

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 25, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0578. North Beach Single Family Home Overlay - Comprehensive Plan Amendment.**

PB23-0579. North Beach Single Family Home Overlay – LDR Amendment.

RECOMMENDATION

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

HISTORY

On October 26, 2022, at the request of Mayor Dan Gelber, the City Commission referred a discussion item (Item C4 D) to the Land Use and Sustainability Committee (LUSC), pertaining to the single-family property at 7605 Collins Avenue. On November 18, 2022 the LUSC discussed and continued the item to the January 25, 2023 LUSC meeting with direction to staff to draft a single-family overlay to allow limited commercial uses.

On January 25, 2023, the LUSC reviewed two versions of a draft overlay ordinance, one prepared by the Administration and the other prepared by representatives of the owner of the existing home at 7605 Collins Avenue. The LUSC endorsed the version of the ordinance prepared by the Administration but recommended that the City Commission consider both versions of the overlay ordinance for a potential referral to the Planning Board.

On February 22, 2023, the City Commission referred the Administration version of the proposed ordinance to the Planning Board (Item R9 U).

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 LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

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. It creates an overlay that allows the single-family site to have uses that are more consistent with the surrounding area.

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

Consistent - The proposed ordinance amendment does modify the scale of development; however, the height limit and setbacks are not affected by the proposed ordinance.

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

Partially Consistent – While the proposed amendment could result in uses that generate more traffic than a single-family home, given the limited applicability of the ordinance, the impact should be de minimis.

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 changes made surrounding the affected to Altos Del Mar Park and potential changes to the surrounding area have made it somewhat less desirable for single family uses. As a result, passage of the proposed change is necessary to allow for uses that are more compatible with the surrounding community.

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

Consistent – The proposed ordinance amendment should 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 City is a transportation concurrency exception area. However, the proposed uses may allow for a slight increase in traffic potential. However, given the limited area that is affected by the proposed ordinance, the potential increase is di minimis

(See the Concurrency Analysis at the end of this report).

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

Consistent – The proposed change will not modify the scale of development, therefore it should not seriously 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 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.

Consistent – Improvements to Altos Del Mar Park and potential changes to the surrounding community make the property less desirable for single family uses.

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 properties 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.

BACKGROUND

The property at 7605 Collins Avenue, at the northeast corner of Collins Avenue and 76th Street, is zoned RS-4 (Single Family) and contains an existing single-family residence. The subject property is also located within the Harding Townsite Local Historic District, and the existing home on the site is classified as ‘contributing’ in the City’s historic properties database. In terms of surrounding context, the property is bounded by the RM-1 zoning district to the west, and the GU district to the immediate north, east and south, which contains Altos del Mar Park and the North Shore Library site (see attached zoning and context maps).

As this individual property is a small lot within a larger, non-single-family context, the LUSC previously discussed potential opportunities for this site, in relation to the immediate area. There is a separate item pending at the Finance and Economic Resiliency Committee (FERC) pertaining to the potential purchase of the property by the City, and the reclassification of the property to a government use (GU) district for integration within Altos del Mar Park.

ANALYSIS

As the subject property does not use ‘floor area’ as a basis for allowable intensity, a rezoning of the property to a classification other than GU or recreation open space (ROS), such as RM-1 or CD-2, would require voter approval to accommodate the applicable floor area ratio (FAR) associated with a multi-family or commercial zoning district. Staff believes it would be worthwhile to explore different options for integrating the proposed property within the framework of the larger area, as it is currently somewhat of an anomaly within the existing surroundings. Since this is a very small site, re-zoning the property to a more intense district may not be advantageous, unless there was a future rezoning of the GU properties to the immediate south and a connection was formed.

The attached amendment to the Land Development Regulations (LDRs) of the City Code, as well as the corresponding amendment to the Comprehensive Plan, establish a zoning overlay for the block containing the subject property. The proposed overlay is specific to the RS (single family) district between 76th and 77th Streets, east of Collins Avenue, and located in the Harding Townsite Historic District.

