

**Sunset Harbour CD-2 and I-1 Development Overlay**

**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," TO ESTABLISH SECTION 142-312, "SUNSET HARBOUR DEVELOPMENT REGULATIONS," AND CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," TO ESTABLISH SECTION 142-489, "SUNSET HARBOR DEVELOPMENT REGULATIONS," TO MODIFY HEIGHT LIMITS, ESTABLISH LIMITATIONS FOR LOT SIZE AND LOT AGGREGATION, MODIFY REQUIREMENTS FOR CLEAR PEDESTRIAN PATHS, AND ESTABLISH LIMITATIONS FOR ESTABLISHMENTS OVER 25,000 SQUARE FEET IN THE SUNSET HARBOUR NEIGHBORHOOD; AND AMENDING CHAPTER 130, "OFF-STREET PARKING" ARTICLE II, "DISTRICT REQUIREMENTS," AT SECTION 133-33, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, 8, AND 9," TO MODIFY PARKING REQUIREMENTS FOR NON-RESIDENTIAL USES ABOVE THE GROUND FLOOR IN PARKING DISTRICT NUMBER 5; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, 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**, 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**, the proposed changes 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**, that certain block bounded by Dade Boulevard on the south, Purdy Avenue on the west, 18th Street on the north, and Bay Road on the east in the Sunset Harbour neighborhood is an appropriate and strategic location for Class A office space due to its accessibility to the regional transportation network, and parking facilities; and

**WHEREAS**, 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.**

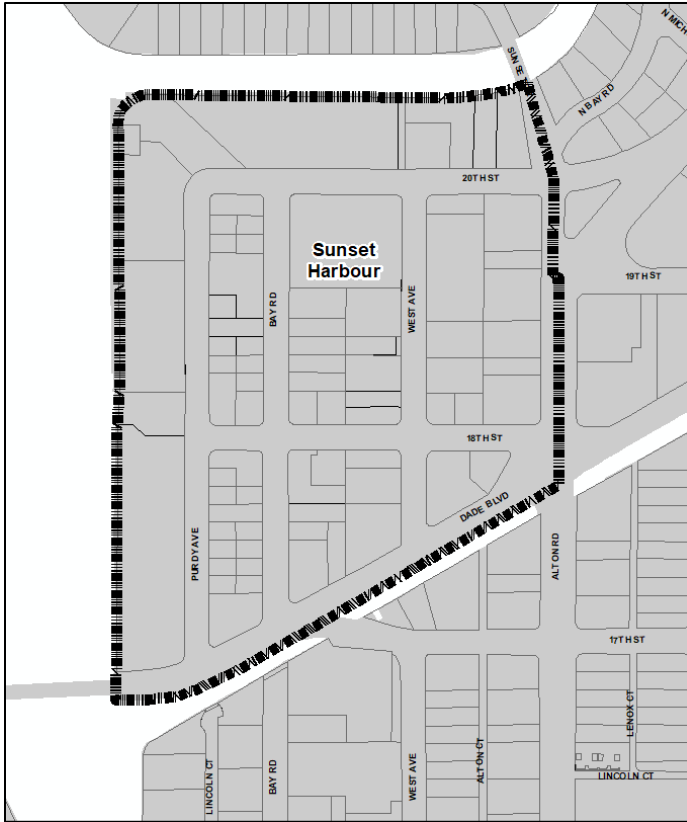
**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

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

\* \* \*

**Sec. 142-312. – Sunset Harbor Development Regulations.**

- (a) The Sunset Harbor Area 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 Area:

(1) Clear pedestrian path. The applicable standards for a “clear pedestrian path” established in sections 133-61 and 133-62 shall be modified as follows:

- a. The clear pedestrian path shall be increased to ten (10’) feet.
- b. The design review board may allow for the clear pedestrian path to be reduced to no less than five (5) feet in order to accommodate street trees, required utility apparatus, street furniture, and similar elements, subject to the design review criteria.

