

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: April 27, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB21-0423. North Shore Historic District Tatum Waterway Expansion**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 4, "DESIGNATION," SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION," BY ADOPTING THE DESIGNATION OF THE NORTH SHORE HISTORIC DISTRICT TATUM WATERWAY EXPANSION, WHICH IS GENERALLY BOUNDED BY 77TH STREET ON THE SOUTH, HAWTHORNE AVENUE AND CRESPI BOULEVARD ON THE WEST, 87TH STREET ON THE NORTH, AND TATUM WATERWAY DRIVE AND BYRON AVENUE ON THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH SHORE HISTORIC DISTRICT TATUM WATERWAY EXPANSION; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

BACKGROUND

On September 9, 2014, the Historic Preservation Board directed Planning Department staff to prepare formal Historic Designation Reports for the proposed designation of the North Shore and Normandy Isles local historic districts, with modified boundaries.

At the September 10, 2014 City Commission meeting, the Mayor and City Commission discussed the proposed North Shore and Normandy Isles Local Historic Districts and denied the designations.

At the July 13, 2016 City Commission meeting, the Mayor and City Commission discussed the possibility of creating local historic districts within the boundaries of the North Shore and Normandy Isles National Register Districts and directed the Administration to begin the local designation process for the boundaries recommended in the draft North Beach Master Plan.

On October 11, 2016, the Historic Preservation Board reviewed a Preliminary Evaluation and Recommendation Report relative to the possible designation of the North Shore Historic District and directed staff to prepare a Formal Designation Report for the North Shore Local Historic District, with boundaries as recommend in the draft North Beach Master Plan.

Pursuant to Section 118-591 of the City Code, The City Commission was advised of the action of the Historic Preservation Board via LTC, and as part of a progress report on the demolition moratorium, presented at the October 19, 2016 City Commission meeting.

On December 5, 2016, the Mayor and City Commission modified the boundaries for the proposed North Shore Historic District by removing the portion of the district along Tatum Waterway Drive and Crespi Boulevard.

On September 25, 2017, the Mayor and City Commission adopted Resolution 2017-30013, reaffirming Resolution No. 2016-29608, which adopted the North Beach Master Plan as drafted by Dover, Kohl & Partners and commits to the implementation of the entirety of the Plan. The Resolution adopted on September 25, 2017 contains the following 'Whereas' clause:

WHEREAS, consistent with the Plan, the Mayor and City Commission now feels that it would be in the City's best interest and desires to include the Tatum Waterway area into the North Shore Local Historic District and continue to create development regulations for the districts that reflect the character of these neighborhoods, while taking into consideration resiliency and sea level rise.

On October 10, 2017, the Historic Preservation Board reviewed a historic designation report for the proposed North Shore Local Historic District, consistent with the boundaries as modified by the City Commission on December 5, 2016. At this meeting, the Board transmitted the historic district designation to the Planning Board and City Commission with a favorable recommendation and directed staff to prepare a preliminary evaluation expanding the North Shore Local Historic District to include the area along Tatum Waterway/Crespi Boulevard as identified in the North Beach Master Plan.

On November 21, 2017, the Planning Board reviewed the designation report and unanimously approved a motion (7 to 0) to recommend approval of the designation of the proposed North Shore Historic District.

On December 13, 2017, the Mayor and City Commission unanimously approved the designation (7 to 0) of the North Shore Historic District on first reading public hearing and scheduled the second reading public hearing for January 17, 2018.

On December 18, 2017, the Historic Preservation Board reviewed a Preliminary Evaluation and Recommendation Report relative to the possible expansion of the North Shore Historic District and directed staff to prepare a Formal Designation Report for the North Shore Local Historic District Tatum Waterway Expansion. The possible expansion area is generally bounded by 77th Street on the south, Hawthorne Avenue and Crespi Boulevard on the west, 87th Street on the north and Tatum Waterway Drive and Byron Avenue on the east.

On January 17, 2018, the Mayor and City Commission adopted the designation (7 to 0) of the North Shore Historic District on second reading public hearing.

