

# **ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS**

## **LDR AMENDMENTS**

**ORDINANCE NO. 2018-4228**

**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," TO CREATE SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO ESTABLISH REGULATIONS FOR 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, 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, PROVIDING 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; ALSO AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," 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 ("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 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 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 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

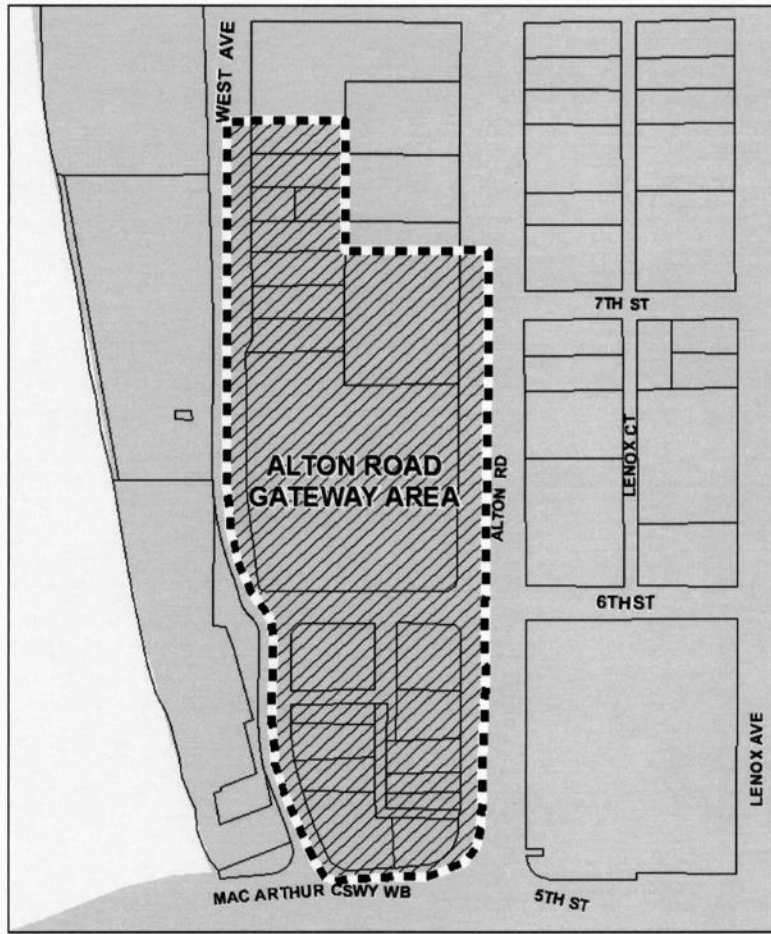
**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Chapter 142, entitled, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity," is hereby amended to create a new Section 142-311, as follows:

**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, 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; 0 feet for elevated open walkways.
- b. Minimum setback from West Avenue: 35 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.
  - 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: 519 feet. 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, 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 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 3.0 acres of public open green space shall be located within the Alton Road Gateway Area. For purposes of this section, green space shall mean public 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. Public open green space areas shall consist primarily of

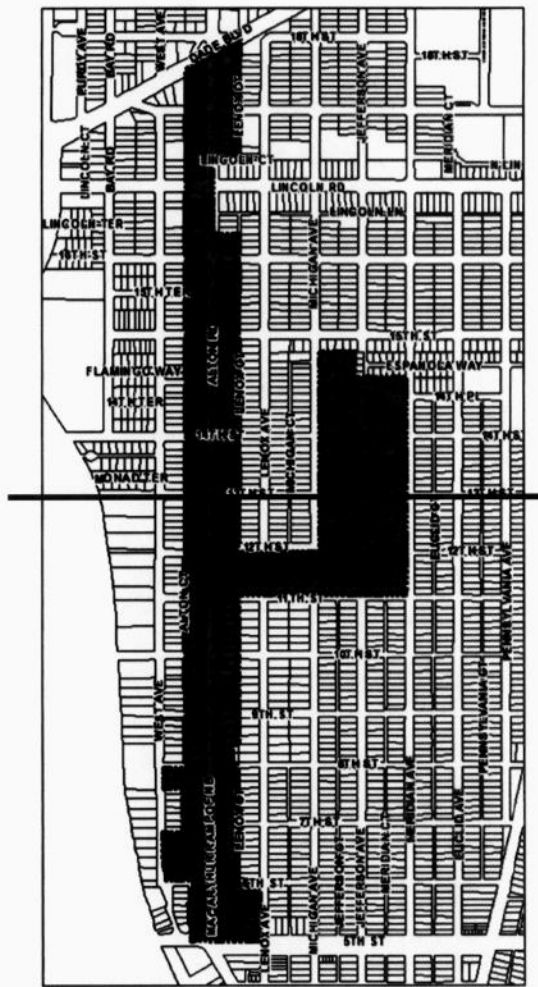
areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities.