(2) Height. Notwithstanding the requirements of Sec. 142-306, the following shall apply to the maximum building height requirements in the Sunset Harbor area:

- a. The maximum building height shall be 55 feet, except as noted below.
- b. The design review board may increase the maximum building height to 65 feet for the following properties:
  - 1. Properties fronting Dade Boulevard between Alton Road and Bay Road.
  - 2. Properties fronting Alton Road between 20<sup>th</sup> Street and Dade Boulevard.
  - 3. Properties fronting Purdy Avenue between 18<sup>th</sup> Street and Dade Boulevard.

- c. In addition to approval from the design review board, the increase in the maximum height to 65 feet for the above noted properties shall be 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 and hotel uses 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 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 setback a minimum of ten (10) feet from the residential use.
5. Portions of the building exceeding 55 feet in height that are located on Alton Road shall be setback a minimum of 150 feet from 20<sup>th</sup> Street.
6. Portions of the building exceeding 55 feet in height that are located on Dade Boulevard shall be setback a minimum of 100 feet from Bay Road.

- (2) Height Exceptions. Notwithstanding the requirements of Sec. 142-1161, allowable height exceptions shall have the following additional limitations:

- a. Allowable height exceptions located within 25 feet of a street facing façade of the building or an interior lot line abutting a residential use shall not exceed 10 feet in height.
- b. Parapets shall not exceed four feet in height above the main roof.

- (4) Lot Aggregation. No more than six (6) platted lots may be aggregated for non-office, retail, personal service or restaurant uses.

- (5) Lot Size. The maximum lot size for non-office, retail, personal service or restaurant uses shall not exceed 36,000 square feet. Notwithstanding the foregoing, any lot larger than 36,000 square feet that existed prior to January 1, 2021 shall be considered legally conforming.

- (6) Number of Large Establishments and Conditional Use Permit (CUP) Requirements. For non-office, retail, personal service or restaurant uses establishments over 25,000 square feet conditional use approval from the Planning Board shall be required. Additionally, no more than two non-office, retail, personal service or restaurant uses establishments over 25,000 square feet shall be permitted within the Sunset Harbor area.

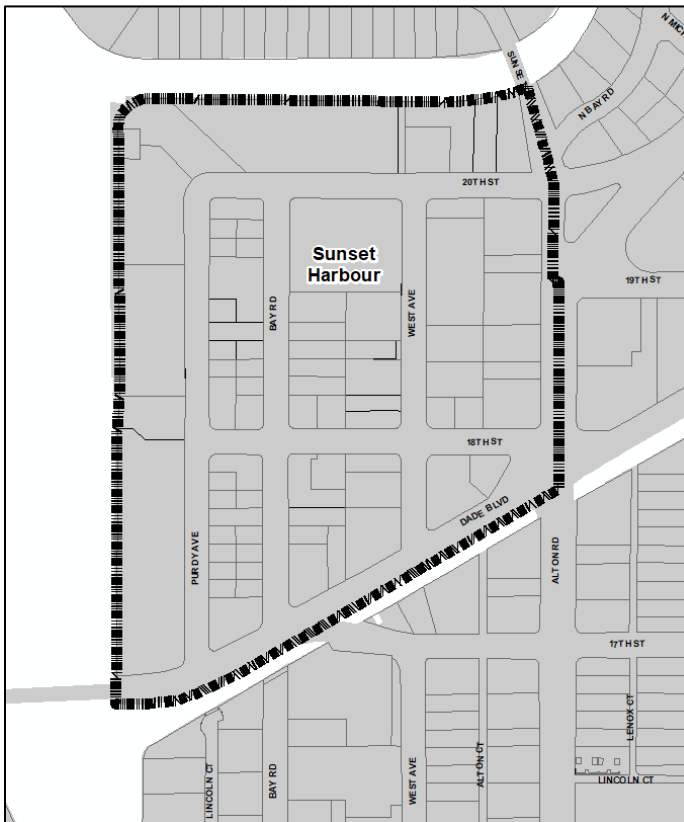
**SECTION 2.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 11, "I-1 Light Industrial District," is hereby amended as follows:

## DIVISION 11. - I-1 LIGHT INDUSTRIAL DISTRICT

\* \* \*

### Sec. 142-489. – Sunset Harbor Development Regulations.

- (a) The Sunset Harbor Area 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 I-1 properties within the Sunset Harbour Area:

- (1) Clear pedestrian path. The applicable standards for a “clear pedestrian path” established in sections 133-61 and 133-62 shall be modified as follows:
  - a. The clear pedestrian path shall be increased to ten (10') feet.
  - b. The design review board may allow for the clear pedestrian path to be reduced to no less than five (5) feet in order to accommodate street trees, required utility apparatus, street furniture, and similar elements, subject to the design review criteria.
- (2) Height. Notwithstanding the requirements of Sec. 142-486, the following shall apply to the maximum building height requirements in the Sunset Harbor area:

a. The maximum height shall be 55 feet.

(3) Height Exceptions. Notwithstanding the requirements of Sec. 142-1161, allowable height exceptions shall have the following additional limitations:

a. Allowable height exceptions located within 25 feet of a street facing façade of the building or an interior lot line abutting a residential use shall not exceed 10 feet in height.

b. Parapets shall not exceed four feet in height above the main roof.

(4) Lot Aggregation. No more than six (6) platted lots may be aggregated for non-office, retail, personal service or restaurant uses.

(5) Lot Size. The maximum lot size for non-office, retail, personal service or restaurant uses shall not exceed 36,000 square feet. Notwithstanding the forgoing, any lot larger than 36,000 square feet that existed prior to January 1, 2021 shall be considered legally conforming.

(6) Number of Large Establishments and Conditional Use Permit (CUP) Requirements. For non-office, retail, personal service or restaurant uses establishments over 25,000 square feet conditional use approval from the Planning Board shall be required. Additionally, no more than two non-office, retail, personal service or restaurant uses establishments over 25,000 square feet shall be permitted within the Sunset Harbor area.

**SECTION 3.** Chapter 130, "Off-Street Parking" Article II, "District Requirements," at Section 133-33, "Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9," is hereby amended as follows:

**Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9.**

\* \* \*

(b) [Parking district no. 5.] Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 5, off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 in section 130-32.

(1) Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages: No parking requirement for an individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area. To the extent that an establishment exceeds 100 seats and/or 3,500 square feet of floor area, one parking space per four seats and one parking space per 60 square feet of floor area not used for seating shall be required. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132.

(2) Retail store, or food store, or personal service establishment: There shall be no parking requirement for individual establishments of 3,500 square feet or less. An establishment

over 3,500 square feet shall provide one space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132.

- (3) Developments greater than 10,000 square feet of new construction: For new construction that is between 10,000 to 15,000 square feet, in lieu of providing required parking on site, a one-time fee may be paid prior to the issuance of the building permit, for that portion of new construction between 10,000 and 15,000 square feet. All portions of new construction that is greater than 15,000 square feet shall provide all the required parking on site.
- (4) All non-residential uses located above the ground floor, regardless of square footage, shall have no parking requirement. Notwithstanding the foregoing office uses may provide required parking on site as specified in parking district no. 1. Such required parking, if provided for office uses, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.
- (5) Removal of existing parking spaces: No existing required parking space may be eliminated, except through the provisions of section 130-35, or through the payment of the one-time fee in lieu of providing the parking in effect at the time, which shall be paid prior to the approval of a building permit, provided such elimination of parking spaces does not result in an FAR penalty (exceeding permitted floor area ratio).
- (6) Modifications to existing structures to meet raised street and sidewalk levels: There shall be no parking requirement for existing structures that raise the entire ground or first floor of the structure to meet or exceed the height of the abutting sidewalk(s). The parking requirement for any addition, up to 10,000 square feet, may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all of the uses within the proposed building. Additionally, any existing required parking spaces, which are located at the first level or open to the sky at the roof level, may be eliminated, without paying a fee in lieu of parking.

#### **SECTION 4. REPEALER.**

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

#### **SECTION 5. 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 6. SEVERABILITY.**

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

#### **SECTION 7. 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: April \_\_, 2021

Second Reading: May \_\_, 2021

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

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