

North Beach Oceanside Resort Overlay – LDR Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 16, ENTITLED "NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT," TO ALLOW FOR INCREASED FLOOR AREA RATIO (FAR) LIMITS, ESTABLISH REGULATIONS FOR HEIGHT, SETBACKS, OPEN SPACE, DESIGN, AND RELATED STANDARDS, AND ESTABLISH A PUBLIC BENEFITS PROGRAM, FOR PROPERTIES WITHIN THE OVERLAY, WHICH SHALL INCLUDE THOSE SPECIFIC PARCELS IN THE AREA NORTH OF 65TH STREET AND SOUTH OF 69TH STREET AS MORE SPECIFICALLY IDENTIFIED ON THE ATTACHED OVERLAY MAP; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the oceanside corridor of Collins Avenue from the 6600 to 6800 blocks was once the center of a vibrant resort and commercial district; and

WHEREAS, after the Deauville Hotel experienced an electrical fire in 2017, the 3.8-acre property was left vacant and in a state of disrepair, creating blighted conditions and depreciating the surrounding North Beach neighborhood; and

WHEREAS, this portion of the Collins Avenue corridor and the area surrounding the Deauville property have deteriorated and seen limited improvement over the years, diminishing the general condition of the neighborhood; and

WHEREAS, the City of Miami Beach ("City") seeks to encourage and incentivize new development within this portion of the Collins Avenue corridor, which includes the 3.8-acre Deauville property; and

WHEREAS, the City desires to create the North Beach Oceanside Resort Overlay District to improve the neighborhood, stimulate new commercial and residential development, improve the pedestrian environment, encourage reinvestment, and promote economic vitality; and

WHEREAS, pursuant to Section 1.03(c) of the City Charter, "the floor area ratio [FAR] of any property . . . 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, 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. That Chapter 142, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," Division 16, "North Beach Oceanside Resort Overlay District," is hereby created as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE III. – OVERLAY DISTRICTS

DIVISION 16. NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT

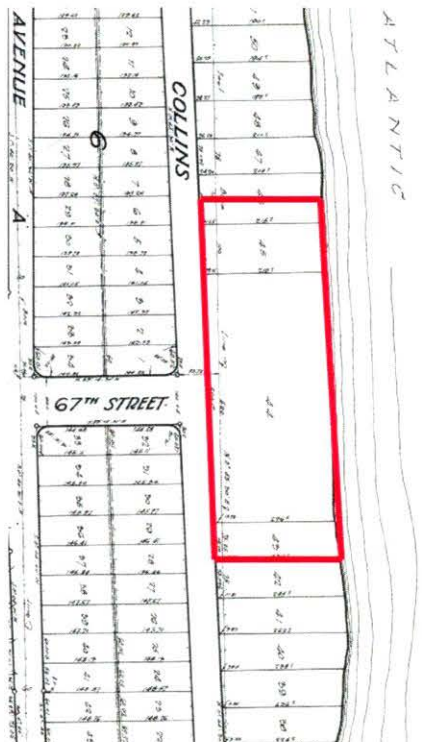
Sec. 142-870.25 Location and purpose.

(a) The overlay regulations of this division shall apply to the properties identified in the legal description and map below:

(1) Legal Description:

Lots 43, 44, 45, and the south 25 feet of Lot 46, in Block 1, of the AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, as recorded in Plat Book 28, at Page 28, of the Public Records, of Miami-Dade County, Florida.

(2) Map:



(b) The purpose of this overlay district is to:

(1) Stimulate neighborhood revitalization and encourage new development within this portion of the Collins Avenue corridor.

- (2) Incentivize private property owners to redevelop properties into significant structures that draw tourists and residents back to the area, and promote economic activity.
- (3) Improve the pedestrian environment of the neighborhood and promote public safety.
- (4) Encourage economic activity that will fund the initiatives of the North Beach Community Redevelopment Agency.

Sec. 142-870.26 Compliance with regulations.

The following overlay regulations shall apply to the North Beach Oceanside Resort Overlay District. All development regulations applicable to the underlying zoning district shall apply to properties within the overlay, except as follows:

(a) Height.

- (1) For structures developed on a lot with a lot area greater than 150,000 square feet, the maximum allowable height shall be 375 feet.
- (2) For all other buildings, the maximum height in the underlying zoning district regulations shall apply.

(b) Floor Area Ratio.

- (1) The base FAR for the North Beach Oceanside Resort Overlay District shall be 3.0, except as follows:

A. For a unified development site that includes all or part of Lots 43, 44, 45, and the south 25 feet of Lot 46, in Block 1, Amended Plat of Second Ocean Front Subdivision, according to the Plat thereof, as recorded in Plat Book 28, at Page 28 of the Public Records of Miami-Dade County, Florida, the base FAR shall be 4.5 if the following conditions are satisfied:

1. the lot area of the unified development site is at least 150,000 square feet in size;
2. the development project includes a new or existing hotel of at least 150 rooms;
3. the residential density is limited to 75 dwelling units per acre;
4. a community recreational facility is provided;
5. a public beach access is provided from Collins Avenue to the beachwalk; and
6. the developer enters into a development agreement with the city, pursuant to Chapter 163, Florida Statutes, in order to memorialize, at a minimum, the conditions outlined in this section.

- (c) Density. Hotel units within a building with residential units shall not count towards residential density, notwithstanding any provisions in this code to the contrary.

- (d) Ch. 163, Florida Statutes, development agreement within the North Beach Oceanside Resort Overlay District. The provisions of these land development regulations and the City Code shall control with respect to all terms, provisions, matters and issues affected by the Ch. 163, Fla. Stat., development agreement, or any property affected thereby, except to

the extent a term, provision, matter or issue is specifically addressed in the development agreement, in which case the provisions of the development agreement shall control.

SECTION 2. 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 Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

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 _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

7-11-22
Date

First Reading: July 20, 2022
Second Reading: December 7, 2022

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

(Sponsored by Mayor Dan Gelber)