

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 25, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Discussion Regarding Adaptive Reuse Along The Tatum Waterway**

HISTORY

On April 26, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4X).

On February 20, 2019, the item was discussed and continued to April 3, 2019, with direction given to staff to conduct a public workshop with property owners and nearby residents. On April 3, 2019 staff provided an update on the scheduling of the public workshop, and the item was continued to the May 22, 2019 LUDC meeting.

The public workshop to discuss the proposal for establishing adaptive re-uses within the North Shore and Tatum Waterway area took place on May 9, 2019, at the North Shore Park Youth Center; approximately 20 people, including area residents, property owners and affected stakeholders, attended. The following is a general summary of the items discussed at the workshop, including feedback from the participants:

- The types of uses that would be most appropriate for the low scale, residential character of the area was discussed at length. There was general support for introducing low impact, context sensitive neighborhood type uses within the area.
- Appropriate waterfront uses along Tatum Waterway were discussed. There was general consensus on the advantages of being able to access neighborhood type uses from small watercraft, as well as the ability to rent non-motorized watercraft.
- Parking was discussed and the general consensus was that these types of adaptive, neighborhood uses should not be the destination type that requires more parking. Instead they should consist of neighbor specific uses that serve the community and are within walking distance of residents.
- There was a discussion regarding a sufficient market to support these uses and the potential to increase taxes due to more uses being allowed. Since these types of neighborhood uses are a new concept, a proposal for temporary, or 'pop-up' uses was discussed, on GU sites owned by the City.

- Property owners suggested that this concept could assist in generating additional funds to offset increases in the cost of flood insurance and that commercial uses could allow them to address flood mitigation in different ways that would not be possible with residential uses.
- Biscayne Beach was discussed and it was mentioned that it is even further from the nearest commercial use and should be considered for commercial uses as well.
- The proposal for a 25% limit of the floor area for commercial uses may be insufficient for smaller buildings, such as 4-plexes.
- There was support for café uses along the Tatum Waterway with limited hours.
- Some property owners and residents expressed a desire to allow bed & breakfast, limited hotel or short term rentals, especially along the Tatum Waterway, in order to be able to generate additional funds to restore buildings.
- Concern was expressed for the cost and time involved for a Conditional Use Approval from the Planning Board for restaurant uses with alcohol. It was suggested to see what threshold could be reviewed and approved administratively.
- A review process should be built in to the ordinance to allow 'course corrections' in the future. Additionally, there should be a streamlined approval process, which is incentive based in order to minimize the need to go to Planning Board.
- Suggestions were made to keep a larger distance separation at the beginning of this process, as well as explore other areas for these types of adaptive uses west of the waterway.
- In addition to the proposed changes in allowable accessory uses, the areas need to be made more walkable with shade trees to encourage more people to walk to the accessory uses.

On May 22, 2019, the LUDC recommended that the City Commission refer a draft ordinance to the planning board, and that a preliminary discussion to be conducted by the planning board on July 25, 2019 for recommendations and input.

ANALYSIS

The RM-1 area that is north of 75th Street and east of Tatum Waterway is one of the few areas of the City *not* within walking distance of a low-medium intensity commercial district. This is important because most of the RM-1 and RM-2 districts in the City are within easy walking distance to neighborhood commercial districts and uses.

In order to address this mobility issue, as well as provide an economic tool for renovating and restoring historic structures, accessory uses in the area have been developed as part of a draft ordinance. The following is the summary of the types of adaptive uses that are contemplated under the ordinance, which have been updated based upon feedback from the public workshop and direction from the Land Use and Development Committee:

Accessory Uses

As it pertains to allowable 'Accessory Uses' (those allowed as of right), existing apartment

buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as 'contributing', may have **accessory office uses and the rental of non-motorized watercraft**, subject to the following:

1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure;
2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.
3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.

Additionally, apartment buildings located within the North Shore National Register Historic District, which are classified as 'contributing' would be permitted to have **accessory café, retail, office or personal service uses**, subject to the following:

1. Conditional Use approval shall be required.
2. The minimum distance separation between accessory uses shall be 500 feet. There shall be no variances from this distance separation requirement.
3. The accessory use areas shall not exceed 25 percent of the floor area of the structure.
4. The hours of operation for which the use is open to the public may be from 7:00 am to 7:00 p.m. Subject to planning board approval, the hours of operation for any of the above noted uses may be extended to 10:00 pm
5. No exterior speakers shall be permitted.
6. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.

