

**550 9<sup>th</sup> Street - REZONING**

**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 CITY 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 Code, Subpart B, entitled "Land Development Regulations", entitled "Rezoning of HD district" requires that the rezoning of an existing HD zoned property meet 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 referenced at Section 142-72 of the City Code, 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 Code, Subpart B, entitled "Land Development Regulations," at 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 9<sup>th</sup> 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. 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: January 16, 2019  
Second Reading: February 13, 2019

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]*  
\_\_\_\_\_  
City Attorney

12-27-18  
Date

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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(Sponsored by Vice-Mayor Michael Góngora)