

MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 3

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 11, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R5 - Ordinances

- R5D Ocean Terrace Overlay - LDR Amendments
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **10:55 a.m. First Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(Memorandum, Letter of Support & Ordinance)

R9 - New Business and Commission Requests

- R9Q Discussion Regarding A Resolution Authorizing The City Manager To Explore A Potential Collaboration Agreement With Miami-Dade County To Utilize, Or Join The AT&T Smart Cities Initiative For The Benefit Of The City Of Miami Beach.
(Sponsored by Commissioner Ricky Arriola)
(Resolution)

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Condensed Title:

First Reading to consider an Ordinance Amendment to the Land Development Regulations establishing the "Ocean Terrace Overlay".

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

FIRST READING – PUBLIC HEARING
 The proposed Ordinance would amend the Land Development Regulations to establish the "Ocean Terrace Overlay" which would increase the maximum height for residential and hotel uses, modify setbacks, establish a maximum floor plate limitation, and establish a minimum tower separation.

On May 27, 2015 the Land Use and Development Committee recommended approval of the proposed overlay district.

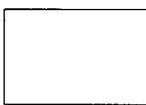
On July 8, 2015, the City Commission approved the Overlay Ordinance Amendment at First Reading and set a Second Reading Public Hearing for December 9, 2015. This approval was subject to voter approval a proposed increase in FAR for the overlay. The voter referendum did not pass.

The Administration recommends that the City Commission: 1) consider the recommendation of the Land Use and Development Committee via separate motion; 2) consider the Overlay Ordinance Amendment at First Reading and, if approved, set a Second Reading Public Hearing for June 8, 2016; 3) if the City Commission approves the overlay ordinance, such approval be in accordance with the staff recommendations detailed in the analysis section of the commission memo.

Advisory Board Recommendation:

On June 23, 2015, the Planning Board (vote of 6-0), transmitted the proposal to the City Commission with a favorable recommendation.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

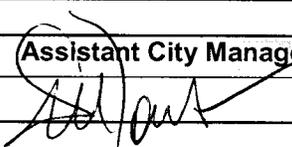
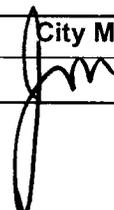
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 11, 2016

SUBJECT: **Ocean Terrace Overlay – Land Development Regulations Amendment**



FIRST READING – PUBLIC HEARING

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III "OVERLAY DISTRICTS," CREATING DIVISION 10 "OCEAN TERRACE OVERLAY", TO MODIFY THE APPLICABLE SETBACKS AND ALLOWABLE ENCROACHMENTS, INCREASE THE ALLOWABLE HEIGHT TO 235 FEET FOR RESIDENTIAL USES AND 125 FEET FOR HOTEL USES, TO LIMIT THE MAXIMUM FLOORPLATE OF THE TOWER PORTION OF NEW BUILDINGS, TO PROVIDE A MINIMUM BUILDING SEPARATION FOR THE TOWER PORTION OF NEW BUILDINGS, TO MODIFY THE ALLOWABLE MAIN, CONDITIONAL, ACCESSORY AND PROHIBITED USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission: 1) consider the recommendation of the Land Use and Development Committee via separate motion; 2) consider the Overlay Ordinance Amendment at First Reading and, if approved, set a Second Reading Public Hearing for June 8, 2016; 3) if the City Commission approves the overlay ordinance, such approval be in accordance with the staff recommendations detailed in the analysis.

BACKGROUND

On April 15, 2015, the City Commission referred this request to the Land Use and Development Committee (Item C4E). Additionally, the matter was referred to the Planning Board. On May 27, 2015 the Land Use and Development Committee recommended approval of the proposed overlay district.

On July 8, 2015, the City Commission approved the Overlay Ordinance Amendment at First Reading and set a Second Reading Public Hearing for December 9, 2015. This approval was subject to voter approval a proposed increase in FAR for the overlay. The voter referendum did not pass.