On March 12, 2018, the Historic Preservation Board transmitted the proposed North Shore Historic District Tatum Waterway Expansion to the Planning Board and City Commission with favorable recommendation (7 to 0).

On March 27, 2018, The Planning Board transmitted the proposed North Shore Historic District Tatum Waterway Expansion to the Planning Board and City Commission with favorable recommendation (7 to 0).

On April 11, 2018, the Mayor and City Commission approved the designation of the North Shore Historic District Tatum Waterway Expansion on first reading public hearing and scheduled the second reading public hearing for May 16, 2018.

On May 16, 2018, the Mayor and City Commission adopted the designation of the North Shore Historic District Tatum Waterway Expansion on second reading public hearing.

On September 1, 2020, the City Manager initiated the process of re-noticing the designation of the North Shore Historic District Tatum Waterway Expansion to avoid irreparable harm and in an abundance of caution while the City seeks review of the recent circuit court appellate division decision in YTech-180 Units Miami Beach Investment, LLC v. City of Miami Beach (Fla. 11th Cir. Case No. 2018-184-AP-01). Without waiving any right to further challenge the circuit court's decision, without waiving any argument, defense, or claim, and to protect the historic resources at issue, the City will be providing notice in accordance with the circuit court's construction of Section 118-591(f) and Section 118-8 of the City Code of Miami Beach.

The preliminary evaluation and recommendation for the North Shore Historic District Tatum Waterway Expansion was noticed in accordance with Section 118-591(e) of the City Code. Notice of the September 14, 2020 special meeting of the Historic Preservation Board was published in the Miami Herald on September 3, 2020 and a written notice, postmarked on September 2, 2020, was sent by regular mail to all property owners according to the Miami Dade County Property Appraiser's tax records, within the possible historic district expansion boundaries.

On September 14, 2020, the HPB reviewed a Preliminary Evaluation and Recommendation Report relative to the proposed expansion of the North Shore Historic District and directed staff to prepare a Formal Designation Report for the North Shore Local Historic District Tatum Waterway Expansion. The proposed expansion area is generally bounded by 77th Street on the south, Hawthorne Avenue and Crespi Boulevard on the west, 87th Street on the north and Tatum Waterway Drive and Byron Avenue on the east. Pursuant to Section 118-591 of the City Code, The City Commission was advised of the action of the HPB via LTC 330-2020.

On October 13, 2020, the Planning Department presented a Historic Designation Report for the North Shore Local Historic District Tatum Waterway Expansion. During this meeting, the HPB approved a motion to extend the interim procedures imposed under Section 118-591(e) of the City Code. Additionally, the Board continued the review of the Historic Designation Report to a date certain of December 8, 2020.

On December 8, 2020, the HPB transmitted the attached designation report, pertaining to the proposed North Shore Local Historic District Tatum Waterway Expansion, to the Planning Board and City Commission with a favorable recommendation.

HISTORIC DESIGNATION PROCESS

The process of historic designation is delineated in Sections 118-591 through 118-593 in Subpart B of the Land Development Regulations of the City Code (Chapter 118, Article X, Division 4). An outline of this process is delineated below.

Step One: A request for designation is made either by the City Commission, the Historic Preservation Board, other agencies and organizations as listed in the Land Development Regulations of the City Code, or the property owners involved. Proposals for designation shall include a completed application form available from the Planning Department.

Step Two: The Planning Department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted. The designation report is an historical and architectural analysis of the proposed district or site. The report:

- 1) describes the historic, architectural and/or archeological significance of the property or subject area proposed for Historical Site or District designation;
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of proposed Developments affecting the designated Site or District; and
- 3) will serve as an attachment to the Land Development Regulations of the City Code.

Step Four: The City Commission is notified of the Board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare a designation report, the City Commission may, by a five-sevenths vote, deny or modify the proposed request for designation.

Step Five: The designation report is presented to the Historic Preservation Board at a public hearing. If the Board determines that the proposed site or district satisfies the requirements for designation as set forth in the Land Development Regulations of the City Code, the Board transmits a recommendation in favor of designation to the Planning Board and City Commission.

