

REZONING – 550 9th Street

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, CONSISTENT WITH THE REQUIREMENTS OF SECTION 142-72, OF THE LAND DEVELOPMENT CODE, RELATING TO THE PROCESS FOR REZONING HOSPITAL DISTRICTS (HD) TO ANOTHER, COMPATIBLE ZONING DESIGNATION; AND CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED AT 550 9TH STREET, FROM THE CURRENT ZONING CLASSIFICATION OF HD, “HOSPITAL DISTRICT”, TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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

WHEREAS, Section 142-456, of the City’s Land development regulations, entitled “Rezoning of HD district” requires that the property (district area) be rezoned consistent with the following criteria:

- (a) If an application is filed pursuant to section 118-162 to rezone all or part of an HD district, the rezoning shall be to a district or combination of districts with a floor area ratio no greater than the abutting land (sharing lot line).
- (b) Properties rezoned under this section that exceed 15 acres may be rezoned to allow for a mix of districts, uses and intensities compatible with zoning districts of abutting properties, and may exceed the limitation provided for in subsection (a) above, if adequate buffers are provided to protect less intense abutting and nearby uses, as submitted to and approved by the planning board and city commission.
- (c) Any building existing on the property may be adaptively reused consistent with the underlying zoning regulations retaining existing nonconforming height, setbacks, floor area ratio and off-street parking, regardless whether the rehabilitation exceeds 50 percent of the value determination, provided that the repaired or rehabilitated building shall be subject to the regulations in subsection 118-395(b)(1)a.—d.

WHEREAS, the change of zoning classification of the subject parcel is consistent with the requirements of Section 142-456, of the Land Development Code; and

WHEREAS, changing the zoning classification of the subject parcel as provided herein is necessary to ensure the development of the sites will be compatible with

development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that changing the zoning classification of the subject parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the change of zoning classification of the subject parcel will not result in an increase in floor area permitted on the parcel; and

WHEREAS, the zoning district map of the City of Miami Beach, referenced at section 142-72, of the Land Development Regulations of the City of Miami Beach, Florida, shall be amended to reflect a change of zoning classification from HD, Hospital District to CD-2, Commercial Medium Intensity; and

WHEREAS, the amendment set forth below is 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:

SECTION 1. ZONING MAP AMENDMENT The following amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the zoning district map of the City:

A parcel of land generally located at 550 9th Street (Miami-Dade County Folio 02-4203-009-0100), of approximately 20,870 square feet (0.479 acres), as depicted in Exhibit "A," from the current HD, "Hospital District" zoning classification to the proposed zoning classification of CD-2, "Commercial, Medium Intensity".

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida be amended in accordance with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect 10 days after adoption.

PASSED AND ADOPTED this ____ day of _____, 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director