

Alton Gateway Development Regulation Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO INCLUDE MODIFICATIONS TO BUILDING SETBACKS, PEDESTRIAN PATH REQUIREMENTS, BUILDING HEIGHT FOR NON-RESIDENTIAL STRUCTURES, AND GREEN SPACE REQUIREMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the entrance to the South Beach neighborhood of the City of Miami Beach via the MacArthur Causeway provides an important first impression to residents, guests, and workers; and

WHEREAS, the City intends to create an attractive entrance into the City of Miami Beach adjacent to the MacArthur Causeway; and

WHEREAS, on December 12, 2018 the City Commission adopted Ordinance 2018-4228, which created the Alton Road Gateway Area Development Regulations; and

WHEREAS, the Alton Road Gateway Area Development Regulations establish a set of standards governing development for an assemblage of land on the west side of Alton Road between Fifth Street and Eighth Street; and

WHEREAS, on December 12, 2018, the City Commission adopted Resolution No. 2018-30647, following Second Reading and a public hearing, approving a Development Agreement between the City and South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, and KGM Equities, LLC; and

WHEREAS, the Development Agreement contemplated the development of land located within the Alton Road Gateway Area with a mixed-used residential and commercial development to include a public park and other public and private amenities; and

WHEREAS, the City Commission now desires to amend the Alton Road Gateway Area Development Regulations to incorporate the modifications set forth herein.

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

SECTION 1. Chapter 142 of the City Code, entitled "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

Article II. – District regulations

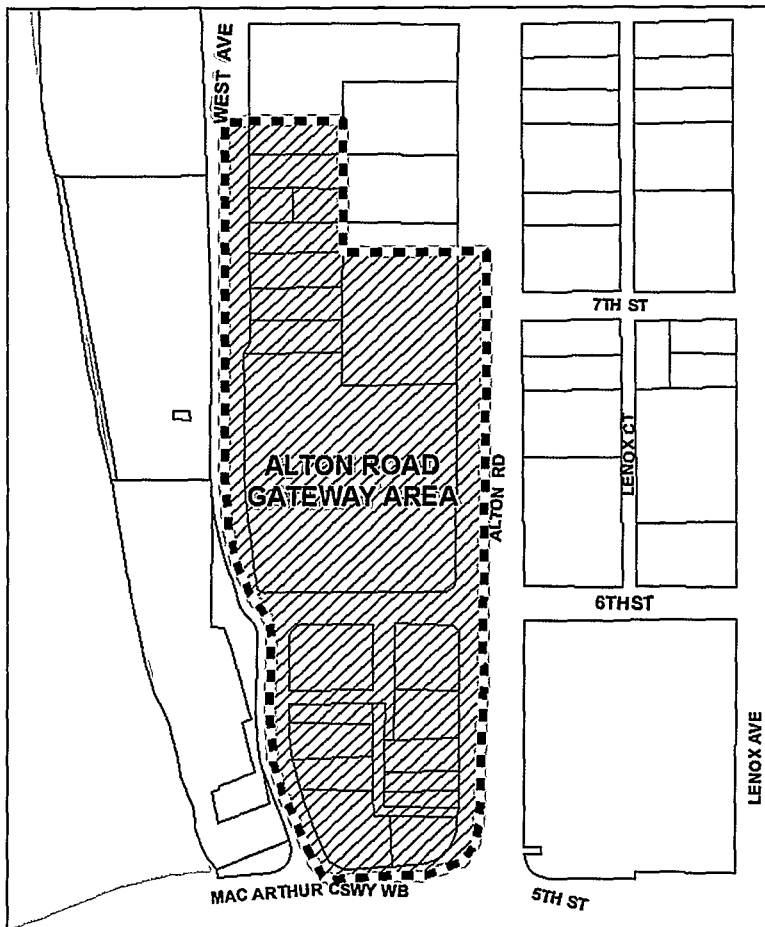
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Division 5. – CD-2 Commercial, Medium Intensity District

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Sec. 142-311 – Alton Road Gateway Area Development Regulations.

