

**COLLINS AVENUE AND OCEAN DRIVE MXE OVERLAY
COMPREHENSIVE PLAN AMENDMENT.**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH 2040 COMPREHENSIVE PLAN POLICY RLU 1.1.13, ENTITLED “MIXED USE ENTERTAINMENT (MXE),” TO PROVIDE FLOOR AREA RATIO (FAR) INCENTIVES FOR THE CONVERSION OF TRANSIENT USES AND APPLICABLE ACCESSORY USES TO RESIDENTIAL AND OFFICE USES AND COMPATIBLE ACCESSORY USES FOR PROPERTIES WITHIN THE “COLLINS AVENUE AND OCEAN DRIVE MXE OVERLAY”; AND DESIGNATING THE “COLLINS AVENUE AND OCEAN DRIVE MXE OVERLAY” ON THE FUTURE LAND USE MAP FOR THE PARCELS LOCATED EAST OF COLLINS AVENUE BETWEEN 5TH STREET AND 16TH STREET; PURSUANT TO THE PROCEDURES IN SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, properties fronting Ocean Drive and Collins Avenue that have a zoning designation of MXE Mixed Use Entertainment are located in the Ocean Drive/Collins Avenue Historic District, as well as the Miami Beach Architectural National Register Historic District; and

WHEREAS, whereas Ocean Drive has been impacted by a heavy concentration of entertainment establishments and transient uses which when not properly controlled can negatively impact the ability of neighbors to safely and quietly enjoy their property; and

WHEREAS, it is the intent of the City to reduce the number of transient uses and establishments which may negatively impact the neighborhood; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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. The following amendments to the City’s 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

RESILIENT LAND USE & DEVELOPMENT ELEMENT

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GOAL RLU 1: LAND USE

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POLICY RLU 1.1.13 MIXED USE ENTERTAINMENT (MXE)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development.

Uses which may be permitted: Apartments, apartment hotels, hotels and various types of commercial uses including, business and professional offices (but not medical or dental offices), retail sales and service establishments, and eating and drinking establishments.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 2.0. Notwithstanding the foregoing, properties located within the Collins Avenue and Ocean Drive MXE Overlay shall have a maximum floor area ratio of 3.0, subject to additional limitations in the Land Development Regulations. For any legally non-conforming development within the Collins Avenue and Ocean Drive MXE Overlay, with a floor area ratio that exceeds 3.0, the legal nonconforming floor area may be retained and/or reconstructed and an additional FAR of 0.25 shall be available above the legally nonconforming floor area.

SECTION 2.

The Collins Avenue and Ocean Drive MXE Overlay shall be designated on the City's Future Land Use Map for the properties identified in the attached map, as Exhibit A, incorporated by reference herein.

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. CODIFICATION

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the section of the Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 6. 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 7. EFFECTIVE DATE.

This Ordinance shall take effect 31 days after adoption pursuant to Section 163.3184(3), Florida Statutes.

PASSED and ADOPTED this _____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney _____
Date

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

Underscore denotes new language
~~Strikethrough~~ denotes removed language

Exhibit "A"

The "Collins Avenue and Ocean Drive MXE Overlay" shall consist of the properties located east of Collins Avenue between 5th Street and 16th Street with an underlying zoning designation of MXE Mixed Use Entertainment District, as identified in the map below:

