the roof slab, may be permitted provided the deck area is no more than 50 percent of the enclosed floor area immediately one floor below.
 - e. Rooftop areas that are accessible only to the owners or tenants of office or residential units may have trellis, pergolas or similar structures that have an open roof of cross rafters or latticework. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below and shall be set back a minimum of 15 feet from the roof parapets on street-facing facades.
 - f. Parapets shall not exceed four feet in height above the main roof.

g. Exterior speakers required to meet applicable requirements of the life safety or building code.

(6) Outdoor uses and special events. Commercial uses of any kind, including, but not limited to restaurants, bars and entertainment, as well as special events of any kind, shall be prohibited within any outdoor areas above the ground floor.

(7) Outdoor mechanical equipment. Any outdoor mechanical equipment located above the ground floor including, but not limited to, air conditioning equipment, cooling towers, compressors and generators shall be fully screened with sound attenuating materials on all sides.

(8) Sunset provision. The development regulations in this section 142-313 shall only apply to projects that have obtained a full building permit by December 31, 2031.

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 re-numbered 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 _____, 2021.

Dan Gelber, Mayor

ATTEST:

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael E. Granado, City Clerk

City Attorney

Date

First Reading: June 23, 2021
Second Reading: July 28, 2021

Verified By: _____
Thomas R. Mooney, AICP

Planning Director

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