

# MIAMI BEACH

## PLANNING DEPARTMENT

**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139  
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March 28, 2017

Jeri Goodkin Dausey  
South Beach Construction, Inc.  
407 Lincoln Road, Suite 10H  
Miami Beach, FL 33139

**Subject: Request for Zoning Verification**  
**835 Alton Road**  
**Miami Beach, Florida**  
**Folio No. 02-4203-014-0430**

Dear Ms. Goodkin Dausey:

This letter is in response to a request for zoning information for the subject property.

Please be advised that the subject property is currently zoned **CD-2, Commercial Medium Intensity Zoning District**. The CD-2 Zoning District provides for commercial activities, services, offices and related activities which serve the entire city.

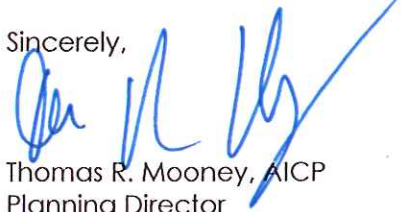
In accordance with Section 142-302 of the Land Development Regulations (LDRs) of the Code of the City of Miami Beach, the main permitted uses in the CD-2 Zoning District are: commercial uses; apartments; apartment/hotels; hotels; and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter (alcoholic beverages).

The subject property is located within the Alton Road Historic District Buffer Overlay. A copy of Chapter 142, Article III, Division 9 of the City's Land Development Regulations has been attached which includes the overlay regulations.

The subject property is also within the Flamingo Park Local Historic District and, as such, any proposed development shall require the review and approval of the Historic Preservation Board.

If we may be of further assistance, please do not hesitate to contact this department again.

Sincerely,



Thomas R. Mooney, AICP  
Planning Director

Zone0317-0140

**DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT**<sup>[3]</sup>

**Sec. 142-301. Purpose.**

The CD-2 commercial, medium intensity district provides for commercial activities, services, offices and related activities which serve the entire city.

(Ord. No. 89-2665, § 6-7(A)(1), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96)

**Sec. 142-302. Main permitted uses.**

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter (alcoholic beverages).

*Parking restrictions:* Except as otherwise provided in these land development regulations, when any building or structure is erected or altered within the CD-2 commercial medium intensity district, on properties in the Sunset Harbour neighborhood generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard the parking restrictions in subsection 130-33(b) for parking district no. 5 shall apply.

(Ord. No. 89-2665, § 6-7(A)(2), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2000-3257, § 2, 7-12-00; Ord. No. 2001-3328, § 4, 10-17-01; Ord. No. 2004-3445, § 1, 5-5-04; Ord. No. 2012-3786, § 4, 12-12-12)

**Sec. 142-303. Conditional uses.**

The conditional uses in the CD-2 commercial, medium intensity district are adult congregate living facilities; funeral homes; nursing homes; religious institutions; pawnshops; secondhand dealers of precious metals/precious metals dealers; video game arcades; public and private institutions; schools; any use selling gasoline; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishments; neighborhood impact establishments; open air entertainment establishments; self-storage warehouses; and storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See section 142-1103.

For purposes of this section, in addition to the conditional use criteria in section 118-192(a), self-storage warehouses shall only be permitted to be considered by the planning board as a conditional use for properties located within a CD-2 district along Alton Road between 6th Street and 11th Street. Additionally, the minimum distance separation between self-storage warehouses shall be 300 feet and self-storage warehouses shall follow the development regulations for "self-storage warehouse" in section 142-306 and the setback requirements in [section] 142-307.

(Ord. No. 89-2665, § 6-7(A)(3), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 97-3083, § 4, 6-28-97; Ord. No. 99-3179, § 3, 3-17-99; Ord. No. 2007-3546, 1-17-07; Ord. No. 2012-3786, § 5, 12-12-12; Ord. No. 2013-3791, § 5, 2-6-13; Ord. No. 2013-3799, § 1, 5-8-13)

**Sec. 142-304. Accessory uses.**

The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

(Ord. No. 89-2665, § 6-7(A)(4), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96)

**Sec. 142-305. Prohibited uses.**

The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in this division. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, also include outdoor entertainment establishment; neighborhood impact establishment; and open air entertainment establishment.