The original request for establishing the Ocean Terrace Overlay District required a comprehensive plan amendment and was affected by sections 1.03(c) of the City Charter, pertaining to increases in maximum allowable FAR. However, the proposal to increase the zoned floor area ratio from 2.0 to 3.0 has been removed; consequently, the previously proposed comprehensive plan amendment is no longer required.

The current sponsor of the proposed ordinance is Commissioner Joy Malakoff.

THE PROPOSAL

An Overlay District is being proposed in order to encourage the redevelopment of the Ocean Terrace area in North Beach. As proposed, the Overlay would apply to the properties located between 73rd Street on the south, 75th Street on the north, Ocean Terrace on the east and Collins Avenue on the west. Currently the eastern portion of the proposed overlay (fronting Ocean Terrace) is zoned MXE (Mixed Use Entertainment) and the western portion (fronting Collins Avenue) is zoned CD-2 (Commercial, Medium Intensity).

The following is a summary of the proposed modifications to the Land Development Regulations:

- Increase the maximum height to 235 feet/22 stories for residential uses and 125 feet for hotel uses. Currently the maximum height is 75 feet/8 stories for MXE areas and 50 feet/5 for CD-2 areas.
- Modify Pedestal, Tower, and Subterranean Setbacks.
- Establish maximum floor plate limitation of 10,000 square feet, including balconies, for the tower portions of buildings; however the Historic Preservation Board has the flexibility to allow an increase up to 15,000 square feet, subject to Certificate of Appropriateness Criteria.
- Establish a 60 foot separation between towers, including balconies.

The proposal herein, specific to Ocean Terrace, seeks to modify the Land Development Regulations and create a zoning overlay. The changes proposed now only require legislative action. Previously (in 2015), the Land Use Committee and the Planning Board endorsed the proposed overlay, and the same framework is being proposed now for a future development project(s). Assuming this overlay is adopted, review and approval of the Historic Preservation Board will still be required for any future development application, inclusive of new construction, as well as any request to demolish structures within the proposed overlay.

The FAR portion of the proposed overlay, which would have increased the current maximum FAR from 2.0 to 3.0, was not approved by the electorate. Since that time the developer has re-thought the scope of the overlay and hired a new planning and architectural team to further study the existing conditions and develop regulations that could be more context sensitive.

The developer has proposed to maintain and preserve as many of the existing, contributing structures within the overlay as possible. Some of the existing structures are in an advanced state of structural decline, and may not be able to be retained. The

developer has also proposed a lower scale around the perimeter of the site; this would be accomplished by retaining a greater portion of the existing structures, as well as limiting the height and massing of new infill structures closest to the street.

The remaining, and largest portion of the allowable FAR would be distributed within either a slender residential tower, or a hotel tower. As proposed, the maximum height of a residential tower would be 235 feet and the maximum height for a hotel would be 125 feet. As envisioned by the developer, the proposed increase in height would afford more flexibility for the distribution of the allowable FAR. In this regard, rather than distributing the maximum permitted 2.0 FAR over a 75 foot building, the developer is proposing a much more slender tower with a maximum height of 235 feet.

ANALYSIS

Within a large development site, consisting of aggregated lots, flexibility in overall building height can have a positive impact on the established scale of a surrounding area. In this particular instance, the proposal to have a slender tower, with a limited footprint, surrounded by lower scale structures, is worthy of consideration. The established character of both Ocean Terrace and the larger Harding Townsite historic district is defined by a low scale, pedestrian sensitive building typology at the street level. The area contains a very unique identity as a result of the evolution of architectural styles over time, and has maintained its pedestrian oriented, sidewalk character.

After further evaluating the developer's proposal, the administration believes that the proposed substantial increase in residential and hotel tower height should be better balanced with tangible setback requirements for the pedestal portion of the perimeter of the project. This would ensure that the very tallest portion of the development is limited to a narrow tower and that the perimeter pedestal is maintained at a pedestrian level. In order to address this in the overlay regulations, without being overly prescriptive, the following modifications are recommended, if the City Commission wishes to approve the overlay:

Purpose

- The purpose of the overlay would be expanded to specify that the scale, massing, and character of the existing building typology adjacent to the public sidewalks shall be maintained.