Step Six: The Planning Board will hold a public hearing on the proposed designation, and shall consider the proposed historic designation as an amendment to the Land Development Regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Seven: The City Commission may adopt an amendment to the Land Development Regulations of the City Code by a five-sevenths majority vote, which thereby designates the Historic Preservation Site or Historic District after one (1) public hearing for a parcel of land less than ten (10) contiguous acres or after two (2) public hearings for a parcel of land that is more than ten (10) contiguous acres.

ZONING/SITE DATA

Zoning:	RM-1 Residential Multifamily, Low Intensity
Overlay:	North Beach National Register Conservation District Overlay
Future Land Use Designation:	Low Density Multi Family Residential (RM-1)

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed historic designation is consistent with the Comprehensive Plan, specifically with goals and policies outlined in the Historic Preservation Element.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The amendment would not create an isolated district unrelated to adjacent or nearby districts nor change the underlying zoning district for any areas within the City.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The designation of the area as a local historic district will encourage new development that is more compatible with the scale, characteristics, and needs of the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed amendment would not further tax the existing load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Consistent– The boundaries of the proposed historic district coincide with portions of the RM-1 zoning district.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The protection of the special historic character and integrity of the existing neighborhood makes the passage of the proposed change necessary

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed amendment should not adversely influence living conditions or the quality of life for the surrounding properties.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – As historic designation does not change the permitted land uses, the levels of service set forth in the Comprehensive Plan will not be affected. Likewise, public safety will not be affected by historic designation.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed historic designation will not change the currently permitted height or setback requirements for the underlying zoning district. Further, historic designation will promote the retention of existing buildings and new construction that is compatible with the scale of the surrounding properties which lessens the potential for a reduction of light and air to adjacent properties.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – There is no evidence indicating that historic designation will adversely affect property values in the area adjacent to the proposed historic district expansion.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed amendment will not change the development regulations for adjacent properties, which must comply with their own site-specific development regulations. Furthermore, the proposed ordinance should not affect the ability for an adjacent property to be developed in accordance with said regulations.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Consistent – The permitted land uses are not affected since the proposed amendment does not change the underlying zoning district for any property.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

The possible historic district expansion area affects properties that are vulnerable to the impacts of sea level rise.

The adopted projections are the following:

At Mean High Water, Sea Level Rise is projected to be (NGVD Elevations):

- 2.31 to 2.64 by 2030 (near-term)
- 2.98 to 3.98 by 2060 (mid-term)
- 4.39 to 6.89 by 2100 (long-term)

ESTIMATED from LIDAR and 1995 Partial Building Records indicates the following for the area located to the east of the Tatum Waterway:

- Average Existing Crown of Road – 4.56 NGVD
- Future Crown of Road – 5.26 NGVD
- Average Existing Edge of Pavement – 3.69 NGVD
- Future Edge of Pavement – 5.06 NGVD
- Average Ground Elevation – 3.90 NGVD

ESTIMATED from LIDAR and 1995 Partial Building Records indicates the following for the area located to the west of the Tatum Waterway:

- Average Existing Crown of Road – 4.40 NGVD
- Future Crown of Road – 5.26 NGVD
- Average Existing Edge of Pavement – 3.45 NGVD
- Future Edge of Pavement – 5.06 NGVD
- Average Ground Elevation – 3.96 NGVD

The estimated Lidar data indicates the majority of the subject properties have ground elevations that are currently at a level below the future crown of road elevation.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

The proposed historic district expansion has the potential to increase the resiliency of the City, through the encouragement of appropriate rehabilitation. Proposed redevelopment of the properties will require review through the Certificate of Appropriateness process to ensure that proposed new construction conforms to the Sea Level Rise criteria outlined in Sections 118-564 and 133-50(a) of the City Code. A suitable level of flexibility will be necessary when reviewing future applications for Certificates of Appropriateness for alterations, demolition, additions to existing buildings and new construction for the properties to meet current and future Building Codes and the City's resiliency standards. As indicated above, future proposed projects located within the proposed historic district expansion will be reviewed on a project specific basis for consistency with Certificate of Appropriateness criteria as well as the Sea Level Rise criteria outline in Sections 118-564 and 133-50(a) of the City Code. Review of proposed future changes within the area in accordance with the adopted Sea Level Rise criteria will ensure that this current proposal for historic designation will increase the resiliency of the City with respect to sea level rise.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

