

ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS – LDR AMENDMENTS

PLANNING BOARD VERSION

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 CREATED 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, 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 LISTING OF PROHIBITED USES, MODIFYING THE APPLICABLE SETBACKS, PROVIDE FOR CLEAR PEDESTRIAN PATHS, INCREASING THE ALLOWABLE HEIGHT LIMIT FOR MAIN USE RESIDENTIAL BUILDINGS, TO LIMIT THE MAXIMUM FLOOR PLATE SIZE OF THE TOWER PORTION OF NEW BUILDINGS, ESTABLISHING MINIMUM REQUIREMENTS FOR GREEN SPACE, AND MODIFYING 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 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, 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 for the City to “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

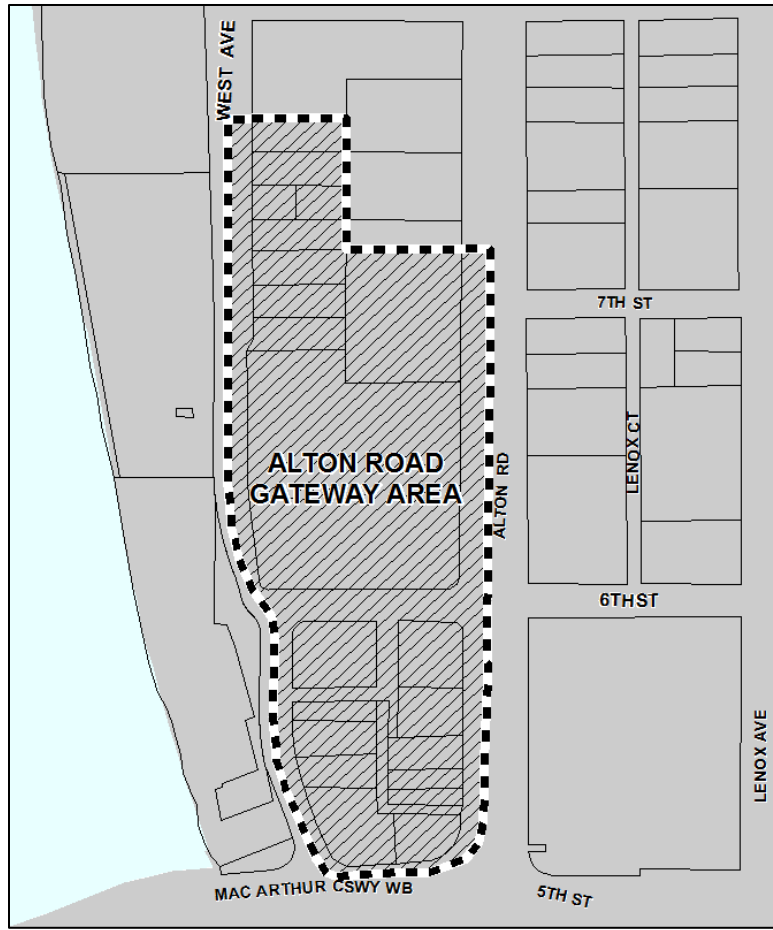
WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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/MacArthur 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; 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/MacArthur Causeway: 20 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.
- 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 (up to 60 units or 20% of all units, whichever is less, may consist of ~~be hotel or short term rental units~~): ~~519 feet and 44 stories.~~ The maximum height for non-residential structures: 25 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 is elevated 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 (up to 60 units or 20% of all units, whichever is less, may consist of hotel or short term rental units~~up to 20% of units may be hotel or short term rental units~~) is ~~17,500~~ square feet, including projecting balconies, per floor.

(6) **Residential Buildings Containing Parking.** Main use residential buildings (up to 60 units or 20% of all units, whichever is less, may consist of hotel or short term rental units~~up to 20% of units may be hotel or short term rental units~~) 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) **Design of Off-Street At-Grade Residential Parking.** Notwithstanding the requirements of Section 126-11, parking lots consisting of no more than 80 parking spaces that serve residential development under the terms of a covenant in lieu of unity of title or similar instrument shall be exempt from the landscape requirements of Section 126-11(a) and (b).

Commercial Loading Spaces. Commercial loading spaces may be located on private streets.

- (8) **Green space.** A minimum of 3.02 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. However, sun shade structures, open on all sides, may be permitted. ~~Such Open green space areas shall consist primarily of landscaped open areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities. Such green space shall be open to the public at a minimum between the hours of 7 am and 9 pm.~~

SECTION 2. That Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-31, "Parking districts established" is hereby depicted in the attached map 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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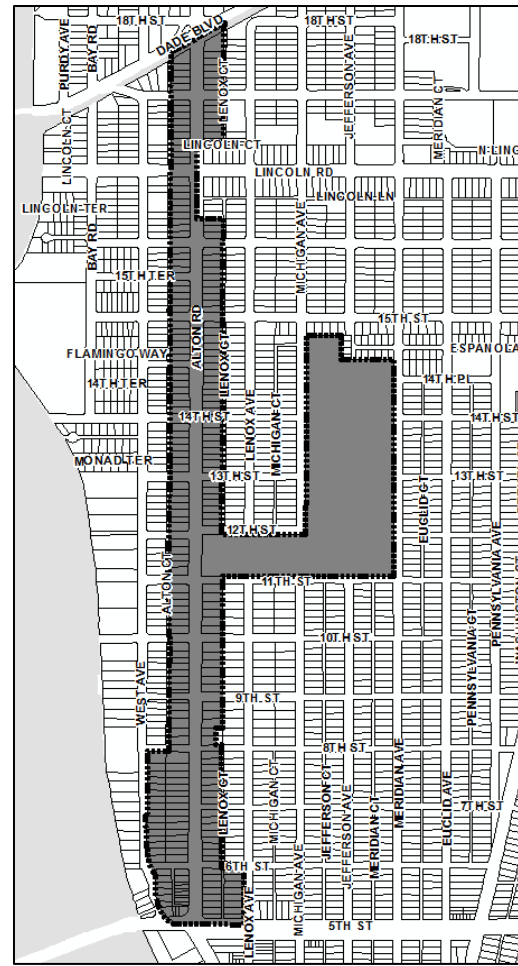
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- (6) *Parking district no. 6.* Parking district no. 6 includes those properties between Alton Court (alley) and Lenox Court (alley) or with a lot line on Alton Road, where an alley does not exist, from 5 Street on the south to Dade Boulevard on the north, with the exception of properties included in parking district no. 2, as depicted in the map below:



Stricken Map



New Map

SECTION 3. 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 4. REPEALER.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. 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