

**DEVELOPMENT REGULATIONS FOR THE
ALTON BEACH BAYFRONT OVERLAY DISTRICT**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE 3. "OVERLAY DISTRICTS" BY INCORPORATING SECTION 7.3.11 ENTITLED "ALTON BEACH BAYFRONT OVERLAY DISTRICT" TO PROVIDE DEVELOPMENT REGULATIONS FOR LOT 3, BLOCK 80 OF BAY GARDEN MANOR CONDO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 12 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND LOTS 8 AND 9 OF THE BAY VIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 110, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, lot 3, block 80 of the Bay Garden Manor Condo Plat is a large bayfront lot in the City located on the west side of the intersection of 13 Street and West Avenue in the City;

WHEREAS, the City seeks to create regulations for the development of lot 3, block 80 of the Bay Garden Manor Condo that promote the public health, safety, and general welfare of the public; and

WHEREAS, lot 3, block 80 of the Bay Garden Manor Condo is currently developed with a 239-unit condominium building; and

WHEREAS, the City seeks to encourage development of cohesive residential and mixed-use communities with resilient low density long-term residential uses;

WHEREAS, Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County is located on the east side of the intersection of 13 Street and West Avenue in the City;

WHEREAS, Lots 8 and 9 of the Bay View Subdivision is currently developed with a legal nonconforming transient use on; and

WHEREAS, the City seeks to encourage redevelopment of existing legal nonconforming transient uses that are incompatible with the character of the West Avenue neighborhood; and

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

WHEREAS, these regulations will ensure that the public health, safety and welfare will be preserved.

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

SECTION 1. Chapter 7, “Zoning Districts and Regulations”, Article 3. “Overlay Districts”, is amended to add Section 7.3.11, as follows:

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Sec. 7.3.11 – Development Regulations for Alton Beach Bayfront Overlay

a. Location and Purpose (Alton Beach Bayfront Overlay District).

The overlay regulations of this section shall apply to the following properties:

Lot 3, block 80 of the Bay Garden Manor Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, and Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County.



b. Development Regulations - Underlying RM-3 Zoning

Notwithstanding the development regulations contained in Section 7.2.6, the following regulations shall govern proposed development within the boundaries of this overlay district with underlying RM-3 zoning, and in the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Only residential uses and associated accessory uses permitted by the underlying RM-3 regulations shall be permitted within the portion of the overlay with underlying RM-3 zoning. Outdoor seating in connection with any restaurant use that is open to the public is prohibited.
2. Floor Area and Height Bonuses: As a voluntary development incentive, subject to the property owner's strict compliance with conditions of this subsection, Projects within the overlay shall be eligible for the following floor area and height bonuses:
 - i. The base floor area in the Alton Beach Bayfront Overlay shall be 2.75.
 - ii. New construction limiting density to a maximum of 55 units per acre shall be eligible for a floor area ratio bonus of 1.0; and
 - iii. A property owner who elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, that no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 1.0; and
 - iv. A property owner who retains and funds the cost of the work of all design professional necessary to prepare design development documents and final construction documents for extension of the Bay Walk adjacent to Lot 4, Block 80, of the Bay View Terrace Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, shall receive a floor area ratio bonus of 1.0
 - v. A project that obtains a master building permit within five (5) years of the effective date of this ordinance shall receive a floor area ratio bonus of 1.0; and
 - vi. A project involving the redevelopment of a property containing an existing transient use within 500 feet of the project site with a public parking

garage and liner residential, office, or civic uses shall receive a floor area bonus of 1.0.

- vii. A project that implements all of the floor area bonuses provided in subsections (i)-(v) above shall receive a height bonus to allow a maximum height of 435 feet.

3. Setbacks:

a. Front Setback:

- i. Subterranean and Pedestal: 20 feet
- ii. Tower: 50 feet

b. Side Interior Setback

- i. Subterranean: 16 feet
- ii. Pedestal:
 - 1. North Side:
 - a. Ground Floor: 16 feet
 - b. Second Floor: 19 feet
 - 2. South Side:
 - a. Ground Floor: 26 feet
- iii. Tower: 26 feet
- iv. Sum of Side Yards: 42 feet

c. Rear Setback:

- i. Pedestal: 42 feet
- ii. Tower: 63 feet

4. Allowable encroachment into required yards:

- a. Architectural overhangs, ledges, or terraces may project up to 10 feet into a required side yard setback.
- b. Columns at the first two levels of the pedestal may encroach up to 8 feet into the required side yard setback.

5. Mechanical/Robotic Parking Systems:

- a. Within the overlay the minimum off-street parking requirements may be satisfied using mechanical or robotic parking systems fully enclosed within a parking structure. Such mechanical or robotic parking systems shall be exempt from the requirements of Section 5.2.11, and Planning Board approval shall not be required for the use of mechanical or robotic parking systems within the overlay.
 - b. Notwithstanding the exemption in subsection (a), the mechanical/robotic parking system must satisfy the conditions provided in Section 5.2.11(f), and a restrictive covenant stipulating that a valet service or operator must be provided for as long as the mechanical/robotic system remains in use.
6. Transfer of Development Rights: Properties within the overlay with RM-3 underlying zoning are eligible receiving sites for transfer of development intensity from properties within the overlay with RM-2 underlying zoning. A receiving site's development intensity may be increased by up to ten percent (10%) above the maximum intensity permitted by these Land Development Regulations via transfer of development rights. The transfer of development intensity shall be accomplished via instrument satisfactory to the City Attorney recorded against both the sending site and receiving site.

c. Development Regulations- Underlying RM-2 Zoning.

Notwithstanding the development regulations contained in Section 7.2.5, the following regulations shall govern proposed development within the boundaries of this overlay district with underlying RM-2 zoning, and in the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Residential, civic uses, main use parking lots/garages and associated accessory uses, including accessory offices.
2. Transfer of Development Rights: Properties within the overlay with RM-2 underlying zoning are eligible sending sites for transfer of development intensity to properties within the overlay with RM-3 underlying zoning. The transfer of development intensity shall be accomplished via instrument satisfactory to the City Attorney recorded against both the sending site and receiving site.

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 renumbered 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. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

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