

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-05537. North Beach Oceanside FAR Overlay – Comprehensive Plan Amendment.**

PB22-0533. North Beach Oceanside FAR Overlay – LDR Amendment.

RECOMMENDATION

Transmit the Comprehensive Plan and Land Development Regulations (LDR) amendments to the City Commission with a favorable recommendation and modifications.

HISTORY

On May 25, 2022, the City Commission referred the subject proposal to the Land Use and Sustainability Committee (LUSC) and the Planning Board (item C4 F). The sponsor of the proposal is Mayor Dan Gelber. The LUSC is expected to consider the item at the July 7, 2022 meeting.

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.**

Partially Consistent – The proposed Ordinance would be consistent with the goals, objectives, and policies of the Comprehensive Plan provided additional amendments pertain to setbacks and public benefits are provided.

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

Partially Consistent – The proposed amendment would allow for a maximum building height and maximum intensity (FAR) that is significantly higher than that permitted on similar oceanfront lots. However, in direct proximity to the subject overlay are other lots with buildings that have similar height and FAR as proposed in the subject Ordinance.

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

Partially Consistent - The proposed ordinance amendment does affect the scale of development, which could be out of scale with the needs of the neighborhood or the city if not properly controlled.

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

Partially Consistent – The proposed ordinance has the potential to affect the load on public facilities and infrastructure as it does propose a significant increase in development intensity. However, the proposed overlay also includes a reduced maximum overall density. Additional information as to the proposed uses on the site will be necessary for an accurate determination on the infrastructure load, and concurrency reviews and mitigation will be necessary as part of a land use board and building permit review process for any proposed development.

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

Not Applicable – The existing boundaries of the underlying RM-3 are not proposed to be modified.

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

Consistent – The City's desire to encourage the revitalization of the North Beach neighborhood makes passage of the proposed change necessary.

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

Partially Consistent – The proposed Ordinance amendment should not adversely affect living conditions in the neighborhood. However, additional information is necessary to determine impacts.

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 – Since the City is now a transportation concurrency exception area, the proposed change will not create or increase traffic congestion beyond the levels of service set forth in the Comprehensive Plan, or otherwise affect public safety. However, any proposed development will be subject to the payment of a Mobility Fee.

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

Partially Consistent – The proposed overlay includes significant increases in building height and development intensity, which may impact light and air to adjacent areas beyond what is currently permitted. Additional information will be necessary to determine the specific impacts, and these issues are anticipated to be discussed at length, as well as properly mitigated, through the certificate of appropriateness review process.

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

Consistent – The proposed Ordinance is not expected to 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 Consistent – The proposed overlay area can be developed in accordance with existing zoning regulations.

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 improve the resiliency of the City with respect to sea level rise by encouraging the development of sites that will have to comply with the City's resiliency standards.

(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.

PLANNING ANALYSIS

The proposal herein has been put forth by representatives of the new developer of the Deauville Hotel site, located at 6701 Collins Avenue. The proposed amendments to the Land Development Regulations and Comprehensive Plan would establish a new overlay district entitled the “North Beach Oceanside FAR Overlay.” The proposed overlay is generally located on the eastside of Collins Avenue between approximately 66th and 68th Streets and is approximately 232,949 square foot (5.35 acres) in area. (See the Zoning/Site Map at the end of this report).

For reference, the underlying zoning district is “RM-3, Residential Multifamily, High Intensity,” has a maximum height limit of 200 feet and a maximum floor area ratio (FAR) limit of 3.0 at the subject site. There is also an additional FAR available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.

