

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 23, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0226. 500-700 Alton Road – Alton Road Gateway Area Development Regulations – LDR Amendments.**

REQUEST

PB 18-0226. 500-700 Alton Road – Alton Road Gateway Area Development Regulations – LDR Amendments. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY," SECTION 142-311, TO BE ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," IS HEREBY AMENDED TO ESTABLISH THE "ALTON ROAD GATEWAY AREA," INCORPORATING THE PROPERTIES BOUNDED BY 8TH STREET ON THE NORTH, ALTON ROAD THE EAST, 5TH STREET/MAC ARTHUR CAUSEWAY/SR A1A ON THE SOUTH, AND WEST AVENUE ON THE WEST, EXCLUDING LOTS 15 THROUGH 22, BLOCK 2, 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; EXPANDING THE LIST OF PROHIBITED USES, MODIFY THE APPLICABLE SETBACKS, PROVIDE FOR CLEAR PEDESTRIAN PATHS, INCREASE THE ALLOWABLE HEIGHT LIMIT FOR MAIN USE RESIDENTIAL BUILDINGS, TO LIMIT THE MAXIMUM FLOOR PLATE SIZE OF THE TOWER PORTION OF NEW BUILDINGS, ESTABLISH MINIMUM REQUIREMENTS FOR GREEN SPACE AND GREEN ROOFS, AND MODIFY DESIGN REQUIREMENTS WITHIN THE ALTON ROAD GATEWAY AREA, INCLUDING BUT NOT LIMITED TO, DESIGN REQUIREMENTS APPLICABLE TO BUILDING FLOORS CONTAINING PARKING SPACES; AMENDING CHAPTER 130, "OFF-STREET PARKING," SECTION 130-31, "PARKING DISTRICTS ESTABLISHED," TO MODIFY THE BOUNDARIES OF PARKING DISTRICT NUMBER 6 TO INCORPORATE THE ENTIRE ALTON ROAD GATEWAY AREA; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On July 25, 2018, at the request of Mayor Dan Gelber, the City Commission referred the items to the Land Use and Development Committee (Item C7AQ). The Land Use Committee discussed the amendment on September 28, 2018 and recommended that the City Commission refer the item to the Planning Board.

BACKGROUND

In order to effectuate a Unified Development Site, as proposed, a rezoning and change in future

land use classification of certain parcels within the proposed unified site, as well as corresponding amendments to the Land Development Regulations, are required.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

Consistent – The proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, as proposed to be modified (See PB18-0227 and PB 18-0228).

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

Not Applicable

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

Partially Consistent – The ordinance is proposing an increase in maximum height, however, the floor area ratio is going to remain the same, this will allow the construction of a taller tower giving more open space at ground level on the entire site.

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

Consistent – The proposed will not modify the intensity of development.

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

Consistent – The existing district boundaries are inconsistent and illogically drawn with the new configuration of the site, since there will be two different districts over the same site. It is more appropriate to have an uniform District, in this case CD-2, to minimize impacts on residents and allow a logical transition between the CD-2, CPS-2 areas to the east and the RM-3, CPS-4 areas to the west.

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

Consistent – The need to improve the aesthetic conditions and quality of life in the surrounding area make proposed amendments necessary.

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

Consistent - The proposed changes should not adversely influence living conditions in

- the surrounding neighborhood.
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 - From the standpoint of traffic congestion, trip generation, and parking availability, the proposed change should not create or excessively increase traffic congestion beyond the levels of service as 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.**

Consistent - The proposed changes will not seriously reduce light and air to adjacent areas; as the maximum building intensity is not affected by the proposed amendments.

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

Consistent – Property values should not be negatively impacted by the proposed changes.

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 changes would not be a deterrent to the redevelopment or improvement of any adjacent property.

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 Mean elevation of the site is 3.4 (NAVD). The proposal affects an area that is not vulnerable to the impacts of sea level rise until 2060 pursuant to the Unified Sea Level Rise Projection for Southeast Florida in the long term. However, the elevation is within the range of the low and high mean high water projections. For reference, the Sea Level Rise Projection is below:

Sea Level Rise Projections (NAVD)				
	Low Prj.	High Prj.	Low Prj.	High Prj.
	Mean Sea Level		Mean High Water	
1992	-0.96	-0.96	0.25	0.25
2030	-0.46	-0.13	0.75	1.08
2060	0.21	1.21	1.42	2.42
2100	1.62	4.12	2.83	5.33

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

Consistent – New Development will meet current and future Building Codes and the City's standards, they will also comply with recently adopted sea level rise mitigation criteria and green building requirements.

