

**CD-1 Area at 40<sup>th</sup> Street - FLUM**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH 2040 COMPREHENSIVE PLAN, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCELS GENERALLY FRONTING THE NORTH SIDE OF 40<sup>TH</sup> STREET BETWEEN PINE TREE DRIVE ON THE EAST AND CHASE AVENUE WEST THAT HAVE A CURRENT FUTURE LAND USE CATEGORY DESIGNATION OF “LOW INTENSITY COMMERCIAL (CD-1),” TO THE PROPOSED FUTURE LAND USE CATEGORY DESIGNATION OF “HIGH INTENSITY COMMERCIAL (CD-3);” AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor’s 41<sup>st</sup> Street Blue Ribbon Committee is tasked with creating plans to help reimagine 41<sup>st</sup> 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 41<sup>st</sup> Street have split future land use 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 41<sup>st</sup> Street corridor; and

**WHEREAS**, the Mayor’s 41<sup>st</sup> Street Blue Ribbon Committee discussed and recommended the zoning designation of the CD-1 parcels fronting 40<sup>th</sup> 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 proposed amendment involves fewer than 10 acres; 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 amendments to the 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 City's Future Land Use Map:

The parcels of land generally fronting the north side of 40<sup>th</sup> Street between Pine Tree Drive on the east and Chase Avenue west that have a current future land use category designation of "Low Intensity Commercial District (CD-1)", as depicted in Exhibit "A," to the proposed future land use category designation of "High Intensity Commercial District (CD-3)."

**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 31 days after adoption, if no challenge is filed. If challenged within 30 days after adoption, the amendment will not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance.

**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