The proposed overlay would modify the underlying zoning regulations as follows:

1. For structures developed on a site with a lot area greater than 150,000 square feet, the maximum allowable height shall be 375 feet.
2. The base FAR for the North Beach Oceanside Resort Overlay shall be 3.0. However, for a unified development site within the proposed overlay the base FAR shall be 4.5 if the following conditions are met:
 - A. The lot area of the unified development site is at least 150,000 square feet.
 - B. The development project includes a new hotel with at least 150 hotel rooms.
 - C. The residential density shall be limited to 75 dwelling units per acre.
 - D. The developer enters into a development agreement with the City, pursuant to Chapter 163, Florida Statutes.
3. Hotel units within a building containing residential units shall not count towards residential density, notwithstanding any provisions in this code to the contrary.
4. A development agreement shall be required within the North Beach Oceanside FAR Overlay, pursuant to F.S. Chapter 163.

The proposal also contains a companion Comprehensive Plan Amendment, which amends Policy RLU 1.1.7, High Density Multifamily Residential District (RM-3), to provide that those eligible properties located in the North Beach Oceanside FAR Overlay may have a base FAR of up to 4.5. The same benchmarks for achieving a higher intensity listed in the LDR’s are also provided in the Comprehensive Plan Amendment. This amendment is consistent with and would provide for the implementation of the proposed LDR amendment.

CITY CHARTER ANALYSIS

The proposal to increase the maximum FAR is affected by Section 1.03(c) of the City Charter, which partially states the following:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

As the proposed Ordinance requires an affirmative vote of the electorate, only approval at First Reading may take place, prior to a citywide election. If the proposed FAR increase is approved by a majority of City of Miami Beach voters, Second Reading / Adoption of the Ordinance would be scheduled for the next available City Commission meeting after the election.

COMPREHENSIVE PLANNING REVIEW PROCESS

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.

SUMMARY

The proposed increase in development intensity (FAR) will be subject to voter approval in a city-wide referendum. If the proposed FAR increase is approved by voters, and the enabling legislation (LDR and Comprehensive Plan Ordinances) are adopted by the City Commission, any future development within the overlay would still be subject to the review and approval of the Historic Preservation Board (HPB).

To date, no information has been provided regarding the proposed vision for the overlay, which will be a critical component of this endeavor, particularly the distribution of the future buildings scale, mass and volume. Additionally, the interaction of the future project with the street and sidewalk along Collins Avenue, as well as the beach walk, must be well thought out as these connections will be critical to the success of any future project. As part of the review of the certificate of appropriateness for the future project, the Historic Preservation Board is likely going to look at how the Deauville Hotel can be either referenced or used as inspiration for the future project.

In order to further address potential impacts of a future development, particularly with regard to increased height and intensity, staff would recommend additional setback and open space requirements, along with a public benefits program. These modifications can be developed and drafted as part of the Ordinance review process, and prior to First Reading.

The additional setbacks and open space would be intended to minimize the impacts of the larger height and mass on adjacent properties and the public beach. The public benefits program would be intended to condition the additional FAR on defined and measurable benefits. A similar program exists within the North Beach Town Center Central Core (TC-C) District.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the following:

1. The Planning Board transmit the subject Ordinances to the City Commission with a favorable recommendation.
2. The LDR Ordinance be modified to include setback and open space requirements specific to the future development project.
3. The LDR Ordinance be modified to include a defined public benefits program.

ZONING/SITE MAP



PB22-0537
North Beach Oceanside FAR Overlay
Comprehensive Plan Amendment

NORTH BEACH OCEANSIDE FAR OVERLAY – COMPREHENSIVE PLAN AMENDMENT

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 POLICY RLU 1.1.7, ENTITLED “HIGH DENSITY MULTIFAMILY RESIDENTIAL (RM-3),” TO MODIFY THE FLOOR AREA RATIO (FAR) LIMITS FOR PROPERTIES WITHIN THE “NORTH BEACH OCEANSIDE FAR OVERLAY”; AND DESIGNATING THE “NORTH BEACH OCEANSIDE FAR OVERLAY” ON THE FUTURE LAND USE MAP FOR THE PARCELS FRONTING THE EAST SIDE OF COLLINS AVENUE BETWEEN 66TH STREET AND 68TH STREET; PURSUANT TO THE PROCEDURES IN SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Collins Avenue corridor and area surrounding the Deauville property has deteriorated and seen limited improvement over the years, that have diminished the general condition of the neighborhood; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the Deauville Property and this portion of the Collins Avenue corridor; and

