

UNIFIED DEVELOPMENT SITES — FAR

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES" ARTICLE I "IN GENERAL," TO CLARIFY THE MAXIMUM ALLOWABLE FLOOR AREA RATIO ("FAR") FOR UNIFIED DEVELOPMENT SITES CONTAINING BUILDINGS WITH NONCONFORMING FAR AND/OR ELEVATED OPEN-AIR BRIDGES, PASSAGEWAYS OR CONNECTIONS USED SOLELY FOR PEDESTRIAN CIRCULATION BETWEEN BUILDINGS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Section 118-5 of the City of Miami Beach Land Development Regulations ("LDRs") defines a "Unified Development Site" as "a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way"; and

WHEREAS, a Unified Development Site may result from the merger of multiple abutting lots or building sites, any or all of which may contain one or more buildings with a nonconforming Floor Area Ratio ("FAR"); and

WHEREAS, Section 1.03(c) of the City Charter requires voter approval of certain "increases" to current zoned FAR, but provides that "The provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance"; and

WHEREAS, the City Attorney, in an opinion dated March 21, 2014, recognized that the Section 1.03(c) referendum requirement "includes an exception for," and therefore does not apply to, "the aggregation of development rights on unified abutting parcels"; and

WHEREAS, as noted in the City Attorney's March 21, 2014 opinion, the City has historically interpreted the phrase "unified abutting parcels" as being synonymous with the phrase "Unified Development Site"; and

WHEREAS, on May 11, 2016, the City adopted Ordinance No. 2016-4011, which amended the LDRs to clarify the procedures for the movement of FAR within Unified Development Sites divided among different zoning districts as a means of providing greater flexibility and improving the quality of development within Unified Development Sites; and

WHEREAS, the amendments proposed herein are consistent with the exception for "unified abutting parcels" in Section 1.03(c) of the City Charter and authorize the retention of nonconforming FAR within certain structures as a means of encouraging the preservation of such structures; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives and to ensure that the public health, safety and welfare are preserved.

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

SECTION 1. That Chapter 118, Article I entitled "In General" is hereby amended as follows:

Sec. 118-5. - Unity of title; covenant in lieu thereof.

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

- (a) All lots need not be in the same zoning district; however: the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district, inclusive of bonus FAR.
- (b) Only commercial and/or mixed-use entertainment zoning districts may be joined together to create a unified development site, provided the entire unified development site, including each separate zoning district, has the same maximum floor area ratio (FAR), inclusive of bonus FAR. Such unified development site shall only contain commercial and/or mixed-use entertainment districts and shall not include any residential zoning district. The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.
- (c) In the event a future change in zoning district classification modifies the maximum floor area ratio (FAR), inclusive of bonus FAR, for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.
- (d) The maximum FAR for a Unified Development Site shall not exceed the aggregate maximum FAR of the multiple lots allowed by the underlying zoning districts, inclusive of bonus FAR. Within a locally designated historic district or locally designated historic site within the Ocean Terrace Overlay District, any platted lot(s) with a contributing building(s) that contain legal-nonconforming FAR and were previously separate and apart from other lots that comprise the Unified Development Site, may retain their existing legal non-conforming FAR, provided no additional FAR is added to such platted lot(s).
- (e) Within a Unified Development Site within the Ocean Terrace Overlay District, passageways or other connections that are an allowable FAR exception may be permitted on lots with legal non-conforming FAR.

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 17th day of January, 2018.

ATTEST:

Dan Gelber, Mayor


Rafael E. Granado, City Clerk

First Reading: December 13, 2017
Second Reading: January 17, 2018

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/18/17

Date