

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: June 25, 2025 9:15 a.m. Second Reading Public Hearing\*\*

TITLE: ALTON BEACH BAYFRONT OVERLAY DISTRICT - COMPREHENSIVE PLAN AMENDMENT  
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 PURSUANT TO THE SMALL SCALE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, BY AMENDING GOAL RLU 1, "LAND USE," OBJECTIVE RLU 1.1, "ESTABLISHMENT OF FUTURE LAND USE CATEGORIES," POLICY 1.1.7, "HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)," TO CREATE THE ALTON BEACH BAYFRONT OVERLAY LAND USE CATEGORY, PROVIDING FLOOR AREA RATIO BONUSES FOR DEVELOPMENTS THAT INCLUDE CERTAIN PUBLIC BENEFITS; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) adopt the subject ordinance with the recommended amendments. As noted herein, Planning Department staff have expressed concerns with the proposed increases in intensity (FAR) and building height, as well as the proposed modifications to minimum setbacks. In this regard, careful consideration must be given to the impacts of these proposed modifications to the Comprehensive Plan and LDRs, particularly as to how they may impact the established scale, character and context of the West Avenue corridor.

Consistent with the recommendations for the companion LDR amendment, the Administration is recommending that the maximum intensity bonuses in the comprehensive plan not exceed 2.0, resulting in a maximum allowable intensity not to exceed 4.75.

### **BACKGROUND/HISTORY**

The subject application was submitted on August 11, 2024, by 1250 West Ave Owner LLC with respect to the property located at 1250 West Avenue. This is a private application submitted pursuant to Sections 2.4.1 and 7.1.10 of the Resiliency Code. The applicant is proposing to create the Alton Beach Bayfront Overlay District within the City's Future Land Use Map, the text of the City's 2040 Comprehensive Plan, and the City's Resiliency Code.

### **ANALYSIS**

The applicant is proposing to create a new overlay, entitled the Alton Beach Bayfront Overlay district, as well as amend the RM-3 development regulations specific to the overlay. The proposal includes amendments to the Comprehensive Plan, as more specifically noted in the attached ordinance.

The proposed amendments to the Comprehensive Plan and the Land Development Regulations

of the City Code (LDRs) would enable the construction of a luxury housing development, with an accessory restaurant, at 1250 West Avenue. The proposal includes an increase in maximum FAR from 2.75 up to 5.75, as well as a building height increase from 150 feet to 330 feet. The applicant is also proposing to modify requirements pertaining to minimum setbacks and allowable encroachments within required yards, as well as provisions pertaining to the review of mechanical parking systems.

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

The proposal requires an amendment to Policy RLU 1.1.7 of the Resilient Land Use and Development element of the Comprehensive Plan for the proposed increase in the maximum intensity requirements within the proposed overlay. The following is a summary of the proposed intensity increases specific to the Alton Beach Bayfront Overlay in the attached comprehensive plan amendment:

- *The base floor area ratio in the Alton Beach Bayfront Overlay shall be 2.75.*
- *New construction limiting density to a maximum of 75 units per acre shall receive a floor area ratio bonus of 0.25; 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 0.25. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the City Commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed; and*
- *A property owner who enters into a development agreement for capital improvements along the West Avenue corridor, defined as the area bounded by 5<sup>th</sup> street on the south, 17<sup>th</sup> Street on the north, Alton Court on the east, and Biscayne Bay on the west, and other public benefits that could be applied on a City-wide basis, shall receive a floor area ratio bonus of up to 2.5, based on the following improvements or public benefits:*
  1. *Acquisition of property containing a transient use within the West Avenue corridor and conveyance of the property to the City: up to 2.0.*
  2. *Design, permit, and construct the portions of the Bay Walk located at 800 West Avenue 1228 West Avenue, and 1450 Lincoln Road, or, in the event the requisite easements from upland owners cannot be obtained, contribute funds to the City for construction of the Bay Walk or any other lawful public purpose: 0.50.*

Under Section 163.3187(1), Florida Statutes, this amendment qualifies as a small-scale amendment as the proposed North Beach Oceanfront Overlay is approximately 1.94 acres. This process requires a public hearing by the local planning agency (Planning Board) and a final adoption public hearing before the City Commission. The ordinance shall take effect 31 days after adoption if no challenge is filed.

### **PLANNING BOARD REVIEW**

On October 29, 2024, the Planning Board reviewed the proposed ordinance and continued it to the January 7, 2025, Planning Board meeting. On December 19, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On January 7, 2025, the application was continued to a date certain of February 4, 2025, at the request of the applicant, with no substantive discussion by the Planning Board. On February 4,

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On March 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with an unfavorable recommendation (4-3).

### **SUMMARY**

The applicant is proposing to create a new overlay, entitled the Alton Beach Bayfront Overlay district, as well as amend the RM-3 development regulations specific to the overlay. The proposal includes amendments to the Comprehensive Plan, as more specifically noted in the attached ordinance.