Pedestal Height

- The maximum pedestal height would be reduced from 50 feet to 40 feet; all portions of the building less than 40 feet in height would be considered the pedestal portion of the building.

Pedestal Front Setback

- For buildings along Collins Avenue (CD-2), the zero (0) foot minimum setback would apply to the first 20 feet of building height, or the height of the existing building, whichever is greater. Thereafter, a 10 foot minimum setback would be required for those portions of new buildings within the remaining pedestal height.
- For buildings along Ocean Terrace (MXE), the five (5) foot setback would apply to the first 20 feet of building height, or the height of the existing building, whichever is greater. Thereafter, a 25 foot minimum setback would be required for those portions of new buildings within the remaining pedestal height.

Pedestal Side Street Setback

- Regardless of the underlying zoning designation, a zero (0) foot minimum setback would apply for the first 20 feet of building height, or the height of the existing building, whichever is greater. Thereafter, a 25 foot minimum setback would be required for those portions of new buildings within the remaining pedestal height.

Tower Height

- The minimum tower height would be reduced from 50 feet to 40 feet; all portions of the building greater than 40 feet in height would be considered the tower portion of a building.

Tower Front Setback

- For buildings along Collins Avenue (CD-2), the minimum setback would be increased from 20 feet to 40 feet.

Tower Side Street Setback

- The minimum setback would be increased from 20 feet to 50 feet.

Historic Preservation Board Discretion on Setbacks

- Similar to the maximum floor plate revisions, the historic preservation board would have discretion over the setback requirements within the overlay, provided any such relaxation does not exceed the minimum requirements of the underlying zoning district and that the appropriateness criteria in chapter 118 is satisfied.

Building Separation

- In order to allow for flexibility in combining roof decks above, the minimum horizontal separation between the tower portions of two (2) buildings would apply to any portion of new construction greater than 60 feet in height.

These proposed revisions would help ensure that the perimeter of the overlay consists of lower scale buildings. Additionally, the administration would recommend that use thresholds be implemented for Ocean Terrace to foster a better dialogue with the sidewalk and encourage pedestrian walkability. In this regard, buildings with frontage on Ocean Terrace should have either a hotel lobby, retail or restaurant uses on the front 50 feet of depth of the ground floor with an entrance that opens onto Ocean Terrace.

Finally, in order to ensure that these proposed revisions, as well as the proposal for the increase in tower height, are fully vetted, it is recommended that the revised overlay legislation be referred to the Land Use and Development Committee for discussion, prior to second reading of the ordinance.

PLANNING BOARD REVIEW

On June 23, 2015, the Planning Board (by a 6-0 vote) transmitted the proposed Ordinance to the City Commission with a favorable recommendation.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the

long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

CONCLUSION

The Administration recommends that the City Commission:

1. Consider the recommendation of the Land Use and Development Committee via separate motion;
2. Consider the Overlay Ordinance Amendment at First Reading and, if approved, set a Second Reading Public Hearing for June 8, 2016, subject to the following modifications (**in bold double underscore**):

Sec. 142-874. Location and purpose.

(a) The overlay regulations of this division shall apply to the properties identified in the Map below:

* * *

(b) The purpose of this overlay district is to:

- (1) Stimulate neighborhood revitalization and encourage new development and renovation of important historic buildings within the Ocean Terrace / Collins Avenue corridor.
- (2) Encourage private property owners to assemble and redevelop properties comprehensively rather than in a piecemeal fashion.
- (3) Improve the pedestrian environment of the neighborhood.
- (4) **Maintain the scale, massing, and character of the existing building typology adjacent to the public sidewalks.**

Sec. 142-875. Compliance with regulations.

