

**CPS-4 LAND DEVELOPMENT REGULATIONS
PUBLIC-PRIVATE MARINA MIXED-USE REDEVELOPMENTS**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, ENTITLED "PS PERFORMANCE STANDARD DISTRICT," BY CREATING SECTION 142-708, ENTITLED, "ADDITIONAL REGULATIONS FOR PUBLIC-PRIVATE MARINA MIXED-USE REDEVELOPMENTS," TO CREATE DEVELOPMENT REGULATIONS APPLICABLE TO PUBLIC-PRIVATE MARINA MIXED-USE REDEVELOPMENTS INCORPORATING CITY-OWNED MARINA PROPERTY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Marina, owned by the City of Miami Beach, is a uniquely situated property along the bayfront with a future land use designation of Public Facility (PF) Governmental Use in the 2040 Comprehensive Plan ("Comprehensive Plan"); and

WHEREAS, the Public Facility (PF) Governmental Use land use designation in the Comprehensive Plan is intended to provide opportunities for existing and new governmental uses on City-owned or controlled property, such as the Miami Beach Marina; and

WHEREAS, the Miami Beach Marina has a zoning classification of GU Governmental Use; and

WHEREAS, pursuant to City Code Section 142-425, the development regulations in the GU Governmental Use district "shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director"; and

WHEREAS, the Miami Beach Marina is surrounded by property with a zoning classification of CPS-4; accordingly, the development regulations applicable to the Miami Beach Marina site are the regulations for the CPS-4 district; and

WHEREAS, the Mayor and City Commission now desire to amend the land development regulations applicable to the CPS-4 zoning district, in order to encourage the public-private redevelopment of aging facilities, and to provide additional public benefits; and

WHEREAS, the proposed improvements will address resiliency and sea level rise, consistent with the policies and goals in the 2040 Comprehensive Plan; and

WHEREAS, the proposed zoning regulations will allow for increased height and modified setback and use regulations to reflect the unique nature of the property; and

WHEREAS, the adoption of these regulations will promote desirable public-private marina redevelopment; and

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

WHEREAS, the amendments have been reviewed by the Planning Board, the City's local planning agency, which recommends their adoption and finds them to be consistent with the City's adopted Comprehensive Plan.

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

SECTION 1. Chapter 142 of the Land Development Regulations, entitled "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 18, entitled "PS Performance Standard District," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II
DISTRICT REGULATIONS**

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**DIVISION 18
PS PERFORMANCE STANDARD DISTRICT**

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Sec. 142-708. - Additional regulations for public-private marina mixed-use redevelopments.

Public-private marina mixed-use redevelopments incorporating City-owned marina property, and including residential dwelling units and significant publicly accessible green open space, which property is designated as "Public Facility (PF)" under the City's Comprehensive Plan, may be developed as provided in this section; in the event of a conflict within this division, the criteria below shall control:

- (1) Maximum building height: 385 feet. The maximum height for allowable height regulation exceptions for elevator and mechanical equipment shall be 30 feet above the height of the roofline of the main structure. Notwithstanding the foregoing, the design review board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second-floor slab.
- (2) The setback requirements shall be as provided in section 142-699, except that the pedestal shall be subject to the following minimum setbacks:
 - (a) Front: 5 feet
 - (b) Interior side: 20 feet
 - (c) Rear: 5 feet.

(3) All floors of a building containing parking shall incorporate residential or commercial uses along the eastern side fronting Alton Road; all other sides of a building containing parking may incorporate alternative non-use screening such as landscape buffering and physical design elements.

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 relettered 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 _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Paul O'Connell
City Attorney

6/22/20
NK Date

First Reading: June 24, 2020
Second Reading: July 29, 2020

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