

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 ADOPT THE FOLLOWING REGULATIONS FOR PROPERTIES NORTH OF DADE BOULEVARD, ON ALTON ROAD, SPECIFICALLY LOTS 1-8, BLOCK 12, ISLAND VIEW SUBDIVISION, PB 6, PAGE 115, PUBLIC RECORDS OF MIAMI-DADE COUNTY, AND LOTS 1-2, BLOCK 12-A, ISLAND VIEW ADDITION, PB 9, PAGE 144, PUBLIC RECORDS OF MIAMI-DADE COUNTY: PROHIBIT THE DESIGN REVIEW BOARD FROM APPROVING THE REDUCTION OF THE CLEAR PEDESTRIAN PATH REQUIREMENT, ALLOW FOR DEVELOPMENT AT A MAXIMUM BUILDING HEIGHT OF 75 FEET (SUBJECT TO THE CRITERIA IN THE ORDINANCE), AND ALLOW FOR DECORATIVE ROOFTOP ELEMENTS AT A MAXIMUM HEIGHT OF 16 FEET; 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 workplace 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, on July 28, 2021, the City Commission adopted Ordinance No. 2021-4437, amending the CD-2 and I-1 district regulations and off-street parking requirements for the Sunset Harbour neighborhood, in order to implement the Neighborhood Vision Plan; and

WHEREAS, the amendments in this Ordinance are intended to update development regulations within the Sunset Harbour neighborhood, to reflect current market conditions and neighborhood identity; and

WHEREAS, additionally, 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**

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

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 reduce 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, PB 6, Page 115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB 9, Page 144, 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, PB 6, Page 115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB 9, Page 144, Public Records of Miami-Dade County.

e- 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, PB 6, Page 115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB 9, Page 144, Public Records of Miami-Dade County.
- f. 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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
NK
6-2-22
Date