

Commercial Height Limits for Office Uses – Alton Road

ORDINANCE NO. 2021-4436

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 142-306, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT FOR DEVELOPMENTS WITH SIGNIFICANT OFFICE COMPONENTS LOCATED ON ALTON ROAD BETWEEN 8TH STREET AND 17TH STREET; AND ESTABLISHING SECTION 142-313, "ALTON ROAD OFFICE DEVELOPMENT OVERLAY," TO CREATE NEW DEVELOPMENT REGULATIONS FOR OFFICE USES INCLUDING A VOLUNTARY HEIGHT INCENTIVE, AS WELL AS HEIGHT LIMITS, HEIGHT EXCEPTIONS, MINIMUM GROUND FLOOR ACTIVATION, UPPER LEVEL SETBACK AND MECHANICAL SCREENING REQUIREMENTS, AND NEW REGULATIONS FOR OUTDOOR USES AND SPECIAL EVENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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, office development marketed as "Class A" tends to require greater 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 Alton Road corridor is an appropriate area for Class A office space due to its accessibility to the regional transportation network; and

WHEREAS, 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. 142-306. Development regulations.

(a) 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)
1.5	None, except as provided for mixed-use and commercial buildings as provided herein.	None	<p>New construction—550</p> <p>Rehabilitated buildings—400</p> <p>Non-elderly and elderly low and moderate income housing—400</p> <p>Workforce housing—400</p> <p>Hotel unit: 15%: 300—335; 85%: 335+</p> <p>For contributing hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the</p>	<p>New construction—800</p> <p>Rehabilitated buildings—550</p> <p>Non-elderly and elderly low and moderate income housing—400</p> <p>Workforce housing—400</p> <p>Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan.</p>	<p>50 (except as provided in section 142-1161).</p> <p>Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet</p>

		<p>north, and 17th Street on the south, hotel units shall be a minimum of 200 square feet. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address</p>		<p>from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley. Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet. <u>For office developments that satisfy the applicable requirements in Sec. 142-313 - 75 feet.</u></p>
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			<p>applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.</p>		
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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 (10') 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 (5') 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) 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.

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 re-numbered or re-lettered 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 28 day of July, 2021.

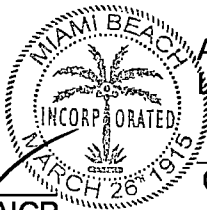
ATTEST:

8/2/2021
Rafael E. Granado, City Clerk

[Signature]
Dan Gelber, Mayor

First Reading: June 23, 2021
Second Reading: July 28, 2021

Verified by: [Signature]
Thomas R. Mooney, AICP
Planning Director



APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION

[Signature] 7-7-21
City Attorney NK Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: July 28, 2021

5:01 p.m. Second Reading Public Hearing

SUBJECT: COMMERCIAL HEIGHT LIMITS FOR OFFICE USES - ALTON ROAD
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 142-306, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT FOR DEVELOPMENTS WITH SIGNIFICANT OFFICE COMPONENTS LOCATED ON ALTON ROAD BETWEEN 8TH STREET AND 17TH STREET; AND ESTABLISHING SECTION 142-313, "ALTON ROAD OFFICE DEVELOPMENT OVERLAY," TO CREATE NEW DEVELOPMENT REGULATIONS FOR OFFICE USES INCLUDING A VOLUNTARY HEIGHT INCENTIVE, AS WELL AS HEIGHT LIMITS, HEIGHT EXCEPTIONS, MINIMUM GROUND FLOOR ACTIVATION, UPPER LEVEL SETBACK AND MECHANICAL SCREENING REQUIREMENTS, AND NEW REGULATIONS FOR OUTDOOR USES AND SPECIAL EVENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission adopt the subject Ordinance.

BACKGROUND/HISTORY

On June 24, 2020, at the request of Mayor Dan Gelber, a discussion item pertaining to strategic increases in height for office uses was referred to the Land Use and Sustainability Committee (C4C). At the time of referral, Commissioner David Richardson became a co-sponsor.

