

Wolfsonian Arts District – LDR

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 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY CREATING SECTION 142-309.1, ENTITLED "WOLFSONIAN ARTS DISTRICT," TO ADOPT FLOOR AREA RATIO, HEIGHT, AND SETBACK REGULATIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, Miami Beach native Mitchell Wolfson Jr. amassed a world-class collection of artifacts, collectibles, and art that traces society's transition during one of the greatest periods of growth and change humanity has ever known between 1850 and 1950, commonly referred to as the Modern Age; and

WHEREAS, the collection was originally stored and amassed in the Washington Storage Company building, a Mediterranean Revival building constructed in 1927 that is a beacon of history and culture in Miami Beach; and

WHEREAS, Mitchell Wolfson Jr. founded the Wolfsonian Foundation, which purchased the former Washington Storage Company building to showcase the collection for the benefit of the public, and to attract researchers and scholars from around the world to Miami Beach; and

WHEREAS, in 1992, renowned architects Mark Hampton and William Kearns masterfully renovated and expanded the Washington Storage Company building as a state-of-the-art museum and research center to serve as an iconic landmark of Miami Beach's historic Art Deco District (hereinafter referred to as the "Wolfsonian"); and

WHEREAS, in 1997, the Wolfsonian was generously gifted to Florida International University, which greatly increased opportunities for community engagement, as well as expanded the Wolfsonian and Florida International University's cultural and scholarly influence; and

WHEREAS, in 2009 and 2012 the Wolfsonian was recognized as a world-class cultural institution and awarded grants from the Andrew W. Mellon Foundation and James L. Knight Foundation to expand access to the collection and increase cultural enrichment opportunities both physically and online; and

WHEREAS, the City of Miami Beach seeks to enrich and sustain cultural institutions such as the Wolfsonian that solidify Miami Beach as a center of history, culture, and design; and

WHEREAS, in order to expand its programs, including children's and education programs, increase community and scholarly engagement with the arts, encourage greater online and physical access, and grow the collection, the Wolfsonian seeks to renovate and expand its prized Washington Avenue building; and

WHEREAS, the previous expansion and renovation that permitted the proliferation of the Wolfsonian as an influential cultural institution in combination with the zoning regulations applicable to the property depleted the development rights available for the planned and funded future expansion of the Wolfsonian; and

WHEREAS, the City previously created development regulations specific to Washington Avenue pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force; and

WHEREAS, consistent with the City's efforts, the Wolfsonian has contributed to the locally designated Historic District and the improvement of conditions on Washington Avenue; and

WHEREAS, the proposed expansion of the Wolfsonian presents a unique opportunity for the City to encourage engagement with the City's historic and artistic roots; and

WHEREAS, the Wolfsonian property is located within the CD-2 District that fronts on the east side of Washington Avenue and is uniquely situated to serve as the Wolfsonian Arts District; and

WHEREAS, the proposed zoning regulations applicable to the Wolfsonian Arts District will allow for increased Floor Area Ratio and modified setback requirements to reflect the unique opportunity for enhancement of a thriving cultural institution; and

WHEREAS, the proposed zoning regulations applicable to the Wolfsonian Arts District will not impact the surrounding properties and will incentivize establishment of arts and cultural institutions in the City; and

WHEREAS, City Charter Section 1.03(c) provides as follows:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], . . . unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach; and

WHEREAS, this Ordinance increases the FAR for certain properties within the Wolfsonian Arts District from an FAR of 1.5 to maximum FAR of 3.25; and

WHEREAS, accordingly, the adoption of this Ordinance is subject to the approval of the City's voters in a Citywide referendum; 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. Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 5, entitled "Commercial Medium Intensity District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II
DISTRICT REGULATIONS**

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**DIVISION 5
CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT**

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Sec. 142-309.1 – The Wolfsonian Arts District

(a) The following regulations shall apply to properties that front Washington Avenue between 10th Street and 11th Street. In the event of a conflict within this division, the criteria below shall apply:

- (1) The purpose of these regulations is to enrich and sustain a long-standing cultural institution that preserves history and offers educational opportunities to the residents of the City.
- (2) The maximum floor area ratio shall be 3.25 for the following properties located on the east side of Washington Avenue: Lots 9, 10, 11, 12, and 13, within Block 30, of the plat of Ocean Beach Addition No. 2, recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County.
- (3) The maximum building height shall be 75 feet.
- (4) The setbacks shall be as follows:
 - a. Front:
 - i. Subterranean: Zero (0) feet.
 - ii. Ground level: Zero (0) feet.
 - b. Rear:
 - i. Subterranean: Zero (0) feet.
 - ii. Ground level: Zero (0) feet.

- c. Side, facing a street:
 - i. Subterranean: Zero (0) feet;
 - ii. Ground level: Zero (0) feet
- d. Side, interior:
 - i. Subterranean: Zero (0) feet;
 - ii. Nonresidential uses: Zero (0) feet;

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same 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 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____ 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael E. Granado 7/17/20

City Attorney NK Date

First Reading: July 29, 2020
Second Reading: December __, 2020

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