WHEREAS, the City of Miami Beach desires to create an overlay zoning district for the two-block area located to the east of Collins Avenue in-between 66th and 68th Streets; and

WHEREAS, the amendment 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. The following amendments to the City’s 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

RESILIENT LAND USE & DEVELOPMENT ELEMENT

* * *

GOAL RLU 1: LAND USE

* * *

POLICY RLU 1.1.7 HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new high density multi-family residential and hotel areas.

Uses which may be permitted: Single family detached dwellings, single family attached

dwelling, townhouse dwellings, multiple family dwellings, apartment hotels and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 150 dwelling units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed the following:

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.;
- a floor area ratio of 2.0 on oceanfront lots in architectural district;
- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities.

Notwithstanding the foregoing FAR limitations, the base FAR for the North Beach Oceanside FAR Overlay shall be 3.0 FAR, except as follows:

For a unified development site that includes all or part of Lots 43, 44, 45, and the south 25 feet of Lot 46, in Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, at Page 28 of the Public Records of Miami-Dade County, Florida, the base FAR shall be 4.5 if the lot area of the unified development site is at least 150,000 square feet, the development project includes a new hotel of at least 150 rooms, the residential density is limited to 75 dwelling units an acre, and the developer enters into a development agreement with the city, pursuant to Chapter 163, Florida Statutes.

SECTION 2.

The North Beach Oceanside Resort Overlay shall be designated on the City's Future Land Use Map for the properties identified in the attached map, as Exhibit A, incorporated by reference herein.

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, and it is hereby ordained that the section of the Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

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.

This Ordinance shall take effect 31 days after adoption pursuant to Section 163.3184(3), Florida Statutes.

PASSED and ADOPTED this ____ day of _____, 2022.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

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

City Attorney

Date

Underscore denotes new language
~~Strikethrough~~ denotes removed language

PB22-0533
North Beach Oceanside FAR Overlay
LDR Amendment

NORTH BEACH OCEANSIDE FAR OVERLAY – LDR AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 16, ENTITLED "NORTH BEACH OCEANSIDE FAR OVERLAY DISTRICT," TO ALLOW FOR INCREASED FLOOR AREA RATIO (FAR) LIMITS, ESTABLISH REGULATIONS FOR HEIGHT, SETBACKS, OPEN SPACE, DESIGN, AND RELATED STANDARDS, AND ESTABLISH A PUBLIC BENEFITS PROGRAM, FOR THE PARCELS FRONTING THE EAST SIDE OF COLLINS AVENUE BETWEEN 66TH STREET AND 68TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the oceanside corridor of Collins Avenue between 66th and 68th Streets was once the center of a vibrant resort and commercial district; and

WHEREAS, after the Deauville experienced an electrical fire in 2017, the property was left in a state of disrepair creating blighted conditions and depreciating the surrounding North Beach neighborhood; and

WHEREAS, this portion of the Collins Avenue corridor and the area surrounding the Deauville property have deteriorated and seen limited improvement over the years, diminishing the general condition of the neighborhood; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the Deauville property and this portion of the Collins Avenue corridor; and

WHEREAS, the City of Miami Beach desires to create an overlay zoning district for the two-block area located to the east of Collins Avenue in-between 66th and 68th Streets, which overlay may assist in improving the neighborhood by stimulating the community through new commercial and residential uses to encourage reinvestment and expand the local tax base; and

WHEREAS, the purpose of the North Beach Oceanside FAR Overlay District is to stimulate neighborhood revitalization, encourage development within the corridor, stimulate the local economy and improve the pedestrian environment of the neighborhood; and

WHEREAS, pursuant to Section 1.03(c) of the City Charter, the floor area ratio (FAR) of any property within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of the Charter Amendment [November 7, 2001], including any limitation on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach; and