The proposed overlay expands the types of uses permitted, but all other development regulations for single family homes would continue to apply. The proposed ordinance would allow for the following uses for single family lots located within the proposed overlay:

- a. Townhomes;
- b. Bed and breakfast inn (pursuant to Article V, Division 7 of this Chapter);
- c. Personal service;

- d. Office;
- e. Restaurant or Café, in accordance with the following:
 - 1. The establishment shall close no later than 11:00 pm Sunday – Thursday and 12:00 am on Friday and Saturday.
 - 2. Entertainment shall be prohibited.
 - 3. There shall be a maximum of 60 seats permitted.
- f. Uses that serve alcoholic beverages shall be limited to cafes and restaurants, pursuant to the applicable regulations set forth in Chapter 6; and
- g. Retail may be permitted but only as an accessory use to restaurant, café or personal service and not occupying more than 10% of the interior space of the main use.

Staff believes that given the proximity of the proposed overlay to other non-single family residential uses, a limited mix of non-residential uses would be appropriate. The proposal would allow for an expanded use of this unique site and provide more options for the property owner.

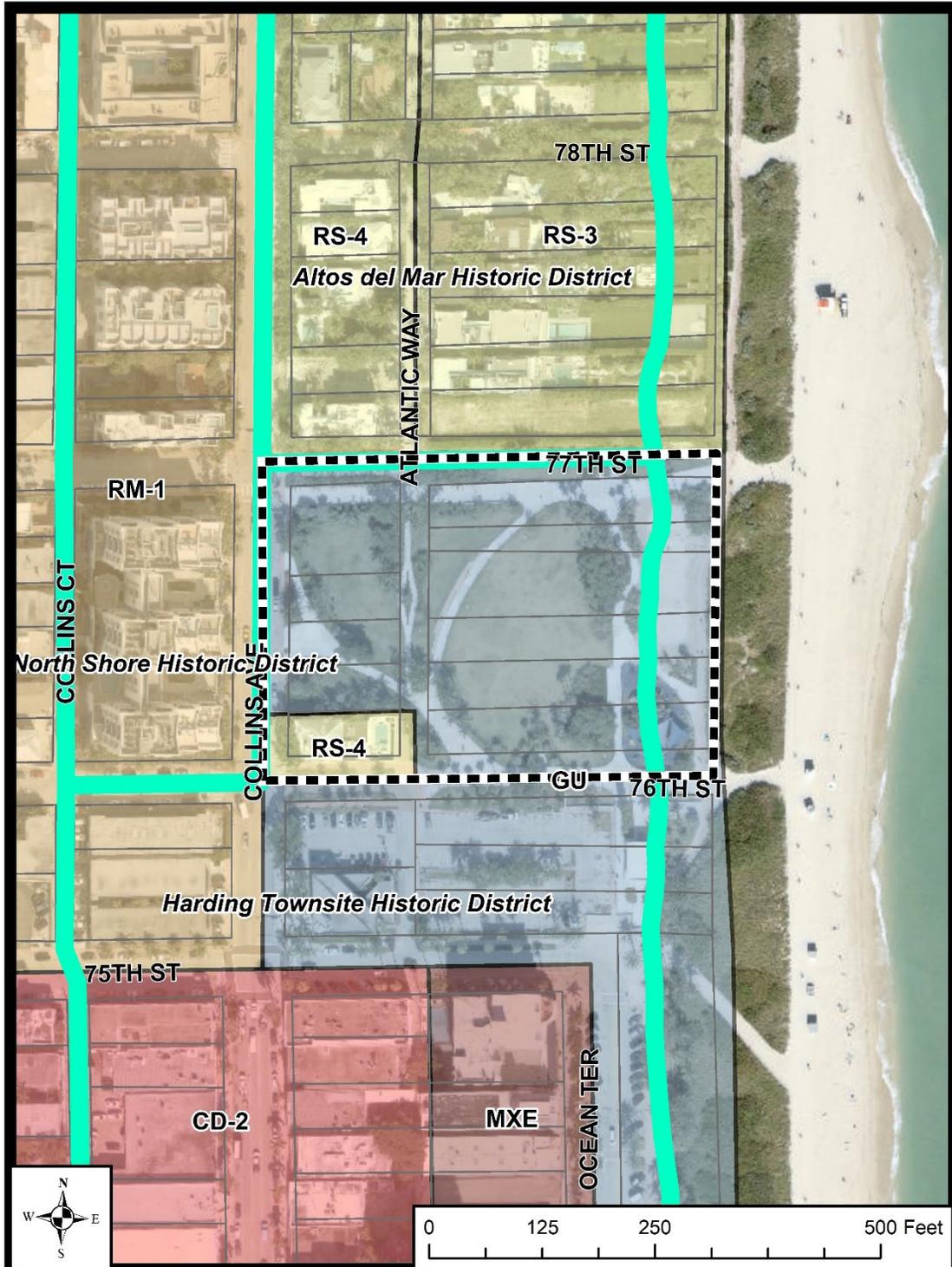
COMPREHENSIVE PLANNING REVIEW PROCESS

The proposal requires an 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.

