

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 24, 2022

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: **PB22-0514 – ORD – Alton Gateway Development Regulations –
Comprehensive Plan Amendment.**

**PB22-0515 – ORD – Alton Gateway Development Regulations – LDR
Amendment.**

RECOMMENDATION

Transmit the Comprehensive Plan and Land Development Regulations amendments to the City Commission with a favorable recommendation.

HISTORY

On March 9, 2022, (item R9T), the City Commission referred the subject Ordinance Amendment to the Land Use and Sustainability Committee (LUSC) and the Planning Board. The sponsor of the proposal is Commissioner Ricky Arriola.

On April 8, 2022, the LUSC discussed the proposal and continued the item to the May 13, 2022 LUSC meeting. On May 13, 2022, the LUSC discussed the proposal and moved the item to the Planning Board and full City Commission, with direction to the developer to continue community outreach.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Partially Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does expand the Alton Road Gateway District boundaries to 8th Street; however, it would not create an isolated district unrelated to adjacent or nearby districts.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Consistent - The proposed ordinance amendment does affect the scale of development; however, it contains safeguards, including setbacks and height limits which ensure that any future development is not out of scale with the needs of the neighborhood or the city.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Partially Consistent – The proposed ordinance has the potential to affect the load on public facilities and infrastructure as it does allow for an increased intensity development. However, concurrency reviews and mitigation will be necessary as part of a land use board and building permit review process for any proposed development.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Consistent – The existing boundaries of the Alton Road Gateway District do not contain the entire block between 6th Street and 8th Street. The proposed amendment proposed to modify the district boundaries to incorporate the entirety of the block.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – There is a community health center in the affected area that is in poor conditions. Changing conditions have created the need for a new health center. The need for a new community health center makes passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as it contains safeguards to minimize the impacts of any potential development.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed change will not create or increase traffic congestion beyond the levels of service set forth in the Comprehensive Plan, or otherwise affect public safety.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Partially Consistent – The proposed will reduce light and air to adjacent areas beyond what is currently existing; however, the proposed setbacks and height limits are intended to minimize those impacts.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will improve the resiliency of the City with respect to sea level rise by encouraging the redevelopment of sites that were developed prior to the adoption of many of the City's resiliency standards. The redevelopment will be required to comply with regulations that improve the resiliency of buildings.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

PLANNING ANALYSIS

The proposal herein would extend the Alton Road Gateway development regulations north to 8th Street, to accommodate a new mixed-use structure to the north and east of the existing park. The following is a summary of the proposed LDR Ordinance (attached), recommended by the Administration, which includes modifications to the Alton Road Gateway development regulations:

1. Chapter 118 has been modified, to update and clarify the requirements for distributing allowable FAR within a unified development site containing different zoning districts.
2. The boundaries of the Alton Gateway areas expand to the south side of 8th Street.
3. The maximum FAR for sites located within the Alton Road Gateway area is proposed to be increased from the current 2.0 to 2.5. The proposed increase in maximum FAR is subject to voter approval in a city-wide referendum.
4. The maximum building height for structures located north of the former 6th Street right-of-way is proposed to be increased, to accommodate the proposed increase in FAR. In this regard, the maximum height recommended by the Administration is 150 feet for structures or portions of structures setback at least 140 - 160 feet from West Avenue and located within 275 - 325 feet of the south side of 8th Street. The maximum height for the remainder of any new structures north of the former 6th Street right-of-way is recommended to remain at 60 feet (This provision has not yet been finalized).
5. The Administration is recommending that the minimum park area be increased from the current 3.0 acres. One option for achieving this is by adjusting or relocating the floor area associated with the 2-story retail building approved at the southeast corner of the park. By relocating the 2-story retail building at the southeast corner of the park there would be a significant improvement in site circulation, particularly vehicular circulation, along the easement located within the former 6th Street right-of-way. (This provision has not yet been finalized).

As part of the larger proposal, the developer has indicated a willingness to limit the additional residential density associated with the proposed project to 120 units. It is anticipated that this would be memorialized as part of a revised development agreement.

The Administration is recommending that the proposed increases in maximum building height and FAR be considered holistically, and as part of additional enhancements to the park area. The recommendations regarding an increase in the size of the park, increased setbacks of new buildings, as well as creating a defined boundary for the portion of the new building that can go up to 150 feet in height, would foster a successful transition of additional building height and massing. Additionally, the proposed amendments, including the proposed FAR increase, if approved by the voters, would create a much more appropriate northern boundary for the park, as well as provide significant activation along the north and northeast sides of the park. The proposal would also create a far superior urban edge for the entire 600-700 block of the west side of Alton Road.

