

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: March 22, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0484 – ORD – Town Center-Central Core (TC-C) District Self-Storage Use LDR Amendment (Option A).**

PB22-0488 – ORD – Town Center-Central Core (TC-C) District Self-Storage Use Comprehensive Plan Amendment (Option B).

PB22-0489 – ORD – Town Center-Central Core (TC-C) District Self-Storage Use LDR Amendment (Option B).

RECOMMENDATION

Discuss and transmit both of the proposed options (Option A Ordinance and Option B Ordinance amendment and Comprehensive Plan amendment) to the City Commission with a favorable recommendation.

HISTORY

On December 8, 2021, at the request of Commissioner Ricky Arriola, the City Commission referred the proposed Ordinance to the Land Use and Sustainability Committee (LUSC) and the Planning Board for review and recommendation (item C4 V).

On February 11, 2022, the LUSC discussed the item and recommend that the Planning Board transmit the proposed ordinance, as drafted, to the City Commission with a favorable recommendation (Option A). The LUSC also endorsed a separate option (Option B) to allow the self-storage component to be increased to up to 50% of the gross floor area. Option B also requires a separate comprehensive plan amendment for the self-storage use to change to a permitted use.

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, as the TC-C future land use category allows for several types of commercial uses and accessory uses.

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

Consistent – The proposed amendment does not amend district boundaries nor create an isolated district unrelated to adjacent or nearby districts.

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

Consistent - The proposed ordinance amendment does not affect the scale of development within the affected neighborhood.

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 as the maximum floor area ratio (FAR) is not modified.

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 goal to improve aesthetics and encourage economic development within the North Beach Town Center area makes passage of the proposed change necessary. Without the proposed change, existing public storage facilities which are designed in a way that is not conducive to a pedestrian friendly, mixed-use urban environment will likely remain with little to no improvements.

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 as it is intended to incentivize the redevelopment of public storage facilities in a way that will enhance 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 will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance and the

intensity of uses is not proposed to be increased.

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

Consistent – The proposed change does not modify height or setback limits and would not reduce light and air to adjacent areas beyond what is currently allowed.

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

Consistent – The proposed change will 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.

Partially Consistent – The proposal will increase the resiliency of the City with respect to sea level rise by encouraging the redevelopment of existing public storage facilities in a manner that will comply with the City's resiliency requirements.

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

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

Currently, the North Beach Town Center-Central Core (TC-C) district regulations do not permit self-storage warehouses. Therefore, any existing self-storage warehouses are legally non-conforming. As a legally non-conforming use, any existing self-storage use can remain, provided improvements are not made to the building which exceed 50% of the building’s value.

At present there is one self-storage warehouse within the TC-C district. This facility, *Public Storage*, is located at 331 69th Street. Attached is a map showing the boundaries of the TC-C district and the location of the facility. While self-storage is useful to area residents, the building does not contribute to the neighborhood’s aesthetics or the goal of turning the Town Center into a pedestrian friendly, mixed-use urban environment. Planning Staff has had discussions with representatives of the owner of the facility and the owners would expect to maintain the use as is, given its legal-nonconforming status.

Staff believes that maintaining a self-storage facility in the TC-C area would be beneficial, provided it is part of a mixed-use development that conforms to the requirements of the TC-C district. In order to encourage the redevelopment of the self-storage site, the proposed Ordinance would allow for sites which had a self-storage use as of January 1, 2022 to maintain the self-storage use as part of a mixed-use redevelopment provided the following conditions are met:

- *Only those properties containing an existing self-storage use as of January 1, 2022, shall be permitted to have self-storage as a use in addition to commercial, office, residential, or any combination thereof.*
- *New development on eligible properties described above are only eligible to have a self-storage use if the property owner elects, at the owner’s sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that, for a term of a minimum of 30 years, none of the residential units on the property shall be leased or rented for a period of less than six months and one day.*
- *All self-storage uses (other than storefront office use for the self-storage facility) shall be located above the ground floor and shall be fully concealed from view at all levels along all street and sidewalk sides of the property.*

In addition to the aforementioned regulations, both options contain limitations on the proportion of the building that can be dedicated to self-storage use. These limits will ensure that the building is in-fact a mixed-use building that will improve the street life and aesthetics of the surrounding community. However, the options vary in how the limits are measured as follows:

- **Option A:** *Floor area used for self-storage (exclusive of storefront office use for the self-storage facility) shall not exceed 50% of the allowable FAR for the property.*
- **Option B:** *Floor area used for self-storage (exclusive of storefront office use for the self-storage facility) shall not exceed 50% of the gross floor area of the building.*

Option B allows for a slightly larger proportion of the building to be dedicated to self-storage, since it utilizes a proportion of the gross floor area, which includes required parking and other portions of the building that do not count in the calculation of floor area. According to the owner of the existing self-storage facility, the slightly larger proportion makes the project more financially feasible. The owner has also indicated that there is high demand for self-storage use in the vicinity.