The Land Use and Sustainability Committee (LUSC) discussed the proposal on July 21, 2020 and continued the item to September 22, 2020, with the following general direction:

1. Provide additional information regarding existing office space inventory in the City, and where the best locations for office space would be.
2. Further study the areas proposed for office height incentives and look at other commercial areas.

3. Further study the minimum floor area benchmark for offices.

On September 22, 2020 the LUSC discussed the item and moved it to the full City Commission, in accordance with the following:

1. A recommendation in favor of the proposal for a height increase applying to Terminal Island.
2. No recommendation on the areas fronting Alton Road from 5th Street to Collins Canal.
3. No recommendation on Sunset Harbor

The LUSC also recommended that the City Commission consider the following in its discussion on the matter:

1. Requiring visual images and massing studies for the larger areas affected by the proposal, and not just the specific properties seeking the change.
2. Potential quality of life and community/public benefits.
3. Consider a sunset provision for the proposal.
4. Requirements for neighborhood uses and activation at the first level of the building.
5. The inclusion of North Beach in the scope of the ordinance.

On October 14, 2020, the City Commission referred a draft ordinance that included height increases for office uses on Terminal Island and Alton Road to the Planning Board for review and recommendation. On November 17, 2020 the Planning Board held a public hearing and transmitted the ordinance pertaining to Alton Road and Terminal Island to the City Commission with a favorable recommendation by a vote of 6-0.

On December 9, 2020 the City Commission considered the proposed Ordinance at first reading (item R50), and the Ordinance was approved for Terminal Island only. The Alton Road / CD-2 portion of the ordinance was bi-furcated and referred to the Land Use and Sustainability Committee (LUSC) for further discussion. The sponsors of the proposal are Mayor Dan Gelber and Commissioner David Richardson.

On January 20, 2021 the LUSC discussed and continued the item to the February 17, 2021 meeting. On February 17, 2021 the LUSC discussed the revised Ordinance and continued the item to the March 24, 2021 LUSC with direction to the Administration to incorporate the modifications discussed at the meeting into a revised draft Ordinance.

On March 24, 2021, a revised Ordinance was presented to the LUSC. The LUSC discussed the revised Ordinance and recommended that the ordinance be amended to exclude the east side of Alton Road, exclude hotels, and include a one year look back. Additionally, the LUSC recommended additional safeguards be incorporated if, in the future, an office development is

proposed to be converted to a different use. To this end, if a property owner elects, at the owner's sole discretion, to record a voluntary covenant agreeing that any residential units on the property shall not be leased or rented for a period of less than six months and one day, then the property owner would qualify for the height incentive.

ANALYSIS

PLANNING ANALYSIS

An increase in maximum building height from 50 feet and 60 feet to 75 feet has been proposed for portions of the Alton Road CD-2 District with the purpose of incentivizing high-end office development. The proposal would create an Alton Road Office Development Overlay that would be applicable on the west side of Alton Road between 8th Street and 11th Street and between 14th Street and 17th Street.

A minimum threshold to qualify for increased height has been incorporated to ensure that an eligible project is dedicated primarily to office use. However, non-office uses for sidewalk activation would be permitted and residential uses would be permitted, as part of the residential FAR bonus currently permitted in the Code. Additionally, a minimum lot size of 7,500 square feet is proposed to ensure that the higher height is for medium to large size office projects, and so that the site is large enough to absorb the increase in height. Collectively these thresholds will help ensure the increased height will be limited to projects that consist primarily of offices. Additionally, at the direction of the LUSC, the draft Ordinance contains the following regulations which apply to developments exceeding 60 feet in height within the Alton Road office development overlay:

(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 the first 1.5 FAR of the development 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 restricted 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.¹

1, Because the height increase has been proposed as a development incentive, premised on property owner's voluntary agreement to certain development regulations, this Ordinance is consistent with, and does not violate the preemption in Section 509.032(7)(b), Florida Statutes ("[a] local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals."). The draft Ordinance neither prohibits vacation rentals, nor regulates the duration or frequency of vacation rentals, but rather creates a framework for a development incentive at the application/permitting stage.

(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. This shall not preclude a ground level lobby to access the upper floors.

(4) Maximum Height. The maximum building height shall be 75 feet and all portions of the

building above 60 feet in height shall be setback a minimum of 20 feet from the rear property line.

