

# MIAMI BEACH


## PLANNING DEPARTMENT

### Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: October 29, 2024

FROM: Thomas R. Mooney, AICP <sup>DS</sup> for TRM  
Planning Director

SUBJECT: **Pb24-0703, 1250 West Avenue - Alton Beach Bayfront Overlay District Comprehensive Plan Amendment**

**Pb24-0698, 1250 West Avenue - Development Regulations for The Alton Beach Bayfront Overlay District**

### **RECOMMENDATION**

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDR) and continue the applications to the January 7, 2025 Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a community outreach meeting.

### **PLANNING BOARD AND CITY COMMISSION REVIEW REQUIREMENTS**

The application submitted herein is in accordance with Section 7.1.10.2(a) of the LDR's, which requires the following 3-step process, prior to the review by the City Commission:

**a. Step One – Planning Board Preliminary Review.**

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed ordinance. Notice of the Planning Board preliminary review hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for the preliminary Planning Board review shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

Prior to the Planning Board's preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, will perform an impact analysis of the proposed FAR increase; and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/mobility, parking,

water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.

3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

For private applications, the applicant shall be required to provide all data and exhibits related to the above noted impact analysis as part of the application submission. The findings of this impact analysis shall be presented to the Planning Board at the preliminary review stage.

**b. Step Two – Community Outreach Meeting:**

Subsequent to the Planning Board's preliminary review meeting, the City shall facilitate a public meeting for all affected stakeholders, in order to solicit additional input and feedback, as well as for City staff to address any outstanding issues or questions. A reasonable effort shall be made to ensure that such public meeting is held no later than 45 days from the date of the preliminary review by the Planning Board. Courtesy notice of the meeting shall be given by the applicable City department, in coordination with the Planning Department, in a manner consistent with the City's courtesy notices for other community meetings, workshops, or presentations.

**c. Step Three – Planning Board Transmittal:**

At a second duly noticed public hearing, which is separate and apart from the preliminary review hearing, the Planning Board shall consider and transmit the proposed ordinance to the City Commission with a recommendation. Notice of this transmittal hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

After transmittal to the City Commission, the review requires a similar 3-step process:

**a. Step One – First Reading Public Hearing:**

After transmittal of the ordinance by the planning board, the City Commission shall hold a first reading public hearing. Notice of the first reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for first reading shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

**b. Step Two – Community Workshop:**

Subsequent to the approval of the ordinance at first reading, and prior to second reading, at least one additional community workshop, which is separate and apart from the first reading public hearing, shall be held. This additional community workshop shall be considered a courtesy meeting, and open to participation by all affected stakeholders, including residents, property owners, or businesses in the surrounding area that may be affected by the proposed floor area or FAR increase, as determined by the City Commission. Such community workshops may be held in a virtual, in-person or hybrid formats, at the discretion of the City Commission, and shall be noticed in a manner to be determined by the City Commission.

**c. Step Three – Second Reading / Adoption Public Hearing:**

After the community workshop described above, the City Commission shall hold a second reading public hearing to consider final adoption of the proposed ordinance. Notice of the second reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

**REVIEW CRITERIA**

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), 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.**

**Not Consistent** – As currently proposed, the amendments far exceed the maximum intensity (FAR) in the Comprehensive Plan. The proposed increase is out of scale with the immediate neighborhood, including existing structures that are non-conforming with current requirements for height and FAR. See Staff Analysis.

**2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not Consistent** – The proposed amendment creates an isolated overlay district that bears no relationship or consistency with the surrounding context.

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

**Not Consistent** - The proposed ordinance amendment does include potential benefits for the neighborhood, as it pertains to potential future development on the east side of West Avenue. However, the benefits to the neighborhood are not commensurate with the impacts of the additional height and massing currently proposed.

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

**Partially Consistent** – The proposed amendment does include a reduction in density, which is less likely to burden water, sewer and road networks. However, the overall size of the proposal could have other unintended impacts on drainage and storm water runoff. These shall require further review as part of an impact analysis.

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

**Consistent** – The boundaries of the overlay district are not illogically drawn.

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

**Partially Consistent** – The proposal for public benefits could warrant the passage of

reasonable bonuses. See Staff Analysis.