The following overlay regulations shall apply to the Ocean Terrace Overlay. All development regulations in the underlying regulations shall apply, except as follows:

(a) Setbacks.

- (1) When a lot or combination of lots abuts two (2) or more streets, the required yards shall be classified as follows:
 - a. Front. The areas abutting Collins Avenue and Ocean Terrace.
 - b. Side, Street. The areas abutting either 73rd, 74th or 75th Streets.
 - c. Side, Interior. The areas abutting an adjacent property. For a lot or combination of lots that have two front setbacks as defined in this section, the remaining yards not facing a street shall be classified as a side interior.

(2) Pedestal.

Pedestal shall mean that portion of a building or structure which is equal to or less than 40 feet in height.

a. Front:

1. For buildings situated on properties with an underlying designation of CD-2, zero (0) feet **for the first 20 feet of building height, or the height of the existing building, whichever is greater, 10**

- feet for those portions of new buildings within the remaining pedestal height.
2. For buildings situated on properties with an underlying designation of MXE, five (5) feet, for the first 20 feet of building height, or the height of the existing building, whichever is greater. 25 feet for those portions of new buildings within the remaining pedestal height.
 - b. Side street. ~~Zero (0) feet,~~ Regardless of the underlying zoning designation, zero (0) feet for the first 20 feet of building height, or the height of the existing building, whichever is greater. 30 feet for those portions of new buildings within the remaining pedestal height.
 - c. Side interior.
 1. For buildings situated on properties with an underlying designation of CD-2, zero (0) feet.
 2. For buildings situated on properties with an underlying designation of MXE, 7.5 feet.
- (3) Tower.
Tower means that portion of a building or structure which exceeds 40 feet in height.
- a. Front.
 1. For buildings situated on properties with an underlying designation of CD-2, ~~20~~ 40 feet.
 2. For buildings situated on properties with an underlying designation of MXE, 50 feet.
 - b. Side street. 20 ~~50~~ feet regardless of the underlying zoning designation.
 - c. Side interior. 20 feet regardless of the underlying zoning designation.
- (4) Subterranean. Zero (0) feet for all yards regardless of the underlying zoning designation.
- (5) The Historic Preservation Board may allow for a decrease in the above noted minimum setback requirements, but no less than the minimum setback requirements in the underlying zoning district regulations, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.
- (b) Allowable encroachments and projections, consistent with Section 142-1132(o), within required yards.
- (1) Exterior unenclosed private balconies.
 - a. For buildings situated on properties with an underlying designation of CD-2, allowable encroachment is 7.5 feet into any required yard.
 - b. For buildings situated on properties with an underlying designation of MXE:
 1. Allowable front yard encroachment is eight (8) feet.
 2. Allowable side interior yard encroachment is six (6) feet.

- (2) Ground level porches, platforms and terraces (up to 30 inches above the elevation of the lot) are allowed to project into a required yard for a distance not to exceed 50 percent of the required yard up to a maximum projection of five (5) feet.

(c) Height.

- (1) For main use residential buildings: lot area less than 20,000 square feet—the maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace—235 feet.
- (2) For main use hotel buildings: lot area less than 20,000 square feet—the maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace —125 feet.
- (3) All other buildings the maximum height is as provided in the underlying zoning regulations.
- (4) The maximum number of stories is 22 stories.

- (d) Floor plate. The maximum floor plate size for the tower portion of a building is 10,000 square feet, including balconies, per floor. The Historic Preservation Board may allow for an increase in the overall floor plate, up to a maximum of 15,000 square feet, including balconies, per floor, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

- (e) Building separation. All new construction shall comply with the following, as applicable:

- (1) **For any portion of new construction greater than 60 feet in height,** the minimum horizontal separation between the tower portion of two (2) buildings, including balconies, is 60 feet.
- (2) Two (2) buildings used as a hotel may be connected in the tower portion of the buildings by a one-story, enclosed pedestrian bridge, for circulation purposes only, if approved by the historic preservation board in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.
- (3) The separation requirement between two (2) existing contributing structures, or between an existing contributing structure and a new building, may be waived by the historic preservation board in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

(f) Permitted Uses.

