

R5 AE 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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: April 23, 2025 5:01 p.m. First 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) open and continue First Reading of the subject ordinance to May 21, 2025.

The Administration does not recommend that the proposed Comprehensive Plan amendment be approved at First Reading at this time. 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. Additionally, the proposed development agreement has not been properly vetted and may not be commensurate with the extent of development regulation incentives proposed. As such, the Administration recommends that the proposed Comprehensive Plan amendment be opened and continued to May 21, 2025.

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 5th street on the south, 17th 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,

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

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 Land Use and Sustainability Committee (LUSC) on April 15, 2025. The earliest this development agreement can be considered by the City Commission is on May 21, 2025. For all three of these components to be considered for adoption together, the applicant has requested that the City Commission waive the annual zoning cycle restriction for the proposed LDR amendment, pursuant to Section 2.3.2 of the LDRs. If the City Commission were to approve the proposed development agreement on May 21, 2025, the applicant would be requesting that Second Reading for the LDR and Comprehensive Plan amendments be set for June 25, 2025.

The Administration does not recommend that the proposed Comprehensive Plan amendments be approved at First Reading at this time. 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. Additionally, the proposed development agreement has not been properly vetted and may not be commensurate with the extent of development regulation incentives proposed. As such, the Administration recommends that the proposed Comprehensive Plan amendment be opened and continued to May 21, 2025.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission open and continue First Reading of the subject ordinance to May 21, 2025.
2. The ordinance shall be revised for the May 21, 2025 meeting 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 5th street on the south, 17th 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

5:01 p.m. 1st Rdg PH, Alton Beach Bayfront Overlay Dist-Comp Plan Amendment. (Private Applicant) PL

Previous Action (For City Clerk Use Only)

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 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.

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; and

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; 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 investment into capital improvements along the West Avenue Corridor; and

WHEREAS, the proposed Alton Beach Bayfront Overlay District is approximately 1.94 acres and qualifies as a small scale amendment; and

WHEREAS, these regulations will ensure that the public health, safety and welfare will be preserved; 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. The following amendments to the City's 2040 Comprehensive Plan Future Land Use Element are hereby adopted:

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

* * *

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

* * *

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;
- 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 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 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 5th street on the south, 17th 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.

SECTION 2. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

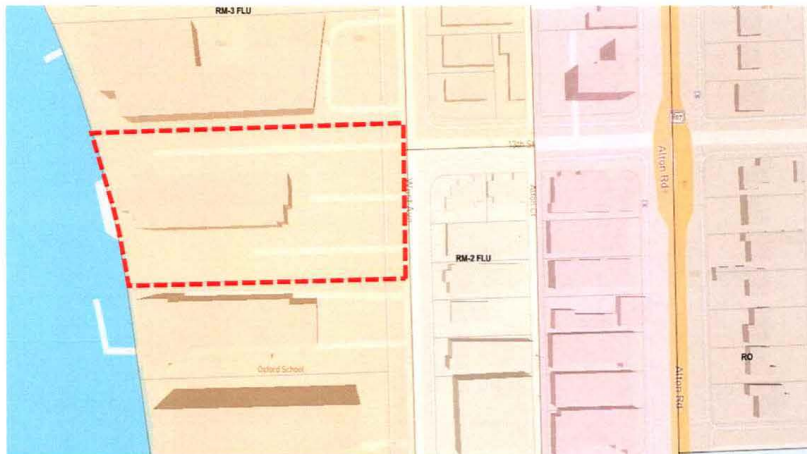
The following amendment to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map:

MAPS SERIES

* * *

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 property located at 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, further identified and outlined in the excerpt of the 2040 Future Land Use Map below:



SECTION 3. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional, and county agencies as required by applicable law.

SECTION 4. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

The ordinance shall take effect 31 days after adoption if no challenge is filed, pursuant to Section 163.3187(1), Florida Statutes.

PASSED and ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: April 23, 2025
Second Reading: May 21, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK Date 4/15/2025

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS
ALTON BEACH BAYFRONT OVERLAY DISTRICT -
COMPREHENSIVE PLAN AMENDMENT**

ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN CREATING THE ALTON BEACH BAYFRONT OVERLAY LAND USE OVERLAY CATEGORY, PROVIDING FLOOR AREA BONUSES FOR DEVELOPMENTS THAT INCLUDE CERTAIN PUBLIC BENEFITS.

**APRIL 23, 2025 AND MAY 21, 2025
CITY COMMISSION MEETINGS**

NOTICE IS HEREBY GIVEN that on **April 23, 2025, at 5:01 p.m.**, or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a First Reading/Public Hearing on the following proposed Ordinance:

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. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

If this proposed Ordinance is approved on First Reading, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing on May 21, 2025, at 9:15 a.m.**, or as soon thereafter as the matter can be heard. The Second Reading/Public Hearing at this date and time is contingent upon the City Commission approving a waiver of the zoning cycle requirement.

During the April 23, 2025 and the May 21, 2025 Hybrid Commission Meetings, the City Commission will be physically present in the **Commission Chamber at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139**. Applicants and members of the public who wish to attend these Commission Meetings or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who want to participate or provide comment virtually during the Commission Meetings may join the webinar at <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671. Members of the public wanting to speak virtually on an item during the meetings must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

INTERESTED PARTIES are invited to participate in these meetings or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing CityClerk@miamibeachfl.gov with the Agenda Item Number in the subject line. Comments received in either format will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. These meetings, 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 concerning any matter considered at its meetings or to hearings, 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 an 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 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meetings will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, BreezeLine Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PBS-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

To access additional advertisements and notices, visit Miami-Dade County's designated website at <http://legalads.miamidade.gov/> and filter by municipality.

Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, Florida 33139.

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

AD: 04232025-05 / 05212025-01

CITY OF MIAMI BEACH