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

Consistent – The proposal will meet current and future Building Codes and the City's standards in a manner that is compatible with the City's sea level rise mitigation and resiliency efforts.

ORDINANCE SUMMARY

Currently, the property encompasses the 500 Block and most of the parcels on the 600-700 blocks between Alton Road and West Avenue. The 500 Block has a Zoning Classification of CPS-2 and a portion of the 600-700 block has a Zoning Classification of RM-2. See attached map. The proposal is to change the designation to CD-2 (see PB See PB18-0227 and PB 18-0228), creating section 142-311 Alton Road Getaway. The properties immediately to the north have an RM-2 and CD-2 designation, the properties to the east have a CD-2 and CPS-2 designation, the properties to the west have an RM-3 and CPS-4 designation and the properties to the South have an CPS-4 designation. Therefore the CD-2 district and the creation of the Alton Road Getaway area development regulations section would provide for an appropriate transition between the higher intensity uses to the west and same intensity areas to the east.

The proposed amendments to the Land Development Regulations (LDR's) would amend Chapter 142, Article II, Division 5, pertaining to the CD-2 development regulations, by establishing 'Alton Road Gateway Area Development Regulations.' Additionally, Chapter 130, pertaining to off-street parking, would be amended to extend the boundaries of parking district No. 6 westward, to include the east side of West Avenue from 5th to 8th Streets. The following is a summary of the proposed modifications to the Land Development Regulations:

Prohibited Uses.

In addition to the current prohibited uses identified in the CD-2 district, a number of additional prohibited uses have been added. This is to address those uses prohibited in the CPS-2 and RM-2 districts.

Minimum Setbacks.

The setbacks established in section 142-307 would be modified as follows:

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

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.
- 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 or designee.
- 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.

Maximum Building Height.

Currently the maximum height is 60 feet for CD-2 and RM-2 areas, and 75 feet for CPS-2 areas. The draft ordinance contains a maximum building height of 484 feet/44 stories for residential buildings south of 6th Street and 25 feet for structures north of 6th Street, as recommend by the Land Use and Development Committee.

Maximum Floor Plate.

Currently there is no maximum floor plate limit within the CD-2, RM-2 or CPS-2 areas. The draft ordinance limits the floor plate size for the tower portion of a residential building to 17,500 square feet, including balconies. Alternatively, a limitation could also be placed on the FAR portion of the floorplate, which would result in a maximum FAR of 13,800 square feet per floor.

Parking Level Activation.

Main use residential buildings containing parking, located south of 6th Street, would not be required to provide residential or commercial uses at the first level along every façade facing a street or sidewalk. 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.

Minimum Green Space.

A minimum of 3.2 acres of open green space shall be located to the north of the residential tower, and shall be adjacent to commercial uses. Green space shall mean open areas that are free from pavilions, buildings, structures, parking, driveways or underground structures. Such areas shall consist primarily of landscaped open areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities.

PLANNING AND ENVIRONMENTAL ANALYSIS

The proposed ordinance amendments have been drafted as part of an overall development proposal, which includes a separate Development Agreement and the proposed vacation of 6th Street between Alton Road and West Avenue. While the Development Agreement and

Roadway Vacation are separate parts of the overall development apparatus, all 3 are anticipated to be considered together by the City Commission.

The proposed re-zoning (PB 18-0228) and FLUM (PB 18-0227) ordinances are fairly straightforward. However, the proposed LDR amendments do include significant modifications to the maximum allowable building heights, as well as, potentially, modifications to allowable uses.

Allowable Uses

As it pertains to uses, the following is a summary of uses currently prohibited within existing RM-2 and CPS-2 districts, but would be permitted within a CD-2 district:

CPS-2:

Under the CPS-2 zoning (currently the underlying zoning district for the 500 block), entertainment establishments, outdoor entertainment establishments, and open air entertainment establishments are prohibited

RM-2:

Under the RM-2 zoning (currently the underlying zoning district for the northwest portion of the 600-700 block), hotels, commercial uses, entertainment establishments, outdoor entertainment establishments, and open air entertainment establishments are prohibited.

CD-2:

Under the CD-2 regulations, pursuant to Sec. 142-310 of the LDR', there are a number of regulations pertaining to alcoholic beverage establishments, including limits on hours, outdoor bars and entertainment.

The entertainment and commercial uses currently permitted in the CD-2 district, to the knowledge of staff, have not been contemplated as part of the overall development proposal. As such staff believes that it would be appropriate to place limits on these uses as part of any legislation moving forward, particularly given the proximity of the site to established residential districts.

