

Alton Gateway Development Regulations – FAR, Parking and Height 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 114, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO AMEND PROVISIONS RELATING TO FLOOR AREA CALCULATIONS FOR PARTIAL BASEMENTS; BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, "IN GENERAL," SECTION 118-5, "UNITY OF TITLE; COVENANT IN LIEU THEREOF," TO MODIFY THE REQUIREMENTS FOR A UNIFIED DEVELOPMENT SITE IN THE ALTON ROAD GATEWAY AREA; BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-33, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, 8, AND 9," TO AMEND PARKING REQUIREMENTS FOR CERTAIN GOVERNMENTAL USES IN PARKING DISTRICT NO. 6; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUB-DIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO CREATE ADDITIONAL REGULATIONS FOR PROPERTIES FRONTING THE EAST SIDE OF WEST AVENUE AND LOCATED WITHIN THE ALTON ROAD GATEWAY AREA; AND BY AMENDING DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO EXPAND THE ALTON GATEWAY AREA BOUNDARIES TO 8TH STREET, MODIFY THE MAXIMUM FAR AND BUILDING HEIGHT FOR NON-RESIDENTIAL STRUCTURES, AND AMEND GREEN SPACE REQUIREMENTS; AND 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, 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 and east side of West Avenue, 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 desires to expand the boundaries of the Alton Road Gateway Area for purposes of providing expanded park area and facilitating the relocation and construction of a new community health center and public library; 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 114 of the City Code is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. – Definitions.

* * *

Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. For the purpose of clarity, floor area includes, but is not limited to, stairwells, stairways, covered steps, elevator shafts at every floor (including mezzanine level elevator shafts), and mechanical chutes and chases at every floor (including mezzanine level).

For the avoidance of doubt, unless otherwise provided for in these land development regulations, floor area excludes only the spaces expressly identified below:

* * *

(9) Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. ~~Despite~~ Notwithstanding the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, or for any development within the Alton Road Gateway Area as more specifically defined in Section 142-311, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.

* * *

SECTION 2. Chapter 118 of the City Code, entitled "Administration And Review Procedures," Article I "In General," is hereby amended as follows:

**CHAPTER 118
ADMINISTRATION AND REVIEW PROCEDURES**

ARTICLE I. – IN GENERAL

* * *

Sec. 118-5. Unity of title; covenant in lieu thereof.

The term "unified development site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right-of-way. A "unified development site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "unified development site":

- (a) All lots need not be in the same zoning district; however: the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district, inclusive of bonus FAR.
- (b) For unified development sites containing properties with different zoning classifications, Only (i) properties located in the Alton Road Gateway Area, as more specifically prescribed in Section 142-311, and (ii) properties located in commercial and/or mixed-use entertainment zoning districts, may be joined together to create a unified development site, and allowable floor area may be distributed within the unified development site, provided the entire unified development site, including each separate zoning district, has the same maximum floor area ratio (FAR), inclusive of bonus FAR. ~~Such unified development site shall only contain commercial and/or mixed-use entertainment districts and shall not include any residential zoning district.~~ The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.
- (c) In the event a future change in zoning district classification modifies the maximum floor area ratio (FAR), inclusive of bonus FAR, for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.
- (d) The maximum FAR for a unified development site shall not exceed the aggregate maximum FAR of the multiple lots allowed by the underlying zoning districts, inclusive of bonus FAR. Within a locally designated historic district or locally designated historic site within the Ocean Terrace Overlay District, any platted lot(s) with a contributing building(s) that contain legal-nonconforming FAR and were previously separate and apart from other lots that comprise the unified development site, may retain their existing legal nonconforming FAR, provided no additional FAR is added to such platted lot(s).
- (e) Within a unified development site within the Ocean Terrace Overlay District, passageways or other connections that are in allowable FAR exception may be permitted on lots with legal nonconforming FAR.

* * *

SECTION 3. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements", Section 130-33(c) is hereby amended as follows:

CHAPTER 130 OFF-STREET PARKING

* * *

ARTICLE II. – DISTRICTS; REQUIREMENTS

* * *

Sec. 130-33 Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9.

* * *

(c) [Parking district no. 6.] Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 6, off-street automobile parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 in section 130-32.

* * *

- (8) Governmental Uses. Government-owned or leased buildings, uses and sites which are wholly used by, open, and accessible to the general public, that are located within 1,000 feet of a publicly accessible off-street parking facility: No parking requirement.

