

**Altos Del Mar Park Overlay – LDR Amendment  
(Property Owner 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 76<sup>th</sup> Street and south of 77<sup>th</sup> 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 76<sup>th</sup> Street and 77<sup>th</sup> Street.

- (1) Townhomes;
- (2) Apartments;
- (3) Hotels, and suite hotels;
- (4) Bed and breakfast inn (pursuant to Article V, Division 7 of this Chapter);
- (5) Retail;

- (6) Restaurant;
- (7) Café;
- (8) Uses that serve alcoholic beverages as listed in Chapter 6 (alcoholic beverages) or as specified elsewhere in the land development regulations; and
- (9) Accessory uses customarily associated with the main use of the property.

**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