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

**Not Consistent** – The proposed ordinance amendment could adversely affect living conditions in the neighborhood with a larger, over scaled building.

**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 is not anticipated to excessively increase traffic congestion.

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

**Not Consistent** – The proposed change would seriously reduce light and air to adjacent areas with a development that far exceeds the maximum height and FAR currently allowed.

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

**Not Consistent** – The proposed change could adversely affect property values in the adjacent areas with an over scaled building that overshadows its neighbors.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Not Consistent** – The proposed change could be a deterrent to the improvement or development of adjacent properties that would be overshadowed by an over scaled building.

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

**Partially Consistent** – While the property can be used in accordance with existing zoning, reasonable amendments would remove uses that are no longer desired in the neighborhood.

**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.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will increase the resiliency of the City with respect to sea level rise with new development that will comply with the City’s resiliency requirements.

**(3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

**ANALYSIS**

The applicant is proposing to create a new overlay, entitled the Alton Beach Bayfront Overlay, as well as amend the RM-3 development regulations specific to properties in the overlay. The proposed amendments to the comprehensive plan and the LDR’s would enable the construction of a luxury housing development, including approximately 180 restaurant seats, located at 1250 West Avenue.

The proposal includes an increase in maximum FAR from 2.75 up to 8.53, as well as a building height increase from 150 feet to 435 feet. The applicant is also proposing to modify certain setback requirements.

The following is a summary of the proposed code modifications, as compared to the current requirements:

	Required or Max	Proposed	Difference
FAR	2.75 (228,494 SF)	8.53 (708,749 SF) <sup>5</sup>	+5.77(+479,838 SF)
Note: each 1.0 increase in FAR results in an addition of 83,089 Sf to the site.			
Height	150 Feet	435 feet *	+285 feet
*Note proposed plans show a height of 450 feet			
Front Setback			
Pedestal	20 feet	20 feet	None
Tower	50 feet	50 feet	None
Side Setback			
Pedestal	16 feet	16 feet <sup>2</sup>	0 to -8 feet <sup>2</sup>
Side Sum	32 feet	42 feet <sup>3</sup>	+10 feet to – 6 feet <sup>2</sup>
Tower	50 feet <sup>4</sup>	26 feet	-24 feet (each side)
Arch. Projections	25% (6 feet max)	10 feet	-4 feet
Rear Setback			

Pedestal	42 feet	42 feet	None
Tower	63 feet	63 feet	None

<sup>2</sup> Columns may project 8 feet into the required side yard setback at first 2 levels, reducing the N. Side setback to 8 feet and the S. Side setback to 18 feet for a sum of 26 feet

<sup>3</sup> 16 feet on N. Side + 26 feet on S. Side.

<sup>4</sup> Note: The code does not anticipate an overall height above 200 feet.

<sup>5</sup> The ordinance has a Transfer Bonus of an additional 10%, which is unclear, but could provide for an additional 64,393 square feet in addition to the maximum FAR of 7.75 proposed.

The following is a summary of the proposed FAR and height bonuses:

- FAR bonus of 1.0 for not exceeding a density of 55 apartments per acre.
- FAR bonus of 0.5 for executing a covenant prohibiting short term rentals in perpetuity.
- FAR bonus of 1.25 for the design and construction of a baywalk extension at the Bayview Terrace Condominium.
- FAR bonus of 1.0 for obtaining a building permit within 5 years
- FAR bonus of 1.25 for redeveloping the property on the east side of West Avenue with a public parking garage.
- A building height bonus of 285 feet above the current maximum height of 150 feet for a project that implements all of the above bonuses, allowing for a maximum height of 435 feet.
- The proposal also includes an additional 10% FAR bonus, via the transfer of development rights, potentially resulting in a maximum FAR of 8.53 (708,749 square feet).

In accordance with the requirements noted above for FAR increases, the applicant has included the following with the application submission:

1. **Impact analysis of the proposed FAR increase.** The current permitted square footage is 228,494 square feet and 708,749 square feet is proposed.
2. **Infrastructure Analysis** regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space.
3. **Massing Studies**, which illustrate the volume and location of the area associated with the proposed FAR increase.

