

1940 Park Avenue – LDR Amendment and Zoning District Change

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,”; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” BY AMENDING SECTION 7.2.16, ENTITLED “GU GOVERNMENT USE DISTRICT,” TO REFER TO THE MUSEUM HISTORIC DISTRICT RESIDENTIAL OVERLAY; BY AMENDING ARTICLE III, ENTITLED “OVERLAY DISTRICTS,” BY CREATING SECTION 7.3.13, ENTITLED “MUSEUM HISTORIC DISTRICT RESIDENTIAL OVERLAY”; BY AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 1940 PARK AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF RM-2 “RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY,” TO GU “GOVERNMENT USE”; AND 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 City seeks to create regulations for the development of uses within a specific area of the City that promote the public health, safety, and general welfare of the public; and

WHEREAS, there is a City-owned lot, located within the Museum Historic District, with frontage on Washington Avenue and Park Avenue; and

WHEREAS, the City seeks to encourage development of cohesive residential and mixed-use communities with long-term residential uses at appropriate densities in the Museum Historic District while balancing the need for resilient design and pedestrian friendly streetscapes; and

WHEREAS, the proposed amendments to the City’s land development regulations are intended to ensure that the public health, safety and welfare will be preserved; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the objectives.

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**

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ARTICLE II. DISTRICT REGULATIONS

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7.2.16 GU GOVERNMENT USE DISTRICT

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7.2.16.2 Uses (GU)

USES TABLE (GU)	
RESIDENTIAL	P (1)
LODGING	
OFFICE	
COMMERCIAL	P (1)
Alcoholic Beverage Establishment	P*
Gambling and Casinos pursuant to section 7.1.8	Pro
Rentals or leases of mopeds, motorcycles, and motorized bicycles pursuant to section 7.1.8	Pro
Neighborhood and Retail Fulfillment Centers pursuant to section 7.1.8	Pro
CIVIC	
Parks and associated parking	P
Performing arts and cultural facilities	P
Monuments and memorials	P
CIVIL SUPPORT	

EDUCATIONAL	
Schools	P
INDUSTRIAL	
OTHER	
Parking lots and garages	P
Key P – Main Permitted Use C - Conditional Use A - Accessory Use Pro - Prohibited Use * See Supplemental use regulations below <u>(1) See Section 7.3.13, establishing the Museum Historic District Residential Overlay</u>	

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ARTICLE III. OVERLAY DISTRICTS

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7.3.13 DEVELOPMENT REGULATIONS FOR MUSEUM HISTORIC DISTRICT RESIDENTIAL OVERLAY

a. Location and Purpose (Museum Historic District Residential Overlay)

The overlay district consists of the city-owned property, located in the Museum Historic District, with frontage on Washington Avenue and Park Avenue.

b. Development Regulations – Underlying GU Zoning

Notwithstanding the development regulations contained in Section 7.2.16, the following regulations shall govern proposed development within the boundaries of this overlay district on properties with an underlying zoning classification of GU. In the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Residential uses and retail uses shall be permitted. Retail uses shall be limited to a maximum floor area of 1,500 square feet.
2. Density: The maximum density shall be 150 dwelling units per acre. Projects that provide ten percent (10%) of units to households earning no more than 160% AMI (or market rent, if lower) are permitted a bonus of 30 dwelling units per acre for a maximum density of 180 dwelling units per acre.

3. Minimum Unit Size: The minimum unit size for new construction shall be 400 square feet.
4. Setbacks: Projects located on applicable properties shall preserve the existing setbacks of historic façades. Notwithstanding the foregoing, new construction and multi-story additions shall be subject to minimum setback requirements:
 - Front Setback:
 - Pedestal: 6 feet
 - Tower: 6 feet
 - Side, Interior:
 - Pedestal: 13 feet
 - Tower: 13 feet
 - Sum of side yards: 26 feet
5. Height: The maximum permitted building height is seventy-five (75') feet.
6. Floor Area Ratio: The maximum permitted Floor Area Ratio is 2.37.
7. Allowable Encroachment Into Required Yards: Driveways may be located within any required yards.
8. Parking: With the exception of required bicycle parking, there shall be no minimum off-street parking requirements. Applicants shall evaluate the feasibility of incorporating micromobility infrastructure and facilities as part of the project.
9. Loading: The Historic Preservation Board may waive loading requirements, provided that a loading plan is submitted.
10. Resiliency and Adaption Standards: Projects located on applicable properties shall be exempt from the long and short frontage standards provided in Section 7.1.2.2(f).
11. Minimum Landscape Standards: Projects located on applicable properties may utilize up to a 25% reduction in the minimum landscape standards provided in Chapter 4 of the Resiliency Code.

SECTION 2. ZONING MAP AMENDMENT

The following amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the zoning map of the City:

A parcel of land located at 1940 Park Avenue, generally bound by Washington Avenue to the west and Park Avenue to the east, with an area of approximately 30,359 square feet (0.69 acres), as depicted in Exhibit "A", from the current "Residential Multifamily, Medium Intensity (RM-2)" designation to the proposed designation of "Governmental Use (GU)".

EXHIBIT "A"

Lot Two (2) and the Southerly Twenty (2) feet of Lot One (1), in Block "H", of Plat of Resubdivision of Blocks "G", "H", "J" and "K" of the Ocean Front Property of the Miami Beach Improvement Company, according to the Plat thereof, as recorded in Plat Book 6, Page 102, of the Public Records of Dade County, Florida, the said Southerly portion of said Lot 1 being more particularly described as follows:

Begin at the Southeast corner of said Lot 1, in Block "H"; thence Northerly along the Easterly line of aforesaid Lot 1, (Westerly line of Park Avenue) for a distance of 20 feet to a point; thence Northwesterly along a line parallel to and 20 feet North of the North line of Lot 2 of said Block "H" for a distance of 214 feet, more or less to the most Westerly line of said Lot 1, (East line of Washington Avenue); thence South along Westerly line of said Lot 1, (East Line of Washington Avenue), for a distance of 21.5 feet, more or less, to the Northwesterly corner of said Lot 2; thence Southeasterly along the Northeasterly line of said Lot 2; thence Southeasterly along the Northeasterly line of said Lot 2 for a distance of 206 feet, more or less, to the Point of Beginning.

