

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 15, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment – Sunset Harbour Height Increase**

REQUEST

PB16-0049. Sunset Harbour Height Increase. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," BY AMENDING THE SETBACKS AND MAXIMUM PERMITTED HEIGHT AND NUMBER OF STORIES FOR MIXED- USE DEVELOPMENT IN THE SUNSET HARBOUR AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

HISTORY

The application came before the Board on October 14, 2016, and was continued to a date certain of November 15, 2016, at the request of the applicant.

RECOMMENDATION

Continue the proposed ordinance amendment to a future date.

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 changes are 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 modify district boundaries.

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

Partially Consistent – Additional study is required in order to ensure that the proposed changes are not out of scale with the needs of the neighborhood.

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

Consistent – The proposed will not modify the intensity of development.

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

Consistent – The proposed amendment does not modify district boundaries.

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

Not Consistent – There are no changing conditions that make the passage of the proposed changes necessary.

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

Consistent – The proposed changes should 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.**

Partially Consistent – The proposed change will not create or increase traffic congestion.

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

Consistent – The proposal should not reduce light and air to adjacent areas, provided adequate building setbacks are provided.

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

Consistent – The proposed change should 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 changes should not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

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

Not Consistent - There are no substantial reasons why the property cannot be used in accordance with existing zoning.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

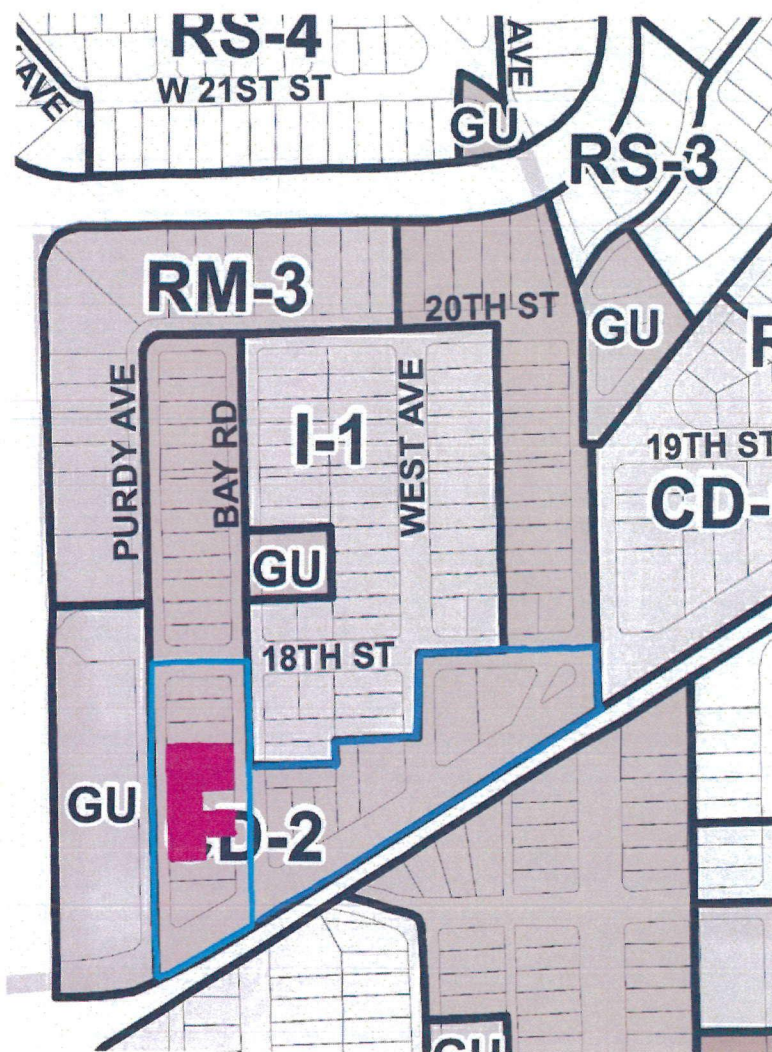
Not applicable.

ANALYSIS

In the map below, the bold purple area denotes the applicant's property. The area in light blue (bounded by Purdy Avenue, Dade Blvd., Bay Road and 18th Street) denotes the area proposed for a height increase to 90 feet/7-stories for mixed-use buildings on properties with 150 feet of frontage on Purdy Avenue. The dark blue area (bounded by properties on the north side of Dade Blvd. between Alton Road and Bay Road) denotes the proposed height increase to 60 feet/6-stories for mixed-use buildings, regardless of frontage. All of the aforementioned areas are zoned CD-2, Commercial Medium Intensity, which currently has a height limit of 50 feet/5-stories.