Staff would note the following, based upon the plans submitted:

- The current maximum FAR for the site (2.75) is contained within the first 11 floors of the proposed new building, including 31 apartment units and 180 restaurant seats.
- The increased FAR provides for an additional 69 units, 280 feet of building height, and up to 479,838 of additional square feet.
- The average unit size proposed is 4,305 square feet.

The proposed LDR amendment far exceeds the maximum FAR established in the Comprehensive

Plan for the RM-3 district, and is completely out of scale with the existing buildings in the immediate area, including structures that are non-conforming with today's maximum requirements for height and FAR. For example, the nearby Waverly Condo is cited as an example of a non-conforming building that the proposed regulations will be 'compatible' with. Below is a comparison of the proposal with the permitted plans for the Waverly Condo located at 1330 West Avenue

	1330 West Ave	1250 West Ave	Difference
Lot Area	130,234 SF (3 acres)	83,089 SF (1.9 acres)	-47,145 SF) -1.1 acres
Max Height	279 feet to 334 '	435 feet	+ 101' to 156'
FAR	546,528 SF (4.2)	>708,749 SF (8.53)	+162,221 SF (4.33)
Lot Width	200'	200'	None
Tower			
Side Setback	>50 feet	26 feet	-24 feet
Tower Frontage	60' to 90' max	148 feet	+58 feet to +88 feet wider
Tower floor plate	9,310 SF to 17,842 SF	~17,500 SF	~ (+0 to 8,200 SF)
Flr to Flr height (tower)	9'-2 1/2"	11', 12', 14'	+1'-8" to +4'-8"

While certain bonuses proffered by the applicant may be appropriate, collectively they result in an over scaled project that is hostile to its surroundings. Any bonuses should be commensurate with the actual benefit and should not result in a project that creates an imbalance with the surrounding context in terms of scale, mass and building height.

Staff is not opposed to sensible bonuses that result in enhanced urban design and are tied to a legitimate public purpose. To address this, the following modifications are recommended:

1. The existing setback requirements remain, with no modifications. The proposed setback modifications would result in the width of the proposed tower increasing from a maximum of 100 feet in width to 148 feet in width. Additionally, the pedestal portion of the building, at all levels, should fully comply with the minimum side setbacks of 16 feet.
2. The proposed bonuses for reduced density and obtaining a building permit within 5 years should be eliminated.
3. The proposed bonus for restricting short term rentals should be limited to .50, as currently proposed, which is commensurate with other pending city proposals for restricting short term rentals in certain zoning districts.
4. The proposed bonus for the development and construction of the baywalk at Bayview Terrace Condominium should be limited to .50.
5. The proposed bonus for replacing an existing transient use on the east side of West Avenue with a public parking structure should be limited to 1.50. Additionally, the proposed 10% FAR bonus, via the transfer of development rights from the property on the east side of West Avenue, should be eliminated.
6. The proposed height bonus should be limited to 150 feet.

In summary, staff is recommending the following:

1. The maximum FAR bonus does not exceed 2.50, resulting in a total FAR of 5.25.
2. The maximum building height bonus does not exceed 150 feet, resulting in a total building height of 300 feet.
3. No modifications to the current setback requirements.

### **COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS**

The proposal requires an amendment to the Comprehensive Plan for the proposed increase in Density.

Under Section 163.3184(2), Florida Statutes, this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

### **RECOMMENDATION**

Staff recommends the Planning Board review the proposed ordinances amending the Comprehensive Plan and LDR's and continue the review of the ordinances to the January 7, 2025 Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a new community outreach meeting.

**ALTON BEACH BAYFRONT OVERLAY DISTRICT  
COMPREHENSIVE PLAN AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY 1.1.6: MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2) AND POLICY 1.1.7: HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3) CREATING THE ALTON BEACH BAYFRONT OVERLAY LAND USE CATEGORY, PROVIDING FOR TRANSFER OF DEVELOPMENT INTENSITY, PROVIDING FLOOR AREA BONUSES FOR DEVELOPMENTS THAT INCLUDE CERTAIN PUBLIC BENEFITS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

**WHEREAS**, lot 3, block 80 of the Bay Garden Manor Condo Plat, according to the plat thereof, recorded in Plat Book 6, Page 12 of the Public Records of Miami-Dade County is a large bayfront lot in the City;

