

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB22-0531. Sunset Harbour Development Overlay – Office Height Amendment.**

#### **RECOMMENDATION**

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On April 6, 2022, the City Commission referred the subject discussion item (C4T) to the Land Use and Sustainability Committee (LUSC). The sponsor of the item is Commissioner Mark Samuelian.

On May 13, 2022 the LUSC discussed and endorsed the proposal and recommended that the City Commission refer the attached draft Ordinance to the Planning Board. On May 25, 2022 the City Commission referred the subject Ordinance to the Planning Board (C4A).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, 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.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

**Consistent** – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

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

**Consistent** - The proposed ordinance does modify the scale of development as rooftop additions are not allowed to exceed the maximum height of a building, as such the amendment is not out of scale with the needs of the neighborhood or the city.

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

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

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

**Not applicable** – The proposed amendment does not modify district boundaries.

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

**Consistent** – The demands for high floor to ceiling heights of Class A offices and the City's desire to diversify the economy by encouraging Class A office makes passage of the proposed change necessary.

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

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

**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 will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance.

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

**Partially Consistent** – The proposed change may have a limited effect on light and air on adjacent areas by allowing for slightly taller buildings in a specific area. However, given the limited scope of the height increase, it is not expected to have a serious impact. However, any specific impacts will be addressed as part of the Design Review process for each development.

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

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

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

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

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

**Not applicable.**

**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 133-50(b) of the Land Development Regulations 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.**

**Partially 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.**

**Consistent** – The proposal should increase the resiliency of the City with respect to sea level rise by encouraging new development that will comply with the City's resiliency standards.

**(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.

**BACKGROUND**

On July 28, 2021, the City Commission adopted Ordinance No. 2021-4437, establishing the Sunset Harbour CD-2 and I-1 Development Overlay. The overlay was based on a Sunset Harbour Neighborhood Vision Plan that was prepared by area residents. One of the primary objectives of the overlay was to establish incentives for office development generally along the perimeter of the neighborhood in the CD-2 district. One of the incentives of the overlay was a height increase from 55 feet to 65 feet under specific circumstances.

**ANALYSIS**

The proposed Ordinance amends Section 142-312 of the Land Development Regulations of the City Code, to allow for a limited area of the Sunset Harbor overlay to have buildings up to 75 feet in height. Specifically, for certain lots fronting the west side of Alton Road, north of Dade Boulevard, the maximum building height would be increased from the current 65 feet to 75 feet. The height increase benchmarks within the overlay, including the requirement for office use, remain the same.

Additionally, within the area proposed for the height increase, the minimum requirements for a clear pedestrian path would not be able to be adjusted by the DRB. Additionally, a height exception for decorative elements, not to exceed 16 feet above the main roofline, would be permitted.

Given the limited location of the proposed height increase, the additional 10 feet should not negatively impact surrounding the neighborhood. The proposal will allow for a height that is consistent with the Alton Road Office Height Incentives ordinance which applies to the south of the Dade Canal.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

**Sunset Harbour Development Overlay – Office Height Amendment**

**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," (1) BY AMENDING SECTION 142-312, "SUNSET HARBOUR DEVELOPMENT REGULATIONS," TO PROHIBIT THE DESIGN REVIEW BOARD FROM APPROVING THE REDUCTION OF THE CLEAR PEDESTRIAN PATH REQUIREMENT FOR PROPERTIES NORTH OF DADE BOULEVARD, ON ALTON ROAD, SPECIFICALLY LOTS 1-8, BLOCK 12, ISLAND VIEW SUBDIVISION, PB6, PG115, PUBLIC RECORDS OF MIAMI-DADE COUNTY, AND LOTS 1-2, BLOCK 12-A, ISLAND VIEW ADDITION, PB9, PG144, PUBLIC RECORDS OF MIAMI-DADE COUNTY; (2) BY AMENDING SECTION 142-312, "SUNSET HARBOUR DEVELOPMENT REGULATIONS," TO ALLOW FOR DEVELOPMENT AT A MAXIMUM BUILDING HEIGHT OF 75 FEET FOR PROPERTIES NORTH OF DADE BOULEVARD, ON ALTON ROAD, SPECIFICALLY LOTS 1-8, BLOCK 12, ISLAND VIEW SUBDIVISION, PB6, PG115, PUBLIC RECORDS OF MIAMI-DADE COUNTY, AND LOTS 1-2, BLOCK 12-A, ISLAND VIEW ADDITION, PB9, PG144, PUBLIC RECORDS OF MIAMI-DADE COUNTY; AND (3) BY AMENDING SECTION 142-312, "SUNSET HARBOUR DEVELOPMENT REGULATIONS," TO ALLOW FOR DECORATIVE ROOFTOP ELEMENTS AT A MAXIMUM HEIGHT OF 16 FEET FOR PROPERTIES NORTH OF DADE BOULEVARD, ON ALTON ROAD, SPECIFICALLY LOTS 1-8, BLOCK 12, ISLAND VIEW SUBDIVISION, PB6, PG115, PUBLIC RECORDS OF MIAMI-DADE COUNTY, AND LOTS 1-2, BLOCK 12-A, ISLAND VIEW ADDITION, PB9, PG144, PUBLIC RECORDS OF MIAMI-DADE COUNTY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, APPLICABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Sunset Harbour neighborhood is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south; and