Based upon feedback from the public workshop and direction from the Land Use and Development Committee, staff has revised the ordinance to allow accessory restaurants serving alcohol to be approved as a conditional use, provided certain conditions are met, as follows:

For existing apartment buildings located within the North Shore National Register Historic District and which are classified as "Contributing", accessory restaurants serving alcoholic beverages shall be permitted in accordance with the following:

- (1) Conditional use approval from the planning board shall be required.
- (2) The interior restaurant area, inclusive of all seating and back of house, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure.
- (3) The maximum number of seats shall not exceed 40. Subject to planning board approval this may be increased to 60.
- (4) Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards, which are part of a unified site under common ownership. All such outdoor seating and dining areas shall be located within the internal courtyard. The maximum number of exterior seats shall not exceed 20. Subject to planning board approval, this may be increased to 40.
- (5) Pass thru windows shall not be permitted.
- (6) Only Beer and wine may be served. Full liquor shall not be permitted.
- (7) A fully enclosed, air conditioned trash room shall be required.
- (8) The hours of operation may be from 11:00 am to 10:00 pm (no orders to be taken

after 9:00 p.m.)

- (9) A plan for loading operations shall be provided for the review and approval of the Planning Department and Parking Department. Loading shall only take place between the hours of 10:00 am and 3:00 pm.
- (10) Exterior speakers shall be prohibited, except as may be required under the Florida Life Safety Code.
- (11) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.
- (12) There shall only be one restaurant on the subject property.
- (13) The minimum distance separation between accessory restaurants serving alcoholic beverages shall be 1,000 feet. However, the planning board may allow a lesser distance than 1,000 feet, but in no event shall such use be located at a distance less than 500 feet from another accessory restaurant serving alcoholic beverages. There shall be no variances from this distance separation requirement.

As it pertains to minimum parking requirements, staff is concerned with the impact of requiring off-street parking for a couple of reasons. First, since the proposed accessory uses would be within existing structures, there would be no physical way to locate parking spaces within a property. Also, by requiring a parking impact fee, even if it were the less expensive annual fee in lieu, this added cost could be a deterrent to potential operators. Finally, even if parking could be provided on site, the availability of parking storage would be more of an incentive to drive. As demonstrated in the square footage limitations in the draft ordinance, these proposed adaptive accessory uses are intended to serve the area neighborhood, and not be destination establishments.

In order to incentivize and encourage the types of accessory uses proposed in the draft ordinance, staff has included the following modification to Sec. 130-31, pertaining to off-street parking requirements:

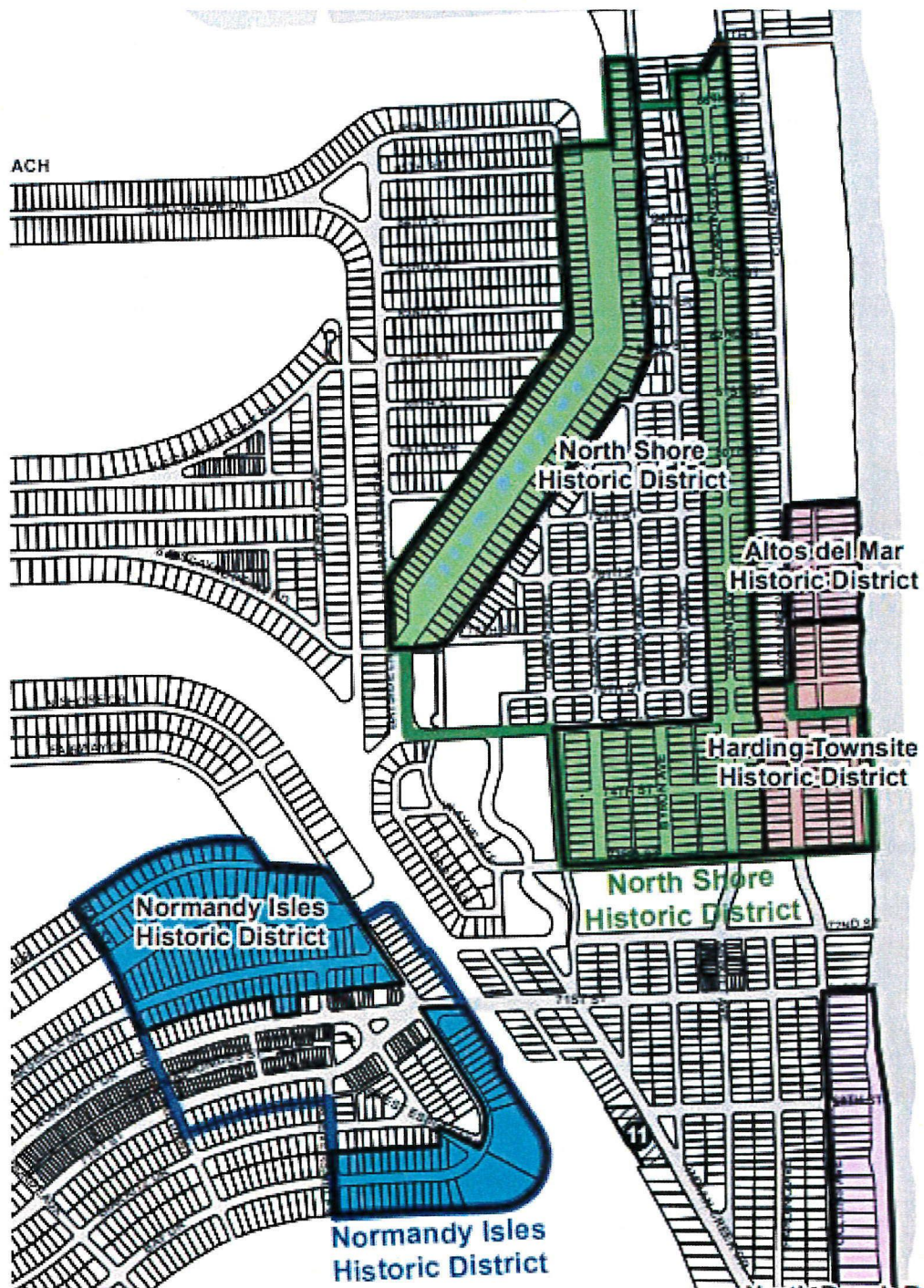
There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located in the North Shore National Register Historic District.