To ensure the compatibility of the historic district expansion with the City's sea level rise mitigation and resiliency efforts, project-specific future alterations, proposed adaptive re-use and/or redevelopment will require review through the Certificate of Appropriateness process to ensure that proposed new construction conforms to the Sea Level Rise criteria outlined in Sections 118-564 and 133-50(a) of the City Code. A suitable level of flexibility will be necessary when reviewing future applications for Certificates of Appropriateness for alterations, demolition, additions to existing buildings and new construction for the properties to meet current and future Building Codes and the City's resiliency standards. As indicated above, future proposed projects located within the proposed historic district expansion will be reviewed on a project-specific basis for consistency with Certificate of Appropriateness criteria as well as the Sea Level Rise criteria outlined in Sections 118-564 and 133-50(a) of the City Code. Review of proposed future changes within the area in accordance with the adopted Sea Level Rise criteria will ensure the compatibility of the proposal with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

As noted in the 'Background' section of this report, in 2016 the Planning Department presented a Preliminary Evaluation and Recommendation Report relative to the possible designation of the North Shore Local Historic District. All properties recommended for local historic designation in the North Beach Master Plan were evaluated, including those located within the subject Tatum Waterway expansion area, and were found to satisfy the minimum requirements for historic designation as outlined in Section 118-592 of the City Code. During the evaluation process, staff had prioritized areas for local historic district designation that were determined to contain the highest concentration of contributing buildings. At that time, the area surrounding the Tatum Waterway was not identified by staff as a priority for local designation due to a lesser concentration of contributing buildings and its vulnerability to the impacts of sea level rise. On December 5, 2016, the City Commission reviewed the boundaries, and removed the area along the Tatum Waterway from consideration as part of the North Shore Local Historic District.

On September 25, 2017, the City Commission passed Resolution No. 2017-30013 reaffirming its intention to implement the entirety of the North Beach Master Plan. Subsequent to this resolution, the Historic Preservation Board initiated the designation process and recommended in favor of the historic designation for the Tatum Waterway expansion of the North Shore Historic District. The Planning Board then reviewed the proposed historic designation and transmitted an ordinance expanding the North Shore Historic District to the City Commission and on May 16, 2018, the City Commission adopted an ordinance expanding the North Shore Local Historic District to include the area surrounding the Tatum Waterway.

On September 1, 2020, the City Manager initiated the process of re-noticing the designation of the North Shore Historic District Tatum Waterway Expansion to avoid irreparable harm and in an abundance of caution while the City seeks review of the recent circuit court appellate division decision in YTech-180 Units Miami Beach Investment, LLC v. City of Miami Beach (Fla. 11th Cir. Case No. 2018-184-AP-01). Without waiving any right to further challenge the circuit court's decision, without waiving any argument, defense, or claim, and to protect the historic resources at issue, the City will be providing notice in accordance with the circuit court's construction of Section 118-591(f) and Section 118-8 of the City Code of Miami Beach.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

NORTH SHORE LOCAL HISTORIC DISTRICT – TATUM WATERWAY EXPANSION

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 4, "DESIGNATION," SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION," BY ADOPTING THE DESIGNATION OF THE NORTH SHORE HISTORIC DISTRICT TATUM WATERWAY EXPANSION, WHICH IS GENERALLY BOUNDED BY 77TH STREET ON THE SOUTH, HAWTHORNE AVENUE AND CRESPI BOULEVARD ON THE WEST, 87TH STREET ON THE NORTH, AND TATUM WATERWAY DRIVE AND BYRON AVENUE ON THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH SHORE HISTORIC DISTRICT TATUM WATERWAY EXPANSION; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, following a public hearing on December 8, 2020, the Historic Preservation Board voted unanimously (7-0) to transmit, with a favorable recommendation, the designation of the Tatum Waterway Expansion of the North Shore Historic District to the Planning Board and City Commission; and