- (1) The main permitted uses in the Ocean Terrace Overlay District are:
 - a. Apartments;
 - b. Apartment/hotels;
 - c. Hotels;
 - d. Commercial;
 - e. Uses that serve alcoholic beverages as listed in Chapter 6 (alcoholic beverages) or as specified elsewhere in the Land Development Regulations.

- (2) The conditional uses in the Ocean Terrace Overlay District are:
- a. Public and private cultural institutions open to the public;
 - b. Banquet facilities, defined as an establishment that provides catering and entertainment to private parties on the premises and are not otherwise accessory to another main use;
 - c. Outdoor entertainment establishments;
 - d. Neighborhood impact establishments;
 - e. Open air entertainment establishments;
 - f. Main use parking garages;
 - g. Public and private institutions;
 - h. Food store selling alcoholic beverages.

(g) Prohibited Uses

- (1) Package alcohol store.

- (h) Additional Development Regulations. Buildings with frontage on Collins Avenue shall have either retail or restaurant uses (which may include neighborhood impact establishment uses) on the front 50 feet of depth of the ground floor with an entrance that opens onto Collins Avenue. **Buildings with frontage on Ocean Terrace shall have either a hotel lobby, retail or restaurant use on the front 50 feet of depth of the ground floor with an entrance that opens onto Ocean Terrace.**

JLM/SMT/TRM

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Granado, Rafael

From: Aleman, John
Sent: Monday, May 09, 2016 2:38 PM
To: Granado, Rafael
Subject: FW: Ocean Terrace
Attachments: Letter in Support of Ocean Terrace Development 5-8-16.docx

Hello, can you please add this letter to the material for item R5D?
Thanks,
John

From: Mark Keller [<mailto:MKeller@edge-funds.com>]
Sent: Sunday, May 08, 2016 10:46 AM
To: Aleman, John
Subject: Ocean Terrace

Dear Commissioner Aleman,
I have attached a letter from the Homeowners of Altos Del Mar in support the redevelopment of the Ocean Terrace block in North Beach.
Mark Keller



Edge Fund Advisors
www.edge-funds.com
Mark R. Keller
Chief Executive Officer
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Miami Beach, Florida 33141
www.edge-funds.com
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Altos Del Mar Homeowners Association, Inc

May 8, 2016

City of Miami Beach
City Commission
1700 Convention
Center Drive Miami
Beach, FL 33139

Dear City of Miami Beach Commissioners and Mayor,

I am writing as President of the Board of Directors of the Homeowners Association for the historic district of Altos Del Mar. As you know Altos Del Mar's rebirth is a major part of North Beach's growth and we should all be proud of the high standards by which the new homes and the Altos community have aspired to. A historic community located directly on the beach between two major public parks must continue to be protected by smart development and public sector decisions.

We have reviewed the developer's concept and proposed development and I am writing on behalf of all of our homeowners to inform you that we support of the *Ocean Terrace Redevelopment Plan*, a project that will continue what Altos Del Mar started in 2005. Ocean Terrace will continue to transform our neighborhood by making this section of North Beach enjoyable for the entire community. The current blighted conditions that exist on the block represent everything we should want to demolish since in its current condition it is a magnet for crime and decay. We believe the redevelopment of Ocean Terrace will benefit all residents and significantly help drive the local economy, something this area desperately needs and something the homeowners of Altos Del Mar support and would enjoy with our families.

The Redevelopment Plan for Ocean Terrance improves our local community while maintaining the character of historic North Beach and acts as a buffer against further encroachment towards the Altos Del Mar historic park and housing community. The revitalized retail and ocean front commercial area will attract residence and tourist to enjoy the beach, new shops and hotel. The redevelopment will go along way in displacing the current bad elements that impact this area by replacing them with a vibrant community, whereas today, there is none.

