

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 22, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0396. Prohibited Motor Vehicles**

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending Chapter 142 of the Code of the City of Miami Beach, Florida, entitled "Zoning Districts and Regulations," by amending Article I, entitled "General to all Zoning Districts," by creating Section 142-3, entitled "Rentals or Leases of Identifiable Vehicles that are Powered by a Motor Prohibited in the City of Miami Beach," which shall prohibit persons and business entities from engaging in the rental or lease of certain identifiable vehicles (which shall include, but not be limited to mopeds, motorized bicycles, golf carts and low speed vehicles); and establishing those respective definitions for such prohibited identifiable vehicles; and providing for repealer, severability, codification, and an effective date.

RECOMMENDATION

Discuss the proposed ordinance and continue the to October 27, 2020.

HISTORY

On September 16, 2020, at the request of Commissioner David Richardson, the City Commission referred the item to the Land Use and Sustainability Committee and the Planning Board (Item C4 O). The item is scheduled to be heard by the Land Use and Sustainability Committee (LUSC) on September 22, 2020.

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.**

Consistent – The proposed amendment does not change the boundaries of any districts.

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

Consistent - The proposed change does not affect neighborhood scale.

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

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure in any manner.

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 – The dangers imposed by the increased numbers of rented and leased golf carts, low-speed vehicles, mopeds, and motorcycles make the passage of the proposed change necessary

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

Consistent – The proposed ordinance amendment should improve living conditions in the city's neighborhoods.

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 will 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 in no way impact light and air in the City.

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 should 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.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term, however it has no impacts on construction.

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

Consistent – The proposal will have no impact to the resiliency of the City.

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

Consistent – The proposal is not relevant to and has no impact on the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

The proposed ordinance would amend those permitted uses within the City’s zoning districts for the purpose of prohibiting future persons and business entities from engaging in the rental or lease of certain identifiable vehicles, including but not limited to mopeds, motorized bicycles, golf carts and low speed vehicles. However, such amendments would allow those existing businesses which presently provide such rentals or leases to continue to operate as a legal non-conforming use.

The proposed ordinance would address quality of life concerns raised by many of the City’s residents, particularly as it pertains to the increased presence of businesses within the City that rent and lease mopeds, motorized bicycles, golf carts and low speed vehicles. The use of these vehicles continues to result in a large number of violations of State and local laws, and generate a great deal of complaints of dangerous and reckless conduct.

Staff is supportive of the proposed ordinance amendment and recommends approval. Due to a noticing issue, it is further recommended that the Planning Board discuss item and continue it to October 27, 2020 in order to allow for a new notice.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board discuss the proposed ordinance amendment and continue the item to a date certain of October 27, 2020.