

**Altos Del Mar Park Overlay – LDR Amendment
(Administration Version)**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II. “DISTRICT REGULATIONS” AT DIVISION 2, “RS-1, RS-2, RS-3, RS-4, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS” BY MODIFYING SECTION 142-107 ENTITLED “DEVELOPMENT REGULATIONS FOR THE ALTOS DEL MAR HISTORIC DISTRICT,” TO CREATE AN ALTOS DEL MAR OVERLAY AND PROVIDE MODIFIED DEVELOPMENT REGULATIONS FOR THOSE PROPERTIES EAST OF COLLINS AVENUE, BETWEEN 76 STREET AND 77 STREET; PROVIDING FOR CODIFICATION; 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 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 explore 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. Chapter 142, “Zoning Districts and Regulations”, Article II, “District Regulations”, Division 2, “RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts” is hereby amended as follows:

Sec. 142-107. - Development regulations for the Altos Del Mar Historic District.

Notwithstanding the development regulations contained in sections 142-101—142-106 above, the following development regulations shall apply to those portions of the RS-3 and RS-4 zoning districts located within the Altos Del Mar Historic District:

* * *

(n) Altos del mar overly. The following overlay regulations shall apply to the properties located north of 76th Street and south of 77th Street, to the east of Collins Avenue, as more specifically identified in the map below:



(1). Allowable uses. In addition to the uses setforth in Sections 142-102, 142-103 and 142-104 of this Division, the following uses may be permitted on those properties located east of Collins Avenue, between 76th Street and 77th Street.

- a. Townhomes.
- b. Bed and breakfast inn (pursuant to Article V, Division 7 of this Chapter).
- c. Personal service.
- d. Office.
- e. Restaurant or Café, in accordance with the following:
 - 1. The establishment shall close no later than 11:00 pm Sunday – Thursday and 12:00 am

on Friday and Saturday.

2. Entertainment shall be prohibited.

3. There shall be a maximum of 60 seats permitted.

f. Uses that serve alcoholic beverages shall be limited to cafes and restaurants, pursuant to the applicable regulations set forth in Chapter 6.

g. Retail may be permitted but only as an accessory use to restaurant, café or personal service and not occupying more than 10% of the interior space of the main use.

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