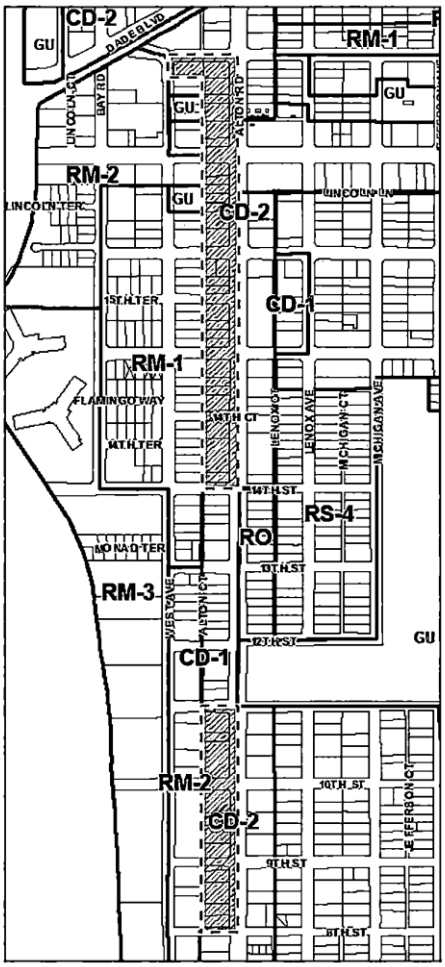
Alton Road Office Height Overlay – Transient Use and Overlay Exceptions

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 142-313 "ALTON ROAD OFFICE DEVELOPMENT OVERLAY, "TO INCLUDE CERTAIN EXCEPTIONS FOR DEVELOPMENTS LOCATED BETWEEN LINCOLN ROAD AND SEVENTEENTH STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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 11th Street, and between 14th Street and 17th Street, as depicted in the map below:



(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, at a minimum, the floor area associated with an FAR of 1.5 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 restrictive 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. A lobby may be permitted at the ground level for access to upper floors.

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

a. The clear pedestrian path shall be at least ten feet wide.

b. The design review board may approve a reduction of the clear pedestrian path requirement to no less than a width of five feet in order to accommodate street trees, required utility apparatus, or other street furniture, subject to the design review criteria.

(5) *Height.* Notwithstanding the requirements of section 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.

(6) *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 a height of 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 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 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.

(7) *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.

(8) *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.

(9) Notwithstanding the foregoing conditions above, within a unified development that is located between Lincoln Road and 17th Street above, such conditions shall not be applicable to any buildings existing prior to January 1, 2023. Residential and hotel units may be permitted in buildings existing prior to January 1, 2023; however, the first 1.5 FAR in any unified development site shall consist solely of office use and ground floor commercial.

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