Option B requires a companion Comprehensive Plan amendment in order to allow for the self-storage facility as permitted use. Given that the ordinance contains several safeguards to ensure the development is compatible with the community and contributes to the aesthetics of the North Beach Town Center, staff is not opposed to the slightly larger proportion dedicated to self-storage use.

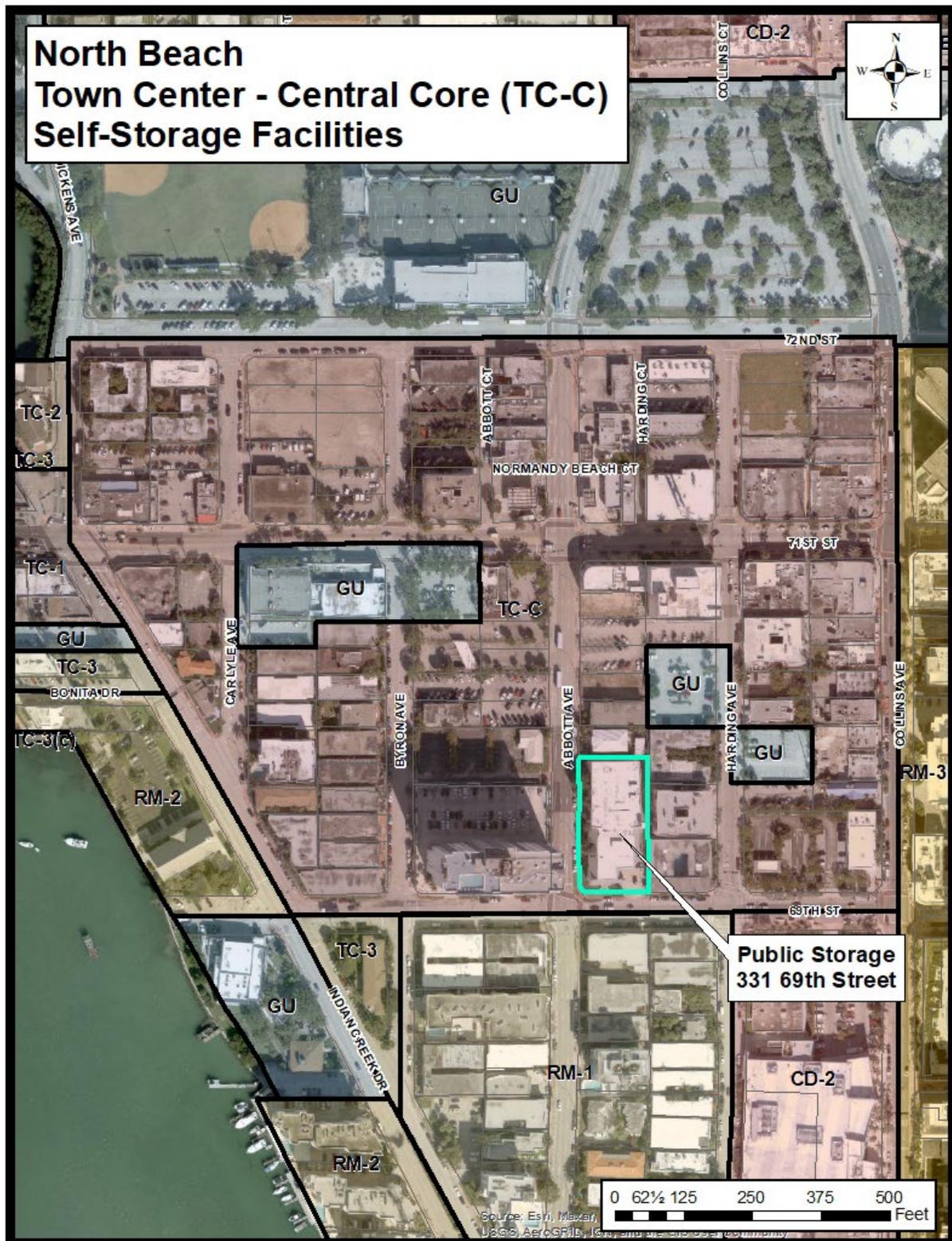
The proposed regulations would allow the site to redevelop in a way where the self-storage use would not impact the pedestrian realm, as the ground floor of the development would be required to contain active uses that are consistent with the requirements of the TC-C district. This would provide the area with wider sidewalks, improved landscaping and streetscape, increased resiliency, and new business and housing. Any new development would also be required to be approved by the Design Review Board (DRB) which would further ensure that it is compatible its surroundings.