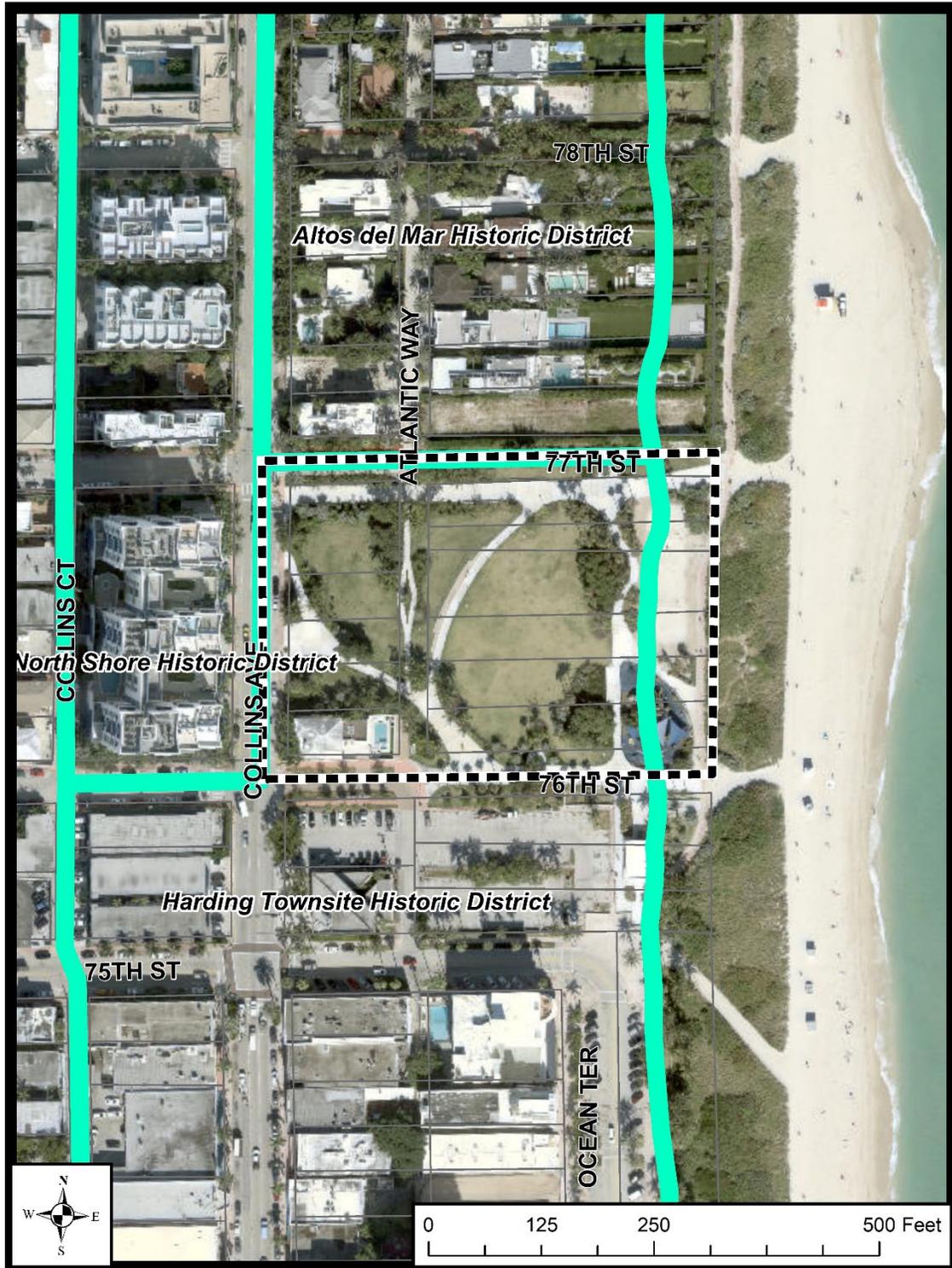
RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Comprehensive Plan and Land Development Regulations amendments to the City Commission with a favorable recommendation.