WHEREAS, on April 27, 2021, the Planning Board held a public hearing and voted to transmit a _____ recommendation (by a vote of _ to _) on the designation of the Tatum Waterway Expansion of the North Shore Historic District to City Commission; and

WHEREAS, the Planning Department has recommended in favor of this amendment to the Land Development Regulations of the City Code; and

WHEREAS, the Planning Department's recommendation to approve the designation of the Tatum Waterway Expansion of the North Shore Historic District is based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department, which is attached hereto as Appendix "A".

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

SECTION 1. DESIGNATION OF TATUM WATERWAY EXPANSION AS PART OF THE NORTH SHORE HISTORIC DISTRICT.

The North Shore Historic District is hereby expanded to add those certain areas which are generally bounded by 77th Street on the south, Hawthorne Avenue and Crespi Boulevard on the west, 87th Street on the north and Tatum Waterway Drive and Byron Avenue on the east; and having the legal description as described herein, are hereby designated as an Historic District of the City of Miami Beach. The land described in the immediately preceding sentence shall be known as the "Tatum Waterway Expansion." Additionally, the Designation Report attached hereto

as Appendix "A" is hereby adopted. For purposes of clarity, the Tatum Waterway Expansion is part of the North Shore Historic District.

SECTION 2. AMENDMENT OF SECTION 118-593 OF THE CITY CODE.

That Chapter 118, Section 118-593 entitled "Historic Preservation Designation" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

CHAPTER 118 ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE X. – HISTORIC PRESERVATION

* * *

DIVISION 4. – DESIGNATION

* * *

Sec. 118-593. – Historic preservation designation.

- (e) Delineation on zoning map. All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:

* * *

- (2) Historic preservation districts (HPD).

* * *

m. RM-1, CD-2/HPD-13: The boundaries of the North Shore Historic District commence at the point of intersection of the centerline of Collins Court and the centerline of 73rd Street, as shown in the HARDING TOWNSITE, recorded in Plat Book 34, at Page 4, of the Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of a tract of land herein described; thence run Northerly, along the centerline of Collins Court to a point of intersection with the Centerline of 75th Street; thence continue Northerly to a point of intersection of the Centerline of Collins Court and the Northern right of way line of 75th Street; thence continue Northerly along the centerline of Collins Court to a point of intersection with the centerline of 87th street; thence run Westerly along the centerline of 87th Street to a point of intersection with the centerline of Harding Avenue; thence run Southerly along the centerline of Harding Avenue to a point of intersection with the Easterly extension of the North line of Lot 10, Block 3, as shown in BEACH BAY SUBDIVISION, as recorded in Plat Book 44, Page 25, of the Public Records of Miami-Dade County, Florida; thence run Westerly along the

