

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: November 19, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 19-0326. MXE unit size for ground floor additions.**

#### **REQUEST**

**PB 19-0326. AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 13, ENTITLED "MXE MIXED USE ENTERTAINMENT DISTRICT." AT SECTION 142-545, TO MODIFY THE UNIT SIZE REQUIREMENTS FOR NEW HOTEL UNITS FOR GROUND FLOOR ADDITIONS TO CONTRIBUTING STRUCTURES IN HISTORIC DISTRICTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On June 5, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject item to the Land Use and Development Committee (LUDC) for discussion (item C4P).

On July 24, 2019 the LUDC discussed the proposal and recommended that the City Commission refer the attached draft ordinance to the Planning Board for consideration. Additionally, Commissioner Ricky Arriola agreed to co-sponsor the proposed ordinance.

On September 11, 2019 the City Commission referred the item to the Planning Board for review and recommendation (item C4 V).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and

policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance should not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – Changing market conditions make the proposed changes necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

For decades, existing hotel buildings within the MXE district have been permitted to have rooms with a minimum unit size of 200 square feet, which is consistent with the layout and interior partitions of historic buildings. On October 30, 2019, the City Commission adopted an Ordinance related to common variance requests, allowing the construction of roof-top additions to existing contributing buildings, with a minimum unit size of 200 square feet. However, new construction of hotel units in a ground level addition (whether attached or detached), must still meet the minimum hotel unit size of 300 - 335 square feet.

The minimum hotel unit size regulations for new construction within the MXE zoning district, which were adopted in 1989, mandate a larger unit size that appeals to a certain type of traveler. In today's evolving travelling platforms, more diversity and flexibility in unit sizes is sought, due to the changing nature of leisure and business travel.

In order to provide more flexibility for infill hotel projects in the MXE district, the attached ordinance is an amendment to Chapter 142, Article II, Divisions 13 of the LDR's, which is consistent with what is currently permitted within existing structures in the MXE district. Additionally, the proposal herein, while a reduction in the minimum hotel unit size permitted, would not prevent developments that propose larger hotel room sizes. In this regard, the proposed modification would allow property owners more flexibility regarding the type of hotel unit being provided.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**MXE HOTEL UNIT SIZE FOR GROUND FLOOR ADDITIONS**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 13, ENTITLED "MXE MIXED USE ENTERTAINMENT DISTRICT," AT SECTION 142-545, ENTITLED "DEVELOPMENT REGULATIONS," TO MODIFY THE UNIT SIZE REQUIREMENTS FOR NEW HOTEL UNITS IN GROUND FLOOR ADDITIONS TO CONTRIBUTING STRUCTURES IN HISTORIC DISTRICTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, 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 has determined that amendments to the land development regulations to reduce the need for such variances is warranted; 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 142, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," at Division 13, entitled "MXE Mixed Use Entertainment District," is hereby amended as follows:

**CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II. - DISTRICT REGULATIONS**

\* \* \*

**DIVISION 13. -MXE Mixed Use Entertainment District**

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**Sec. 142-545. - Development regulations.**

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area	Minimum Lot	Minimum	Average	Maximum Building Height (Feet)
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	(Square Feet)	Width (Feet)	Unit Size (Square Feet)	Unit Size (Square Feet)	
All uses—2.0 Except convention hotel development (as set forth in section 142-841)—3.5	N/A	N/A	Existing structures: Apartment units—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—in a local historic district/site—200 Otherwise: 15%: 300—335 85%: 335+ New construction: Apartment units—550 Hotel units: 15%: 300—335 85%: 335+ .  Hotel units within rooftop additions <u>or within ground level additions to</u> contributing structures in a historic district and individually designated historic buildings—200.	Existing structures: Apartment units—550 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A	Architectural district: Oceanfront—150 Non-oceanfront—50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-1161)  Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

**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 \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2020.

Second Reading: \_\_\_\_\_, 2020

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