(5) 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 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 trellis, 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.

(6) 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.

(7) 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.

(8) Sunset provision. The development regulations shall only apply to projects that have

obtained a full building permit by December 31, 2031.

The proposed increase in height would allow for the expanded interior floor to ceiling space being sought by office users and office developers. From a practical standpoint, when parking and mixed-use pedestals are included, the current height limitations in the aforementioned areas limit the interior ceiling heights for all uses. Additionally, the Alton Road corridor where this proposal is applicable is along and within a transit corridor and has access to public parking facilities.

The proposal would help diversify the City's economy and is consistent with the concept of transit-oriented development (TOD), which is ideal for the identified area. This is an important point because the City's long-term mobility plan places considerably more emphasis on transit. In turn, this will likely result in less of a need for onsite vehicular storage in the future, which would equate to a reduction in overall building height.

The City's real estate consultant, CBRE, has provided the following information regarding total office space in South Beach:

- Total Class A space - 937,526 SF with 9% vacancy
- Total Class B space – 892,885 SF with 11% vacancy
- South of Fifth Street – Approx. 400,000 SF of Class A & B space
- Lincoln Road (including adjacent side streets) – approx. 1.13 million SF of Class A & B space

As it pertains to the migration of office tenants from the northeast (e.g. New York and Connecticut) and Chicago to the greater Miami area (212 to 305), the Administration has discussed this with CBRE, who was able to provide some anecdotal data regarding leasing they have done in the larger office market area. In general, there appears to be a meaningful increase in interest from financial services and related firms, some of which are focused on the greater Miami market, and others in downtown West Palm Beach.

MASSING STUDY

The City Commission requested that massing studies be provided, comparing what is permitted under the existing regulations (60') and what is proposed for office uses (up to 75'). Attached are three separate section diagrams, with corresponding massing illustrations, comparing the current height regulations along Alton Road with two different options for a potential height increase. The study lot chosen is located between 14th Street and 15th Street on the west side of Alton Road. The following is a summary of each option:

Option 1: Current Building Height Limit of 60 Feet

Under existing regulations, buildings with structured parking have a maximum building height limit of 60 feet on Alton Road. As noted in the attached section diagram, buildings with this maximum height have upper-level internal ceiling height limits of 11 feet.

Option 2: Increase Building Height Limit to 65'

Option 2 contains the same interior dimensions as option 1 at the ground and parking deck levels. The interior ceiling heights can be increased to 13 feet for two levels, and 12 feet for a third level.

Option 3: Increase Building Height Limit to 75'

Option 3 contains the same interior dimensions as options 2 and 3 at the parking deck level and allows for a more expansive interior height at the ground level. Additionally, the upper levels, at all floors, can accommodate up to 15 feet of interior ceiling height at each level.

It is important to point out that the maximum increase in building height proposed would not exceed fifteen (15') as commercial and mixed-use/office structures that include structured parking already have a maximum building height limit of 60 feet. The current parking regulations in the LDR's require that parking for office and residential uses be provided on site.

Of the three height options proposed herein, staff recommended that option 3, with a maximum height limit of 75 feet, be approved at the LUSC, as it allows for maximum flexibility for first level activation and expanded floor-to-floor heights at all levels. The LUSC agreed with the recommendation of staff and recommended option 3.

Additionally, as noted in the corresponding massing studies, the difference in height is not significant. Moreover, actual development projects will consist of fully developed architectural plans, not massing studies, which will incorporate a significant level of architectural design, changes in building plane and movement in the overall mass of the building. All new construction is also subject to Design Review Board (DRB) approval, at which time issues of massing, view corridors and surrounding context will be fully addressed as part of a public hearing.

PLANNING BOARD REVIEW

On May 25, 2021, the Planning Board held a public hearing and transmitted the Ordinance to the City Commission with a favorable recommendation by a vote of 6-0. As part of this recommendation, the Planning Board also recommended the following:

1. Include aspirational criteria that provides that where possible existing structures should be adaptively reused.
2. Require that a progress report be provided to the Planning Board after 4 developments are approved that take advantage of the office height incentive.