CITY CHARTER ANALYSIS

The proposal to increase the FAR is affected by Section 1.03(c) of the City Charter, which partially states the following:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

As the proposed Ordinance requires an affirmative vote of the electorate, vote, only approval at First Reading may take place, prior to a citywide election. If the proposed FAR increase is approved by a majority of City of Miami Beach voters, Second Reading / Adoption of the Ordinance would be scheduled for the next available City Commission meeting after the election.

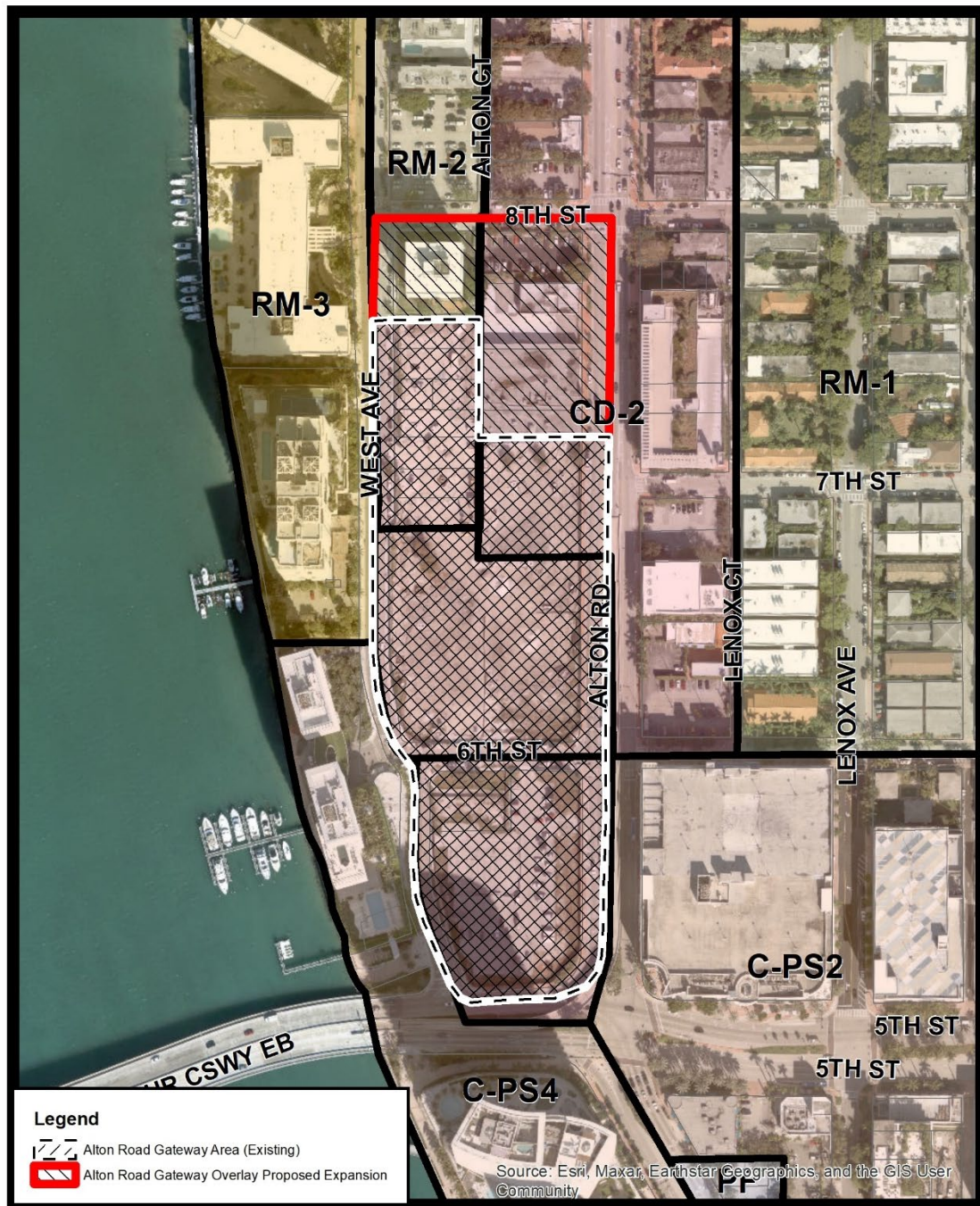
COMPREHENSIVE PLANNING REVIEW PROCESS

This referral includes a text amendment to the Comprehensive Plan. Under Section 163.3184(2), Florida Statutes, this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the subject Ordinances, pertaining to the Comprehensive Plan and Land Development Regulations amendments, to the City Commission with a favorable recommendation.

