

6/7 Vote Requirement for Future Increases in FAR

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IV, ENTITLED "AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF LAND DEVELOPMENT REGULATIONS," BY AMENDING SECTION 2.4.2, ENTITLED "AMENDMENT TO THE TEXT OF LAND DEVELOPMENT REGULATIONS," TO REQUIRE AN AFFIRMATIVE VOTE OF SIX-SEVENTHS OF ALL MEMBERS OF THE CITY COMMISSION PRIOR TO ANY FUTURE INCREASE IN THE FLOOR AREA OR FLOOR AREA RATIO (FAR) OF ANY PROPERTY IN THE CITY; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City's Land Development Regulations set forth the maximum allowable FAR for all zoning districts in the City; and

**WHEREAS**, the Land Development Regulations establish procedures for amendments to these regulations, including increases in maximum allowable FAR; and

**WHEREAS**, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; and

**WHEREAS**, the amendments set forth below are 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, AS FOLLOWS:**

**SECTION 1.** Chapter 2, entitled "Administration and Review Procedures," Article IV, entitled "Amendments to Comprehensive Plan and to the Text of the Land Development Regulations," is hereby amended in the Resiliency Code of the City of Miami Beach, Florida as follows:

**CHAPTER 2  
ADMINISTRATION AND REVIEW PROCEDURES**

\* \* \*

**ARTICLE IV. – AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE  
LAND DEVELOPMENT REGULATIONS**

\* \* \*

**2.4.2. Amendment to the text of land development regulations**

\* \* \*

d. Action by city commission; notice and hearings.

\* \* \*

iv. An affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to enact any amendment to these land development regulations. However, an affirmative

vote of six-sevenths of all members of the city commission shall be required in order to enact any amendment to these land development regulations that increases the floor area ratio (FAR) of any property or any zoning district in the City, including for any amendment that modifies the definition of "floor area" or the exceptions to the definition of "floor area" as set forth in Chapter 1 of these land development regulations in such a manner as to result in an increase to the FAR of a property or zoning district.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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