UPDATE

The subject Ordinance was approved at First Reading on June 23, 2021 with the inclusion of a requirement for a clear pedestrian path at the sidewalk level. This modification has been incorporated into the text of the Ordinance for Second Reading. Additionally, the City Commission directed the Administration to provide a progress report to the Planning Board after 4 developments are approved that take advantage of the office height incentives.

SUPPORTING SURVEY DATA

Expanding City Economic Base

CONCLUSION

The Administration recommends that the City Commission adopt the subject Ordinance.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking
Planning

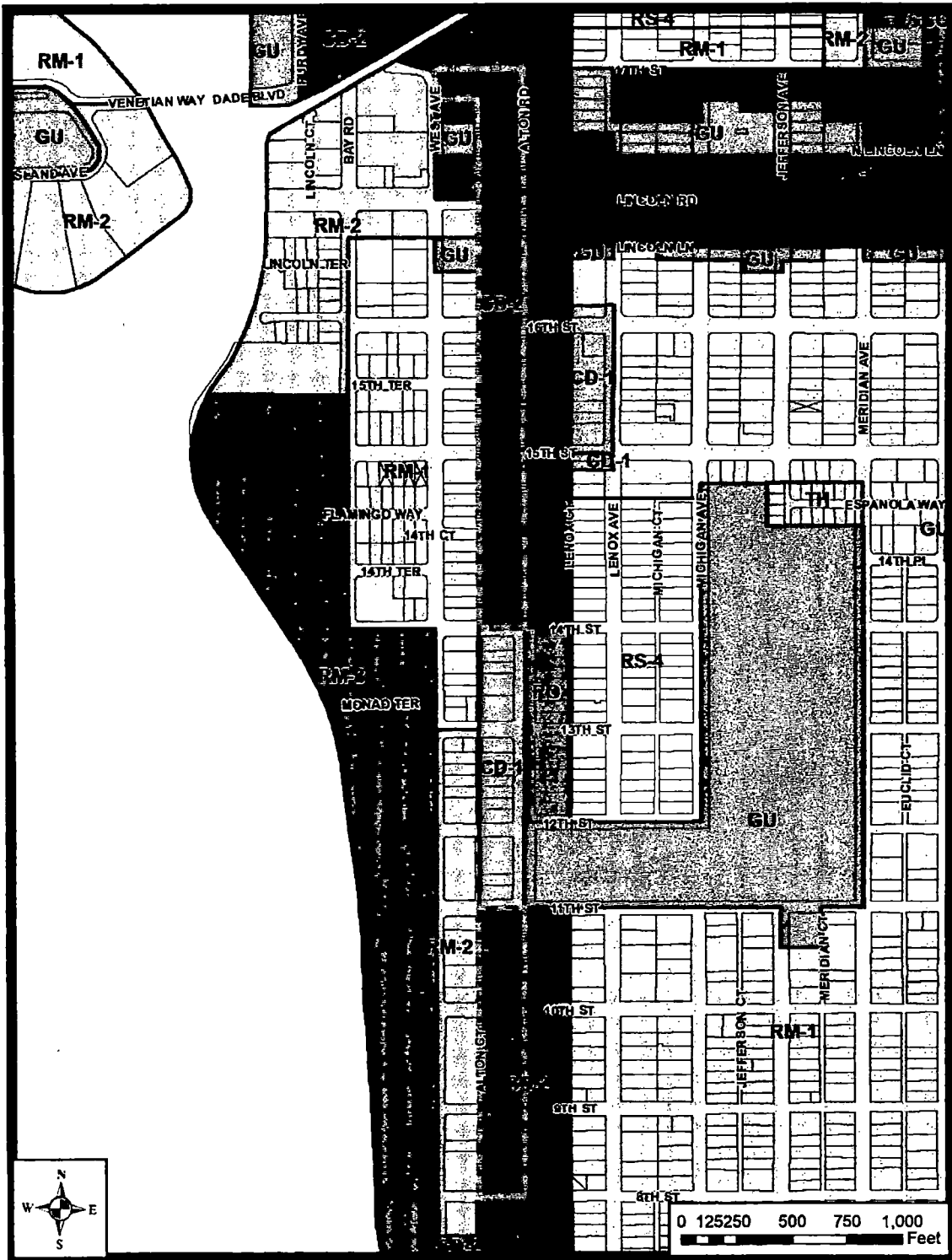
Sponsor
Mayor Dan Gelber

ATTACHMENTS:

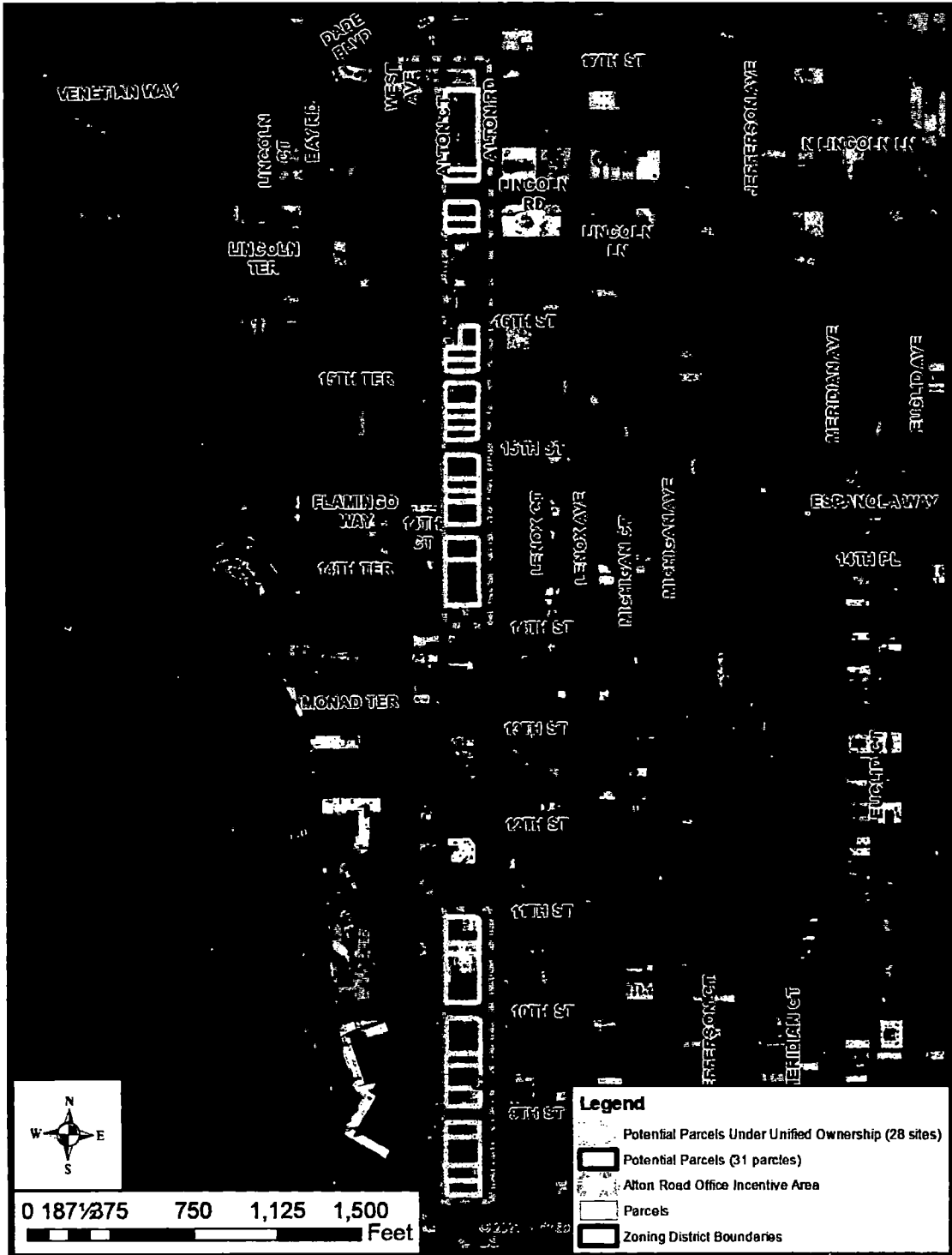
Description

- ▢ MAPS
- ▢ Massing Studies
- ▢ Form Approved ORD