Future Land Use



0 125 250 500 Feet



PB22-0514
Comprehensive Plan Amendment

Alton Road Gateway Regulations – 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 2040 COMPREHENSIVE PLAN POLICY RLU 1.1.6, ENTITLED “MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (RM-2) AND POLICY RLU 1.1.9, ENTITLED “MEDIUM INTENSITY COMMERCIAL (CD-2)”, TO MODIFY THE FLOOR AREA RATIO (FAR) LIMITS FOR PROPERTIES WITHIN THE “ALTON ROAD GATEWAY AREA;” AND DESIGNATING THE “ALTON ROAD GATEWAY AREA” ON THE FUTURE LAND USE MAP FOR THE PARCELS LOCATED BETWEEN ALTON ROAD ON THE EAST, FIFTH STREET ON THE SOUTH, WEST AVENUE ON THE WEST, AND 8TH STREET ON THE NORTH; PURSUANT TO THE PROCEDURES IN SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, 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, to ensure an adequate mix of uses and the success of future developments on these City-owned lands, this Ordinance amends City Of Miami Beach Comprehensive Plan Policy RLU 1.1.17, entitled "Public Facility: Governmental Uses (PF)", to clarify that developments including residential, commercial, business and professional offices, retail and service, and eating and drinking establishments may be permitted in the PF future land use category; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives; and

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City of Miami Beach Commission has an adopted Comprehensive Plan; and

WHEREAS, the City Commission has provided procedures, codified as Chapter 118, Article III, of the City's Land Development Regulations, to amend, modify, add to, or change the Comprehensive Plan; and

WHEREAS, City's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Chapter 163, Part II, Florida Statutes, including the process for adoption comprehensive plan amendments set forth in section 163.3184, Florida Statutes; and

WHEREAS, the City of Miami Beach Planning Board, which serves as local planning agency, transmitted the text amendment to the City Commission with a favorable recommendation; and

WHEREAS, the City Commission held a duly noticed public hearing, at which time it voted to transmit the text amendment for review by state, regional, and local agencies, as required by law; and

WHEREAS, the City Commission hereby finds that the adoption of this text amendment is in the best interest and welfare of the residents of the City.

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

SECTION 1. Comprehensive Plan Policy RLU 1.1.6, Entitled "Medium Density Multi Family Residential (RM-2)" is hereby amended as follows:

POLICY RLU 1.1.6 MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium density multi-family residential areas.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels. Residential office uses are permitted in RM-2 only in the West Avenue Bay Front Overlay District, as described in the Land Development Regulations. Places of assembly, restaurant, retail, and general office uses are main permitted uses in the Faena District Overlay as set forth in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 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 a floor area ratio of 2.0, or ### in the Alton Road Gateway Area.

SECTION 2. Comprehensive Plan Policy RLU 1.1.9, Entitled "Policy RLU 1.1.9 Medium Intensity Commercial (CD-2)" is hereby amended as follows:

POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 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 a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use; 3.25 in the Wolfsonian Arts District; and ### in the Alton Road Gateway Area.

SECTION 3.

The "Alton Road Gateway Area" shall be designated on the 2040 Comprehensive Plan Future Land Use Map for the properties located between 5th Street on the south, Alton Road on the west, 8th Street on the north, and West Avenue on the west, as depicted in "Exhibit A."

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, 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, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

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. 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 6. EFFECTIVE DATE.

This Ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

PASSED and **ADOPTED** this ____ day of _____, 2022.

Dan Gelber
Mayor

ATTEST:

Rafael E. Granado
City Clerk

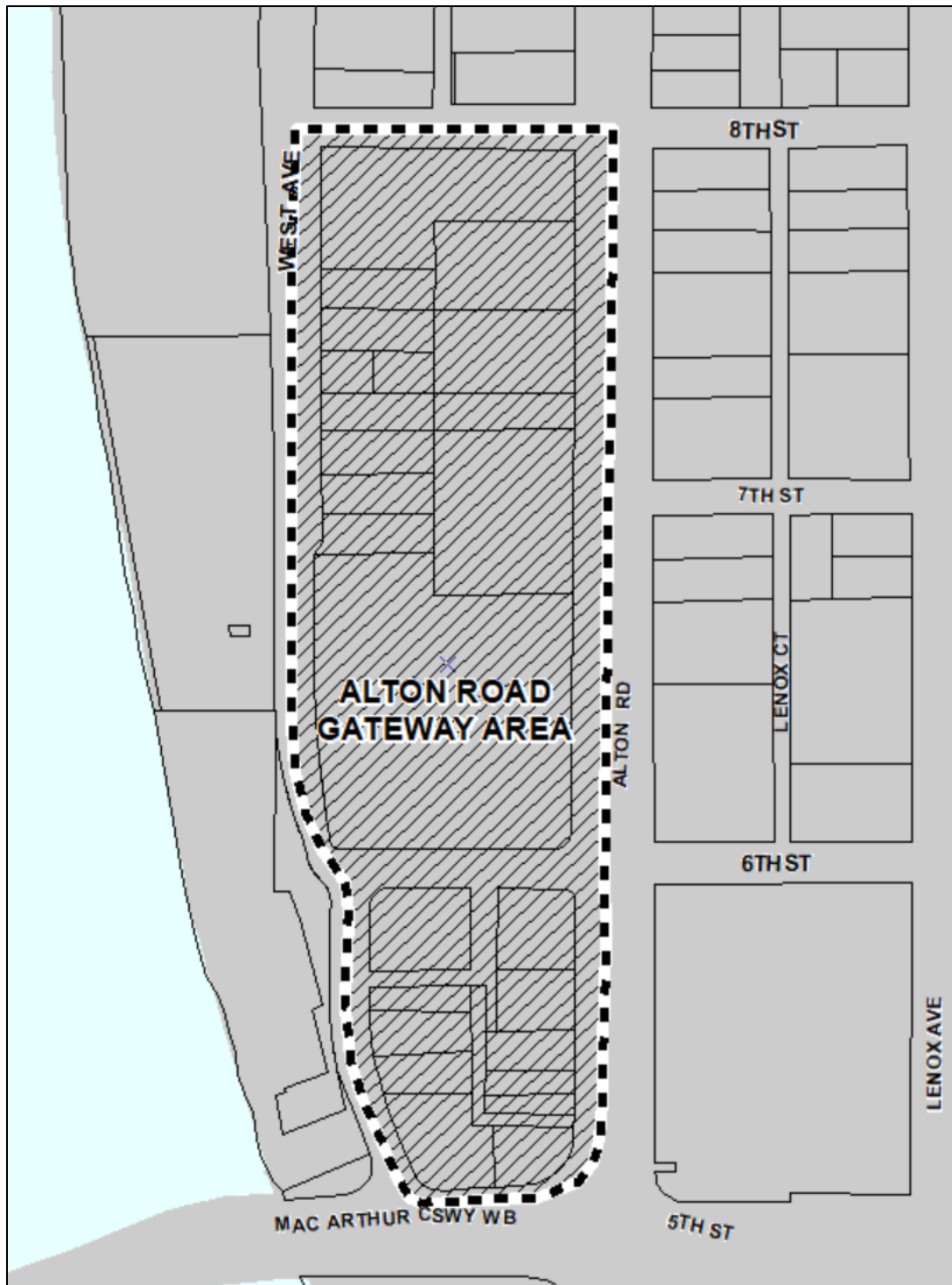
APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: May 4, 2022
Second Reading: June 22, 2022

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

“Exhibit A”



PB22-0515
LDR Amendment

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 INCLUDE ADDITIONAL PROPERTIES SOUTH OF 8TH STREET, MODIFY THE MAXIMUM FLOOR AREA RATIO (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, including several properties between Fifth Street and Eighth Street (the "Alton Road Gateway Area"); 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 mixed-used residential and commercial development, including 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, facilitating the relocation of an existing community health center, and promoting compatible development; 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) Notwithstanding subsection (a), 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). In the event of a conflict within this article pertaining to maximum FAR and maximum building height, the regulations set forth in Sec. 142-311(b) shall control.