Maximum Building Height

The current maximum building height within the boundaries of the 500-700 blocks varies from 60 feet to 75 feet. The proposal herein would potentially allow for 484 feet in building height. As proposed in the Development Agreement, the increased building height would be limited to the 500 block, and primarily within the northeast quadrant of the block. It should be noted that under the City Code, height is measured from base flood elevation plus allowable freeboard (BFE plus 5').

From a contextual standpoint, there are two (2) ways to analyze the increase in overall building height proposed within the 500 block:

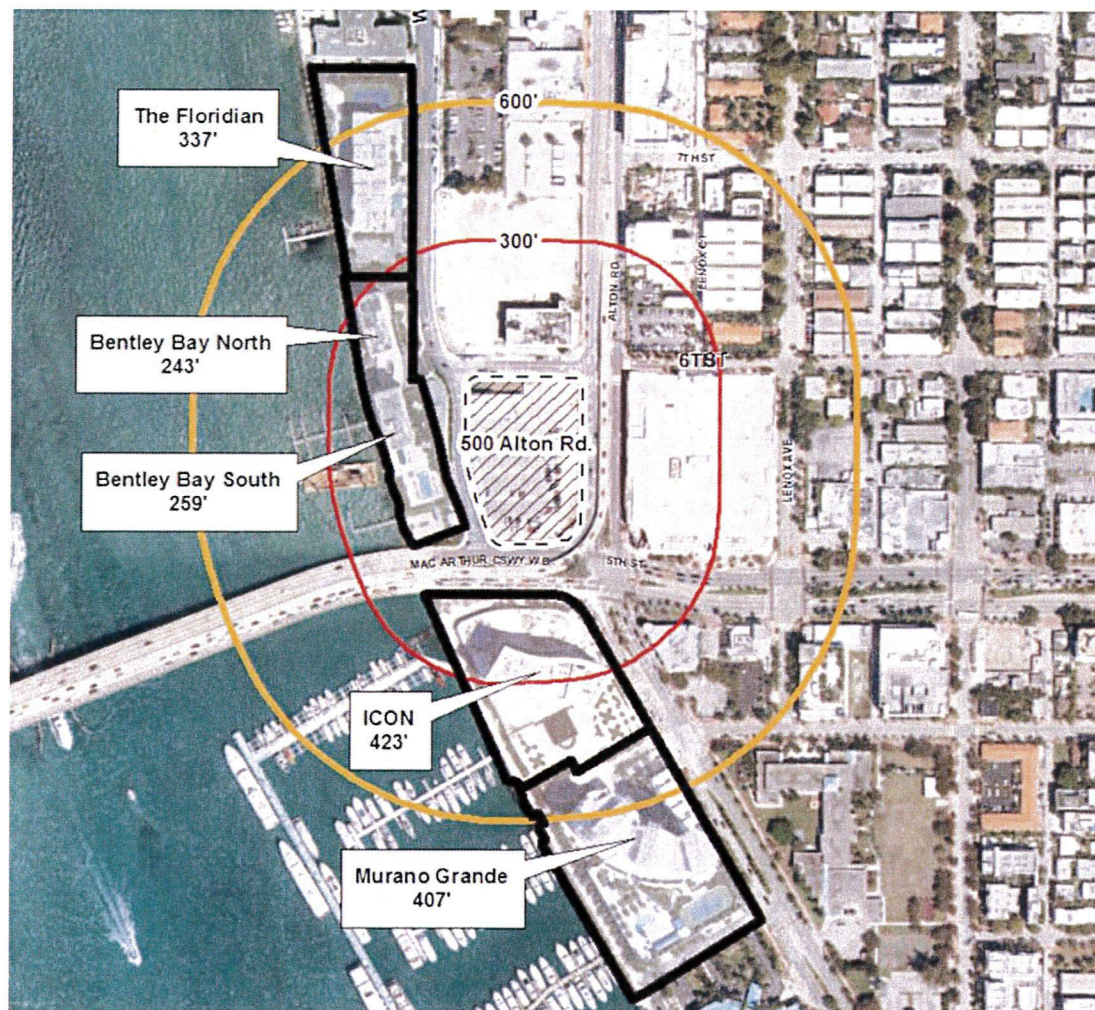
Context 1 – Properties Located Between Alton Road and West Avenue

This contextual approach would use the established heights of existing buildings and allowable maximum heights for new construction, for land locked properties between Alton and West Avenue, from 5th to 17th Street. In this regard the established context is consistent with what is permitted under the current code (60'-75'). This lower height also provides a more gentle transition to the low scale RM-1 properties (Flamingo Park) to the immediate east and north

east.

