

**40<sup>th</sup> Street CD3 Regulations - LDR Amendment**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED, "DISTRICT REGULATIONS", DIVISION 6, ENTITLED, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," TO MODIFY THE FAR REGULATIONS FOR PROPERTIES FRONTING ON 40<sup>TH</sup> AND 41<sup>ST</sup> STREET; 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**, on or about March 7, 2018, the Mayor's 41<sup>st</sup> Street Blue Ribbon Committee was formed, and ten members were appointed by the Mayor and Commission; and

**WHEREAS**, on April 29, 2020, the Committee discussed and recommended that the parcels along the north side of 40<sup>th</sup> Street, between Chase Avenue and Pine Tree Drive, be rezoned from CD-1 to CD-3; and

**WHEREAS**, on May 6, 2020 the Land Use and Sustainability Committee recommended that the rezoning of the parcels along the north side of 40<sup>th</sup> Street, between Chase Avenue and Pine Tree Drive, from CD-1 to CD-3; be contingent upon the combination of the existing CD-1 lots with an abutting CD-3 lot fronting 41<sup>st</sup> Street; 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:**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 6, entitled "CD-3 Commercial, High Intensity District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-337. - Development regulations and area requirements.

(a) The development regulations in the CD-3 commercial, high intensity district are as follows:

(1) Max FAR: Lot area equal to or less than 45,000 square feet—2.25; lot area greater than 45,000 square feet—2.75; oceanfront lots with lot area greater than 45,000 square feet—3.0.

(2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.

(3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.

(4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.

(5) Notwithstanding the above, lots located on the north side of 40<sup>th</sup> Street, between Chase Avenue and Pine Tree Drive, shall have a maximum FAR of 1.0, unless combined with a lot fronting 41<sup>st</sup> Street and forming a unified development site, in which case the maximum FAR shall be as follows: Lot area equal to or less than 45,000 square feet—2.25; lot area greater than 45,000 square feet—2.75

(b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.

**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 \_\_\_\_\_, 2020.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2020

Second Reading: \_\_\_\_\_, 2020

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