Lastly, the Commission sponsor of the ordinance has received a request from the owner of 7116 Bay Drive, which is zoned RO – Residential Office, to also allow expanded commercial uses for this district as well. This area is isolated from the RM-1 district, which is the target area of the ordinance, but it directly abuts the CD-2 commercial district along 71st Street. It may be worth considering allowing the limited commercial uses for all properties that are located within the North Shore and Normandy Isles National Register Historic Districts. Attached is a map of these districts as well a zoning map of the North Beach area for reference.

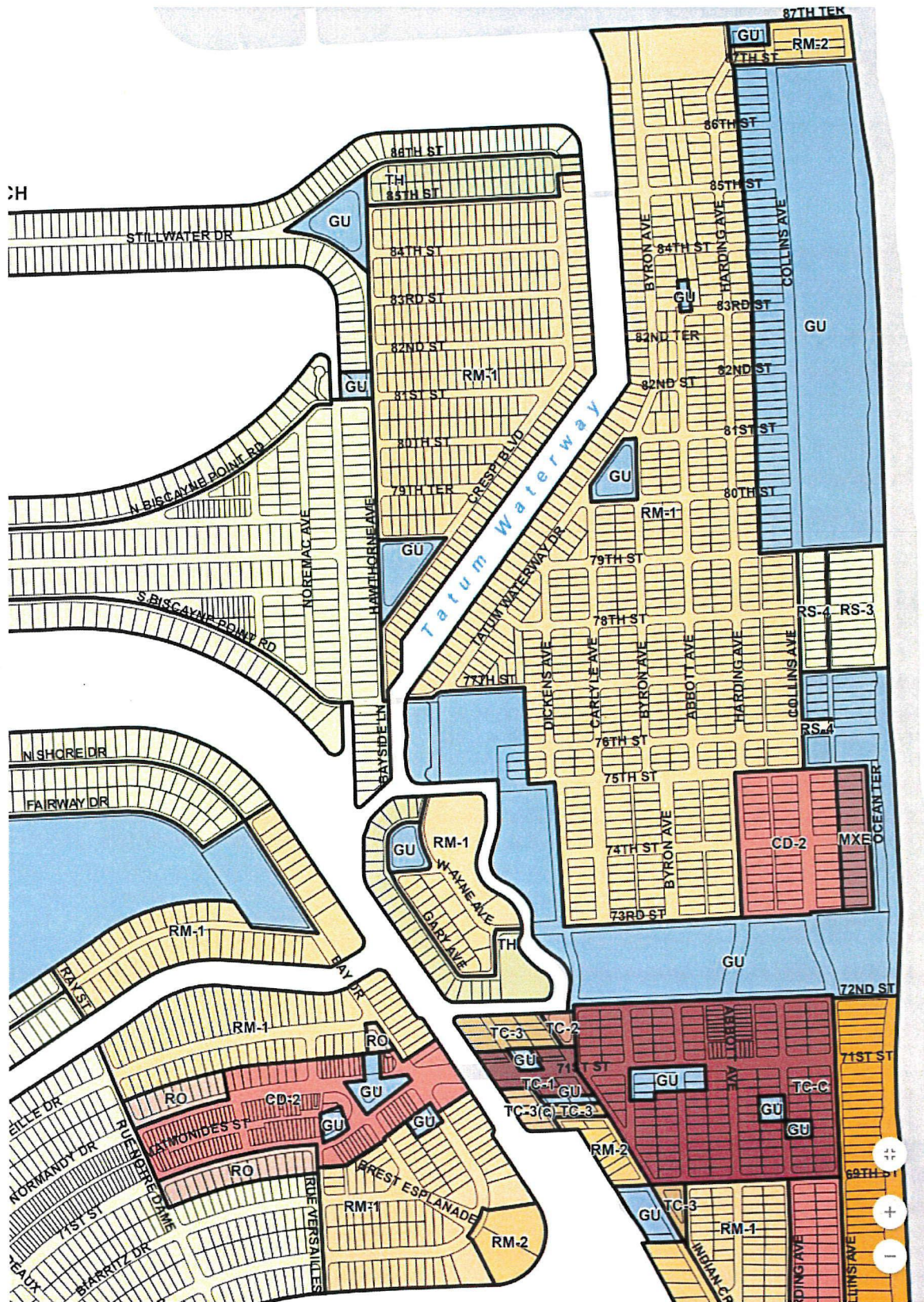
RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board discuss the options presented herein for input and recommendations.

North Beach Historic Districts Map



North Beach Zoning



DRAFT

RM-1 NORTH BEACH TATUM WATERWAY – REVISIONS TO ALLOWABLE ACCESSORY AND CONDITIONAL USES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY", BY MODIFYING THE REQUIREMENTS AND TYPES OF ALLOWABLE ACCESSORY AND CONDITIONAL USES FOR RM-1 PROPERTIES IN NORTH BEACH IN ORDER TO ALLOW FOR ACCESSORY RESTAURANT, CAFÉ, OFFICE, RETAIL, PERSONAL SERVICE AND NON-MOTORIZED WATERCRAFT RENTAL USES; AND AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE I, "IN GENERAL", TO PROVIDE FOR AN EXCEPTION TO OFF STREET PARKING FOR CERTAIN ACCESSORY AND CONDITIONAL USES ON RM-1 PROPERTIES NORTH OF 72ND STREET IN NORTH BEACH; 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 the retention and restoration of contributing historic waterfront structures within the North Shore National Register District in the North Beach area; and

WHEREAS, the City of Miami Beach seeks to enhance the pedestrian-friendly allure, and promote the unique sense of place and community culture along North Beach's historic Tatum Waterway through low-intensity and compatible mixed-uses while providing greater accessibility to neighborhood amenities for residents; and

WHEREAS, the amendments 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, entitled "Zoning Districts and Regulations," Article II entitled "District Regulations," Division 3, entitled "Residential Multifamily Districts," Subdivision II, entitled "RM-1 Residential Multifamily Low Intensity", is hereby amended as follows:

Sec. 142-151. - Purpose.

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences.

Sec. 142-152. - Main permitted and prohibited uses.

- (a) The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south; and bed and breakfast inn (pursuant to article V, division 7 of this chapter).
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

Sec. 142-153. - Conditional uses.

- (a) The conditional uses in the RM-1 residential multifamily, low density district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages.
- (b) For properties located in the Collins Waterfront Local Historic District, which are designated as a Local Historic Site, a hall for hire use within the interior of an existing building shall require conditional use approval and shall comply with the following:
 - (1) The conditional use shall only be permitted within an existing structure that is on a property designated as a "Historic Site" and such limitation shall be recorded in the Public Records;
 - (2) Dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as part of a hall for hire;
 - (3) The hall for hire use shall close by 11:00 p.m. Sunday through Thursday, and by 12:00 a.m. Friday and Saturday;
 - (4) Events at the hall for hire shall be for the exclusive use of the property owner (and its subsidiaries) and invited guests. Events at the hall shall not be for the general public, with the exception of adjacent schools and community organizations within the Collins Park and Flamingo Drive areas, which may use the hall until 9:00 p.m.;
 - (5) Restaurants, stand-alone bars and alcoholic beverage establishments, not functioning as a hall-for-hire, shall be prohibited;
 - (6) Outdoor dining, outdoor entertainment and open-air entertainment uses shall be prohibited;
 - (7) Private or valet parking for any event at the hall shall be prohibited from using Flamingo Drive, Flamingo Place or Lake Pancoast Drive to facilitate access to the site.
- (c) For apartment buildings located north of 41st Street with a minimum of 100 apartment units, a restaurant serving alcoholic beverages shall require conditional use approval and shall comply with the following:
 - (1) The restaurant shall only be open to residents of the apartment building and their invited guests. All invited guests shall be required to park on the subject property.
 - (2) The kitchen shall be limited to a maximum size of 500 square feet.

