

**Altos Del Mar Overlay - Comprehensive Plan Amendment**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH 2040 COMPREHENSIVE PLAN, POLICY RLU 1.1.1, ENTITLED "SINGLE FAMILY RESIDENTIAL (RS)," TO ALLOW FOR ADDITIONAL SPECIFICALLY PERMITTED USES IN SINGLE FAMILY RESIDENTIAL DISTRICTS THROUGH THE CREATION OF ZONING OVERLAYS; PURSUANT TO THE PROCEDURES IN SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the area of the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, contains an unusual and inconsistent pattern of zoning as a result of gradual change from its former residential character into the Altos Del Mar Park; and

**WHEREAS**, certain properties in the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, remain designated as single-family zoning while the neighborhood has changed; and

**WHEREAS**, on October 26, 2022, the City Commission had referred a discussion item to the Land Use and Sustainability Committee pertaining to the inconsistency of single-family zoning in a non-single-family context existing east of Collins Avenue, between 76 Street and 77 Street; and

**WHEREAS**, on November 18, 2022, the Land Use and Sustainability Committee recommended that the City Administration to explore, as a solution, an amendment to the RS Single-Family Residential District regulations, in order to create an overlay for the area east of Collins Avenue between 76 Street and 77 Street; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved.

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

**SECTION 1.** The following amendments to the City's 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

**RESILIENT LAND USE & DEVELOPMENT ELEMENT**

**GOAL RLU 1: LAND USE**

**POLICY RLU 1.1.1 SINGLE FAMILY RESIDENTIAL (RS)**

*Purpose:* To provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development.

*Uses which may be permitted:* Single family detached dwellings.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach; and such other uses as may be specifically authorized through the creation of a zoning overlay, as described in the Land Development Regulations.

*Density Limits:* 7 residential units per acre. Accessory Dwelling Units shall not count towards the maximum density limit.

*Intensity Limits:* Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy.

**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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2023

Second Reading: \_\_\_\_\_, 2023

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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