

BELLE ISLE – COMP PLAN AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED “FUTURE LAND USE ELEMENT;” “OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS,” AT POLICY 1.2, “LOW DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-1),” TO MODIFY THE ALLOWABLE USES TO ALLOW FOR NON-CONFORMING HOTEL USES IN NON-CONFORMING BUILDINGS ON THE NORTH SIDE OF BELLE ISLE; AND “OBJECTIVE 7: INCONSISTENT USES,” AT POLICY 7.1, EXPANSION OR REPLACEMENT OF LAND USES; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, certain uses on the north side of Belle Isle became legal non-conforming uses through the passage of Ordinance 93-2854, which rezoned the area from RM-2 to RM-1; and

WHEREAS, a revision to the Comprehensive Plan would allow for the renovation of those non-conforming structures, and allow for a decrease in their level of non-conformity; and

WHEREAS, the revision to the Comprehensive Plan will not increase the non-conforming uses within the area; and

WHEREAS, over the years the City has been negatively impacted by sea level rise; and

WHEREAS, the City promotes the renovation of structures to improve conditions of structures, which will reduce the impacts of sea level rise; and

WHEREAS, Belle Isle has also experienced increased traffic over the years, and has faced traffic congestion and decreased pedestrianism as a result of the area traffic, and vehicular traffic entering and leaving the City; 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, the City is desirous of improving the vehicular traffic on Belle Isle and the surrounding neighborhoods and improve the pedestrian environment of the neighborhoods; and

WHEREAS, the City desires to encourage and incentivize area property owners to reduce the non-conformity of structures and to improve resiliency of structures in light of the effects of sea level rise; and

WHEREAS, the amendments set forth below 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. The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

* * *

CHAPTER 1

FUTURE LAND USE ELEMENT

OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

* * *

Policy 1.2

The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

* * *

Low Density Multi Family Residential Category (RM-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low density multi family residential areas.

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the.

Non-conforming buildings containing nonconforming hotel uses, located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50% of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including but not limited to, the number of hotel units and accessory food and beverage uses, the nonconformity of the building is lessened, and required parking for the reconstruction is satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 50% of the daily trips on adjacent, two-lane, arterial roadways, and improving the resiliency of the building.

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay Front Overlay District, both of which are described in the Land Development Regulations. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only.

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: 60 dwellings units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.25, except for the following:

- the west side of Collins Avenue between 76th and 79th Streets shall not exceed a floor area ratio of 1.4; and
- Public and private institutions on a lot area equal to or less than 15,000 sq. ft shall not exceed a floor area ratio of 1.25, or for a lot area greater than 15,000 sq. ft. the floor area ratio shall not exceed 1.4

AND

OBJECTIVE 7: INCONSISTENT USES

* * *

Policy 7.1

Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited, unless otherwise specified within a future land use category or designation, and enforced through zoning decisions.

* * *

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 sections of this Ordinance may be renumbered or re-lettered 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 5. 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 6. EFFECTIVE DATE.

This ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

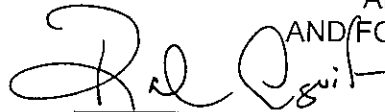
PASSED and ADOPTED this _____ day of _____ 2017.

Mayor Philip Levine

ATTEST:

Rafael Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

 5-25-17

Raul Aguila, City Attorney Date

First Reading/Transmittal: June 7, 2017
Second Reading/Adoption: July 26, 2017

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

Underline = new language
~~Strikethrough~~ = deleted language