North line of said lot 10 to a point. Said point being the Northwest corner of said lot 10; thence Southerly along the West line of lots 10, 11, and 12 of block 3 of the aforementioned BEACH BAY SUBDIVISION to a point of intersection on the Northern right of way line of 86th street; thence Southerly to a point of intersection of the Southern right of way line of 86th street and the West line of lot 10, Block 4 of the aforementioned BEACH BAY SUBDIVISION; thence continue Southerly along the West line of lots 10, 11, 12, 13, and 14 of said Block 4 to a point of intersection on the Northern right of way line of 85th street; thence continue Southerly to a point of intersection of the Southern right of way line of 85th street and the West line of lot 10, Block 5 of the aforementioned BEACH BAY SUBDIVISION; thence continue Southerly along the West line of lots 10, 11, 12, 13, and 14 of said Block 5 to a point of intersection on the Northern right of way line of 84th street; thence continue Southerly to a point of intersection of the Southern right of way line of 84th street and the West line of lot 10, Block 6 of the aforementioned BEACH BAY SUBDIVISION; thence continue Southerly along the West line of lots 10, 11, 12, 13, and 14 of said Block 6 to a point of intersection on the Northern right of way line of 83rd street; thence continue Southerly to a point of intersection of the Southern right of way line of 83rd street and the West line of lot 14, Block 3, HAYNSWORTH BEACH SUBDIVISION, as recorded in Plat Book 41, Page 2, of the Public Records of Miami-Dade County, Florida. Thence continue Southerly along the West lines of lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 of said block 3 to a point of intersection on the Northern right of way line of 81st street; thence continue Southerly to a point of intersection of the Southerly right of way line of 81st street and West line of lot 12, block 7 of ALTOS DEL MAR NO. 3, as recorded in Plat Book 8, Page 41, of the Public Records of Miami-Dade County, Florida. Thence continue Southerly along the West line of lots 7, 8, 9, 10, 11, and 12 of said block 7 to a point of intersection on the Northern right of way line 80th street; thence continue Southerly to a point of intersection of the Southern right of way line of 80th street and the West line of lot 12, block 8 of the aforementioned ALTOS DEL MAR NO. 3; thence continue Southerly along the West line of lots 7, 8, 9, 10, 11, and 12 of said block 8 to a point of intersection on the Northern right of way line 79th street; thence continue Southerly to a point of intersection of the Southern right of way line of 79th street and the West line of lot 12, block 9 of the aforementioned ALTOS DEL MAR NO. 3; thence continue Southerly along the West line of lots 7, 8, 9, 10, 11, and 12 of said block 9 to a point of intersection on the Northern right of way line 78th street; thence continue Southerly to a point of intersection of the Southern right of way line of 78th street and the West line of lot 12, block 10 of the aforementioned ALTOS DEL MAR NO. 3; thence continue Southerly along the West line of lots 7, 8, 9, 10, 11,

and 12 of said block 10 to a point of intersection on the Northern right of way line 77th street; thence continue Southerly to a point of intersection of the Southern right of way line of 77th street and the West line of lot 12, block 11 of the aforementioned ALTOS DEL MAR NO. 3; thence continue Southerly along the West line of lots 7, 8, 9, 10, 11, and 12 of said block 11 to a point of intersection on the Northern right of way line 76th street; thence continue Southerly to a point of intersection of the Southern right of way line of 76th street and the West line of lot 6, block 12 of the aforementioned ALTOS DEL MAR NO. 3; thence continue Southerly along the West line of lots 4, 5, and 6 and its Southerly extension of said block 12 to a point of intersection on the centerline of 75th street; thence run Westerly along the centerline of 75th street to a point of intersection on the centerline of Dickens Avenue; thence run Southerly along the centerline of Dickens Avenue to a point of intersection on the centerline of 73rd street; thence run Easterly along the centerline of 73rd street to a point of intersection with the centerline of Collins Court, Said point also being the POINT OF BEGINNING. Said lands located, lying and being in Section 2, Township 53 South, Range 42 East, City of Miami Beach, Florida. ~~The boundaries of the North Shore Historic District Tatum Waterway Expansion commence at the Point of Intersection of the Centerline of Hawthorne Avenue and the Centerline of 77th Street, as shown in the plat of BISCAYNE BEACH SUBDIVISION, as recorded in Plat Book 48, at Page 53 of the Public Records of Miami Dade County. Said point being the POINT OF BEGINNING of a tract of land herein described; Thence run Northerly along the Centerline of Hawthorne Avenue to a Point of Intersection of the Centerline of Hawthorne Avenue and the Centerline of Crespi Boulevard; Thence Northeasterly and Northerly along the Centerline of Crespi Boulevard to a Point of Intersection with the Westerly extension of the North line of Lot 4, Block 13, of BISCAYNE BEACH SECOND ADDITION as recorded in Plat Book 46, at Page 39, of the Public Records of Miami Dade County, Florida; Thence Easterly along said extension of the North line of Lot 4 and along the North line of Lot 4 and its extension over the Tatum Waterway to a Point of Intersection with the Eastern bulkhead line of Tatum Waterway, the same line being the Western line of Block 1, of BEACH BAY SUBDIVISION, as recorded in Plat Book 44, at Page 25, of the Public Records of Miami Dade County, Florida; Thence Northerly along said Western Line of Block 1 to a point being the Northwest corner of the Plat of BEACH BAY SUBDIVISION, the same point being the Northwest corner of Lot 1, Block 1 of said BEACH BAY SUBDIVISION, as recorded in Plat Book 44, at Page 25, of the Public Records of Miami Dade County, Florida; Thence Easterly along the North line of Lot 1, Block 1 and its Easterly extension to a Point of Intersection with the Centerline of Byron Avenue; Thence Southerly~~