**WHEREAS**, the City seeks to create regulations for the development of lot 3, block 80 of the Bay Garden Manor Condo that promote the public health, safety, and general welfare of the public; and

**WHEREAS**, lot 3, block 80 of the Bay Garden Manor Condo is currently developed with a 239-unit condominium building; and

**WHEREAS**, the City seeks to encourage development of cohesive residential and mixed-use communities with resilient low density long-term residential uses;

**WHEREAS**, Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County is currently developed with a legal nonconforming transient use; and

**WHEREAS**, the City seeks to encourage redevelopment of existing legal nonconforming transient uses that are incompatible with the character of the West Avenue neighborhood; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved.

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

**SECTION 1.** The following amendments to the City's 2040 Comprehensive Plan Future Land Use Element are hereby adopted:

## **RESILIENT LAND USE AND DEVELOPMENT ELEMENT**

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### **GOAL RLU 1: LAND USE**

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#### **POLICY RLU 1.1.6 MEDIUM INTENSITY MULTI-FAMILY (RM-2)**

Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that allow the transfer of floor area in the following RM-2 land use category overlays:

- Alton Beach Bayfront Overlay: Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County

#### **POLICY RLU 1.1.7 HIGH INTENSITY MULTI-FAMILY (RM-3)**

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*Density Limits:* 150 dwelling units per acre.

*Intensity Limits:* Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed the following:

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.;

- a floor area ratio of 2.0 on oceanfront lots in architectural district;
- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities-;
- Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that provide intensity bonuses in the following RM-3 land use category overlays:

A. Alton Beach Bayfront Overlay: Lot 3, block 80 of the Bay Garden Manor Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County shall be eligible for the following intensity bonuses:

- The base floor area in the Alton Beach Bayfront Overlay shall be 2.75.
- New construction limiting density to a maximum of 55 units per acre shall receive a floor area ratio bonus of 1.0; and
- A property owner who elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, that no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.5; and
- A property owner who retains and funds the cost of the work of all design professional necessary to prepare design development documents and final construction documents, as well as funds the cost to permit and construct the extension of the Bay Walk adjacent to Lot 4, Block 80, of the Bay View Terrace Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, shall receive a floor area ratio bonus of 1.25; and
- A project that obtains a master building permit within five (5) years of the effective date of this ordinance shall receive a floor area ratio bonus of 1.0; and

- vi. A project involving the redevelopment of a property containing an existing transient use within 500 feet of the project site with a public parking garage that is voluntarily conveyed to the City, and liner residential, office, or civic uses shall receive a floor area bonus of 1.25.