COMPREHENSIVE PLANNING REVIEW PROCESS

Option B for this referral includes a text amendment to the Comprehensive Plan. Under Section 163.3184(2), Florida Statutes, 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 both Option A and Option B of the proposed Ordinance amendment, as well as the Comprehensive Plan amendment to the City Commission with a favorable recommendation.



LDR Amendment (OPTION A)

Town Center-Central Core (TC-C) District Self-Storage Use (OPTION A)

Ordinance No. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," CHAPTER 142, ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," AT SECTION 142-741, ENTITLED "MAIN PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, PROHIBITED USES, AND SUPPLEMENTAL USE REGULATIONS," BY PERMITTING "SELF-STORAGE WAREHOUSE" AS A PERMITTED USE FOR SITES WITH PREVIOUSLY EXISTING SELF STORAGE WAREHOUSE USES IN THIS ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, since the Town Center - Central Core (TC-C) zoning regulations were first created in 2018, the City has received several mixed-use development applications, some of which contain co-living units within the TC-C district; and

WHEREAS, when the TC-C regulations were adopted, self-storage uses were not considered and were excluded from the controlling regulations;

WHEREAS, the City recognizes the need for and desire of its residents to have self-storage uses within the City of Miami Beach;

WHEREAS, consistent with the mobility goals of the TC-C district, there is a significant public benefit of retaining storage uses within the TC-C district to alleviate the need for local residents to drive outside the city for storage uses;

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 seeks to encourage sites with existing self-storage warehouse uses in the TC-C District to be redeveloped with a diverse mixture of uses while retaining an essential neighborhood service for the existing and future residents of the North Beach Town Center;

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 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 21, "Town Center-Central Core (TC-C) District," is hereby amended as follows:

Sec. 142-741. - Main permitted uses, accessory uses, conditional uses, prohibited uses, and supplemental use regulations.

Land uses in the TC-C district shall be regulated as follows:

(a) The main permitted, accessory, conditional, and prohibited uses are as follows:

General Use Category	
Residential Uses	
Apartments and townhomes	P
Co-living	P
Live-work	P
Single-family detached dwelling	P
Hotel Uses	
Hotel	P
Micro-hotel	P
Commercial Uses	
Alcoholic beverage establishments	P
Artisanal retail for on-site sales only	P
Grocery store	P
Indoor entertainment establishment	P
Neighborhood fulfillment center	P
Offices	P
Restaurants	P
Retail (including, for example, personal service establishments)	P

Outdoor café	P
Outdoor bar counter	A
Sidewalk café	A
Artisanal retail with off-site sales	C
Day care facility	C
Public and private institutions	C
Religious institution	C
Schools	C
Commercial establishment over 25,000 SF	C
Retail establishment over 25,000 SF	C
Neighborhood impact establishment	C
Outdoor and open air entertainment establishment	C
<u>Self Storage Warehouse (in accordance with requirements set forth in Section 142-741(b)(9))</u>	<u>P</u>
Pawnshop, tobacco and vape dealers, package liquor stores, check cashing stores, occult science establishments, and tattoo studios	N

P = Main Permitted Use,
C = Conditional Use,
N = Prohibited Use,
A = Accessory only

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

* * *

(9) Self-storage warehouse use shall only be permitted in accordance with the following:

a. Only those properties containing an existing self-storage use as of January 1, 2022 shall be permitted to have self-storage as a use in addition to commercial, office, residential, or any combination thereof. Provided, however, residential short term rentals are not permitted in such mixed use facilities

b. Floor area used for self-storage (exclusive of storefront office use for the self-storage facility) shall not exceed 50% of the allowable FAR for the property.

c. All self-storage uses (other than storefront office use for the self-storage facility) shall be located above the ground floor and shall be fully concealed from view at all levels along all street and sidewalk sides of the property.

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" maybe 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 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: March 9, 2022

Second Reading: April 6, 2022

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

LDR Amendment (OPTION B)

Town Center-Central Core (TC-C) District Self-Storage Use (OPTION B)

Ordinance No.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," CHAPTER 142, ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," AT SECTION 142-741, ENTITLED "MAIN PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, PROHIBITED USES, AND SUPPLEMENTAL USE REGULATIONS," BY PERMITTING "SELF-STORAGE WAREHOUSE" AS A PERMITTED USE FOR SITES WITH PREVIOUSLY EXISTING SELF STORAGE WAREHOUSE USES IN THIS ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, since the Town Center - Central Core (TC-C) zoning regulations were first created in 2018, the City has received several mixed-use development applications, some of which contain co-living units within the TC-C district; and