- (3) The conditional use application for a restaurant with outdoor seating and outdoor dining areas shall specify the proposed maximum number of seats, and locations of seating in the outdoor areas, which shall be subject to Planning Board review and approval.
- (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment or entertainment establishment shall be prohibited.
- (5) There shall only be one restaurant on the subject property.
- (6) The hours of operation of the Restaurant may be from 8 a.m. to midnight (no orders to be taken after 11 p.m.) and for any exterior areas then only until 11p.m. (no orders to be taken after 10 p.m.)
- (7) Without limiting the foregoing, in the outdoor areas of the restaurant there shall not be any entertainment or Special Events.

There shall be no variances from the provisions of Section 142-153(b).

(d) For apartment buildings located within the North Shore National Register District, which are classified as 'contributing',

(1) The following accessory uses shall be permitted as conditional uses:

- a. Café
- b. Retail
- c. Office
- d. Personal Service

(2) All accessory uses permitted under Sec. 142-154(d) shall comply with the following:

- a. All uses shall be located within the interior of the premises. Outside or sidewalk seating shall be prohibited.
- b. The minimum distance separation between accessory uses shall be 500 feet. There shall be no variances from this distance separation requirement.
- c. The accessory use areas shall not exceed 25 percent of the floor area of the structure.
- d. The hours of operation for which the use is open to the public may be from 7:00 am to 7:00 p.m. The hours of operation for any of the above noted uses may be extended to 10:00 pm at the discretion of the planning board.
- e. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.
- f. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.

(e) For existing apartment buildings located within the North Shore National Register Historic District and which are classified as 'contributing', accessory restaurants serving alcoholic beverages shall be permitted in accordance with the following:

- (1) Conditional use approval from the planning board shall be required.
- (2) The interior restaurant area, inclusive of all seating and back of house, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure.
- (3) The maximum number of seats shall not exceed 40. Subject to planning board approval this may be increased to 60.
- (4) Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards, which are part of a unified site under common ownership. All such outdoor seating and dining areas shall be located within the internal courtyard. The maximum number of exterior seats shall not exceed 20. Subject to planning board approval, this may be increased to 40.
- (5) Pass thru windows shall not be permitted.
- (6) Only Beer and wine may be served. Full liquor shall not be permitted.
- (7) A fully enclosed, air conditioned trash room shall be required.
- (8) The hours of operation may be from 11:00 am to 10:00 pm (no orders to be taken after 9:00 p.m.)
- (9) A plan for loading operations shall be provided for the review and approval of the planning board and parking department. Loading shall only take place between the hours of 10:00 am and 3:00 pm.
- (10) Exterior speakers shall be prohibited, except as may be required under the Florida Life Safety Code.
- (11) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.
- (12) There shall only be one restaurant on the subject property.
- (13) The minimum distance separation between accessory restaurants serving alcoholic beverages shall be 1,000 feet. However, the planning board may allow a lesser distance than 1,000 feet, but in no event shall such use be located at a distance less than 500 feet from another accessory restaurant serving alcoholic beverages. There shall be no variances from this distance separation requirement.

Sec. 142-154. - Accessory uses.

- (a) The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter.
- (b) Existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as 'contributing', may have accessory office uses and the rental of non-motorized watercraft. These accessory uses shall comply with the following:
 1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure.

2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.

3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.

SECTION 2. That Chapter 130, entitled "Off-Street Parking," Article I entitled "In General" is hereby amended as follows:

Sec. 130-31 Parking District Established.

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

* * *

(b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are:

- (1) Located within the architectural district,
- (2) A contributing building within a local historic district, or
- (3) Individually designated historic building.

This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

(c) There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located in the North Shore National Register Historic District.

SECTION 3. 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 4. REPEALER.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2019.

Mayor

ATTEST:

Rafael E. Granado City Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Verified by: _____
Thomas Mooney, AICP
Planning Director