DRAFT

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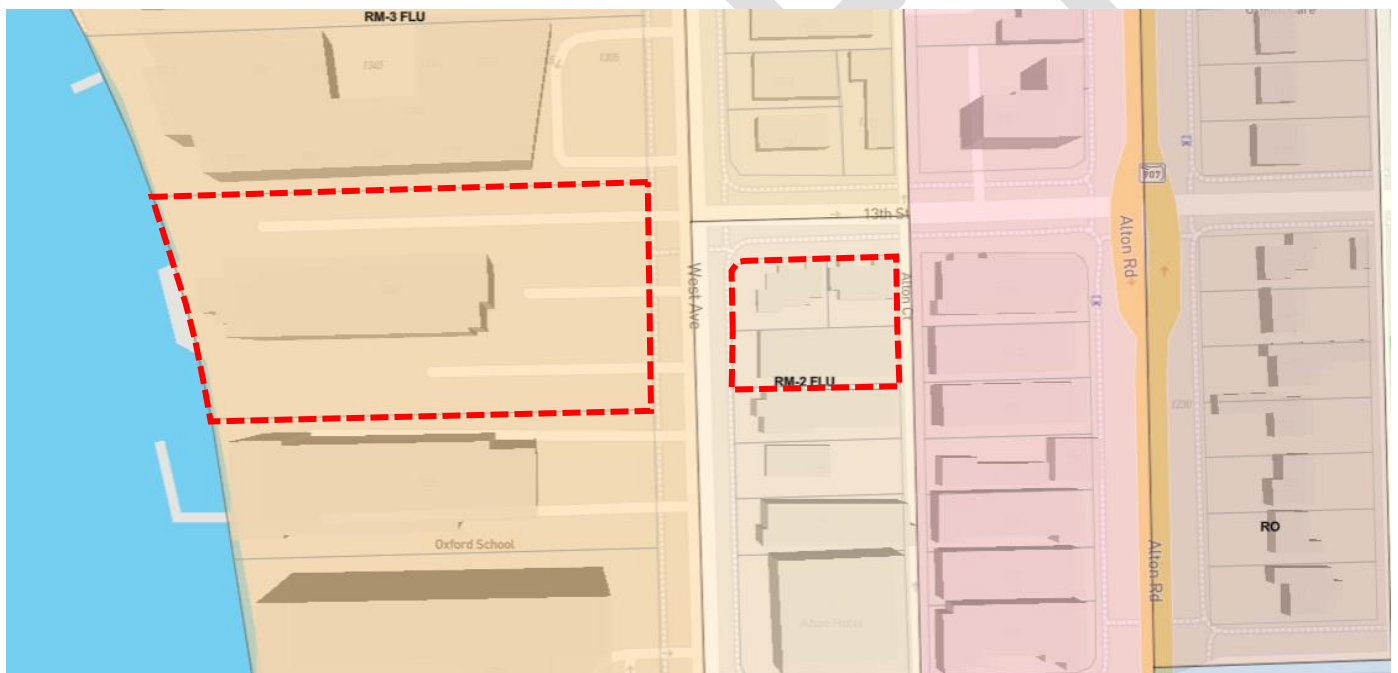
**MAPS SERIES**

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**2040 FUTURE LAND USE MAP**

The 2040 Future Land Use Map shall be amended to include the “Alton Beach Bayfront Overlay District.” The overlay regulations of this section shall apply to the following property, further identified and outlined in the excerpt of the 2040 Future Land Use Map below:

Lot 3, block 80 of the Bay Garden Manor Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, and Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County



**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 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 \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading:  
Second Reading:

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

**DEVELOPMENT REGULATIONS FOR THE  
ALTON BEACH BAYFRONT OVERLAY DISTRICT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE 3. "OVERLAY DISTRICTS" BY INCORPORATING SECTION 7.3.11 ENTITLED "ALTON BEACH BAYFRONT OVERLAY DISTRICT" TO PROVIDE DEVELOPMENT REGULATIONS FOR LOT 3, BLOCK 80 OF BAY GARDEN MANOR CONDO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 12 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND LOTS 8 AND 9 OF THE BAY VIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 110, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

**WHEREAS**, lot 3, block 80 of the Bay Garden Manor Condo Plat is a large bayfront lot in the City located on the west side of the intersection of 13 Street and West Avenue in the City;

**WHEREAS**, the City seeks to create regulations for the development of lot 3, block 80 of the Bay Garden Manor Condo that promote the public health, safety, and general welfare of the public; and

**WHEREAS**, lot 3, block 80 of the Bay Garden Manor Condo is currently developed with a 239-unit condominium building; and

**WHEREAS**, the City seeks to encourage development of cohesive residential and mixed-use communities with resilient low density long-term residential uses;

**WHEREAS**, Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County is located on the east side of the intersection of 13 Street and West Avenue in the City;

**WHEREAS**, Lots 8 and 9 of the Bay View Subdivision is currently developed with a legal nonconforming transient use on; and

**WHEREAS**, the City seeks to encourage redevelopment of existing legal nonconforming transient uses that are incompatible with the character of the West Avenue neighborhood; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved.

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

**SECTION 1.** Chapter 7, “Zoning Districts and Regulations”, Article 3. “Overlay Districts”, is amended to add Section 7.3.11, as follows:

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**Sec. 7.3.11 – Development Regulations for Alton Beach Bayfront Overlay**

**a. Location and Purpose (Alton Beach Bayfront Overlay District).**

The overlay regulations of this section shall apply to the following properties:

Lot 3, block 80 of the Bay Garden Manor Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, and Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County.