(Ord. No. 89-2665, § 6-7(A)(5), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2012-3786, § 6, 12-12-12)

**Sec. 142-306. Development regulations.**

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)	Maximum Number of Stories
1.5	Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See <a href="#">section 142-1183</a> Hotel unit: 15%: 300—335 85%: 335+	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See <a href="#">section 142-1183</a> Hotel units—N/A	50 (except as provided in <a href="#">section 142-1161</a> ). Self-storage warehouse - 40 feet, except that 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	5 (except as provided in <a href="#">section 142-1161</a> ) Self-storage warehouse - 4

Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in [section 142-307\(d\)\(2\)](#) shall not apply to self-storage warehouse development.

(Ord. No. 89-2665, § 6-7(B), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2949, eff. 10-15-94; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 97-3097, § 2, 10-8-97; Ord. No. 98-3107, § 1, 1-21-98; Ord. No. 98-3150, § 1, 11-4-98; Ord. No. 2005-3483, § 6, 5-18-05; Ord. No. 2011-3744, § 8, 10-19-11; Ord. No. 2013-3799, § 2, 5-8-13)

**Sec. 142-307. Setback requirements.**

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley—0 feet
Subterranean	0 feet	0 feet	0 feet	0 feet
Pedestal and tower (non-oceanfront)	0 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	5 feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )
Pedestal and tower (oceanfront)	Pedestal—15 feet 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. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections <a href="#">142-156</a> , <a href="#">142-218</a> and <a href="#">142-247</a> )

- (e) *Land use.* Main permitted uses, conditional uses and accessory uses shall be permissible as set forth in the CD-2 district regulations, with the following exceptions:
- (1) Restaurants, bars, entertainment establishments and similar uses shall not be permitted at any level above the ground floor, except that a loft or mezzanine containing these uses may be permitted within the interior of a ground floor commercial space. This subsection shall not apply to such existing and proposed uses in buildings classified as "contributing", and existing in the Flamingo Park Historic District as of the effective date of this division.
  - (2) Retail uses at any level above the ground or first floor shall not exceed 2,500 square feet per tenant. This subsection shall not apply to buildings classified as "contributing", and existing in the Flamingo Park Historic District as of the effective date of this division.
  - (3) Any individual retail, restaurant, bar, entertainment establishment or similar establishment in excess of 10,000 square feet, inclusive of outdoor seating areas, shall require conditional use approval. This subsection shall not apply to properties containing buildings classified as "contributing" and existing in the Flamingo Park Historic District as of the effective date of this division, provided such property has not been combined or aggregated with adjacent properties. Notwithstanding the foregoing, the regulations in Chapter 142, Article V, Division 6, Entertainment Establishments, shall continue to apply to uses in this overlay district.
  - (4) No alcoholic beverage establishment, entertainment establishment or restaurant may be licensed as a main permitted or accessory use in any open area above the ground floor (any area that is not included in the FAR calculations) or at ground level in any open area within 125 feet of a residential district, except that residents of a multifamily (apartment or condominium) building or hotel guests may use these areas, which may include a pool or other recreational amenities, for their individual, personal use with appropriate buffering as determined by the Planning Department or applicable land use board with jurisdiction. This subsection shall not apply to properties containing buildings classified as "contributing" and existing in the Flamingo Park Historic District as of the effective date of this division, provided such property, has not been combined or aggregated with adjacent properties; and conditional use approval is obtained to operate between the hours of 8:00 p.m. and 8:00 a.m.

(Ord. No. 2014-3871, § 1, 5-21-14)

Secs. 142-865, 142-866. - Reserved.