

## **BELLE ISLE OVERLAY - LDR AMENDMENTS**

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

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III "OVERLAY DISTRICTS," CREATING DIVISION 11 "BELLE ISLE OVERLAY", TO MODIFY THE ALLOWABLE MAIN, CONDITIONAL, ACCESSORY AND PROHIBITED USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, Belle Isle has an energetic residential and commercial atmosphere, which provides residents and visitors scenic views and a tranquil living environment; and

**WHEREAS**, Belle Isle has experienced increased traffic over the years, and has faced increased traffic congestion and decreased pedestrianism as a result of the area traffic, and vehicular traffic entering and leaving the City through the Venetian Causeway; and

**WHEREAS**, the traffic conditions have impacted the residents' quality of life and have resulted in the diminished general conditions of the neighborhood; and

**WHEREAS**, sea level rise and flooding are concerns for the City, including for those properties located on Belle Isle; and

**WHEREAS**, sea level rise and flooding concerns may be proactively improved through the employment of new and innovative design and construction methods;

**WHEREAS**, the City desires to encourage and give incentives to area property owners to reduce vehicular trips and alleviate traffic congestion through the redevelopment of properties that have internal parking garages, which will service the property's parking needs and have developments undertake solutions that will minimize the impacts of sea level rise and flooding on their properties; and

**WHEREAS**, the City of Miami Beach desires to create an overlay zoning district for the northwestern corner of Belle Isle, which overlay may assist in improving the quality of life in the neighborhood through the reduction of vehicular trips through the congested rights-of-way and improve existing flooding conditions; and

**WHEREAS**, the purpose of the Belle Isle Overlay district is to improve vehicular traffic on Belle Isle, to reduce vehicular trips, alleviate traffic congestion within the area, and improve the pedestrian environment of the neighborhood; and

**WHEREAS**, the Planning Department believes that the hotel use contemplated as part of the Belle Isle Overlay is a compatible use for the district and that it should not be a nonconforming use; and

**WHEREAS**, hotel uses are economic drivers which help improve the community aesthetic, property values and community presence; and

**WHEREAS**, area hotels facilitate lodging resources for out of town guests of community members; 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.** That Chapter 142, Article III entitled "Overlay Districts", Division 11 "Belle Isle Overlay" is hereby created as follows:

\* \* \*

**ARTICLE III. - OVERLAY DISTRICTS**

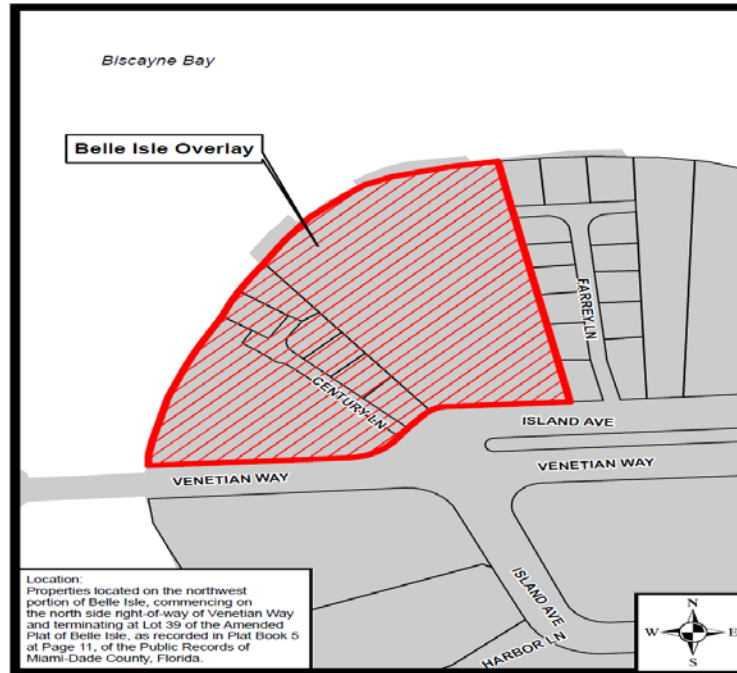
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**DIVISION 11.- BELLE ISLE OVERLAY**

**Sec. 142-868. - Location and purpose.**

(a) The regulations of this division shall apply to properties within the following boundaries, which shall be known as the Belle Isle Overlay:

The overlay regulations of this division shall apply to the properties, as they are configured as of June 1, 2016, located on the northwest portion of Belle Isle, commencing on the north side right-of-way of Venetian Way and terminating at Lot 39 of the Amended Plat of Belle Isle, as recorded in Plat Book 5 at Page 11, of the Public Records of Miami-Dade County, Florida, as noted on the following illustration:-



- (b) The purpose of this overlay district is to improve vehicular traffic on Belle Isle by permitting hotels as a main permitted uses, with accessory uses, so long as all required parking, with regard to new construction, is provided on-site, which will alleviate traffic congestion within the area. Expansion of the district shall only be permitted by amendment to these regulations.
- (c) These overlay district regulations are intended to achieve a more compatible relationship between existing hotels and the adjoining residential neighborhood, to promote parking development on existing commercial sites, and to minimize the effects of traffic congestion in the neighborhood.
- (d) Nothing in this overlay district should be interpreted to allow for an increase in FAR. The maximum allowable FAR shall be consistent with the maximum allowable FAR in the RM-1 zoning district: 1.25.

**Sec. 142-869. - Development regulations and area requirements.**

- (a) The following overlay regulations shall apply within the Belle Isle Overlay District. All development regulations in the underlying zoning district shall apply, except as follows:
  - 1. Hotels shall be permitted as main permitted uses in this overlay district on building sites with a minimum lot size of 2.3 acres, so long as they do not exceed 105 sleeping units, and do not exceed three (3) stories in height.

2. Notwithstanding the requirements of Article IV, Division 2, herein, hotel accessory uses may include restaurants, not to exceed 293 seats, cafes, spas, retail stores, gyms, dining rooms and other accessory uses customarily associated with the operation of an apartment building, as referenced in Subsection 142-902(2).
3. All accessory food and beverage establishments on the premises, not to include room service, shall cease operations no later than 12:00 AM, unless a special event permit was issued for extended hours for the operation.
4. Accessory uses of hotels including, but not limited to, spa, gym, pool, restaurants and cafes may be open to the public.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
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

Underscore denotes new language

~~Strikethrough~~ denotes removed language

[Sponsor: Commissioner \_\_\_\_\_; co-sponsors: Commissioner \_\_\_\_\_,  
\_\_\_\_\_, Commissioner \_\_\_\_\_ and Commissioner \_\_\_\_\_]