Zoning



Aerial



PB23-0578
Comprehensive Plan
Amendment

North Beach Single Family Home 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 1.1.1, ENTITLED "SINGLE FAMILY RESIDENTIAL (RS)," TO ALLOW FOR ADDITIONAL SPECIFICALLY PERMITTED USES IN SINGLE FAMILY RESIDENTIAL DISTRICTS THROUGH THE CREATION OF ZONING OVERLAYS; 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 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 area of the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, contains an unusual and inconsistent pattern of zoning as a result of gradual change from its former residential character into the Altos Del Mar Park; and

WHEREAS, certain properties in the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, remain designated as single-family zoning while the neighborhood has changed; and

WHEREAS, on October 26, 2022, the City Commission had referred a discussion item to the Land Use and Sustainability Committee pertaining to the inconsistency of single-family zoning in a non-single-family context existing east of Collins Avenue, between 76 Street and 77 Street; and

WHEREAS, on November 18, 2022, the Land Use and Sustainability Committee recommended that the City Administration to explore, as a solution, an amendment to the RS Single-Family Residential District regulations, in order to create an overlay for the area east of Collins Avenue between 76 Street and 77 Street; and

WHEREAS, these regulations will ensure that the public health, safety and welfare will be preserved.

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 1.1.1 SINGLE FAMILY RESIDENTIAL (RS)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development.

Uses which may be permitted: Single family detached dwellings.

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; and such other uses as may be specifically authorized through the creation of a zoning overlay, as described in the Land Development Regulations.

Density Limits: 7 residential units per acre. Accessory Dwelling Units shall not count towards the maximum density limit.

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.

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 _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2023

Second Reading: _____, 2023

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

PB23-0579
LDR Amendment

North Beach Single Family Overlay – LDR Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II. “DISTRICT REGULATIONS” AT DIVISION 2, “RS-1, RS-2, RS-3, RS-4, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS” BY MODIFYING SECTION 142-107 ENTITLED “DEVELOPMENT REGULATIONS FOR THE ALTOS DEL MAR HISTORIC DISTRICT,” TO CREATE ~~AN ALTOS DEL MAR~~ A HARDING TOWNSITE OVERLAY AND PROVIDE MODIFIED DEVELOPMENT REGULATIONS FOR THOSE PROPERTIES EAST OF COLLINS AVENUE, BETWEEN 76 STREET AND 77 STREET; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; 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 area of the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, contains an unusual and inconsistent pattern of zoning as a result of gradual change from its former residential character into the Altos Del Mar Park; and

WHEREAS, certain properties in the North Beach neighborhood, east of Collins Avenue, between 76 Street and 77 Street, remain designated as single-family zoning while the neighborhood has changed; and

WHEREAS, on October 26, 2022, the City Commission referred a discussion item to the Land Use and Sustainability Committee pertaining to the inconsistency of single-family zoning in a non-single-family context existing east of Collins Avenue, between 76 Street and 77 Street; and

WHEREAS, on November 18, 2022, the Land Use and Sustainability Committee recommended that the City Administration explore an amendment to the RS Single-Family Residential District regulations, in order to create an overlay for the area east of Collins Avenue between 76 Street and 77 Street; and

WHEREAS, these regulations will ensure that the public health, safety and welfare will be preserved.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, “Zoning Districts and Regulations”, Article II, “District Regulations”, Division 2, “RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts” is hereby amended as follows:

Sec. 142-107. - Development regulations for the Altos Del Mar Historic District and Harding Townsite Historic District.

(1). Altos del Mar Historic District

Notwithstanding the development regulations contained in sections 142-101—142-106 above, the following development regulations shall apply to those portions of the RS-3 and RS-4 zoning districts located within the Altos Del Mar Historic District:

* * *

(2). Harding Townsite District Overlay.

Notwithstanding the development regulations contained in sections 142-101—142-106 above, the following overlay regulations shall apply to the properties located north of 76th Street and south of 77th Street, to the east of Collins Avenue, as more specifically identified in the map below:



(a). Allowable uses. In addition to the uses set forth in Sections 142-102, 142-103 and 142-104 of this Division, the following uses may be permitted on those properties located east of Collins Avenue, between 76th Street and 77th Street.

1. Townhomes.
2. Bed and breakfast inn (pursuant to Article V, Division 7 of this Chapter).
3. Personal service.
4. Office.