Context 2: Bayfront Properties.

As shown on the below map, the context of Bayfront properties consists of much taller, hi-rise residential towers. Since the 500 block is surrounded by a flyover, and the proposed additional height would be limited to that site, it is reasonable to apply context 2 for height purposes. The heights of the towers along West Ave (north of 5th Street) and Alton Road (South of 5th Street) vary widely. In this regard, a tower height that is consistent with the height of Murano to the south would be contextually compatible, in this particular instance, given the unique location of the 500 block, and its proximity to Murano. However, it is hard to conclude that a building in excess of 500 feet in overall height is contextually compatible with the larger area, as it would be almost twice the height of its other closest neighbor, the Bentley Bay.



It should be noted that the 500-700 blocks between Alton Road and West Avenue present some significant challenges as it pertains to property access and water retention. In one of the lowest areas of the City, these sites present both a challenge and an opportunity from a land use and sustainability standpoint.

From a climate resiliency strategy standpoint, the ability to acquire low lying areas in the City, for adaptation purposes, will be critical in the long term. One of the biggest constraints the City faces in this regard is land value and the high cost of acquiring underutilized and blighted property that is vulnerable. Another constraint is the limit on planning tools to acquire vulnerable sites, such as transfer of development rights, density and height. As such, the City must evaluate opportunities for acquiring and establishing adaptation areas on a case-by-case basis.

As it pertains to the 500-700 block proposals, a development opportunity has presented itself that could potentially align with the adaptation area goals of the City's long term climate strategy. While the most ideal scenario would be for the City to purchase all of the land area in the 500-700 blocks outright, and construct a passive, eco-park, the cost of such an endeavor, including land acquisition, design, permitting and construction, would be prohibitive. As such, the next best scenario would be for an allowable development project to partner in the creation of a passive, eco-park.

In this regard, staff believes that it will be critical for any future proposal on the 500-700 blocks to have limited parking pedestal footprints, and little to no below grade or basement parking. Specifically, for the City's overall resilience, both the development agreement and the LDR Amendments to allow for a taller residential tower at the NE corner of the 500 block should include the following:

1. A significant portion of the western half of the 500 block should consist of dedicated, fully pervious open space.
2. No less than 3.2 acres of the 600 – 700 block shall consist of dedicated, open green space, from the ground down and ground up (no surface, structured or basement parking).
3. The parking required for the Floridian (700 block facing West Avenue) should be minimized in terms of its impact on the open space areas. In this regard, such parking could be incorporated within a limited, 2-story pedestal on the north side of the 700 block facing West Avenue.

Staff would also note that there is ample room within the 500 block to accommodate all required parking for the proposed residential tower. Providing parking within the 600-700 blocks is not necessary for the following reasons:

1. There is a fully accessible, public parking facility immediately across the street at 5th and Alton, as well as a publicly accessible parking structure less than 2 blocks to the north at 9th and Alton.
2. The site is located within Parking District No. 6, which has no parking requirements for smaller, neighborhood uses.
3. The park and limited commercial uses should be designed to promote and accommodate non-vehicular forms of modality such as walking, cycling and transit.
4. Surface parking is completely incongruous with a sustainable, urban park. Additionally, structured parking, either above or below limited commercial buildings, create design

and access limitations, particularly for non-vehicular modes of transportation.

In conclusion, the Planning Board should discuss all three ordinances in the context of the recent ULI and Harvard report findings, and at this turning point of our storm water approach through the broader resilience lens. Staff believes that if properly executed, a joint approach to the 500-700 blocks could be a way of integrating creative place making into the City's resilience program, with co-benefits for multiple stakeholders.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM/AG

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ZONING/SITE MAP



ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS – LDR AMENDMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY," SECTION 142-311, TO BE ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," IS HEREBY AMENDED TO ESTABLISH THE "ALTON ROAD GATEWAY AREA," INCORPORATING THE PROPERTIES BOUNDED BY 8TH STREET ON THE NORTH, ALTON ROAD THE EAST, 5TH STREET/MAC ARTHUR CAUSEWAY/SR A1A ON THE SOUTH, AND WEST AVENUE ON THE WEST, EXCLUDING LOTS 15 THROUGH 22, BLOCK 2, 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; EXPANDING THE LIST OF PROHIBITED USES, MODIFY THE APPLICABLE SETBACKS, PROVIDE FOR CLEAR PEDESTRIAN PATHS, INCREASE THE ALLOWABLE HEIGHT LIMIT FOR MAIN USE RESIDENTIAL BUILDINGS, TO LIMIT THE MAXIMUM FLOOR PLATE SIZE OF THE TOWER PORTION OF NEW BUILDINGS, ESTABLISH MINIMUM REQUIREMENTS FOR GREEN SPACE AND GREEN ROOFS, AND MODIFY DESIGN REQUIREMENTS WITHIN THE ALTON ROAD GATEWAY AREA, INCLUDING BUT NOT LIMITED TO, DESIGN REQUIREMENTS APPLICABLE TO BUILDING FLOORS CONTAINING PARKING SPACES; AMENDING CHAPTER 130, "OFF-STREET PARKING," SECTION 130-31, "PARKING DISTRICTS ESTABLISHED," TO MODIFY THE BOUNDARIES OF PARKING DISTRICT NUMBER 6 TO INCORPORATE THE ENTIRE ALTON ROAD GATEWAY AREA; 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 Mac Arthur 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 Mac Arthur Causeway; and