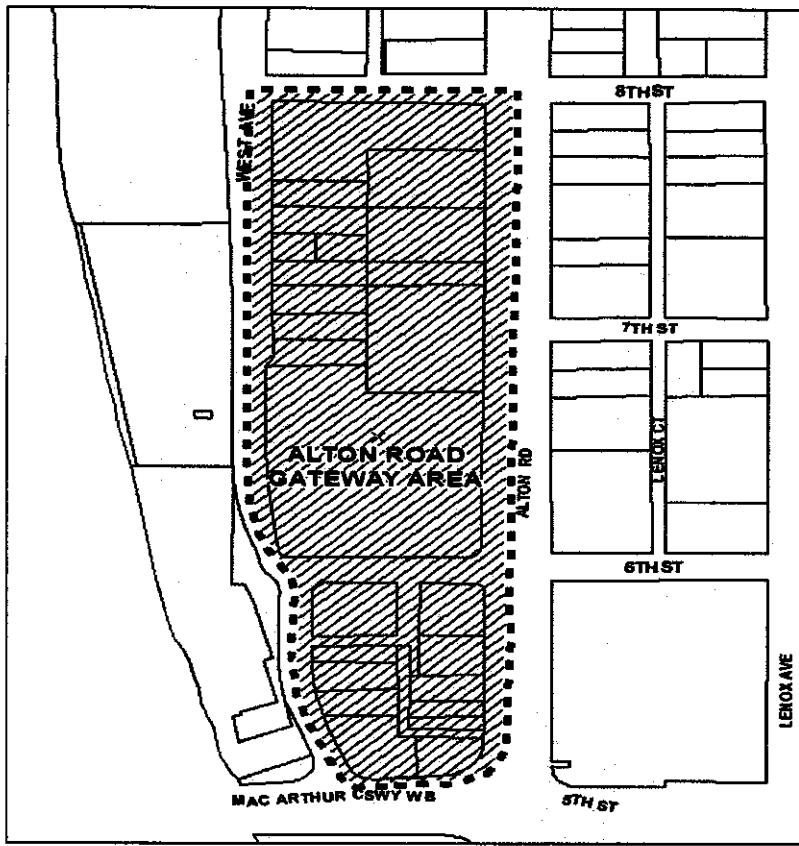
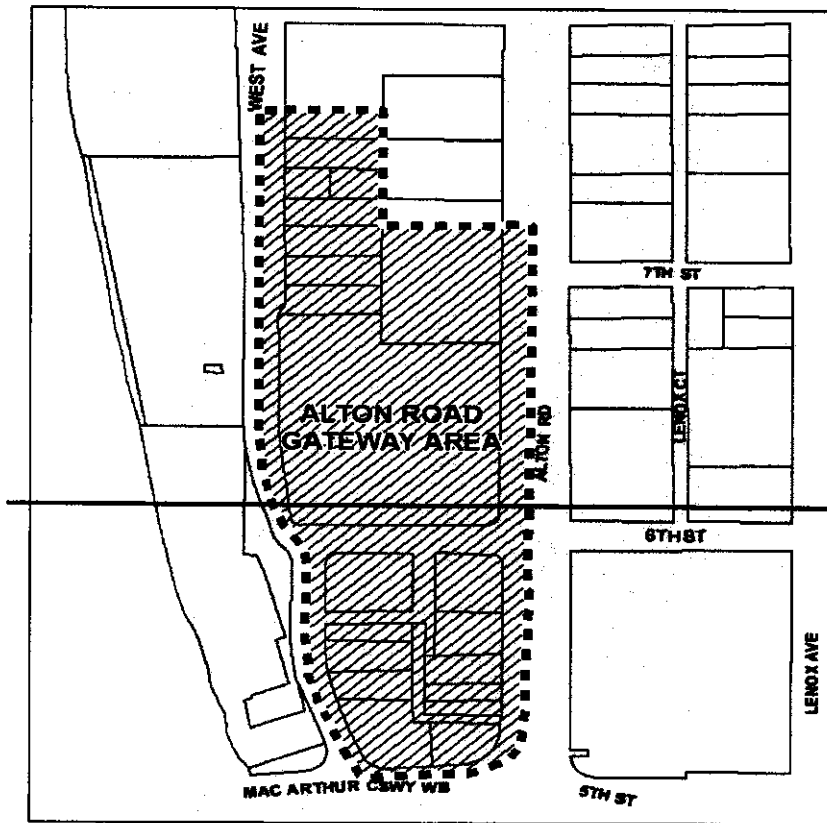
SECTION 5. Chapter 142 of the City Code, entitled "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity," is hereby amended as follows:

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; and 0 feet for buildings located north of the former 6th Street right-of-way (subject to provision of required clear pedestrian path as required under this section).

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 right-of-way: 0 feet for pedestal and 10 feet for tower.

e. Minimum rear setback for buildings located north of the former 6th Street right-of-way: 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 set back at least 160 feet from West Avenue and located within 275 feet of the south side of 8th Street, as measured at the intersection of Alton Road and 8th Street; 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.

(5) (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.

(6) (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.

(7) (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, sunshade 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.

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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
& FOR EXECUTION

for Nick Kallergis 5/17/22
City Attorney NK Date

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

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

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