

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: July 27, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 20-0342. Sunset Harbour/Neighborhood Identity Comprehensive Plan Amendment.**

### REQUEST

**PB 20-0342. SUNSET HARBOUR/NEIGHBORHOOD IDENTITY COMPREHENSIVE PLAN AMENDMENT. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE 2040 COMPREHENSIVE PLAN, BY AMENDING THE "RESILIENT LAND USE AND DEVELOPMENT ELEMENT," GOAL RLU 1, ENTITLED "LAND USE," TO ESTABLISH OBJECTIVE RLU 1.5, TO BE ENTITLED "NEIGHBORHOOD IDENTITY," TO PROVIDE POLICIES THAT FOSTER CONTINUED DEVELOPMENT AND PRESERVATION OF UNIQUE NEIGHBORHOODS, PROVIDE FOR THE INCLUSION OF POLICIES THAT PROVIDE VISION AND GUIDANCE POLICIES FOR SPECIFIC NEIGHBORHOODS INTO THE COMPREHENSIVE PLAN, AND ESTABLISH A POLICY SPECIFIC TO THE SUNSET HARBOUR NEIGHBORHOOD WHICH FOSTER ITS UNIQUE LOCAL, SMALL TOWN, NEIGHBORHOOD SERVING, MIXED-USE CHARACTER; AND BY AMENDING THE 2040 COMPREHENSIVE PLAN MAP SERIES TO ESTABLISH A "NEIGHBORHOODS MAP;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

### RECOMMENDATION

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

### HISTORY

On June 5, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 Q). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with direction to include copies of existing formula establishment regulations for reference.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The City Attorney will draft an ordinance for review by the LUDC.
2. The Administration will place a C4 referral item on the December 11, 2019 City

Commission agenda, as a place holder, in anticipation of a recommendation for referral to the Planning Board.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). On December 11, 2019, the City Commission referred the proposed ordinance to the Planning Board (Item C4I).

On January 21, 2020 the LUSC deferred the item to the February 18, 2020 meeting. On February 18, 2020, the LUSC discussed the item and continued it to the March 17, 2020 meeting. The March 17, 2020 LUSC meeting was cancelled. On June 30, 2020 the LUSC recommended that the Planning Board transmit the proposal to the City Commission with a favorable recommendation.

On January 28, 2020, the Planning Board continued the item to the February 25, 2020 meeting. On February 25, 2020, the Planning Board continued the item to the March 24, 2020 meeting. The March 24, 2020 meeting was cancelled, and the item was deferred to the May 19, 2020 meeting. On May 19, 2020 the item was deferred to July 27, 2020.

#### **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 and is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

On October 28, 2019, a town hall meeting was held in Sunset Harbour to discuss the above proposal. The discussion, led by Commissioner Arriola, focused on (i) the current mix of restaurants and retailers that primarily serve residents in the Sunset Harbour neighborhood, and (ii) the appropriateness of adopting regulations on formula commercial establishments. Sixteen residents attended the meeting, and a consensus of the residents present expressed support for placing restrictions on formula commercial establishments in the neighborhood, in order to ensure that restaurants and retailers in Sunset Harbour continue to serve the needs of local residents.

The following is a summary of additional issues raised at the meeting:

- The need to achieve a balance between zoning restrictions vs incentives to businesses and property owners;
- The need for a diversity of uses;
- The high rents in the area; and
- The need to ensure a proper mix of retail and restaurant uses around a vision for the area.

The following additional suggestions were proposed:

- Consider hosting a focus group with restaurateurs;
- Consider additional activation of the area through special events; and
- Conduct a survey of residents on what they would like to see in their community;

The administration and the City Attorney's office have retained a land use consultant to study the appropriateness of regulations on formula commercial establishments in Sunset Harbour. The results of the study are under separate cover.

The proposed Comprehensive Plan amendment establishes a framework by which the Comprehensive Plan will support the unique identity of specific neighborhoods in the City. It encourages the use of zoning tools to encourage the uniqueness. The amendment is structured in a way that policies can be added in the future which apply to specific neighborhoods and provide guidance for future amendments to the Land Development Regulations (LDRs).

Specifically, the amendment incorporates policies related to the Sunset Harbour Neighborhood. It encourages and supports LDR amendments which will achieve the following:

- Support the continued development of the neighborhood with a mixed-use nature, including light industrial, artisanal retail, small-scale commercial, and residential development;
- Encourage the establishment of small-scale businesses and restaurants that are intended to serve the residents within and in surrounding neighborhoods;
- Foster the establishment of businesses and restaurants which create dining, retail, and personal service experiences that are unique within the nation; and
- Support the ability of small-scale business to adapt to climate change and sea level rise.