**WHEREAS**, Sunset Harbour is a neighborhood that has successfully evolved from a primarily industrial neighborhood into a vibrant mixed-use residential neighborhood that is characterized by its unique combination of residential, commercial, and industrial uses; and

**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**, as defined by the Building Owners and Managers Association International (BOMA), Class A Office Space consists of buildings offering office spaces that are designed based on current work place design criteria, with high quality finishes, state of

the art systems, defined presence, exceptional accessibility and top of market rents for the area; and

**WHEREAS**, Class A office space 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**, in late 2020, a group of Sunset Harbour residents proposed a Neighborhood Vision Plan, which would apply to future development and streetscape improvements in the Sunset Harbour neighborhood; and

**WHEREAS**, the proposed changes in this Ordinance are intended to serve as the initial implementation of the Sunset Harbour Neighborhood Vision Plan, creating updated development regulations within the Sunset Harbour neighborhood to reflect the current market conditions and neighborhood identity; and

**WHEREAS**, additionally, the proposed changes are necessary in order 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**

\* \* \*

**ARTICLE II. DISTRICT REGULATIONS**

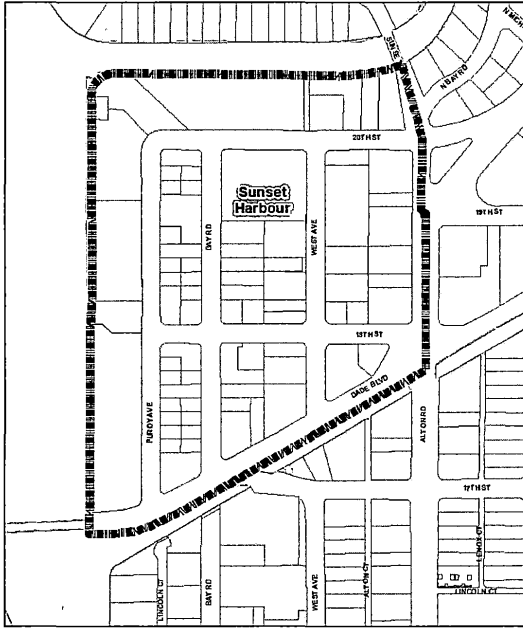
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**DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT**

\* \* \*

**Sec. 142-312. Sunset Harbour development regulations.**

- (a) The Sunset Harbour Neighborhood incorporates the parcels in the area bounded by 20th Street on the north, Alton Road on the east, Dade Boulevard on the south, and Purdy Avenue on the west as depicted in the map below:



(b) The following regulations shall apply to CD-2 properties within the Sunset Harbour Neighborhood:

(1) *Clear pedestrian path.* The applicable standards for a "clear pedestrian path" established in sections 133-61 and 133-62 shall apply to new development, except as follows:

- a. The clear pedestrian path shall be at least ten feet wide.
- b. The design review board may approve the reduction of the clear pedestrian path requirement to no less than five feet in order to accommodate street trees, required utility apparatus, or other street furniture, subject to the design review criteria. Notwithstanding the foregoing, the design review board may not approve the reduction of the clear pedestrian path requirement for properties on the west side of Alton Road and north of Dade Boulevard, specifically Lots 1-8, Block 12, Island View Subdivision, PB6, Pg115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB9, Pg144, Public Records of Miami-Dade County.

(2) *Height.* Notwithstanding the requirements of section 142-306, the following maximum building height regulations shall apply to the Sunset Harbour Neighborhood:

- a. The maximum building height shall be 55 feet, except as noted below.
- b. The design review board may approve development at a maximum building height of 65 feet on the following properties:
  1. Properties fronting Dade Boulevard between Alton Road and Bay Road.
  2. Properties fronting Alton Road between 20th Street and Dade Boulevard.
  3. Properties fronting Purdy Avenue between 18th Street and Dade Boulevard.

c. The design review board may approve development at a maximum building height of 75 feet on certain properties on the west side of Alton Road and north of Dade Boulevard, specifically Lots 1-8, Block 12, Island View Subdivision, PB6, Pg115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB9, Pg144, Public Records of Miami-Dade County.

