

Resiliency Code and LDR Update

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING A COMPREHENSIVE ZONING ORDINANCE, HEREAFTER KNOWN AS THE "RESILIENCY CODE," FOR THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE REQUIREMENTS OF SECTION 163.3202, FLORIDA STATUTES AND CONSISTENT WITH THE MIAMI BEACH 2040 COMPREHENSIVE PLAN; TO REGULATE AND RESTRICT THE ERECTION, RECONSTRUCTION, ALTERATION, LOCATION, PRESERVATION, SUBDIVISION, RESILIENCY, DESIGN, AND USE OF BUILDINGS, STRUCTURES, LAND, AND WATER, FOR COMMERCE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED; TO REGULATE THE SIZE AND DIMENSIONS OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT BUILDING LINES AND THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, UNIT SIZES, AND THE DENSITY OF POPULATION; TO REGULATE SIGNAGE; TO ESTABLISH MINIMUM STANDARDS FOR LANDSCAPING; TO PROVIDE FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND WATERBODIES; TO ESTABLISH REQUIREMENTS FOR PARKING, TRANSPORTATION AND MOBILITY FEES, CONCURRENCY, AND INFRASTRUCTURE; AND FOR SAID PURPOSES TO ESTABLISH A ZONING ATLAS THAT DIVIDES THE CITY OF MIAMI BEACH INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS, AND FOR EACH SUCH DISTRICT TO IMPOSE REGULATIONS AND RESTRICTIONS DESIGNATING THE KINDS OR CLASSES OF COMMERCE, INDUSTRIES, RESIDENCES, OR OTHER PURPOSES AS DESCRIBED ABOVE; TO PROVIDE A METHOD FOR AMENDMENT, SUPPLEMENT, CHANGE, MODIFICATION AND REPEAL OF REGULATIONS, RESTRICTIONS AND BOUNDARIES; TO PROVIDE FOR A DESIGN REVIEW BOARD, A PLANNING BOARD, A BOARD OF ADJUSTMENT, AND A HISTORIC PRESERVATION BOARD, AND TO PRESCRIBE THEIR POWERS AND DUTIES; TO PROVIDE PROVISIONS FOR APPEAL; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ALSO TO PROVIDE FOR ITS ENFORCEMENT; REPEALING ZONING ORDINANCE 89-2665, AS AMENDED, IN ITS ENTIRETY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations ("LDRs") were adopted as Ordinance No. 89-2665 on September 21, 1989, and took effect on October 1, 1989; and

WHEREAS, over the years, the LDRs have been updated many times in order to authorize specific developments, address changing conditions, and deal with environmental concerns; and

WHEREAS, as a result of over 32 years of updates, the Code has become cumbersome to read, comprehend, interpret, and enforce; and

WHEREAS, since the current LDRs were adopted, there have been many advancements in the way zoning codes are drafted to improve their transparency, facilitate interpretation, and achieve better development results; and

WHEREAS, scientific research and actual conditions have yielded a greater understanding of the impacts of climate change and sea level rise on the City's built environment; and

WHEREAS, due to the City of Miami Beach's ("City") location and geography, the City is experiencing, with more frequency and greater intensity, the impacts of climate change and sea level rise (including, without limitation, increased storms and flooding, including King Tide events); and

WHEREAS, the City Commission desires to adopt Land Development Regulations that incorporate graphics and diagrams that aid in interpreting the written text, provide graphical standards as to the expected form of a building, and include tables to clearly describe requirements; and

WHEREAS, the City has a need for Land Development Regulations that will (1) address climate adaptation and resilience, (2) modernize, simplify and update the Code while protecting quality of life, (3) safeguard and promote historic preservation, (4) ensure clarity and transparency, and (5) allow flexibility for code updates over time; and

WHEREAS, the City finds that a form-based approach to Land Development Regulations would better describe to residents, property owners, and architects the requirements, standards and intent of the Code; and

WHEREAS, the City Commission wishes to maintain the existing Land Use Board process which promotes excellence in urban design and adherence to sound planning principles; and

WHEREAS, the City seeks to adopt Land Development Regulations, known as the "Resiliency Code," that will accomplish the aforementioned goals; and

WHEREAS, pursuant to the City's home rule powers under the Florida Constitution and Chapter 166, Florida Statutes (the Municipal Home Rule Powers Act), and Section 163.3202, Florida Statutes, the City has the authority to adopt Land Development Regulations; and

WHEREAS, pursuant to Section 163.3202(1), Florida Statutes, the Land Development Regulations must be consistent with the adopted Comprehensive Plan; and

WHEREAS, the City finds that the proposed Resiliency Code is consistent with the City of Miami Beach 2040 Comprehensive Plan; and

WHEREAS, the City finds that the proposed Resiliency Code is consistent with the City Charter; and

WHEREAS, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; and

WHEREAS, the amendments set forth in the Resiliency Code, attached and incorporated as Exhibit "A" to this Ordinance, 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.

Zoning Ordinance 89-2665, as amended, is hereby repealed.

SECTION 2.

The Miami Beach Resiliency Code, as set forth in "Exhibit A" to this Ordinance, is hereby adopted as the Land Development Regulations for the City of Miami Beach in subpart B of the City Code of Ordinances.

SECTION 3.

The Zoning District Map adopted as part of Zoning Ordinances 89-2665, as amended, is adopted as the Zoning District Map for the Miami Beach Resiliency Code.

SECTION 4.

The City Commission directs the Administration to incorporate amendments to Zoning Ordinance 89-2665 that are adopted between July 1, 2022 and the effective date of this Ordinance into the Miami Beach Resiliency Code in the sections deemed most appropriate.

SECTION 5. 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 6. 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 7. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 8. APPLICABILITY.

This Ordinance shall not be enforced against any land development application for which a completed application package for Board of Adjustment, Historic Preservation Board, Design Review Board, or Planning Board approval was filed with the Planning Department prior to the effective date of the Ordinance; or against any applicant that obtained a Building Permit Process Number from the Building Department prior to the effective date of this Ordinance. For any such application, the Land Development Regulations in effect at the time of submittal shall continue to apply to the application or project.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect 120 days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

8-19-22
Date

First Reading: September 14, 2022
Second Reading: October 26, 2022

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