This amendment sets a framework for future amendments related to the Sunset Harbour neighborhood. Staff has reviewed previous LDR amendments that have been adopted for the Sunset Harbour neighborhood, including the establishment of Parking District No. 5 and alcoholic beverage and entertainment establishment restrictions and they are consistent with the proposed policies.

A companion LDR amendment, which creates a prohibition on formula commercial and formula restaurant establishments, is under separate consideration. This LDR amendment encourages the establishment of small-scale dining, retail, and personal service experiences to service residents.

**Comprehensive Plan Issues**

This application includes a text amendment to establish Objective RLU 1.5 and subsequent policies in the Resilient Land Use element of the Comprehensive Plan. Under Section 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31 days after it is adopted if there are no appeals.

**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.

**SUNSET HARBOUR/  
NEIGHBORHOOD IDENTITY  
COMPREHENSIVE PLAN AMENDMENT**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE 2040 COMPREHENSIVE PLAN, BY AMENDING THE “RESILIENT LAND USE AND DEVELOPMENT ELEMENT,” GOAL RLU 1, ENTITLED “LAND USE,” TO ESTABLISH OBJECTIVE RLU 1.5, TO BE ENTITLED “NEIGHBORHOOD IDENTITY,” TO PROVIDE POLICIES THAT FOSTER CONTINUED DEVELOPMENT AND PRESERVATION OF UNIQUE NEIGHBORHOODS, PROVIDE FOR THE INCLUSION OF POLICIES THAT PROVIDE VISION AND GUIDANCE POLICIES FOR SPECIFIC NEIGHBORHOODS INTO THE COMPREHENSIVE PLAN, AND ESTABLISH A POLICY SPECIFIC TO THE SUNSET HARBOUR NEIGHBORHOOD WHICH FOSTER ITS UNIQUE LOCAL, SMALL TOWN, NEIGHBORHOOD SERVING, MIXED-USE CHARACTER; AND BY AMENDING THE 2040 COMPREHENSIVE PLAN MAP SERIES TO ESTABLISH A “NEIGHBORHOODS MAP;” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has a unique identity that is vital to its economy, especially the tourism sector for which it is world-renown; and

**WHEREAS**, the City of Miami Beach seeks to provide residents and visitors with architectural, urban environment, historical, cultural, dining, retail, and personal service experiences and are vital to City’s economy; and

**WHEREAS**, the City seeks to foster the uniqueness of each of its neighborhoods to provide residents and visitors with a variety experiences that will foster each neighborhood’s economic vitality; and

**WHEREAS**, the increased levels of business homogeneity seen in other tourist-oriented economies would have a detrimental impact on the City’s unique neighborhoods, which thrive on a high level of interest maintained by a mix of cultural, retail, dining, and personal services experiences that are not found elsewhere in the county, state, or country; and

**WHEREAS**, the Sunset Harbour neighborhood is a thriving neighborhood with a unique local, small town, neighborhood serving, mixed-use character; and

**WHEREAS**, the City seeks to foster the continued development of the Sunset Harbour neighborhood in a manner that protects its unique character; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved in the City of Miami Beach; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the objectives identified herein.

**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 2040 Comprehensive Plan Resilient Land Use and Development Element are hereby adopted:

**RESILIENT LAND USE AND DEVELOPMENT ELEMENT**

**GOAL RLU 1: LAND USE**

\* \* \*

**OBJECTIVE RLU 1.5: NEIGHBORHOOD IDENTITY**

The City will foster the continued development and preservation of unique neighborhoods that offer residents and visitors unique architectural, urban environment, historical, cultural, dining, retail, and personal service experiences that are vital to the City's economy.

**POLICY RLU 1.5.1**

To encourage the establishment and continued development and enhancement of unique neighborhoods, the Land Development Regulations may utilize tools including, but not limited to, the establishment of new zoning districts, zoning overlay districts, special off-street parking requirement districts, special landscape requirements, use restrictions, scale limitations, architectural standards, design guidelines, and others as may be appropriate.

**POLICY RLU 1.5.2**

The City shall continue to study the inclusion of goals, objectives, and policies into the Comprehensive Plan which provide a vision and guidance for specific neighborhoods, as identified in the Neighborhoods Map.

**POLICY RLU 1.5.3: SUNSET HARBOUR NEIGHBORHOOD**

The Sunset Harbour neighborhood is a vibrant neighborhood with a unique local, small town, neighborhood serving, mixed-use character. The City shall maintain and adopt land development regulations for the Sunset Harbour neighborhood that achieve the following:

- a. Support the continued development of the neighborhood with a mixed-use nature, including light industrial, artisanal retail, small-scale commercial, and residential development; and
- b. Encourage the establishment of small-scale businesses and restaurants that are intended to serve the residents within and in surrounding neighborhoods; and
- c. Foster the establishment of businesses and restaurants which create dining, retail, and personal service experiences that are unique within the nation; and
- d. Support the ability of small-scale business to adapt to climate change and sea level rise.