- ▢ Ad

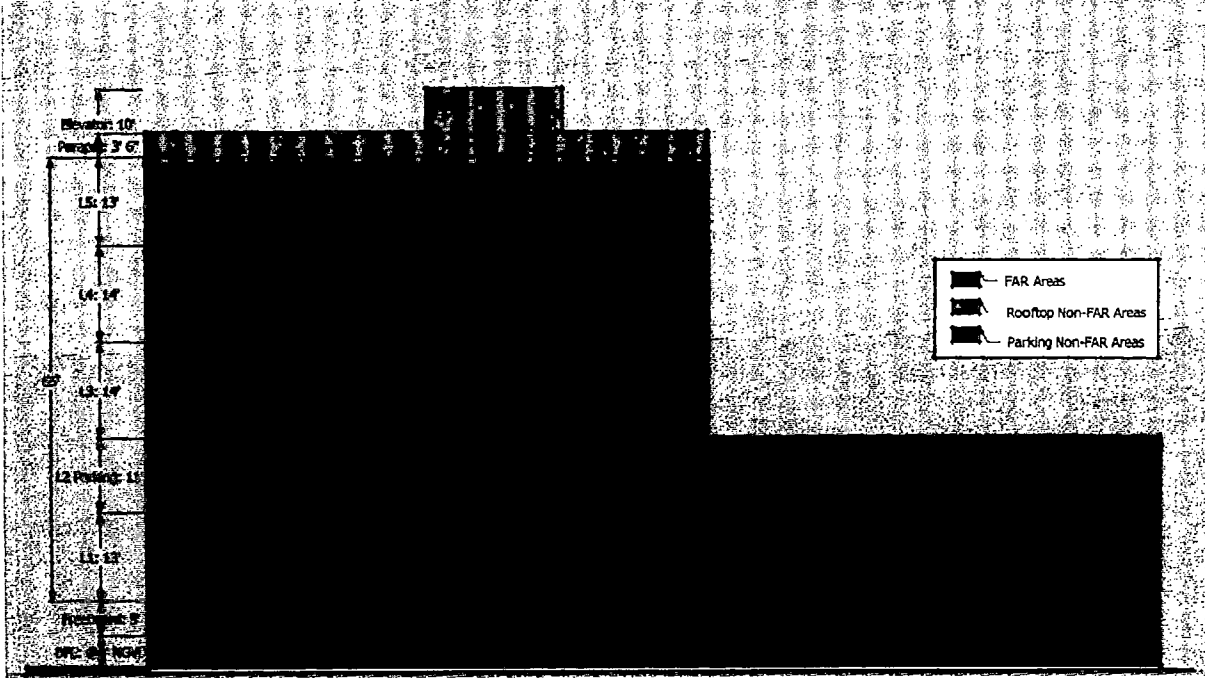
ZONING MAP



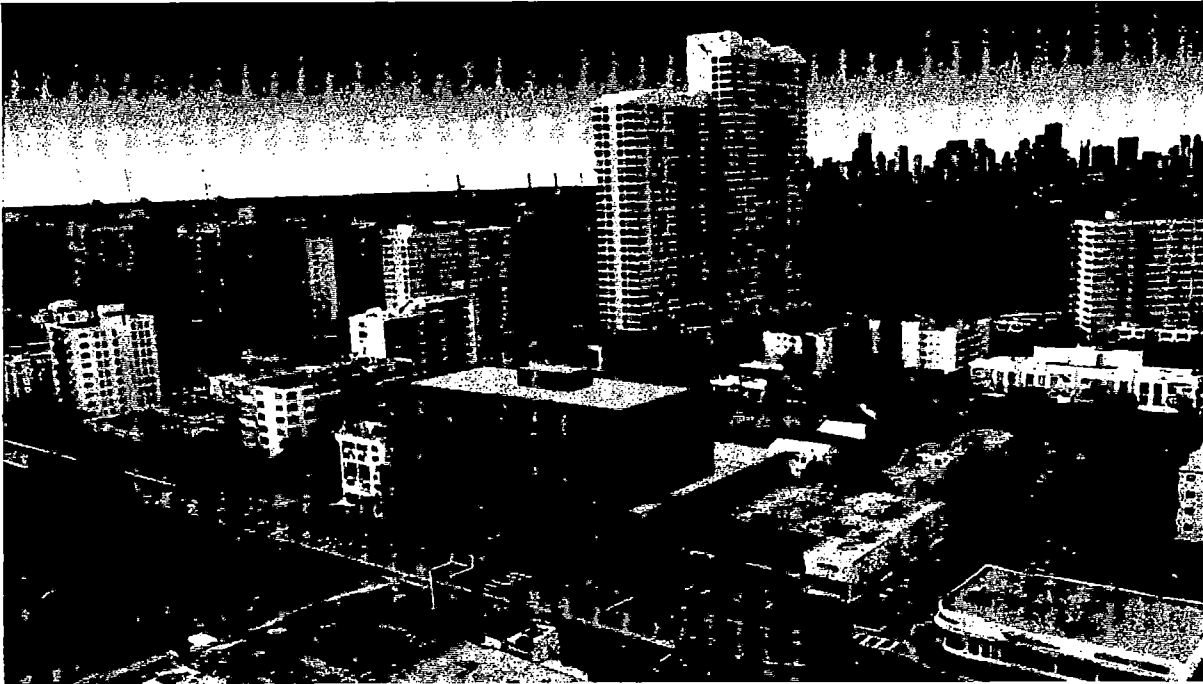
