

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City
Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 17, 2018

First Reading

SUBJECT: CD-2 HEIGHT AND EXISTING NONCONFORMING BUILDINGS:
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," SECTION 142-306, "DEVELOPMENT
REGULATIONS," BY AMENDING THE MAXIMUM PERMITTED
HEIGHT AND NUMBER OF STORIES FOR SITES WITH EXISTING
NONCONFORMING BUILDINGS; PROVIDING FOR CODIFICATION;
REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission consider the Ordinance at First Reading and, if approved, set a Second Reading Public Hearing for February 14, 2018.

ANALYSIS

BACKGROUND

On October 19, 2016, at the request of Commissioner Ricky Arriola, the City Commission referred the proposed Ordinance to the Land Use and Development Committee and Planning Board (Item C4L).

On October 26, 2016, the Land Use and Development Committee discussed the item and transmitted it to the City Commission with no recommendation.

PLANNING ANALYSIS

The proposed ordinance provides that CD-2 zoned sites outside of historic districts that contain existing buildings with nonconforming height and/or number of stories as of January

1, 2017 may be redeveloped with new construction at the same height and/or number of stories as the existing nonconforming building. The proposal does not allow any new construction to exceed current FAR limitations.

Currently, the CD-2 district has a height limit 5 stories and 50 feet, or 60 feet on the west side of Alton Road from 6th Street to Collins Canal for mixed-use and commercial buildings that include structured parking. An analysis of existing building heights on CD-2 zoned sites that are not in historic districts, per data from the Property Appraiser, indicates that there is only one site containing a building that exceeds the current maximum number of stories. This analysis does not consider the actual height of buildings and the current height limit that is between 50 and 60 feet for the affected areas; however, it provides a good indicator of where non-conforming height exists. The site identified is that of the former South Shore Hospital (600 Alton Road), located on Alton Road and 6th Street, which is ten (10) stories, and approximately 125 feet.

- The proposed Ordinance would not increase maximum FAR, and would only permit a redistribution of allowable FAR. As originally drafted, by the owner of 600 Alton Road, Planning staff had concerns that the additional height could be located anywhere within the parcel, or a future unified development site. Additionally, as originally drafted, there were no limits on the building footprint, thus potentially allowing the mass of a new building to be greater than the mass of the existing nonconforming building. This could potentially allow the replacement building to be located in an area of the site that blocks views or cast shadows on adjacent property owners beyond the currently permitted levels.

- As part of the Planning Board review of the proposed Ordinance, additional safeguards were recommended for the ordinance, in order to minimize the impact on adjacent properties. In order to address the concerns expressed by Planning staff, the owner of the parcel at 600 Alton Road proposed the following revised text at the Planning Board hearing:

Subject to the review and approval of the planning board, sites outside of historic districts greater than 50,000 square feet in area that are developed with a single building existing as of January 1, 2017 that is nonconforming as to height and/or number of stories of the existing building, may be redeveloped with a single building at the same height and/or number of stories as long as: (1) the footprint of the new building does not exceed two and one quarter (2.25) times the footprint of the existing building; and (2) the redevelopment of the site does not exceed the maximum floor area ratio permitted under these regulations.

This text would place a physical limit on the footprint of any new building that may be eligible for a building height in excess of 60 feet. The specific limit is 2.25 times the footprint of the existing building that already exceeds the maximum building height.

PLANNING BOARD REVIEW

On December 20, 2016, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission, with a favorable recommendation. The ordinance transmitted by the Planning Board includes the following revisions, which were proposed by the property owner at 600 Alton Road:

1. A physical limit (2.25 times the footprint of the existing building) on the footprint of any new building, as noted above; and

2. A requirement for the Planning Board to review and approve the proposed increase in height above the maximum permitted in the underlying zoning district.

These revisions are included in the attached draft for First Reading.

SUMMARY

The footprint limits proposed by the Planning Board will play an important role in ensuring that any future development project does not negatively impact the surrounding area. In this regard, however, it will be critical for the Design Review Board (DRB) to carefully review any future application, particularly as it pertains to the distribution of allowable scale, mass and height.

In order to ensure that the footprint limit applies only to that portion of the building exceeding 60 feet in height, and that that Planning Board review is pursuant to the Conditional Use requirements in the code, the following minor modifications (**in bold strike-thru and double underscore**) are suggested if the ordinance should move forward:

Subject to ~~the review and conditional use~~ approval ~~of from~~ the planning board, sites outside of historic districts greater than 50,000 square feet in area that are developed with a single building existing as of January 1, 2017 that is nonconforming as to height and/or number of stories of the existing building, may be redeveloped with a single building at the same height and/or number of stories as long as: (1) the footprint of the **portion of the new building exceeding 60 feet in height** does not exceed two and one quarter (2.25) times the footprint of the existing building; and (2) the redevelopment of the site does not exceed the maximum floor area ratio permitted under these regulations.

UPDATE

On February 8, 2017, the subject ordinance was opened and continued at First Reading to a date certain of March 1, 2017. On March 1, 2017 the matter was continued to April 26, 2017. On April 26, 2017, the item was deferred to the July 26, 2017 Commission meeting. On July 26, 2017 the item was deferred to September 13, 2017. The items on the September 13, 2017 agenda were moved to September 25, 2017.

On September 25, 2017 the item was deferred to October 18, 2017. On October 18, 2017 the item was deferred to January 17, 2018.

CONCLUSION

The Administration recommends that the City Commission consider the Ordinance at First Reading and, if approved, set a Second Reading Public Hearing for February 14, 2018. It is further recommended that if the Ordinance is set for Second Reading, it include the following modification (**in bold double underscore**):

Subject to ~~the review and conditional use~~ approval ~~of from~~ the planning board, sites outside of historic districts greater than 50,000 square feet in area that are developed with a single building existing as of January 1, 2017 that is nonconforming as to height and/or number of stories of the existing building, may be redeveloped with a single building at the same height and/or number of stories

as long as: (1) the footprint of the **portion of the new building exceeding 60 feet in height** does not exceed two and one quarter (2.25) times the footprint of the existing building; and (2) the redevelopment of the site does not exceed the maximum floor area ratio permitted under these regulations.

Legislative Tracking

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Sponsor

Commissioner Ricky Arriola