

REZONING – portions of Ocean Terrace and 75th Street

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, CONSISTENT WITH THE REQUIREMENTS OF CITY CODE SECTION 142-72, "DISTRICT MAP," AND PURSUANT TO CITY CODE SECTION 118-162, "PETITIONS FOR CHANGES AND AMENDMENTS," BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE OCEAN TERRACE RIGHT OF WAY (BETWEEN THE CENTERLINE OF 74th STREET AND THE NORTHERN RIGHT OF WAY LINE OF 75th STREET AS SHOWN ON THE PLAT OF THE TOWNSITE OF HARDING, RECORDED IN PLAT BOOK 34, PAGE 4 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY), AND LOCATED IN THE 75TH STREET RIGHT OF WAY BETWEEN OCEAN TERRACE AND COLLINS AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENT USE DISTRICT," TO CD-2, "COMMERCIAL MEDIUM INTENSITY DISTRICT," AND MXE, "MIXED-USE ENTERTAINMENT," AND EXTENDING THE BOUNDARY OF THE OCEAN TERRACE OVERLAY ZONE TO ENCOMPASS SAID PARCEL OF LAND; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach ("City") desire to change the Zoning Map designation of the subject parcel described herein, from "GU Government Use District," to "CD-2 Commercial, Medium Intensity District," and "MXE Mixed-Use Entertainment"; and

WHEREAS, the rezoning set forth herein is necessary to ensure that the development of the site will be compatible with development in adjacent and surrounding areas, which are zoned CD-2 and MXE; and

WHEREAS, the City has determined that changing the zoning classification of the subject parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the change of zoning classification will not result in an increase in zoned floor area; and

WHEREAS, the amendment set forth below is 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. ZONING MAP AMENDMENT. The following amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the Official Zoning District Map of the City:

1. A portion of the right of way of 75th Street, being more particularly described as follows: Commence at the Northwest corner of Lot 8 in Block 1, of Townsite of Harding, according to the plat thereof as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence North 02°58'50" West, along the Northerly prolongation of the West line of said Lot 8, for 32.50 feet to the Point of Beginning; thence continue North 02°58'50" West, along said Northerly prolongation, for 7.50 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34 at Page 4; thence North 86°59'28" East along said North line of Government Lot 7 for 146.17 feet; thence South 01°34'02" East for 7.50 feet; thence South 86°59'28" West for 145.98 feet to the Point of Beginning, consisting of approximately 1,096 Square Feet (0.025 Acres), as depicted in Exhibit "A," from the current designation of "GU Government Use District," to "CD-2 Commercial, Medium Intensity District";
2. A portion of the right of way of 75th Street and Ocean Terrace, being more particularly described as follows: Commence at the Southeast corner of Lot 7 in Block 1, of Townsite of Harding, according to the Plat thereof, as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence South 02°58'50" East, along the Southerly prolongation of the West right of way line of Ocean Terrace (First Avenue per Plat Book 34, at Page 4), for 30.00 feet to a point on the center line of 74th Street (Third Street per Plat Book 34, at Page 4); thence North 86°59'28" East, along said center line, for 30.00 feet to the Point of Beginning; thence continue North 86°59'28" East, along said center line, for 30.00 feet to a point on the East right of way line of said Ocean Terrace; thence North North 02°58'50" West, along said East right of way line, for 420.00 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34, at Page 4; thence South 86°59'28" West along said North line of Government Lot 7 for 209.84 feet; thence South 01°34'02" East for 7.50 feet; thence North 86°59'28" East for 180.02 feet; thence South 02°58'50" East for 412.50 feet to the Point of Beginning, consisting of approximately 13,949 Square Feet (0.320 Acres), as depicted in Exhibit "B," from the current designation of "GU Government Use District," to "MXE Mixed-Use Entertainment District"; and
3. A portion of the right of way of 75th Street, being more particularly described as follows: Commence at the Northwest corner of Lot 8 in Block 1, of Townsite of Harding, according to the plat thereof as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence North 02°58'50" West, along the Northerly prolongation of the West line of said Lot 8, for 32.50 feet to the Point of Beginning; thence continue North 02°58'50" West, along said Northerly prolongation, for 7.50 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34 at Page 4; thence North 86°59'28" East along said North line of Government Lot 7 for 146.17 feet; thence South 01°34'02" East for 7.50 feet; thence South 86°59'28" West for 145.98 feet to the Point of Beginning, consisting of approximately 1,096 Square Feet (0.025 Acres), as depicted in Exhibit "A"; and a portion of the right of way of 75th Street and Ocean Terrace, being more particularly described as follows: Commence at the Southeast corner of Lot 7 in Block 1, of Townsite of Harding, according to the Plat thereof, as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence South 02°58'50" East, along the Southerly prolongation of the West right of way line of Ocean Terrace (First Avenue per Plat Book 34, at Page 4), for 30.00 feet to a point on the center line of 74th Street (Third Street per Plat Book

34, at Page 4); thence North 86°59'28" East, along said center line, for 30.00 feet to the Point of Beginning; thence continue North 86°59'28" East, along said center line, for 30.00 feet to a point on the East right of way line of said Ocean Terrace; thence North North 02°58'50" West, along said East right of way line, for 420.00 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34, at Page 4; thence South 86°59'28" West along said North line of Government Lot 7 for 209.84 feet; thence South 01°34'02" East for 7.50 feet; thence North 86°59'28" East for 180.02 feet; thence South 02°58'50" East for 412.50 feet to the Point of Beginning, consisting of approximately 13,949 Square Feet (0.320 Acres), as depicted in Exhibit "B," shall be incorporated into the "Ocean Terrace Overlay."

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY

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

SECTION 4. CODIFICATION

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida be amended in accordance with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect 10 days after adoption.

PASSED AND ADOPTED this 17th day of July, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: June 26, 2019

Second Reading: July 17, 2019

(Sponsored by Commissioner Ricky Arriola)

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Paul Galt

City Attorney

6/18/19

Date

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