WHEREAS, Objective 4, entitled "Open Space," of the Recreation and Open Space Element of the City of Miami Beach 2025 Comprehensive Plan is "To require open space in conjunction with every new public and private sector development project...;" and

WHEREAS, Policy 4.2, of the Recreation and Open Space Element of the City of Miami Beach 2025 Comprehensive Plan provides that "The Land Development Regulations of the City Code shall continue to provide some open space in conjunction with all new commercial development projects through setbacks or other requirements;" and

WHEREAS, the City seeks to encourage development of significant public green spaces for the South Beach neighborhood; and

WHEREAS, Policy 5.2, entitled “Pedestrian Safety,” of the Transportation Element of the City of Miami Beach 2025 Comprehensive Plan provides that “The City shall provide curb cuts and barrier free walkways enabling all pedestrians, specific the elderly and handicapped, to cross intersections, safely and easily;” and

WHEREAS, Policy 5.8, entitled “Beachwalk and Baywalk Projects,” of the Transportation Element of the City of Miami Beach 2025 Comprehensive Plan provides that “The City shall continue the implementation of the...Baywalk Projects in order to further the City’s vision of having a continuous on grade recreational path...;” and

WHEREAS, Objective 10, entitled “Public Shoreline Access,” of the Transportation Element of the City of Miami Beach 2025 Comprehensive Plan provides that “Increase the amount of public access to the beach or shoreline consistent with the estimated public need;” and

WHEREAS, the City seeks to find creative ways to improve the pedestrian environment of the South Beach Neighborhood; and

WHEREAS, the City seeks to Enhance public access to Biscayne Bay; and

WHEREAS, there are existing non-conforming structures adjacent to the Mac Arthur Causeway and its ramps which create blight and negatively impact surrounding areas; and

WHEREAS, the City seeks to encourage the removal of existing non-conforming structures within the boundaries of the Alton Road Gateway area; and

WHEREAS, the amendments set forth below are 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 II, Chapter 142, “Zoning Districts And Regulations”, Article II “District Regulations,” Division 5, “CD-2 Commercial, Medium Intensity,” Section 142-311, is hereby amended as follows:

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

- (a) The Alton Road Gateway Area incorporates the parcels bound by 8th Street on the north, Alton Road the east, 5th Street/Mac Arthur Causeway/SR A1A on the south, and West Avenue on the west; excluding lots 15, 16, and 17 of the 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 of this Code, 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.
- b. Minimum setback from West Avenue: 35 feet.

c. Minimum setback from 5th Street/Mac Arthur Causeway: 20 feet.

(3) **Clear Pedestrian Path.** A minimum 10 foot wide "clear pedestrian path," free from obstructions, including but not limited 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.

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 or designee.

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: 484 feet and 44 stories. The maximum height for non-residential structures: 25 feet.

(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 3.2 acres of open green space shall be located to the north of the residential tower, and shall be adjacent to commercial uses. For purposes of this section, green space shall mean open areas that are free from buildings, structures, pavilions, driveways, parking spaces, and underground structures. Such areas shall consist primarily of landscaped open areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities.

SECTION 3. That Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-31, "Parking districts established" is hereby amended as follows:

Sec. 130-31. - Parking districts established.

- (a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

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- (1) Parking district no. 6. Parking district no. 6 includes those properties between Alton Court (alley) and Lenox Court (alley) or with a lot line on Alton Road, where an alley does not exist, from 5 Street on the south to Dade Boulevard on the north, with the exception of properties included in parking district no. 2, as depicted in the map below:



SECTION 4. 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 5. REPEALER.

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

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: November 14, 2018

Second Reading: December 12, 2018

(Sponsor: Mayor Dan Gelber)

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

Underscore denotes new language

~~Strikethrough~~ denotes removed language