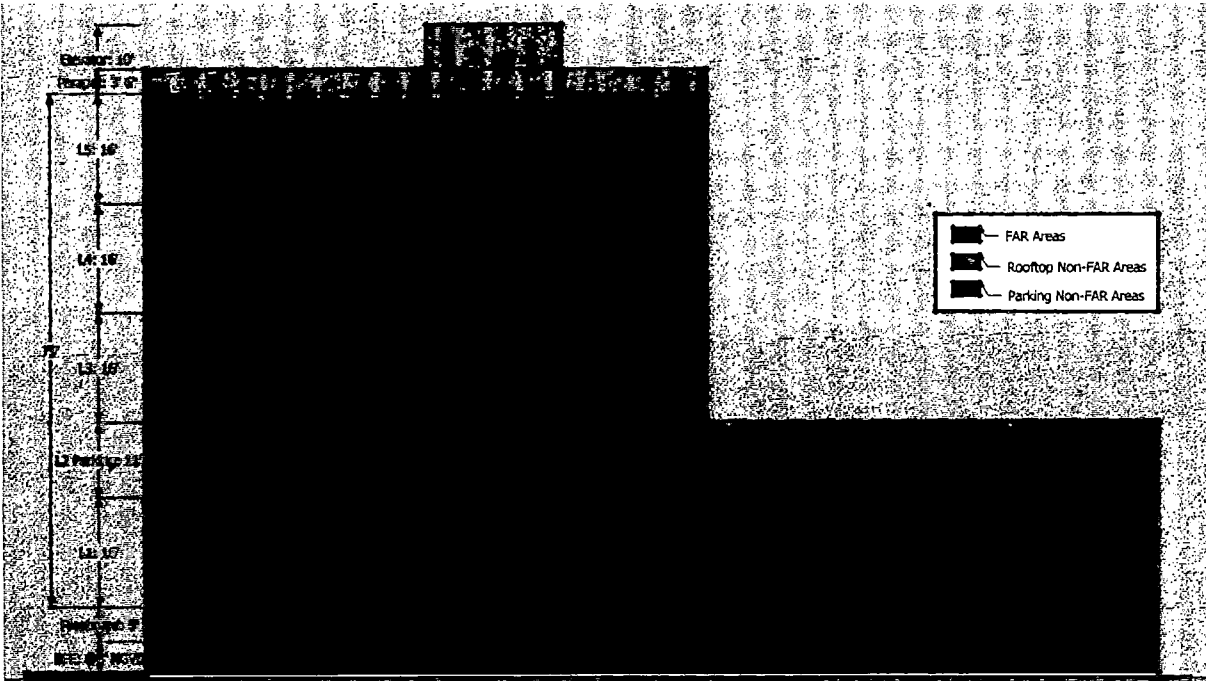
OFFICE INCENTIVE POTENTIAL SITES



