

Unified Development Site - LDR Text Amendment

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," DIVISION 3, ENTITLED "DEVELOPMENT APPLICATION SUBMISSION AND REVIEW," SECTION 2.2.3.4, ENTITLED "UNIFIED DEVELOPMENT SITE," BY INCLUDING REQUIREMENTS FOR THE TRANSFER OF FLOOR AREA FOR PROPERTIES THAT ARE SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY AND WHICH CONTAIN PROPERTIES WITH DIFFERENT ZONING CLASSIFICATIONS, AS WELL AS PROPERTIES LOCATED IN THE ALTON ROAD GATEWAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, as part of the Development Agreement for the 500 Alton Road project, the Developer designed, constructed, and conveyed a 3.0-acre public park to the City of Miami Beach, which is now known as Canopy Park (the "Park"); and

WHEREAS, a companion Ordinance has been drafted to change the zoning district of the Park property from CD-2, Commercial, Medium Intensity, to GU, Government Use; and

WHEREAS, another companion Ordinance has been drafted to change the Future Land Use Map designation of the Park property to ROS, Recreation and Open Space; and

WHEREAS, a text amendment to Chapter 2 of the Land Development Regulations ("LDRs") is necessary as part of the proposed re-zoning of the Park property; and

WHEREAS, this amendment is intended to address the prior allocation of applicable floor area within the Alton Gateway overlay; and

WHEREAS, when the Development Agreement was approved, the entire overlay was zoned C-PS2, CD-2 and RM-2; and

WHEREAS, the maximum Floor Area Ratio (FAR) of 2.0 was consistent for residential use in both districts; and

WHEREAS, all available floor area from the portion of the site now designated as a public park was transferred to other areas of the site to facilitate the construction of a new residential tower and a proposed detached retail structure; 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. Chapter 2, entitled "Administration and Review Procedures," Article II, entitled "General Development Application and Hearing Procedures," Division 3, entitled "Development application submission and review," Section 2.2.3.4, entitled "Unified Development Site," is hereby amended as follows:

**CHAPTER 2
ADMINISTRATIVE AND REVIEW PROCEDURES**

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ARTICLE II: General Development Application and Hearing Procedures

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2.2.3.4 Unified Development Site.

- a. Where development is proposed on a site that consists of a unified development site, the application shall be accompanied by either a unity of title or covenant in lieu of unity of title, as applicable. A "unified development site" is a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right-of-way. A unified development site does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels. Additionally, the following shall apply to any unified development site:
1. All lots need not be in the same zoning district; however: the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district, inclusive of bonus FAR.
 2. Lots not located in the same zoning districts may be joined together to create a unified development site, and be permitted to aggregate the allowable floor area ratio, provided the entire unified development site, including each separate zoning district, has the same maximum FAR, inclusive of bonus FAR. The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.
 3. For unified development sites that are subject to the terms of a development agreement with the City of Miami Beach, and which contain properties with different zoning classifications; as well as properties located in the Alton Road Gateway Area, as more specifically prescribed in Section 7.2.11.7, the maximum allowable floor area may be distributed within the entirety of the unified development site in accordance with the provisions of the applicable development agreement.
 - ~~3-4.~~ In the event a future change in zoning district classification modifies the maximum floor area ratio (FAR), inclusive of bonus FAR, for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.
 - ~~4- 5.~~ The maximum FAR for a unified development site shall not exceed the aggregate maximum FAR of the multiple lots allowed by the underlying zoning districts, inclusive of bonus FAR. Within a locally designated historic district or locally designated historic site within the Ocean Terrace Overlay District, any platted lot(s) with a contributing building(s) that contain legal-nonconforming FAR and were previously separate and apart from other lots that comprise the unified development site, may retain their

existing legal nonconforming FAR, provided no additional FAR is added to such platted lot(s).

- 5.6. Within a unified development site within the Ocean Terrace Overlay District, passageways or other connections that are in allowable FAR exception may be permitted on lots with legal nonconforming FAR.

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SECTION 2. 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 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 _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

First Reading: November 20, 2024

Second Reading: January __, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
AND FOR EXECUTION

City Attorney NK

11/13/2024
Date