## **b. Development Regulations - Underlying RM-3 Zoning**

Notwithstanding the development regulations contained in Section 7.2.6, the following regulations shall govern proposed development within the boundaries of this overlay district with underlying RM-3 zoning, and in the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Only residential uses and associated accessory uses permitted by the underlying RM-3 regulations shall be permitted within the portion of the overlay with underlying RM-3 zoning. Outdoor seating in connection with any restaurant use that is open to the public is prohibited.
2. Floor Area and Height Bonuses: As a voluntary development incentive, subject to the property owner's strict compliance with conditions of this subsection, Projects within the overlay shall be eligible for the following floor area and height bonuses:
  - i. The base floor area in the Alton Beach Bayfront Overlay shall be 2.75.
  - ii. New construction limiting density to a maximum of 55 units per acre shall be eligible for a floor area ratio bonus of 1.0; and
  - iii. A property owner who elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, that no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.5; and
  - iv. A property owner who retains and funds the cost of the work of all design professional necessary to prepare design development documents and final construction documents, as well as funds the cost to permit and construct the extension of the Bay Walk adjacent to Lot 4, Block 80, of the Bay View Terrace Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, shall receive a floor area ratio bonus of 1.25; and
    - i. A project that obtains a master building permit within five (5) years of the effective date of this ordinance shall receive a floor area ratio bonus of 1.0; and
    - ii. A project involving the redevelopment of a property containing an existing transient use within 500 feet of the project site with a public parking

garage that is voluntarily conveyed to the City, and liner residential, office, or civic uses shall receive a floor area bonus of 1.25.

- iii. A project that implements all of the floor area bonuses provided in subsections (i)-(v) above shall receive a height bonus to allow a maximum height of 435 feet.

3. Setbacks:

a. Front Setback:

- i. Subterranean and Pedestal: 20 feet
- ii. Tower: 50 feet

b. Side Interior Setback

- i. Subterranean: 16 feet
- ii. Pedestal:
  - 1. North Side:
    - a. Ground Floor: 16 feet
    - b. Second Floor: 19 feet
  - 2. South Side:
    - a. Ground Floor: 26 feet
- iii. Tower: 26 feet
- iv. Sum of Side Yards: 42 feet

c. Rear Setback:

- i. Pedestal: 42 feet
- ii. Tower: 63 feet

4. Allowable encroachment into required yards:

- a. Architectural overhangs, ledges, or terraces may project up to 10 feet into a required side yard setback.
- b. Columns at the first two levels of the pedestal may encroach up to 8 feet into the required side yard setback.

5. Mechanical/Robotic Parking Systems:

- a. Within the overlay the minimum off-street parking requirements may be satisfied using mechanical or robotic parking systems fully enclosed within a parking structure. Such mechanical or robotic parking systems shall be exempt from the requirements of Section 5.2.11, and Planning Board approval shall not be required for the use of mechanical or robotic parking systems within the overlay.
  - b. Notwithstanding the exemption in subsection (a), the mechanical/robotic parking system must satisfy the conditions provided in Section 5.2.11(f), and a restrictive covenant stipulating that a valet service or operator must be provided for as long as the mechanical/robotic system remains in use.
6. Transfer of Development Rights: Properties within the overlay with RM-3 underlying zoning are eligible receiving sites for transfer of development intensity from properties within the overlay with RM-2 underlying zoning. A receiving site's development intensity may be increased by up to ten percent (10%) above the maximum intensity permitted by these Land Development Regulations via transfer of development rights. The transfer of development intensity shall be accomplished via instrument satisfactory to the City Attorney recorded against both the sending site and receiving site.

**c. Development Regulations- Underlying RM-2 Zoning.**

Notwithstanding the development regulations contained in Section 7.2.5, the following regulations shall govern proposed development within the boundaries of this overlay district with underlying RM-2 zoning, and in the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Residential, civic uses, main use parking lots/garages and associated accessory uses, including accessory offices.
2. Transfer of Development Rights: Properties within the overlay with RM-2 underlying zoning are eligible sending sites for transfer of development intensity to properties within the overlay with RM-3 underlying zoning. The transfer of development intensity shall be accomplished via instrument satisfactory to the City Attorney recorded against both the sending site and receiving site.

**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 renumbered 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 \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading:  
Second Reading:

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