Sunset Harbour Height Increase

Sunday, October 9, 2016 11:08 AM



In addition to the height increase, the ordinance as proposed reduces the pedestal and tower setbacks for the areas outlined above. Currently, the code requires that for mixed-use buildings, when more than 25 percent of the total area of a building is used for residential or hotel units, any floor containing such units shall follow the RM-1, 2, 3 setback regulations. The following charts summarize the existing and proposed setbacks for residential or hotel uses in mixed-use buildings within the highlighted areas:

Current Setback Requirements:

	Front	Side, Interior	Side, Facing a Street	Rear
Pedestal	20 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	10% of lot depth
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.	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	15% of lot depth

Proposed Setback Requirements:

	Front	Side, Interior	Side, Facing a Street	Rear
Pedestal	15 feet	10 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	5 feet
Tower	15 feet	10 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	5 feet

Based upon the applicant's property as an example, with 200 feet of frontage, and a height of 90 feet, the following charts provides an indication of the current and proposed setback requirements.

Current requirements for an interior lot width of 200 feet and depth of 150 feet, and based upon proposed height of 90 feet:

	Front	Side, Interior	Rear
Pedestal	20 feet	16 feet min 32 feet sum of the side yards	15 feet
Tower	50 feet	20 feet	22.5 feet

Proposed requirements for an interior lot width of 200 feet and depth of 150 feet, and based upon proposed height of 90 feet:

	Front	Side, Interior	Rear
Pedestal	15 feet	10 feet min 20 feet (sum of the side yards)	5 feet
Tower	15 feet	10 feet	5 feet

In concept, staff has no objection to the height increases proposed, as such height would not be inconsistent with existing structures located south of 18th Street within the Sunset Harbour Neighborhood. However, staff would recommend further study of the requirement that additional height only be allowed for lots greater than 150 feet in width.

Staff is also concerned with the reduction in setbacks proposed, especially for the tower portion of a building (above 50 feet in height). Using the applicant's property as an example, on a 200 foot lot, a 90 foot tall building could be constructed with a width of 180 feet, and at a front setback of 15 feet. In order to minimize the potential solid mass of such a large building wall, staff would recommend that regulations similar to the recent amendments adopted for Washington Avenue be studied for this proposed ordinance, such as the following:

For lots that have a frontage that is greater than 100 feet, the following shall apply:

- a. *Maximum Building Length. No plane of a building above the ground floor shall continue for greater than 100 feet without incorporating an offset of a minimum fifteen feet (15 ') in depth from the setback line. The total offset widths shall total no less than 10 percent of the entire building frontage.*

This provision would help mitigate the impacts of the reduced side setbacks by requiring the building mass to be broken-down along properties with substantial street frontage. Due to the additional 40 feet of height afforded by the Ordinance, modulation of the building mass is critical in designing a building that does not overwhelm the neighborhood. In furtherance of this notion, staff

would also recommend that the front tower setbacks be increased from 15 feet to 30 feet, which is still a substantial reduction from the current requirements.

Given the layout of the applicant's property, with two zoned frontages (Bay Road and Purdy Avenue), some increased flexibility in minimum front and interior setback requirements is warranted. In order to study and analyze changes to the setback requirements, staff would recommend the applicant provide massing studies showing the potential of the proposed changes for further review.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board continue the proposed Ordinance amendment to a future date.

TRM/MAB

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SUNSET HARBOR CD-2 ZONING

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," BY AMENDING THE SETBACKS AND MAXIMUM PERMITTED HEIGHT AND NUMBER OF STORIES FOR MIXED-USE DEVELOPMENT IN THE SUNSET HARBOUR AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the City seeks to encourage well-designed mixed-use projects on parcels fronting on southern Purdy Avenue and Dade Boulevard in the Sunset Harbour neighborhood

WHEREAS, the Planning Board, at its meeting dated XXXX XX, 2016, by a vote of X-X, recommended in favor of the Ordinance; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

* * *

Sec. 142-306. - Development regulations.

* * *

(f) The height and setbacks of mixed-use buildings in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, shall be further governed as follows:

Mixed-use buildings on lots with a platted frontage equal to or greater than 150 feet with a lot line on Purdy Avenue south of 18th Street shall have a maximum height of 90 feet and seven (7) stories. Mixed-use buildings with a lot line on Dade Boulevard shall have a maximum height of 60 feet and six (6) stories **regardless of lot frontage.**

Setbacks for the residential uses in mixed-use buildings on lots with a platted frontage equal to or greater than **150 feet** with a lot line on Purdy Avenue south of 18th Street or with a lot line on Dade Boulevard shall follow Section 142-307, **except that pedestal or tower floors including residential units** shall have a fifteen (15) foot front setback, five (5) foot rear setback, and ten (10) foot interior side setbacks.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading:

Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underline denotes new language

~~Strikethrough~~ denotes deleted language