- (a) The Alton Road Gateway Area incorporates the parcels in the area bounded by 8th Street on the north, Alton Road on the east, 5th Street/MacArthur Causeway/SR A1A on the south, and West Avenue on the west; excluding lots 15 through 22 of the Amended Fleetwood Subdivision, according to the plat thereof recorded in Plat Book 28, page 34, of the Public Records of Miami-Dade County, Florida; as depicted in the map below:



- (b) The following regulations shall apply to the properties located within the Alton Road Gateway Area; where there is conflict within this division, the regulations below shall apply:
- (1) **Prohibited uses.** In addition to the prohibited uses identified in Section 142-305, the following uses shall also be prohibited: accessory outdoor bar counters, hostels, hotels, apartment hotels, suite hotels, outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, bars, dance halls, entertainment establishments (as defined in Section 114-1), exterior alcoholic beverage service after 12:00 a.m., interior alcoholic beverage service after 2:00 a.m., package stores, any use selling gasoline, storage and/or parking of commercial vehicles on site other than the site at which the associated trade or business is located; (in accordance with Section 142-1103), pawnshops, secondhand dealers of precious metals/precious

metals dealers, check cashing stores, convenience stores, occult science establishments, souvenir and t-shirt shops, and tattoo studios.

(2) **Setbacks.** The setbacks established in Section 142-307 are modified as follows:

- a. Minimum setback from Alton Road: 10 feet for residential and non-residential buildings; 0 feet for elevated open walkways.
- b. Minimum setback from West Avenue: ~~35~~ 20 feet; 0 feet for elevated open walkways.
- c. Minimum setback from 5th Street/Mac Arthur Causeway: ~~20~~ 17 feet; 0 feet for elevated open walkways.

(3) **Clear Pedestrian Path.** A ~~minimum 10-foot-wide~~ "clear pedestrian path," free from obstructions including but not limited to, outdoor cafes, sidewalk cafes, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:

- a. The "clear pedestrian path" may only utilize public sidewalk and setback areas. The clear pedestrian path shall be a minimum of ten feet wide, except along the portions of West Avenue, Alton Road, and 5th Street/MacArthur Causeway south of 6th Street, where it shall be a minimum of five feet wide. The clear pedestrian path may be reduced by up to five feet for the sole purpose of accommodating the trunk diameter of canopy street trees when adjacent to a building.
- b. Pedestrians shall have 24-hour access to "clear pedestrian paths."
- c. Clear pedestrian paths shall be well lit and consistent with the City's lighting policies.
- d. Clear pedestrian paths shall be designed as an extension of the adjacent public sidewalk.
- e. Clear pedestrian paths shall be delineated by in-ground markers that are flush with the path, differing pavement tones, pavement type, or other method to be approved by the Planning Director.
- f. An easement to the City providing for perpetual public access shall be provided for portions of clear pedestrian paths that fall within the setback area.

(4) **Height.** The maximum height for a main use residential building: 519 feet. The maximum height for non-residential structures: ~~25~~ 40 feet. Height shall be measured from the base flood elevation, plus freeboard, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus freeboard, with a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way as provided under the City's Public Works Manual.

(5) **Floor plate.** The maximum floor plate size for the tower portion of a residential building is 17,500 square feet, including projecting balconies, per floor.

(6) **Residential Buildings Containing Parking.** Main use residential buildings containing parking, are not required to provide residential or commercial uses at the first level along every façade facing a street or sidewalk as required in Section 142-308(a). However, the

first level shall be architecturally treated to conceal parking, loading, and all internal elements, such as plumbing pipes, fans, ducts, and lighting from public view.

- (7) **Green space.** A minimum of 3.0 acres of open green space shall be located within the Alton Road Gateway Area. For purposes of this section, green space shall mean open areas that are free from buildings, structures, pavilions, driveways, parking spaces, and underground structures (except non-habitable utility structures). However, sun shade structures, open on all sides, and elevated pedestrian walks may be permitted. Open green space areas shall consist primarily of landscaped open areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities.

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 _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: March 13, 2019

Second Reading: April 10, 2019

(Sponsor: Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4-1-19

Date

NK

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

Underline denotes new language; double underline denotes language added after First Reading
~~Strikethrough~~ denotes removed language; ~~double-strikethrough~~ denotes language removed after First Reading

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