WHEREAS, when the TC-C regulations were adopted, self-storage uses were not considered and were excluded from the controlling regulations;

WHEREAS, the City recognizes the need for and desire of its residents to have self-storage uses within the City of Miami Beach;

WHEREAS, consistent with the mobility goals of the TC-C district, there is a significant public benefit of retaining storage uses within the TC-C district to alleviate the need for local residents to drive outside the city for storage uses;

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 seeks to encourage sites with existing self-storage warehouse uses in the TC-C District to be redeveloped with a diverse mixture of uses while retaining an essential neighborhood service for the existing and future residents of the North Beach Town Center;

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 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 21, "Town Center-Central Core (TC-C) District," is hereby amended as follows:

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(a) The main permitted, accessory, conditional, and prohibited uses are as follows:

General Use Category	
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Hotel	P
Micro-hotel	P
Commercial Uses	
Alcoholic beverage establishments	P
Artisanal retail for on-site sales only	P
Grocery store	P
Indoor entertainment establishment	P
Neighborhood fulfillment center	P
Offices	P
Restaurants	P
Retail (including, for example, personal service establishments)	P

Outdoor café	P
Outdoor bar counter	A
Sidewalk café	A
Artisanal retail with off-site sales	C
Day care facility	C
Public and private institutions	C
Religious institution	C
Schools	C
Commercial establishment over 25,000 SF	C
Retail establishment over 25,000 SF	C
Neighborhood impact establishment	C
Outdoor and open air entertainment establishment	C
<u>Self Storage Warehouse (in accordance with requirements set forth in Section 142-741(b)(9))</u>	A
Pawnshop, tobacco and vape dealers, package liquor stores, check cashing stores, occult science establishments, and tattoo studios	N

P = Main Permitted Use,
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(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

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(9) Self-storage warehouse use shall only be permitted in accordance with the following:

- a. Only those properties containing an existing self-storage use as of January 1, 2022, shall be permitted to have self-storage as a use in addition to commercial, office, residential, or any combination thereof.
- b. New development on eligible properties described above are only eligible to have a self-storage use if the property owner elects, at the owner's sole discretion, to

voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that, for a term of a minimum of 30 years, none of the residential units on the property shall be leased or rented for a period of less than six months and one day.

- c. Floor area used for self-storage (exclusive of storefront office use for the self-storage facility) shall not exceed 50% of the gross floor area of the building.
- d. All self-storage uses (other than storefront office use for the self-storage facility) shall be located above the ground floor and shall be fully concealed from view at all levels along all street and sidewalk sides of the property.

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" maybe 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 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

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

Comprehensive Plan Amendment (OPTION B)

**Town Center-Central Core (TC-C) District Self-Storage Use –
Comprehensive Plan Regulations (OPTION B)**

Ordinance No. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING CHAPTER 1, ENTITLED "RESILIENT LAND USE AND DEVELOPMENT ELEMENT," AT POLICY RLU 1.1.31, ENTITLED "TOWN CENTER-CENTRAL CORE CATEGORY (TC-C)" BY PERMITTING "SELF-STORAGE WAREHOUSE" AS A PERMITTED USE FOR SITES WITH PREVIOUSLY EXISTING SELF STORAGE WAREHOUSE USES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, since the Town Center - Central Core (TC-C) Comprehensive Plan regulations were first created in 2018, the City has received several mixed-use development applications, some of which contain co-living units within the TC-C district; and

WHEREAS, when the TC-C regulations were adopted, self-storage uses were not considered and were excluded from the controlling regulations;

WHEREAS, the City recognizes the need for and desire of its residents to have self-storage uses within the City of Miami Beach;

WHEREAS, consistent with the mobility goals of the TC-C district, there is a significant public benefit of retaining storage uses within the TC-C district to alleviate the need for local residents to drive outside the city for storage uses;

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 seeks to encourage sites with existing self-storage warehouse uses in the TC-C District to be redeveloped with a diverse mixture of uses while retaining an essential neighborhood service for the existing and future residents of the North Beach Town Center;

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. That Chapter 1 of the City of Miami Beach Comprehensive Plan, entitled "Resilient Land Use & Development Element," at Policy RLU 1.1.31, entitled "Town Center-Central Core Category (TC-C)," is hereby amended as follows:

Uses which may be Permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments, outdoor cafes, artisanal retail, neighborhood fulfillment centers; residential uses, including co-living units; ~~and hotels;~~ and self-storage warehouse uses as further restricted per the Land Development Regulations of the Code of the City of Miami Beach.

* * *

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 City of Miami Beach Comprehensive Plan as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" maybe 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 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.