

OCEAN TERRACE OVERLAY

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, 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", DIVISION 11 "OCEAN TERRACE OVERLAY", TO ALLOW EXTERIOR UNENCLOSED PRIVATE BALCONIES FOR BUILDINGS SITUATED ON PROPERTIES WITH AN UNDERLYING DESIGNATION OF MXE TO ENCROACH TEN (10) FEET INTO THE FRONT YARD SETBACK; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach area; and

WHEREAS, consumer preferences in Miami Beach, especially for properties near the ocean, are to have large exterior balconies; and

WHEREAS, the City of Miami Beach desires to allow new construction to meet the consumer preferences for large exterior balconies as long as the balconies meet other performance criteria provided in the land development regulations; 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, Division 11 entitled "Ocean Terrace Overlay", is hereby amended as follows:

* * *

Sec. 142-870.1. – Compliance with regulations.

* * *

(b) Allowable encroachments and projections, consistent with Section 142-1132(o), within required yards.

(1) Exterior unenclosed private balconies and pool decks.

a. For buildings situated on properties with an underlying designation of CD-2, allowable encroachment is 7.5 feet into any required yard.

b. For buildings situated on properties with an underlying designation of MXE:

1. Allowable front yard encroachments are:
 - i. Twelve feet for the pedestal, and
 - ii. Ten (10) ~~Eight (8)~~ feet for the tower.

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 _____, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Eve Boutsis, City Attorney

Date

First Reading: _____
Second Reading: _____

Verified by: _____
Thomas Mooney, AICP
Planning Director

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