

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE III “OVERLAY DISTRICTS,” TO ALLOW THE CREATION OF DIVISION 14 “ALTON BEACH BAYFRONT OVERLAY;” PROVIDING FOR INCLUSION IN THE CITY CODE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the “City”) seeks to incentivize new mixed-use properties that will harmoniously co-exist and be managed in a cohesive manner; and

WHEREAS, small-business uses are economic drivers which help improve the community aesthetic, property values, and community presence; and

WHEREAS, the City is encouraging small-businesses, such as retail, restaurants, and offices that will serve the local residences within walking distance; and

WHEREAS, a revision to the Land Development Regulations would allow for the renovation and activation of this portion of the City; and

WHEREAS, over the years the City has been negatively impacted by sea level rise; and

WHEREAS, the City promotes the renovation of structures to improve conditions of structures, which will reduce the impacts of sea level rise; and

WHEREAS, the City is desirous of improving the vehicular traffic in the and the surrounding neighborhoods and improve the pedestrian environment of the neighborhoods; 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. The following amendments to the City’s LDR’s is hereby adopted:

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DIVISION 14. - ALTON BEACH BAYFRONT OVERLAY

Sec. 142-____. - Location and purpose.

- (a) The regulations of this division shall apply to properties within the following boundaries, which shall be known as the Alton Beach Bayfront Overlay:
 - i. The overlay regulations of this division shall apply to the properties, as they are configured as of June 1, 2018. The subject overlay district shall be bounded by 13th Street on the south, east of the centerline of West Avenue until 14th Street, north of 14th Street, east of the centerline of Bay Road on the west, 15th Street on the north, and west of the centerline of Alton Court on the east.
- (b) The purpose in identifying this overlay district is to improve the negative conditions created by sea level rise, cultivate pedestrianism in the area, reduce vehicular traffic, increase bicycle use, and encourage small commercial establishments which would service the area. Expansion of this district shall only be permitted by amendment to these regulations.
- (c) These overlay district regulations are intended to achieve a compatible relationship between existing residential uses and new commercial uses in the neighborhood.
- (d) Nothing in this overlay district should be interpreted to allow for an increase in FAR. The maximum allowable FAR shall be consistent with the maximum allowable FAR in the RM-1 zoning district: 1.25.

Sec. 142-____. - Development regulations and area requirements.

- (a) The following overlay regulations shall apply to those properties located within the Alton Beach Bayfront Overlay District which have an underlying zoning designation of (RM-1) Residential Multifamily Low Intensity. All development regulations in the underlying zoning district shall apply, in addition to:
 - i. Permitted uses:
 - a. Restaurants, outdoor cafes, retail uses, personal service establishments, commercial or noncommercial parking lots and garages; and professional offices. The following limitations shall apply to these commercial uses:
 - 1. Restaurants shall be limited to 60 seats, as of right. Restaurants may seek in excess of 60-seats as a Conditional Use, with a maximum of 100-seats.
 - 2. Except as may be required for Fire or Building Code/Life Safety Code purposes, no speakers, of any kind, shall be affixed, installed, or otherwise located on the exterior of any structures in this district.
 - 3. There shall be no commercial use of any rooftop amenity for properties located within district.
 - 4. Individual retail uses shall not exceed 3,500 SF.
 - ii. Prohibited uses:

- a. Funeral home;
- b. Nursing homes;
- c. Pawnshops;
- d. Video game arcades;
- e. Any use selling gasoline;
- f. Self-storage warehouse;
- g. Hostels;
- h. Pawnshops;
- i. Secondhand dealers of precious metals/precious metals dealers;
- j. Check cashing stores;
- k. Medical cannabis dispensaries (medical marijuana dispensaries);
- l. Occult science establishments;
- m. Souvenir and t-shirt shops;
- n. Tattoo studios;
- o. Entertainment establishments; including no disc jockeys (DJs);
- p. Outdoor entertainment establishment;
- q. Neighborhood impact establishment;
- r. Open air entertainment establishment; and ;
- s. Dance halls;
- t. Accessory outdoor bar counters;
- u. Stand-alone bars;
- v. Adult entertainment establishments;
- w. Bed and Breakfasts; or
- x. Hotels.

iii. Parking Regulations

- a. *New Construction.* There shall be no off-street parking requirement for residential components in new construction or conversions of existing structures, to a mixed commercial/residential use, where a minimum of 25 percent of the gross floor area of the building consist of residential uses.
- b. *Restaurant and outdoor cafes.* There shall be no parking requirement for individual restaurant establishments of 60 seats or less. For individual establishments over 60 seats, not to exceed a maximum of 100 seats, there shall be one space per four seats, in excess of 60 seats. A fee in lieu of providing parking may be paid to the City in lieu of providing required parking on-site.
- c. *Retail stores, food stores, personal service establishments:* There shall be no parking requirement for individual establishments of 3,500 square feet or less.

- (b) Lot aggregation. The limitations of lot aggregation in Section 142-155 (a)(3)(g) of the Code shall not apply to properties located within Alton Beach Bayfront Overlay District.

- (c) Minimum yard elevations. Lots located within this overlay district shall be exempt from the minimum yard elevations contained in Section 142-155 of the Code.

Sec. 142-_____. – Setback requirements

- (a) The setback requirements for the Alton Beach Bayfront Overlay are as follows:

	Front	Sides Interior	Sides Facing a Street	Rear
At –grade	Five feet (5')	Zero feet (0')	Five feet (5')	Five feet (5')

- i. All other setback requirements in the underlying zoning district shall apply.

Sec. 142-_____. – Minimum landscape requirements

- (a) Properties located within this overlay district shall be exempt from the minimum landscape requirements of Section 126-6 of the Code, unless otherwise stated below. This exemption shall apply to those properties that provide a minimum of thirty percent (30%) permeable area for storm water retention. Permeability may be achieved through green roofs, blue roofs, on-site cisterns, water retention vaults, or native vegetation.
- (b) Nothing in this section shall be interpreted to reduce the street tree requirements of Section 126-6 of the Code.