along the Centerline of Byron avenue to a Point of Intersection of Byron Avenue and 81st street; Thence Westerly along the Centerline of 81st street to a Point of Intersection with the Centerline of Tatum Waterway Drive; Thence southwesterly along the Centerline of Tatum Waterway Drive to a Point of Intersection with the Centerline of 77th street; Thence westerly along the Centerline of 77th street to a Point of Intersection of Centerline 77th Street with the Centerline of Hawthorne Avenue; said point being the POINT OF BEGINNING. Said lands located, lying and being in Section 10, Township 53 South, Range 42 East, and in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Florida. The boundaries of the North Shore Historic District are hereby expanded to include the Tatum Waterway Expansion the boundaries of which commence at the Point of Intersection of the Centerline of Hawthorne Avenue and the Centerline of 77th Street, as shown in the plat of BISCAYNE BEACH SUBDIVISION, as recorded in Plat Book 48, at Page 53 of the Public Records of Miami-Dade County. Said point being the POINT OF BEGINNING of a tract of land herein described; Thence run Northerly along the Centerline of Hawthorne Avenue to a Point of Intersection of the Centerline of Hawthorne Avenue and the Centerline of Crespi Boulevard; Thence Northeasterly and Northerly along the Centerline of Crespi Boulevard to a Point of Intersection with the Westerly extension of the North line of Lot 4, Block 13, of BISCAYNE BEACH SECOND ADDITION as recorded in Plat Book 46, at Page 39, of the Public Records of Miami-Dade County, Florida; Thence Easterly along said extension of the North line of Lot 4 and along the North line of Lot 4 and its extension over the Tatum Waterway to a Point of Intersection with the Eastern bulkhead line of Tatum Waterway, the same line being the Western line of Block 1, of BEACH BAY SUBDIVISION, as recorded in Plat Book 44, at Page 25, of the Public Records of Miami-Dade County, Florida; Thence Northerly along said Western Line of Block 1 to a point being the Northwest corner of the Plat of BEACH BAY SUBDIVISION, the same point being the Northwest corner of Lot 1, Block 1 of said BEACH BAY SUBDIVISION, as recorded in Plat Book 44, at Page 25, of the Public Records of Miami-Dade County, Florida; Thence Easterly along the North line of Lot 1, Block 1 and its Easterly extension to a Point of Intersection with the Centerline of Byron Avenue; Thence Southerly along the Centerline of Byron avenue to a Point of Intersection of Byron Avenue and 81st street; Thence Westerly along the Centerline of 81st street to a Point of Intersection with the Centerline of Tatum Waterway Drive; Thence southwesterly along the Centerline of Tatum Waterway Drive to a Point of Intersection with the Centerline of 77th street; Thence westerly along the Centerline of 77th street to a Point of Intersection of Centerline 77th Street with the Centerline of Hawthorne Avenue; said point being the POINT OF BEGINNING. Said lands

located, lying and being in Section 10, Township 53 South, Range 42 East, and in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Florida. For the avoidance of doubt, the Tatum Waterway Expansion is part of the North Shore Historic District.

* * *

SECTION 3. INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Land Development Regulations of the City Code of Miami Beach, Florida. 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 4. AMENDMENT OF ZONING MAP.

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPD-13, Historic Preservation District 13.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM & LANGUAGE

& FOR EXECUTION:

**CITY ATTORNEY
VERIFIED BY:**

DATE

PLANNING DIRECTOR

Underscore denotes new language

~~Strike through~~ denotes deleted language