**SECTION 2.** Chapter 130, entitled "Off-Street Parking," Article II, "Districts; Requirements," Section 130-31, "Parking districts established," is hereby amended as depicted in the attached maps, as follows:

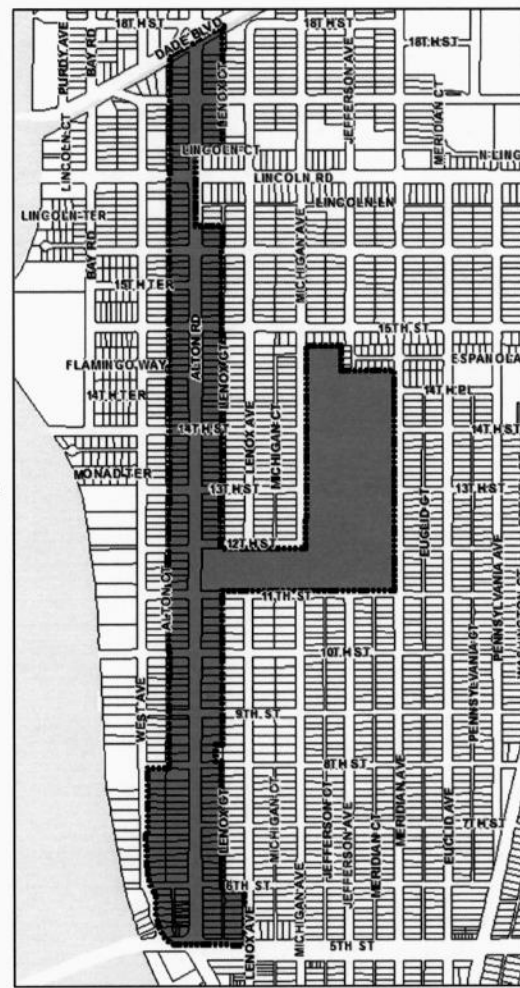
**Sec. 130-31. - Parking districts established.**

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

- \* \* \*
- (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 12 day of December, 2018.

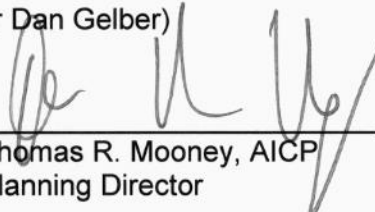
**ATTEST:**

  
12/14/18  
Rafael E. Granado City Clerk

  
Dan Gelber, Mayor

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney

11/30/18  
Date



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: December 12, 2018

**5:02 p.m. Second Reading Public Hearing**

SUBJECT: 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," TO CREATE SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO ESTABLISH REGULATIONS FOR THE AREA BOUNDED BY 8TH STREET ON THE NORTH, AL TON 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, PROVIDING 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 AL TON ROAD GATEWAY AREA INCLUDING, BUT NOT LIMITED TO, DESIGN REQUIREMENTS APPLICABLE TO BUILDING FLOORS CONTAINING PARKING SPACES; ALSO AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED "OFF-STREET PARKING," ARTICLE . II, "DISTRICTS; REQUIREMENTS," 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.

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### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the subject Ordinance.

### **ANALYSIS**

### **HISTORY**

On July 25, 2018, at the request of Mayor Dan Gelber, the City Commission referred the item 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.

On September 12, 2018, at the request of Mayor Gelber as the sponsor, the City Commission discussed and deferred the Planning Board referral (Item C4F) to October 17, 2018. The City Commission referred the item to the Planning Board on October 17, 2018.