MASSING STUDY – 65' HEIGHT OPTION



MASSING STUDY – 75' HEIGHT OPTION



**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

**ORDINANCE AMENDING THE COMMERCIAL HEIGHT LIMITS
FOR OFFICE USES ON ALTON ROAD**

JULY 28, 2021 CITY COMMISSION MEETING

On July 28, 2021, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in a socially distanced manner in the Commission Chamber, Miami Beach City Hall, 1700 Convention Center Drive, 3rd Floor, Miami Beach, FL 33139. Applicants and the public are encouraged to attend the meeting virtually (as provided below). However, members of the public who wish to attend the meeting or provide public comment in person may appear at the Commission Chamber. Members of the public are *strongly encouraged* to wear facial coverings and observe social distancing, consistent with CDC guidance to limit the spread of COVID-19.

To participate or provide comment virtually during the Commission Meeting, the public may join the webinar at: <https://miamibeachfl.gov.zoom.us/j/81392857671> or via telephone at: 1.301.715.8592 (U.S.) or 888.475.4499 (Toll Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting, must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

NOTICE IS HEREBY GIVEN that the following Public Hearing will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on **July 28, 2021 at 5:01 p.m.** or as soon thereafter as the matter can be heard:

5:01 p.m. Second Reading Public Hearing

COMMERCIAL HEIGHT LIMITS FOR OFFICE USES - ALTON ROAD

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, "CO-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT FOR DEVELOPMENTS WITH SIGNIFICANT OFFICE COMPONENTS LOCATED ON ALTON ROAD BETWEEN 8TH STREET AND 17TH STREET; AND ESTABLISHING SECTION 142-313, "ALTON ROAD OFFICE DEVELOPMENT OVERLAY," TO CREATE NEW DEVELOPMENT REGULATIONS FOR OFFICE USES INCLUDING A VOLUNTARY HEIGHT INCENTIVE, AS WELL AS HEIGHT LIMITS, HEIGHT EXCEPTIONS, MINIMUM GROUND FLOOR ACTIVATION, UPPER LEVEL SETBACK AND MECHANICAL SCREENING REQUIREMENTS, AND NEW REGULATIONS FOR OUTDOOR USES AND SPECIAL EVENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development, Section 2 05 of the City Charter, and §166.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.*

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

MIAMI BEACH

07282021-08

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

**ORDINANCE AMENDING THE CODE RELATED TO
THE WEST AVENUE BAY FRONT OVERLAY ON
BED AND BREAKFAST PROHIBITION**

JULY 28, 2021 CITY COMMISSION MEETING

On July 28, 2021, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in a socially distanced manner in the Commission Chamber, Miami Beach City Hall, 1700 Convention Center Drive, 3rd Floor, Miami Beach, FL 33139. Applicants and the public are encouraged to attend the meeting virtually (as provided below). However, members of the public who wish to attend the meeting or provide public comment in person may appear at the Commission Chamber. Members of the public are *strongly encouraged* to wear facial coverings and observe social distancing, consistent with CDC guidance to limit the spread of COVID-19.

To participate or provide comment virtually during the Commission Meeting, the public may join the webinar at: <https://miamibeachfl.gov.zoom.us/j/81392857671> or via telephone at: 1.301.715.8592 (U.S.) or 888.475.4499 (Toll Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting, must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

NOTICE IS HEREBY GIVEN that the following Public Hearing will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on **July 28, 2021 at 10:50 a.m.** or as soon thereafter as the matter can be heard:

10:50 a.m. First Reading Public Hearing

WEST AVENUE BAY FRONT OVERLAY - BED & BREAKFAST PROHIBITION

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, ENTITLED "OVERLAY DISTRICTS," DIVISION 5, ENTITLED "WEST AVENUE BAY FRONT OVERLAY," TO REMOVE BED AND BREAKFAST INNS AS ALLOWABLE USES IN THE WEST AVENUE BAY FRONT OVERLAY; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to §118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department Director at 305.673.7550.*

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

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Ad 07282021-11

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