Our Board of Directors and homeowners have met with the Ocean Terrace development team and they have listened and been responsive to our concerns. We believe the enhanced pedestrian experience through wider sidewalks; improved landscaping and outdoor seating options will permit our residence the opportunity to walk two blocks through the revitalized Ocean Terrace block to enjoy the



Altos Del Mar Homeowners Association, Inc

bandshell, arts and other community benefits by making the Ocean Terrace block more pedestrian friendly.

We remain very concerned with other proposed plans the City has for public restrooms and park amenities which we feel could lead to further crime and encouraging the homeless population and other elements to congregate in the park, but we feel the Ocean Terrace project is a step in the right direction for North Beach and our neighborhood.

Please join Altos Del Mar in support of the *Ocean Terrace Redevelopment Plan*. Our Homeowners look to you to ensure our community continues to thrive. I will be attending the hearing on May 11th and would be pleased to present our views to the Commission.

Sincerely,

Mark Keller

Mark R. Keller
President of the Board of Directors
Altos Del Mar Homeowners Association.

OCEAN TERRACE OVERLAY – LDR AMENDMENTS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III "OVERLAY DISTRICTS," CREATING DIVISION 10 "OCEAN TERRACE OVERLAY", TO MODIFY THE APPLICABLE SETBACKS AND ALLOWABLE ENCROACHMENTS, INCREASE THE ALLOWABLE HEIGHT TO 235 FEET FOR RESIDENTIAL USES AND 125 FEET FOR HOTEL USES, TO LIMIT THE MAXIMUM FLOORPLATE OF THE TOWER PORTION OF NEW BUILDINGS, TO PROVIDE A MINIMUM BUILDING SEPARATION FOR THE TOWER PORTION OF NEW BUILDINGS, TO MODIFY THE ALLOWABLE MAIN, CONDITIONAL, ACCESSORY AND PROHIBITED USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the corridor of Collins Avenue between 73rd and 75th Streets was a vibrant, commercial corridor that served the retailing needs of the local neighborhood and tourists in the 1950s and 1960s; and

WHEREAS, the Collins Avenue corridor and area surrounding Ocean Terrace has deteriorated and seen limited improvement over the years, and has faced financial constraints and neighborhood adjustments that have diminished the general condition of the neighborhood; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the Ocean Terrace and Collins Avenue corridor; and

WHEREAS, the City desires to encourage private property owners to assemble and redevelop properties comprehensively rather than in a piecemeal fashion; and

WHEREAS, the City of Miami Beach desires to create an overlay zoning district for the two-block area located between Ocean Terrace and Collins Avenue in-between 73rd and 75th Streets, which overlay may assist in improving the neighborhood by providing stimulus to the community through new commercial and residential uses, as well as other design criteria and density limits to encourage reinvestment; and

WHEREAS, the purpose of the Ocean Terrace Overlay district is to stimulate neighborhood revitalization, encourage new development and renovation of important historic buildings within the Ocean Terrace/Collins Avenue corridor, and improve the pedestrian environment of the neighborhood; and

WHEREAS, the amendment set forth below is 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. That Chapter 142, Article III entitled "Overlay Districts", Division 10 "Ocean Terrace Overlay" is hereby created as follows:

- c. Side, Interior. The areas abutting an adjacent property. For a lot or combination of lots that have two front setbacks as defined in this section, the remaining yards not facing a street shall be classified as a side interior.
 - (2) Pedestal.
 - a. Front:
 - 1. For buildings situated on properties with an underlying designation of CD-2, zero (0) feet.
 - 2. For buildings situated on properties with an underlying designation of MXE, five (5) feet.
 - b. Side street. Zero (0) feet, regardless of the underlying zoning designation.
 - c. Side interior.
 - 1. For buildings situated on properties with an underlying designation of CD-2, zero (0) feet.
 - 2. For buildings situated on properties with an underlying designation of MXE, 7.5 feet.
 - (3) Tower.
 - a. Front.
 - 1. For buildings situated on properties with an underlying designation of CD-2, 20 feet.
 - 2. For buildings situated on properties with an underlying designation of MXE, 50 feet.
 - b. Side street. 20 feet regardless of the underlying zoning designation.
 - c. Side interior. 20 feet regardless of the underlying zoning designation.
 - (4) Subterranean. Zero (0) feet for all yards regardless of the underlying zoning designation.
- (b) Allowable encroachments and projections, consistent with Section 142-1132(o), within required yards.
- (1) Exterior unenclosed private balconies.
 - a. For buildings situated on properties with an underlying designation of CD-2, allowable encroachment is 7.5 feet into any required yard.
 - b. For buildings situated on properties with an underlying designation of MXE:
 - 1. Allowable front yard encroachment is eight (8) feet.
 - 2. Allowable side interior yard encroachment is six (6) feet.
 - (2) Ground level porches, platforms and terraces (up to 30 inches above the elevation of the lot) are allowed to project into a required yard for a distance not to exceed 50 percent of the required yard up to a maximum projection of five (5) feet.
- (c) Height.
- (1) For main use residential buildings: lot area less than 20,000 square feet—the maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace—235 feet.

- (2) For main use hotel buildings: lot area less than 20,000 square feet—the maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace —125 feet.
 - (3) All other buildings the maximum height is as provided in the underlying zoning regulations.
 - (4) The maximum number of stories is 22 stories.
- (d) Floor plate. The maximum floor plate size for the tower portion of a building is 10,000 square feet, including balconies, per floor. The Historic Preservation Board may allow for an increase in the overall floor plate, up to a maximum of 15,000 square feet, including balconies, per floor, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.
- (e) Building separation. All new construction shall comply with the following, as applicable:
- (1) The minimum horizontal separation between the tower portion of two (2) buildings, including balconies, is 60 feet.
 - (2) Two (2) buildings used as a hotel may be connected in the tower portion of the buildings by a one-story, enclosed pedestrian bridge, for circulation purposes only, if approved by the historic preservation board in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.
 - (3) The separation requirement between two (2) existing contributing structures, or between an existing contributing structure and a new building, may be waived by the historic preservation board in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.
- (f) Permitted Uses.
- (1) The main permitted uses in the Ocean Terrace Overlay District are:
 - a. Apartments;
 - b. Apartment/hotels;
 - c. Hotels;
 - d. Commercial;
 - e. Uses that serve alcoholic beverages as listed in Chapter 6 (alcoholic beverages) or as specified elsewhere in the Land Development Regulations.
 - (2) The conditional uses in the Ocean Terrace Overlay District are:
 - a. Public and private cultural institutions open to the public;
 - b. Banquet facilities, defined as an establishment that provides catering and entertainment to private parties on the premises and are not otherwise accessory to another main use;
 - c. Outdoor entertainment establishments;
 - d. Neighborhood impact establishments;
 - e. Open air entertainment establishments;
 - f. Main use parking garages;
 - g. Public and private institutions;
 - h. Food store selling alcoholic beverages.

(g) Prohibited Uses

(1) Package alcohol store.

(h) Additional Development Regulations. Buildings with frontage on Collins Avenue shall have either retail or restaurant uses (which may include neighborhood impact establishment uses) on the front 50 feet of depth of the ground floor with an entrance that opens onto Collins Avenue.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

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.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Paul Cook 4/27/16
City Attorney Date

First Reading: May 11, 2016
Second Reading: June 8, 2016

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

[Sponsor: Commissioner Joy Malakoff]

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MIAMI BEACH CODE OF ORDINANCES