**SECTION 2.** The Map Series of the Comprehensive Plan is hereby amended to include a "Neighborhoods Map," as depicted in Exhibit "A".

**SECTION 3. REPEALER.**

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

**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. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan of the City of Miami Beach, FL, 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," "article," or other appropriate word.

**SECTION 6. 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 7. EFFECTIVE DATE.**

If the amendment is not timely challenged, this amendment 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 \_\_\_\_\_, 2020.

**ATTEST:**

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

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

First Reading: March \_\_, 2020

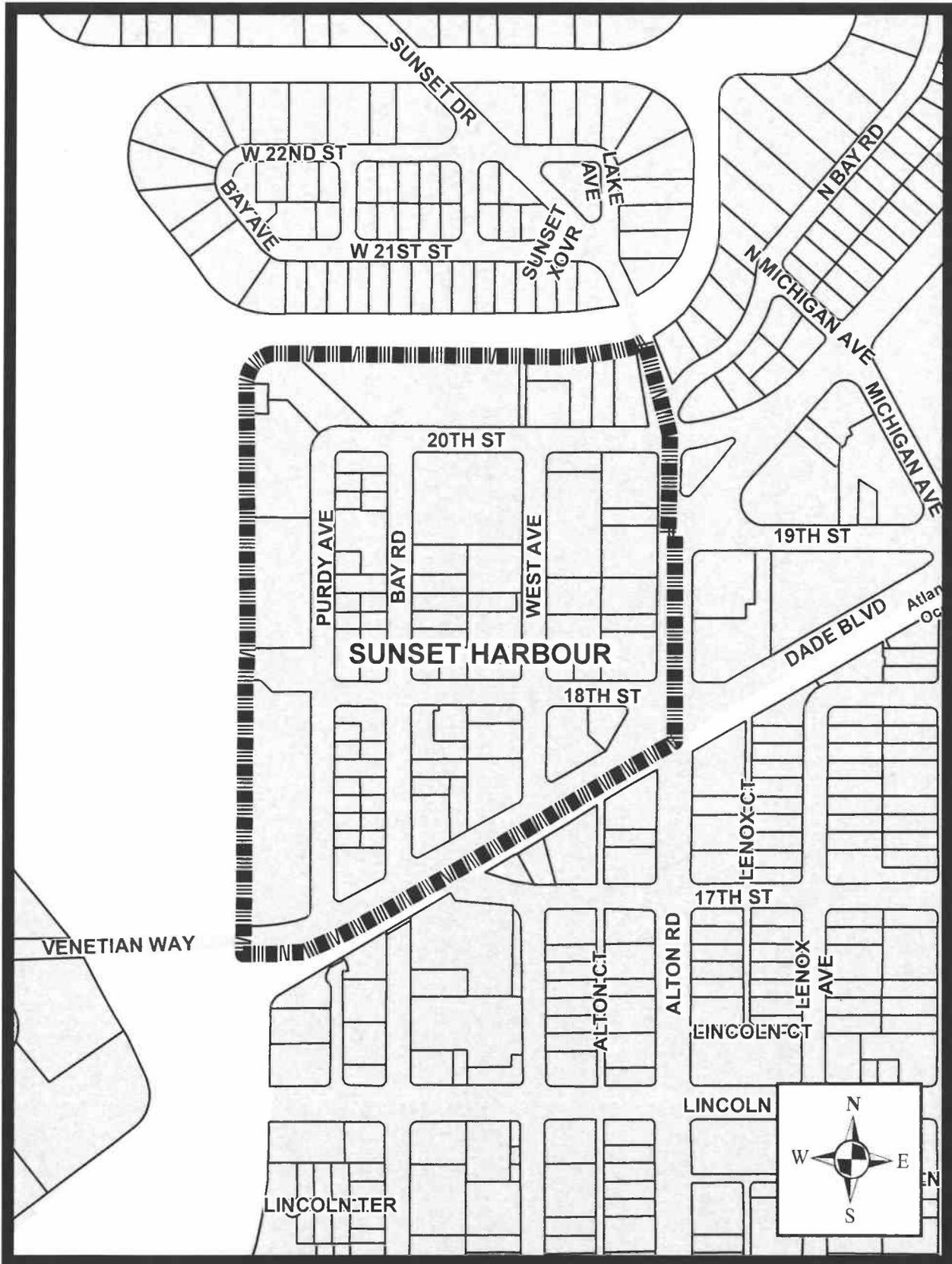
Second Reading: May \_\_, 2020

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

[Sponsor: Commissioner Ricky Arriola]

# Exhibit A

## Neighborhoods Map



0 250 500 1,000 Feet