

Comprehensive Plan Amendment – portions of Ocean Terrace and 75th Street

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF MIAMI BEACH 2025 COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 118-166 OF THE CITY CODE, AND PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE OCEAN TERRACE RIGHT OF WAY (BETWEEN THE CENTERLINE OF 74th STREET AND THE NORTHERN RIGHT OF WAY LINE OF 75th STREET AS SHOWN ON THE PLAT OF THE TOWNSITE OF HARDING, RECORDED IN PLAT BOOK 34, PAGE 4 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY), AND LOCATED IN THE 75th STREET RIGHT OF WAY BETWEEN OCEAN TERRACE AND COLLINS AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATIONS OF PF, "PUBLIC FACILITY," AND ROS, "RECREATION AND OPEN SPACE," TO THE FUTURE LAND USE CATEGORIES OF CD-2, "COMMERCIAL MEDIUM INTENSITY" AND MXE, "MIXED-USE ENTERTAINMENT"; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, changing the comprehensive plan designations 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 designation 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**, changing the comprehensive plan designations of the subject parcel, as provided herein, is necessary to ensure the development of the site 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 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. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT**

The following amendment to the City's Future Land Use Map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the City's Future Land Use Map:

1. A portion of the right of way of 75th Street, being more particularly described as follows: Commence at the Northwest corner of Lot 8 in Block 1, of Townsite of Harding, according to the plat thereof as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence North 02°58'50" West, along the Northerly prolongation of the West line of said Lot 8, for 32.50 feet to the Point of Beginning; thence continue North 02°58'50" West, along said Northerly prolongation, for 7.50 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34 at Page 4; thence North 86°59'28" East along said North line of Government Lot 7 for 131.16 feet; thence South 01°34'02" East, along the Southerly prolongation of the center line of Atlantic Way, for 7.50 feet; thence South 86°59'28" West for 130.98 feet to the Point of Beginning, consisting of approximately 983 Square Feet (0.023 Acres), as depicted in Exhibit "A," from the current designation of "Public Facility (PF)," to the future land use category of "Medium Intensity Commercial Category (CD-2)," and
2. A portion of the right of way of 75th Street, being more particularly described as follows: Commence at the Northwest corner of Lot 8 in Block 1, of Townsite of Harding, according to the plat thereof as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence North 02°58'50" West, along the Northerly prolongation of the West line of said Lot 8, for 40.00 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34 at Page 4; thence North 86°59'28" East along said North line of Government Lot 7 for 131.16 feet to the Point of Beginning; thence continue North 86°59'28" East along said North line of Government Lot 7 for 15.00 feet; thence South 01°34'02" East for 7.50 feet; thence South 86°59'28" West for 15.00 feet; thence North 01°34'02" West, along the Southerly prolongation of the center line of Atlantic Way, for 7.50 feet to the Point of Beginning, consisting of approximately 113 Square Feet (0.003 Acres), as depicted in Exhibit "B," from the current designation of "Recreation and Open Space (ROS)," to the future land use category of "Medium Intensity Commercial Category (CD-2)," and
3. A portion of the right of way of 75th Street and Ocean Terrace, being more particularly described as follows: Commence at the Southeast corner of Lot 7 in Block 1, of Townsite of Harding, according to the Plat thereof, as recorded in Plat Book 34, at Page 4, of the public records of Miami-Dade County, Florida; thence South 02°58'50" East, along the Southerly prolongation of the West right of way line of Ocean Terrace (First Avenue per Plat Book 34, at Page 4), for 30.00 feet to a point on the center line of 74th Street (Third Street per Plat Book 34, at Page 4); thence North 86°59'28" East, along said center line, for 30.00 feet to the Point of Beginning; thence continue North 86°59'28" East, along said center line, for 30.00 feet to a point on the East right of way line of said Ocean Terrace; thence North North

02°58'50" West, along said East right of way line, for 420.00 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34, at Page 4; thence South 86°59'28" West along said North line of Government Lot 7 for 209.84 feet; thence South 01°34'02" East for 7.50 feet; thence North 86°59'28" East for 180.02 feet; thence South 02°58'50" East for 412.50 feet to the Point of Beginning, consisting of approximately 13,949 Square Feet (0.320 Acres), as depicted in Exhibit "C," from the current designation of "Recreation and Open Space (ROS)," to the future land use category of "Mixed-Use Entertainment Category (MXE)."

**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. INCLUSION IN COMPREHENSIVE PLAN**

It is the intention of the City Commission that the Comprehensive Plan's Future Land Use Map be amended in accordance with the provisions of this Ordinance.

**SECTION 5. TRANSMITTAL**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

**SECTION 6. EFFECTIVE DATE**

This ordinance shall take effect 10 days after adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading: June 26, 2019

Second Reading: July 17, 2019

(Sponsor: \_\_\_\_\_)

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