* * *

SECTION 4. Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 3, entitled "Residential Multifamily Districts," Subdivision IV, entitled "RM-2 Residential Multifamily, Medium Intensity," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

SUBDIVISION IV. – RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

* * *

Sec. 142-220. Additional regulations for properties that front the west side of Alton Road and the Julia Tuttle Causeway, and properties fronting the east side of West Avenue and located within the Alton Road Gateway Area, as more particularly described in Sec. 142-311.

a. The following regulations shall apply to properties that front the west side of Alton Road and that front 41st Street/Interstate 195. In the event of a conflict within this division, the following regulations shall control:

(1) The setback requirements shall be as follows:

Rear	Pedestal: 10 feet* Tower: 15 feet*
Side	Pedestal: 10 feet* Tower: 15 feet*
* Notwithstanding the allowable projection regulations in section 142-1132, exterior unenclosed private balconies and ornamental features may project 50 percent into a required yard.	

- (2) The regulations for new construction provided in subsection 142-219(1) shall only apply to the eastern frontage of a building, along Alton Road. However, the requirement provided in subsection 142-219(1) for the eastern frontage along Alton Road shall not apply to a structure that is set back 50 feet or more from Alton Road.
- (3) The regulations set forth in this section shall only apply to those properties that are larger than 60,000 square feet in size as of ~~the effective date of the ordinance codified in this section~~ November 28, 2020.

b. Properties fronting the east side of West Avenue and located south of 8th Street within the Alton Road Gateway Area, as more particularly described in Sec. 142-311, shall be subject to the maximum FAR and maximum building height regulations set forth in Sec. 142-311(b). Where there is a conflict within this article pertaining to maximum FAR and maximum building height, the regulations set forth in Sec. 142-311(b) shall apply.

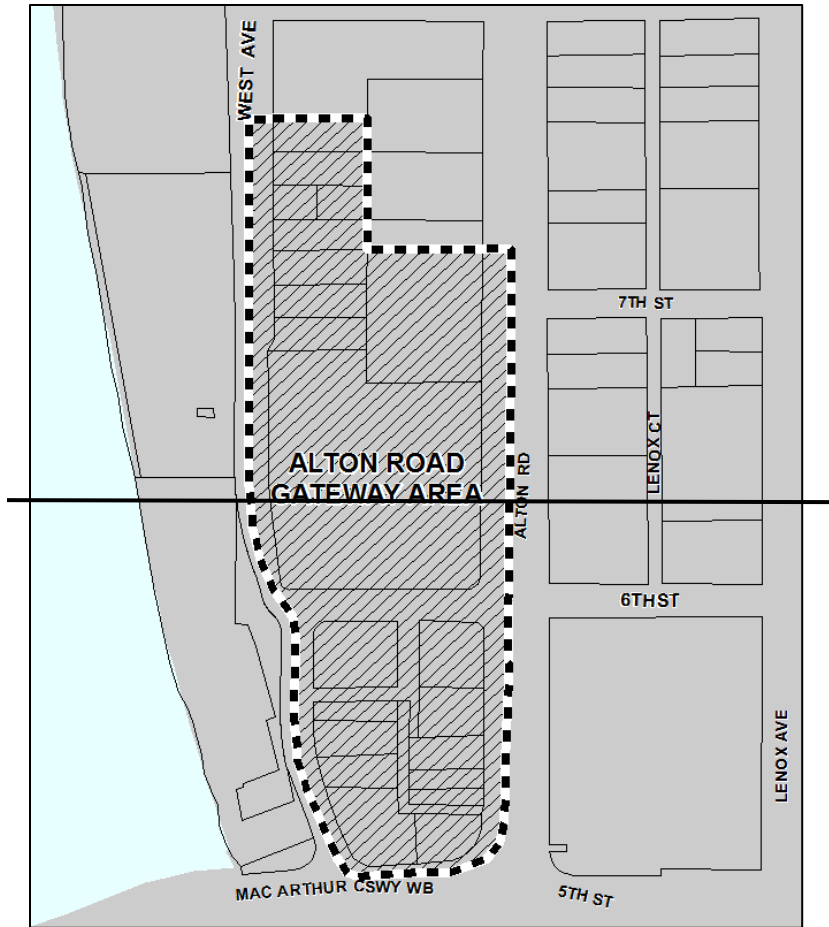
SECTION 5. Chapter 142 of the City Code, entitled "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity," is hereby amended as follows:

