

**Harding Townsite Single Family Home Supplemental Conditional Use Regulations -  
LDR Amendment**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 7, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II “DISTRICT REGULATIONS,” SECTION 7.2.2, “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” BY MODIFYING SUB-SECTION 7.2.2.2, “USES (RS),” TO PROVIDE SUPPLEMENTAL ~~MAIN PERMITTED~~ CONDITIONAL USES FOR PROPERTIES WITH AN RS-4 ZONING DISTRICT DESIGNATION THAT ABUT A PUBLIC PARK ON AT LEAST TWO SIDES AND ARE LOCATED WITHIN THE HARDING TOWNSITE LOCAL HISTORIC DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the area of the North Beach neighborhood located east of Collins Avenue, between 76 Street and 77 Street, contains an unusual and inconsistent pattern of zoning as a result of gradual change from its former residential character into the Altos Del Mar Park; and

**WHEREAS**, certain properties located within the Harding Townsite Local Historic District, east of Collins Avenue, between 76 Street and 77 Street, remain designated as single-family zoning while the neighborhood has changed; and

**WHEREAS**, the area of the North Beach, in between 75 Street and 77 Street has undergone a substantial change in its character; and

**WHEREAS**, on October 26, 2022, the City Commission referred a discussion item to the Land Use and Sustainability Committee pertaining to the inconsistency of single-family zoning in a non-single-family context existing east of Collins Avenue, between 76 Street and 77 Street; and

**WHEREAS**, on November 18, 2022, the Land Use and Sustainability Committee recommended that the City Administration explore an amendment to the RS Single-Family Residential District regulations, in order to create an overlay for the area east of Collins Avenue between 76 Street and 77 Street; and

**WHEREAS**, specifically, the property located at Lot 6, Block 10 as shown on the “Corrected Plat Altos Del Mar No. 1”, as recorded in Plat Book 31, Page 40, of the Public Records of Miami-Dade County, Florida, remains designated as single-family zoning while the neighborhood has changed; and

**WHEREAS**, this Ordinance, as revised at First Reading on September 27, 2023, amends the RS-4 single-family residential district regulations to allow for limited conditional uses on eligible properties, subject to the review and approval of the Planning Board; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 7, "Zoning Districts and Regulations", Article II, "District Regulations," is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*  
**ARTICLE II. – DISTRICT REGULATIONS**  
\* \* \*

**7.2.2 RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

\* \* \*

**Sec. 7.2.2.2– Uses (RS)**

\* \* \*

**a. Supplemental Main Permitted Uses Regulations (RS)**

None. ~~The supplemental main permitted uses are as follows:~~

~~i. The following uses may be permitted on properties with an RS-4 zoning designation that abut a public park on at least two sides and are located within the Harding Townsite Local Historic District:~~

- ~~1. Townhomes;~~
- ~~2. Personal service;~~
- ~~3. Office;~~
- ~~4. Restaurant or Café, subject to the following regulations:~~
  - ~~a. Shall not exceed 60 seats;~~
  - ~~b. Shall close no later than 11:00 pm Sunday – Thursday and 12:00 am on Friday and Saturday nights; and~~
  - ~~c. Entertainment shall not be permitted.~~
- ~~5. Retail, subject to the following regulations:~~
  - ~~a. May only be permitted as an accessory use to restaurant, café or personal service; and~~
  - ~~b. Any retail areas shall not occupy more than 10% of the interior space of the main use.~~

**b. Supplemental Conditional Uses Regulations (RS)**

The Supplemental Conditional Uses are as follows:

- i. An at-grade parking lot in the RS-4 district when located immediately adjacent, without a gap due to alley, road, waterway or any other cause, to a CD-3 district. See Section 7.2.2.3.
- ii. Religious institutions for those properties located in the 40th Street Overlay. (MAP EXHIBIT-



1). See Section 7.2.7.6.

iii. The following conditional uses may be permitted on properties with an RS-4 zoning designation that abut a public park on at least two sides and are located within the Harding Townsite Local Historic District:

1. Townhomes.
2. Personal service.
3. Office.
4. Restaurant or Café, subject to the following regulations:
  - a. The restaurant or café shall not exceed 60 seats;
  - b. The restaurant or café shall close no later than 11:00 pm Sunday – Thursday and 12:00 am on Friday and Saturday nights; and
  - c. Entertainment shall not be permitted.
5. Retail, subject to the following regulations:
  - a. May only be permitted as an accessory use to restaurant, café or personal service; and
  - b. Any retail areas shall not occupy more than 10% of the interior space of the main use.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

**SECTION 3. 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 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 \_\_\_\_\_, 2023.

**ATTEST:**


\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: September 27, 2023  
Second Reading: October 18, 2023

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK      10-6-23  
Date