### **BACKGROUND**

The properties along the 500-700 block of Alton Road and West Avenue are currently located within three separate zoning districts (CPS-2, CD-2 and RM-2). The 500 block is separated from the 600-700 block by a dedicated public right-of-way (6th Street). Currently there is an active, approved mixed use development project for the 500-700 blocks, which is broken down as follows:

#### Lot Sizes:

500 Block: 85,348 SF  
600 Block: 138,842 SF  
700 Block: 49,000 SF

#### Approved Height:

500 Block: 75 Feet (DRB 22959)  
600 Block: 120 Feet (Existing South Shore Hospital) and 60 Feet (DRB 22959)  
700 Block: 60 Feet (DRB 23126)

#### Approved FAR:

500 Block: 170,696 SF / 2.0 (DRB 22959)  
600 Block: 277,684 SF / 2.0 (DRB 22959)  
700 Block: 98,000 SF / 2.0 (DRB 23126)

Approved FAR for Overall Project: 546,380 SF / 2.0

#### Approved Residential Units:

500 Block : 163 Units (DRB 22959)  
600 Block: 281 Units (DRB 22959)  
700 Block: 66 Units (DRB 23126)

Approved Residential Units for Overall Project: 510

Recently, a group of area residents, condominium unit owners and affected stakeholders (Gateway Community Alliance) began a dialogue with the property owner for the 500-700 Blocks (Crescent Heights). At the May 23, 2018 Land Use Committee meeting, separate proposals pertaining to the 500-700 blocks of Alton Road, one from the Gateway Alliance and the other from the property owner, Crescent Heights, were discussed. The LUDC discussed the proposals again on July 31, 2018 and concluded the item with no action.

On July 25, 2018 the City Commission referred separate discussion items to both the Finance and City Wide Projects Committee (FCWPC) and the Land Use Committee pertaining to the proposed development project at 500 – 700 Alton Road.

On July 27, 2018 the FCWPC discussed the development proposal prepared by the property owner and developer, Crescent Heights. The Committee directed the City Attorney to begin drafting a Development Agreement and Vacation of 6th Street, in order to facilitate the creation of a Unified



Development Site within the 500-700 blocks between Alton Road and West Avenue.

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 (See attached zoning and site map).

### **PLANNING ANALYSIS**

The proposed unified development site 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 the 600-700 block has Zoning Classifications of CD-2 and RM-2 (See attached map). The proposal is to change the CPS-2 and RM-2 designations to CD-2, which would be consistent with the predominant zoning designation along Alton Road.

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 referred by the City Commission 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 3.0 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 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 and FLUM 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, which has been revised since First Reading, would potentially allow for 519 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 map below, 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.



## PLANNING BOARD REVIEW

On October 23, 2018, the Planning Board held a public hearing regarding the proposed LDR Amendments and transmitted the Ordinance to the City Commission with a favorable recommendation by a vote of seven to zero (7-0). The Planning Board also recommended the following modifications, which are part of the Planning Board version of the attached Ordinance:

1. Removal of hotels, apartment hotels and suite hotels from the list of prohibited uses. The Planning Board also recommended that hotel and short term rental units be limited to no more than 60 units or 20% of all units, whichever is less.
2. Allow for zero (0) setback for elevated open walkways. The Board also reduced the required minimum setback along West Avenue from 35 feet to 20 feet.
3. The Planning Board recommended a maximum allowable height of 519 feet for residential buildings, and that the reference to a maximum number of stories be deleted. Also, a modification to allow the overall height to be measured from base flood elevation plus freeboard, provided that the height of the first floor has a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way.
4. 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).
5. Commercial loading spaces may be located on private streets.

6. The minimum green space requirement was adjusted from 3.2 acres to 3.0 acres. Additionally, sun shade structures, open on all sides, would be permitted within the green space area.

### **SUMMARY**

In light of the number of changes to the proposed legislation recommended by the Planning Board, the Administration previously included two separate versions of the Ordinance:

1. The Planning Board version of the Ordinance, as summarized above.
2. Land Use and Development Committee Version, which was referred to the Planning Board by the City Commission, and includes the following minor modifications:
  - a. Allow for zero (0) setback for elevated open walkways.
  - b. Deletion of the reference to a maximum number of stories.
  - c. A modification to allow the overall height to be measured from base flood elevation plus freeboard, provided that the height of the first floor has a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way.
  - d. The minimum green space requirement was adjusted from 3.2 acres to 3.0 acres, and an allowance for sun shade structures, open on all sides, within the green space area, was included.

At First Reading on November 14, 2018, the Administration recommended the LUDC version of the Ordinance. In this regard, and as more specifically discussed above, under the Planning Analysis, the Administration previously recommended a maximum height of 484 feet, as it works better for the proposed unified site. The Administration is also recommending that the references to number of stories be removed, as it will be addressed in the Development Agreement.

