

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 24, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment**
File No. 2303 – CD-2 Height For Mixed-Use On Alton Road

REQUEST

File No. 2303. CD-2 HEIGHT FOR MIXED-USE ON ALTON ROAD. 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," AT SECTION 142-306, "DEVELOPMENT REGULATIONS," BY INCREASING THE MAXIMUM PERMITTED HEIGHT FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD FROM 6TH STREET TO COLLINS CANAL; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On July 8, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (Item C4F). On July 29, 2015, the Land Use Committee continued the item to September 9, 2015.

On September 9, 2015, the Land Use Committee discussed the item and recommended that an Ordinance be referred to the Planning Board, based upon the proffer of a property owner on Alton Road.

On October 14, 2015, the City Commission referred the item to the Planning Board.

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 ordinance amendment is 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.**

Not applicable – 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.**

Consistent – The proposed Ordinance provides for a minor increase in height for mixed-use buildings to provide parking and will not allow for development that is 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 ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The difficulty in providing parking in mixed-use buildings with existing development regulations makes the proposed change necessary.

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

Consistent – The proposed change will 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.**

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 proposed ordinance will allow for a minor increase in height and will not significantly reduce light and air to adjacent areas.

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 change should not be a deterrent to the improvement or development of properties in the City.

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

Consistent – The existing development regulations prevent mixed-use developments from providing appropriate parking on-site.

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

Currently, all new construction within CD-2 districts along the west side of Alton Road from 6th Street to Collins Canal is limited to 50 feet in height. At the September 9, 2015 Land Use Committee meeting, representatives of the property owner at 1698 Alton Road made a presentation to the Committee regarding a proposed increase of ten (10') in the overall height limit for mixed-use projects providing structured parking on the west side of Alton Road between 6th Street and Collins Canal. The following is a summary of the proposal made to the Committee:

- *The ordinance should only apply to properties in non-historic districts and not in the Alton Road buffer overlay, so the properties on the east side of Alton Road (which are in the Flamingo Park Historic District) should not be affected.*
- *The proposal will not increase floors/stories (this would remain at 5 stories) and will not increase FAR - simply an additional 10 feet in height.*
- *The properties here are CD-2 which already permit RM-2 FAR and Setbacks for properties containing at least 25% residential uses. The additional 10 feet in height is what is permitted in RM-2 as well.*
- *The extra 10 feet will be utilized in part to build projects to meet new sea level rise elevations. The current code as written allows 5 functional stories at 50 feet. The amendment will allow 5 functional stories at 60 feet.*
- *Providing parking within the building (particularly when additional parking is provided beyond the required amount) should be incentivized in the Alton Road parking District - instead of pushing projects to have off-site parking.*

The proposal to increase the maximum height for mixed-use buildings is not expected to have a significant impact on the scale, context and character of the west side of Alton Road, as the CD-2 zones on the west side of Alton Road are adjacent to RM-1 (maximum allowable height of 50 feet) and RM-2 zones (maximum allowable height of 60 feet). Additionally, any future

development proposal would still be subject to Design Review Board (DRB) approval, as well as Planning Board approval if the development project exceeds 50,000 square feet in size.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM/ESW/FCT

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CD-2 HEIGHT FOR MIXED-USE ON ALTON ROAD

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," AT SECTION 142-306, "DEVELOPMENT REGULATIONS," BY INCREASING THE MAXIMUM PERMITTED HEIGHT FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD FROM 6TH STREET TO COLLINS CANAL PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach recognizes the unique character of the mix of uses and parking demand on Alton Road, thus establishing the Alton Road Parking District (Parking District No. 6); and

WHEREAS, the land development regulations already provide that the setback and floor area regulations for mixed-use projects in the CD-2 zoning district be the same as the RM-2 zoning district; and

WHEREAS, the RM-2 zoning district provides a maximum height of 60 feet; and

WHEREAS, the City desires to amend Chapter 142, Article II, Division 5 "CD-2, Commercial, Medium-Intensity District", at Section 142-306, "Development Regulations" to increase the height within the CD-2 along the West side of Alton Road from 6th Street to Collins Canal from 50 to 60 feet, but not increasing the number of stories allowed in the district; and

WHEREAS the Planning Board, at its meeting dated _____, 2015 by a vote of ____ recommended in favor of the Ordinance; 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," at Section 142-306, "Development Regulations," is hereby amended as follows:

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 section 142-1183 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	50 (except as provided in section 142-1161). 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. <u>Mixed-Use Buildings that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.</u>	5 (except as provided in section 142-1161) Self-storage warehouse: 4

			<p>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 applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained.</p>		
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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.

Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016

Second Reading: _____, 2016

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

Underline = new language

~~Strikethrough~~ = deleted language