d. The design review board may only approve development at a height greater than 55 feet subject to the design review criteria and the following regulations:

1. The property shall have a minimum lot size of 10,000 square feet.
2. The development shall consist solely of office use above the ground level of the structure, and provided that residential uses may be permitted on such properties up to a maximum FAR of 2.0 pursuant to subsection 142-307(d)(1), but only if the first 1.5 FAR of development is dedicated to office use and ground floor commercial use.
3. The ground floor shall contain retail, personal service, restaurant and similar types of active uses fronting the clear pedestrian path.
4. Portions of the building exceeding 55 feet in height that abut a residential use shall be set back a minimum of ten feet from the residential use.
5. Portions of the building exceeding 55 feet in height that are located on Alton Road shall be set back a minimum of 150 feet from 20th Street.
6. Portions of the building exceeding 55 feet in height that are located on Dade Boulevard shall be set back a minimum of 100 feet from Bay Road.
7. Portions of the building exceeding 55 feet in height that are located along 18th Street between Bay Road and Purdy Avenue shall be set back a minimum of 12 feet from the property line.

(3) *Height exceptions.* In general, rooftop elements that are exempt from a building's maximum building height pursuant to this subsection (b)(3) 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 Sunset Harbour Neighborhood. Instead, only the following height exceptions shall apply to the Sunset Harbour Neighborhood and, unless otherwise specified, 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. The foregoing operational and mechanical equipment shall require the review and approval of the design review board and shall be set back from the building perimeter by no less than 25 feet from roof parapets on street facing facades.
- 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 Florida



Building Code. The foregoing elements shall require the review and approval of the design review board and shall be set back from the building perimeter by no less than 25 feet from roof parapets on street facing facades. Notwithstanding the foregoing, the requirement for design review board approval, as well as the perimeter setback, shall not apply to private elevator and/or private stairs from a residential unit to a private roof deck.

- 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 residential units may have trellises, 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 20 feet from the property line and no less than ten feet from the roof parapets on street-facing facades.
- f. Roof-top pools, not to exceed five feet above the roof slab, shall be limited to main use residential buildings, or mixed use/office buildings where at least 25 percent of the floor area is dedicated to non-transient residential units. Such pools may have up to a four-foot-wide walkway around the pool. Additionally, bathrooms required by the Florida Building Code, not to exceed the minimum size dimensions required under the Florida Building Code, may be permitted provided such bathrooms are set back a minimum of 20 feet from the property line and no less than ten feet from the roof parapets on street-facing facades and shall not exceed 13 feet in height measured from the finished elevation of the roof deck or 16 feet in height measured from the roof slab, whichever is less.
- g. Parapets shall not exceed four feet in height above the main roof.
- h. Exterior speakers required to meet applicable requirements of the Life Safety or Florida Building Code.
- i. Decorative rooftop elements, not to exceed 16 feet in height above the roof slab, may be permitted for office development located on certain properties on the west side of Alton Road and north of Dade Boulevard, specifically Lots 1-8, Block 12, Island View Subdivision, PB6, Pg115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB9, Pg144, Public Records of Miami-Dade County.
- j. Allowable height exceptions located within 25 feet of the property line along a street facing façade of the building, or within 20 feet of an interior lot line abutting a residential use, shall not exceed ten feet in height measured from the finished elevation of the roof deck or 13 feet in height measured from the roof slab, whichever is less. The design review board may waive this minimum setback along a street facing façade of the building, but in no instance shall the setback be less than 15 feet from the property line.

- (4) *Lot aggregation.* Except for office or residential development, no more than six platted lots may be aggregated.
- (5) *Lot size.* Except for office or residential development, the maximum lot size shall not exceed 36,000 square feet. Notwithstanding the foregoing, the provisions of this paragraph shall not apply to any lot larger than 36,000 square feet that existed prior to January 1, 2021.
- (6) *Number of large establishments and conditional use permit (CUP) requirements.* Conditional use approval from the planning board shall be required for retail, personal service, and/or restaurant uses within a development that is greater than 25,000 square feet in size. Additionally, no more than two such developments shall be permitted within the Sunset Harbour Neighborhood.
- (7) *Special events.* City approved special events shall be prohibited at alcoholic beverage establishments. Notwithstanding the foregoing, permitted special events at venues not meeting the definition of an alcoholic beverage establishment shall cease no later than 9:00 p.m., seven days a week.
- (8) *Outdoor speakers.* Outdoor speakers shall be prohibited on all levels of the exterior of a building, including roof tops, unless such speakers are required pursuant to the Life Safety or Florida Building Code.

#### **SECTION 2. REPEALER.**

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

#### **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

#### **SECTION 4. SEVERABILITY.**

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

#### **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

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

First Reading: June 22, 2022

Second Reading: July 20, 2022

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