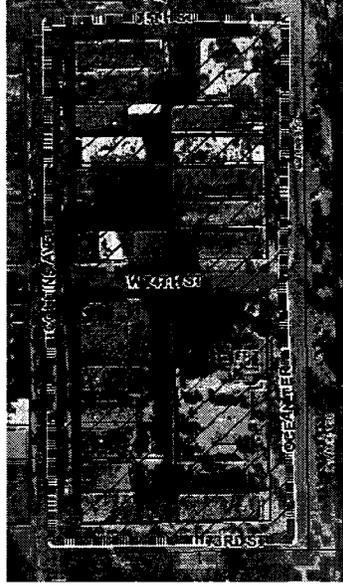
NOTICE OF PUBLIC HEARING

May 11, 2016

NOTICE IS HEREBY GIVEN that the following first reading/public hearing will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, **May 11, 2016**, at **10:55 a.m.**, or as soon thereafter as the matter can be heard:

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

MAP of Location for Ocean Terrace Overlay District:



INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. This item 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 with respect to any matter considered at its meeting or its hearing, 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 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 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado
City Clerk

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

10:40 a.m.

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For Mues Park Located At 4400 Chase Avenue, Miami Beach, Florida; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To The Regulations Of Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements For Off-Street Parking In Order To Allow For The Construction Of A Multi-Use Activity Room. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071.

10:45 a.m.

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P89, Located At 4001 Prairie Avenue; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code. In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

10:46 a.m.

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P91, Located At 501 72 Street; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

10:55 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay; To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.

5:01 p.m.

An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (4) Section 142-303, "Accessory Uses;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" And (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6th Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17th Street, And (C) Properties Within 100 Feet To The South Of 17th Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. These items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, 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 with respect to any matter considered at its meeting or its hearing, 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.

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Rafael E. Granado, City Clerk
City of Miami Beach

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPLORE A POTENTIAL COLLABORATION AGREEMENT WITH MIAMI-DADE COUNTY TO UTILIZE, OR JOIN THE AT&T SMART CITIES INITIATIVE FOR THE BENEFIT OF THE CITY OF MIAMI BEACH.

WHEREAS, the White House introduced its Smart Cities Initiative on September 14, 2015, which will permit the investment of over \$160 million in federal research to help local communities tackle challenges surrounding the reduction of traffic congestion, fighting crime, fostering economic growth, improving the delivery of government services and managing the effects of climate change; and

WHEREAS, AT&T initiated its own Smart Cities Initiative on January 5, 2016, which will build a frame work to help cities better serve their citizens and visitors by utilizing Internet of Things (“IoT”) to create solutions for remote monitoring of infrastructure, allow the engagement of its citizens with governmental services, provide for effective transportation notifications and public safely solutions; and

WHEREAS, Miami-Dade County announced its partnership with AT&T Smart Cities Initiative on April 18, 2016, which will provide those solutions and tools that embraces public safety, improves public transportation, reduces traffic congestion and preserves the County’s natural resources; and

WHEREAS, a Smart City Network Center would offer cities a dashboard view of asset performance in near-real time, and permit governmental officials to maintain a close watch on public services to effectively deal with power outages, water leaks, traffic issues and law enforcement activities; and

WHEREAS, a 2012 report from McKinsey and Co. has estimated that when cities attain a critical mass with smart technologies, the City can experience a fifty (50) percent reduction over a decade in energy consumption, a twenty (20) percent decrease in traffic, an eighty (80) percent improvement in water usage, and a twenty (20) percent reduction in crime rates; and

WHEREAS, the AT&T Smart Cities Initiative will permit the integration of technology throughout the City of Miami Beach, and allow a strategic approach to sustainability, cost reduction, citizen and visitor well-being and appropriate economic development that meets the prospective needs of the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission Approve and Authorize the City Manager to explore a potential collaboration agreement with Miami-Dade County to utilize, or join the AT&T Smart Cities Initiative for the benefit of the City of Miami Beach.

PASSED AND ADOPTED this _____ day of _____, 2016.

ATTEST:

Mayor Philip Levine

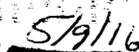
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney AB



Date