WHEREAS, the amendment 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, Article III entitled "Overlay Districts", Division 16 " North Beach Oceanside Resort Overlay " is hereby created as follows:

* * *

DIVISION 16. NORTH BEACH OCEANSIDE FAR OVERLAY

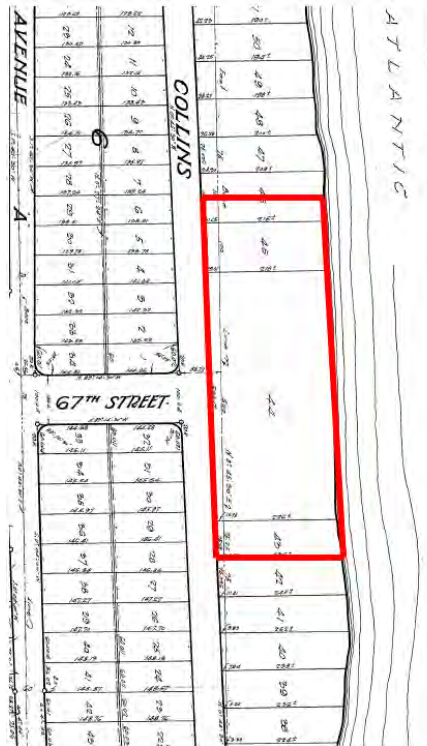
Sec. 142-870.25 Location and purpose.

(a) The overlay regulations of this division shall apply to the properties identified in the legal description and map below:

(1) Legal Description:

Lots 43, 44, 45, and the south 25 feet of Lot 46, in Block 1, of the AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, as recorded in Plat Book 28, at Page 28, of the Public Records, of Miami-Dade County, Florida.

(2) Map:



(b) The purpose of this overlay district is to:

- (1) Stimulate neighborhood revitalization and encourage new development within this portion of the Collins Avenue corridor.
- (2) Incentivize private property owners to redevelop properties into significant structures that draw tourist, residents, and economic activity back to the area.

- (3) Improve the pedestrian environment of the neighborhood and make the neighborhood safer.
- (4) Encourage economic activity that will fund the initiatives of the North Beach Community Redevelopment Agency.

Sec. 142-870.26 Compliance with regulations.

The following overlay regulations shall apply to the North Beach Oceanside FAR Overlay District. All development regulations in the underlying regulations shall apply, except as follows:

(a) Height.

- (1) For structures developed on a lot with a lot area greater than 150,000 square feet, the maximum allowable height shall be 375 feet.
- (2) All other buildings the maximum height is as provided in the underlying zoning regulations.

(b) Floor Area Ratio.

- (1) The base FAR for the North Beach Oceanside FAR Overlay District shall be 3.0 FAR, except as follows:

a. For a unified development site that includes all or part of Lots 43, 44, 45, and the south 25 feet of Lot 46, in Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, at Page 28 of the Public Records of Miami-Dade County, Florida, the base FAR shall be 4.5 if the lot area of the unified development site is at least 150,000 square feet, the development project includes a new hotel of at least 150 rooms, the residential density is limited to 75 dwelling units an acre, and the developer enters into a development agreement with the city, pursuant to Chapter 163, Florida Statutes.

(c) Density. Hotel units within a building with residential units shall not count towards residential density, notwithstanding any provisions in this code to the contrary.

(d) F.S. Ch. 163, development agreement within the North Beach Oceanside FAR Overlay District. The provisions of these land development regulations and the Code of the City shall control with respect to all terms, provisions, matters and issues affected by the F.S. ch. 163, development agreement, or any property affected thereby, except to the extent a term, provision, matter or issue is specifically addressed in the F.S. ch. 163, development agreement, in which case the provisions of the F.S. ch. 163, development agreement shall control.

SECTION 2. 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 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. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

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

Underscore denotes new language
~~Strikethrough~~ denotes removed language