

CD-1 Area at 40th 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, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCELS GENERALLY FRONTING THE NORTH SIDE OF 40TH STREET BETWEEN PINE TREE DRIVE ON THE EAST AND CHASE AVENUE WEST THAT HAVE A CURRENT ZONING CLASSIFICATION OF CD-1, "COMMERCIAL, LOW INTENSITY DISTRICT", TO THE PROPOSED ZONING CLASSIFICATION OF CD-3, "COMMERCIAL, HIGH INTENSITY DISTRICT"; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Mayor's 41st Street Blue Ribbon Committee is tasked with creating plans to help reimagine 41st Street to make it more useable to residents, enhance its aesthetics, and transform it into a true town center in Mid-Beach; and

WHEREAS, several parcels that front the south side of 41st Street have split zoning designations, generally CD-3 to the north and CD-1 to the south; and

WHEREAS, pursuant to the Land Development Regulations, such parcels have are not able to move FAR from the CD-3 portions to the CD-1 portions, even if there is a unified development site; and

WHEREAS, the inability to move FAR limits development opportunities for the 41st Street corridor; and

WHEREAS, the Mayor's 41st Street Blue Ribbon Committee discussed and recommended the zoning designation of the CD-1 parcels fronting 40th Street be changed to CD-3 to allow for unified development sites with greater flexibility; and

WHEREAS, the change from CD-1 to CD-3 would increase the zoned FAR; and

WHEREAS, pursuant to section 1.03 of the City Charter any increase in zoned FAR requires approval from the voters; 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 amendments to the City's zoning map designations for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

The parcels of land generally fronting the north side of 40th Street between Pine Tree Drive on the east and Chase Avenue west that have a current zoning classification of CD-1, “Commercial, Low Intensity District”, as depicted in Exhibit “A,” to the proposed zoning classification of CD-3, “Commercial, High Intensity District.”

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 31 days after adoption to correspond to the adoption date of the Future Land Use Map of the City’s Comprehensive Plan.

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:
Second Reading:

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