The proposed amendments to the Comprehensive Plan and the Land Development Regulations of the City Code (LDRs) would enable the construction of a luxury housing development, with an accessory restaurant, at 1250 West Avenue. The proposal includes an increase in maximum FAR from 2.75 up to 5.75, as well as a building height increase from 150 feet to 330 feet. The applicant is also proposing to modify requirements pertaining to minimum setbacks and allowable encroachments within required yards, as well as provisions pertaining to the review of mechanical parking systems.

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  3. *Acquisition of property containing a transient use within the West Avenue corridor and conveyance of the property to the City: up to 2.0.*
  4. *Design, permit, and construct the portions of the Bay Walk located at 800 West Avenue 1228 West Avenue, and 1450 Lincoln Road, or, in the event the requisite easements from upland owners cannot be obtained, contribute funds to the City for construction of the Bay Walk or any other lawful public purpose: 0.50.*

Under Section 163.3187(1), Florida Statutes, this amendment qualifies as a small-scale amendment as the proposed Alton Beach Bayfront Overlay is approximately 1.94 acres. This process requires a public hearing by the local planning agency (Planning Board) and a final adoption public hearing before the City Commission. The ordinance shall take effect 31 days after adoption if no challenge is filed.

### **PLANNING BOARD REVIEW**

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On January 7, 2025, the application was continued to a date certain of February 4, 2025, at the request of the applicant, with no substantive discussion by the Planning Board. On February 4, 2025, the application was continued to a date certain of March 4, 2025, at the request of the applicant, with no substantive discussion by the Planning Board.

On March 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with an unfavorable recommendation (4-3).

### **SUMMARY**

Planning Department staff have expressed concerns with the proposed LDR and Comprehensive Plan amendments pertaining to increases in intensity (FAR) and building height, as well as the proposed modifications to minimum setbacks. In this regard, careful consideration must be given to the impacts of these proposed modifications to the Comprehensive Plan and LDRs, particularly as to how they may impact the established scale, character and context of the West Avenue corridor.

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

The Administration is not opposed to sensible bonuses that result in enhanced urban design and are tied to a legitimate public purpose. To address this, should the proposal move forward, the following modifications to the Comprehensive Plan ordinance are recommended:

1. The proposed intensity bonuses, collectively, should not exceed 2.0.
2. The proposed bonus for the acquisition of property containing a transient use within the West Avenue corridor and conveyance of the property to the City should be reduced to not exceed 1.0

### **UPDATE**

The subject ordinance was approved at First Reading on April 23, 2025, as proposed by the applicant, with no changes. On May 21, 2025, Second Reading of the ordinance was opened and continued to a date certain of June 25, 2025. The proposed amendments to the LDRs and the Comprehensive Plan are tethered to a separate development agreement, which is anticipated to be considered by the City Commission at First Reading at a special meeting to be held prior to June 25, 2025.

Finally, the proposed amendments to the LDRs and the Comprehensive Plan are tethered to a separate development agreement, which was approved at First Reading by the City Commission at a special meeting on June 9, 2025. Second Reading for the development agreement, as well as the LDR and Comprehensive Plan amendments, has been set for June 25, 2025.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 5/23/2025  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the City Commission adopt the ordinance with the following amendments to policy RLU 1.1.7 noted in **bold**:

Alton Beach Bayfront Overlay - The City Commission acting in a legislative capacity may adopt land development regulations that provide for the following intensity bonuses within the Alton Beach Bayfront Overlay:

- i. The base floor area ratio in the Alton Beach Bayfront Overlay shall be 2.75.
- ii. New construction limiting density to a maximum of 75 units per acre shall receive a floor area ratio bonus of 0.25; 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 0.25. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the City Commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed; and
- iv. A property owner who enters into a development agreement for capital improvements along the West Avenue corridor, defined as the area bounded by 5<sup>th</sup> street on the south, 17<sup>th</sup> Street on the north, Alton Court on the east, and Biscayne Bay on the west, and other public benefits that could be applied on a City-wide basis, shall receive a floor area ratio bonus of up to ~~2.5~~ **1.5**, based on the following improvements or public benefits:
  1. Acquisition of property containing a transient use within the West Avenue corridor and conveyance of the property to the City: up to ~~2.0~~ **1.0**.
  2. Design, permit, and construct the portions of the Bay Walk located at 800 West Avenue 1228 West Avenue, and 1450 Lincoln Road, or, in the event the requisite easements from upland owners cannot be obtained, contribute funds to the City for construction of the Bay Walk or any other lawful public purpose: 0.50.

### **Applicable Area**

South Beach

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Private Applicant

**Co-sponsor(s)**

**Condensed Title**

9:15 a.m. 2nd Rdg, Alton Bch Bayfront Overlay Dist-Comp Plan Amendment. (PrivAp) PL

**Previous Action (For City Clerk Use Only)**

Continued from 5/21/2025 - R5 A