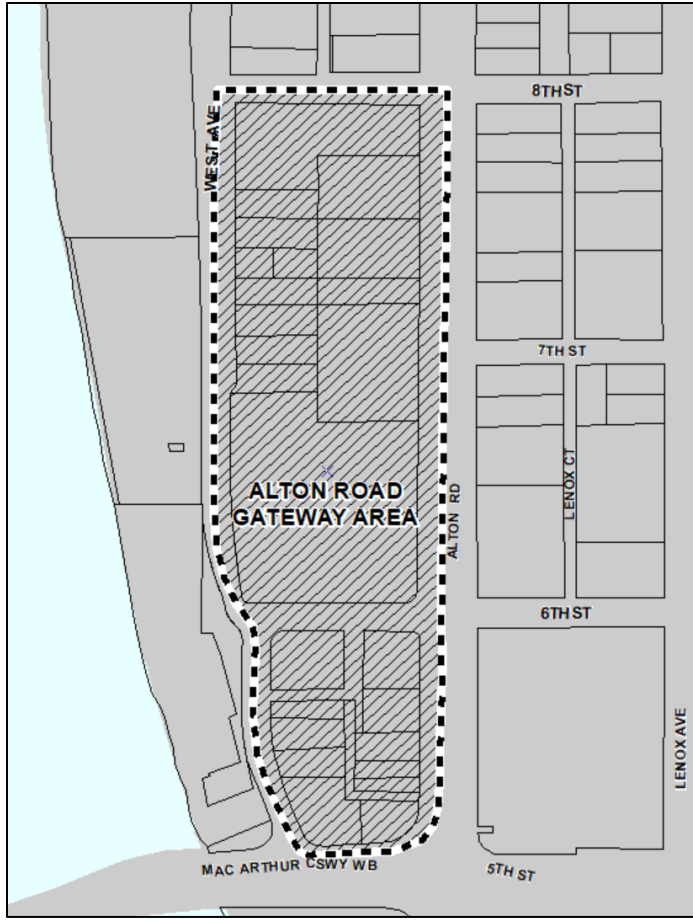
DIVISION 5. – CD-2 COMMERCIAL, MEDIUM INTENSITY

* * *

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, tattoo studios, and tobacco/vape dealers.

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

- a. Minimum setback from Alton Road: 10 feet for ~~residential and non-residential~~ buildings located south of the former 6th Street right-of-way; 0 feet for elevated open walkways; 0 feet for buildings located north of the former 6th Street right-of-way (subject to provision of required clear pedestrian path).

- b. Minimum setback from West Avenue: 20 feet for buildings located south of the former 6th Street right-of-way; 10 feet for pedestal and 20 feet for tower for buildings located north of the former 6th Street right-of-way; 0 feet for elevated open walkways.
- c. Minimum setback from 5th Street/Mac Arthur Causeway: 17 feet; 0 feet for elevated open walkways.
- d. Minimum interior side setback for buildings located north of the former 6th Street: 0 feet for pedestal and 10 feet for tower.
- e. Minimum rear setback for buildings located north of the former 6th Street: 0 feet for pedestal and 10 feet for tower.

(3) ***Clear Pedestrian Path.*** A “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/Mac Arthur 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) ***Maximum FAR.*** The maximum FAR for properties located in the Alton Road Gateway Area shall not exceed 2.5.

(5) ***Maximum Building Height.***

- a. The maximum height for a main use residential building located south of the former 6th Street right-of-way: 519 feet.
- b. The maximum height for ~~non-residential~~ structures located north of the former 6th Street right-of-way: ~~40~~ 150 feet for structures or portions of structures setback at least 175 feet from West Avenue and located within 275 feet of the south side of 8th Street, as measured at the intersection of Alton Road; otherwise 60 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.

- (6) **Floor plate.** The maximum floor plate size for the tower portion of a residential building located south of the former 6th Street right of way is 17,500 square feet, including projecting balconies, per floor.
- (7) **Residential Buildings Containing Parking.** Main use residential buildings containing parking, which are located south of the former 6th Street right of way, 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.
- (8) **Green space.** A minimum of 3.75 ~~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 6. 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 7. REPEALER.

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

SECTION 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: May 25, 2022
Second Reading: September 14, 2022

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

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2022\5 May\Alton Road Gateway Regulations - FAR,
Parking and Height Amendments - DRAFT ORD May 13 2022 LUSC.docx