The Administration also expressed concerns with the Planning Board recommendation to allow for the introduction of hotels uses, as these types of transient uses could intensify the program of the proposed tower, which is within a much more confined area. Finally, the Administration would not recommend in favor of the proposal to exempt the surface parking area for the Floridian Condominium from the minimum landscape requirements of the City Code. In this regard, while the adjacent park area will provide a large amount of greenspace, surface parking areas should comply with minimum landscape standards in the City Code. If there are extraordinary circumstances or practical difficulties with adhering to the minimum code requirements, a variance from the Code, which would be scrutinized by the Design Review Board (DRB), can be sought.

In conclusion, the City Commission should discuss the subject ordinance 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. The Administration believes that if properly executed, the proposal for a unified site within 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.

### **CITY COMMISSION FIRST READING UPDATE**

On November 14, 2018, the City Commission approved the LUDC version of the Ordinance at First Reading. The only modification made to the LUDC version was an increase in the maximum allowable height of the residential tower from 484 feet to 519 feet. This modification has been incorporated into a revised Ordinance for Second Reading.

### **CONCLUSION**



The Administration recommends that the City Commission adopt the subject Ordinance.

**Legislative Tracking**

Planning

**Sponsor**

Mayor Dan Gelber

**ATTACHMENTS:**

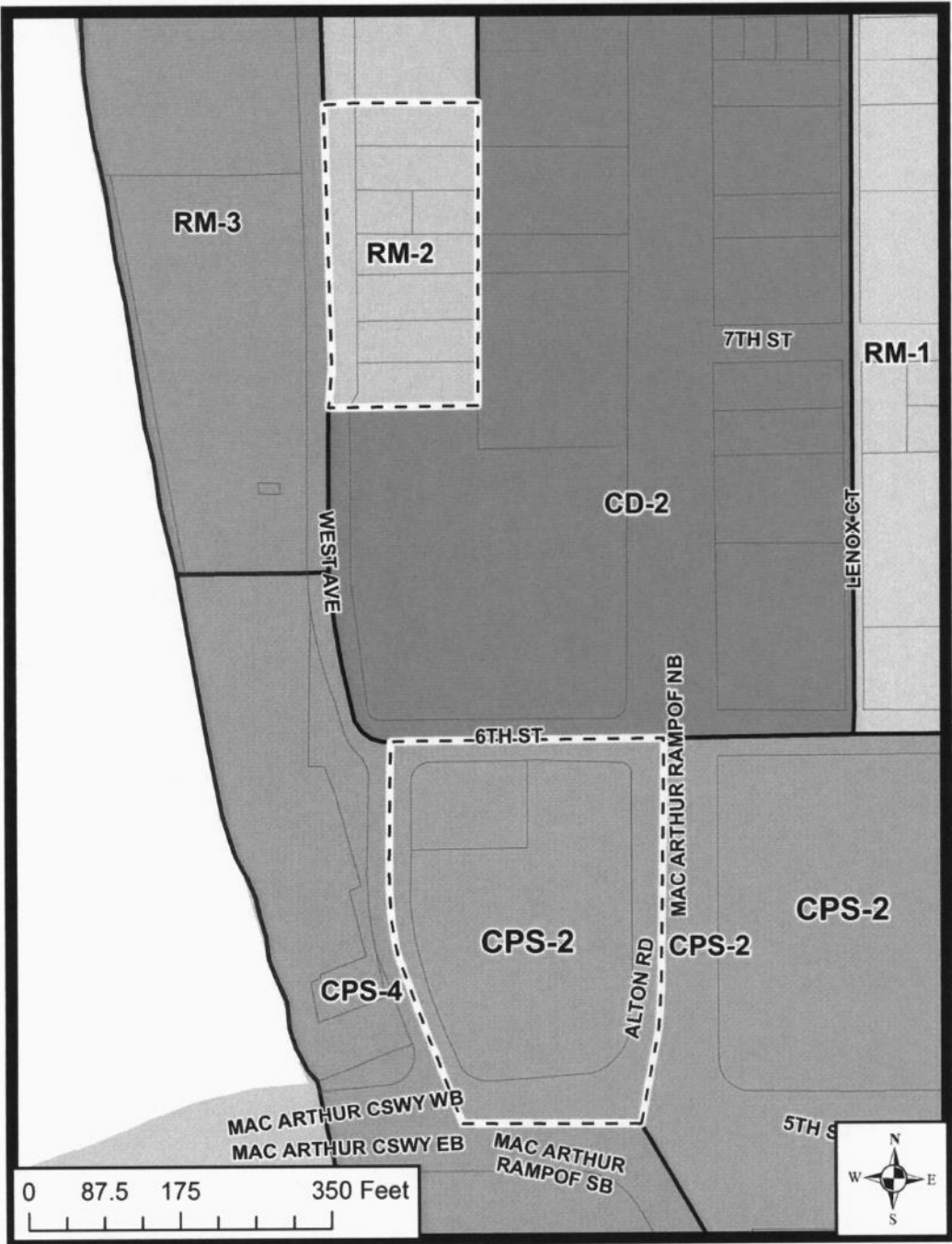
**Description**

- ▢ Site Map
- ▢ Ordinance
- ▢ Ad

# SITE MAP



EXISTING ZONING



## MIAMI BEACH

CITY OF MIAMI BEACH  
PUBLIC HEARINGSNOTICE OF AMENDMENTS TO THE FUTURE LAND USE MAP (FLUM), COMPREHENSIVE  
PLAN, LAND DEVELOPMENT REGULATIONS (LDR), AND REZONING OF 500-700 ALTON ROAD

DECEMBER 12, 2018

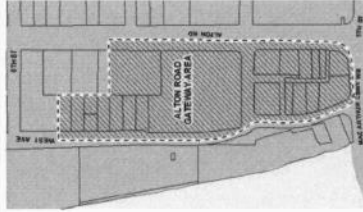
**NOTICE IS HEREBY** given that Public Hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on December 12, 2018 at the times listed below, or as soon thereafter as the matter can be heard, to consider the adoption of the following Ordinances:

**5:01 p.m. Second Reading Public Hearing****500-700 ALTON ROAD – FLUM AND COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 118-166 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA AND SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR LOTS 8 THROUGH 14, 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, FROM THE CURRENT DESIGNATION OF "MEDIUM DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-2)," TO THE FUTURE LAND USE CATEGORY OF "MEDIUM INTENSITY COMMERCIAL CATEGORY (CD-2)," AND FOR THE PROPERTIES BOUNDED BY 6TH STREET ON THE NORTH, ALTON ROAD ON THE EAST, 5TH STREET/MACARTHUR CAUSEWAY/STATE ROAD A1A ON THE SOUTH, AND WEST AVENUE ON THE WEST, FROM THE CURRENT DESIGNATION OF "GENERAL MIXED USE COMMERCIAL "PERFORMANCE STANDARD" CATEGORY (CPS2)," TO THE FUTURE LAND USE CATEGORY OF "MEDIUM INTENSITY COMMERCIAL CATEGORY (CD-2)," PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-166 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

**5:02 p.m. Second Reading Public Hearing****500-700 ALTON ROAD – ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS – LDR AMENDMENTS**

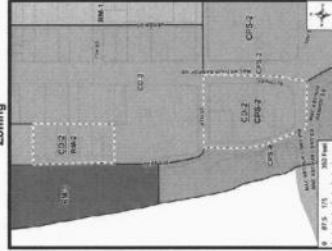
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY," 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 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 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 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. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*



**5:03 p.m. Second Reading Public Hearing**  
**500-700 ALTON ROAD – REZONING**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72, "DISTRICT MAP," OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO SECTION 118-162, "PETITIONS FOR CHANGES AND AMENDMENTS," BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR LOTS 8 THROUGH 14, 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, FROM THE CURRENT DESIGNATION OF "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT"; AND FOR THE PROPERTIES BOUNDED BY 6TH STREET ON THE NORTH, ALTON ROAD ON THE EAST, 5TH STREET/MACARTHUR CAUSEWAY/STATE ROAD A1A ON THE SOUTH, AND WEST AVENUE ON THE WEST, FROM THE CURRENT DESIGNATION OF "C-PS2 GENERAL MIXED USE COMMERCIAL PERFORMANCE STANDARD DISTRICT," TO "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT"; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.*

Proposed  
Zoning



INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. These items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

Members of the public may present audio/visual (AV) materials relating to Agenda items at City Commission meetings held in the Commission Chamber by utilizing the City's AV equipment, provided that materials are submitted to the Department of Marketing and Communications by 8:30 a.m., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Communications Department to plan for the use of the appropriate AV equipment. AV materials may be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov), or hand delivered in a jump drive, CD or DVD to: Attention: Department of Marketing and Communications, 1701 Meridian Avenue, 5th Floor, Miami Beach, FL 33139. Presentations, videos, or links must include a label noting the name or group, contact person, daytime telephone number, email address, description/title of the presentation and Agenda item Title as well as the Agenda item number. Acceptable formats for electronic submission are .pdf, .ppt, .pptx, .wmv, .avi, and .mov. (Note that .pdf is the preferred format for PowerPoint presentations).

Rafael E. Granado, City Clerk  
City of Miami Beach