MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 26, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0626. Century and Ferry Lane Overlay.**

RECOMMENDATION
Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY
On October 26, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred the subject Ordinance to the Land Use and Sustainability Committee (LUSC) and the Planning Board (C4 C). On November 18, 2022, the LUSC discussed and continued the proposal to January 25, 2023. Additionally, the item sponsor indicated he would be meeting with the affected stakeholders and surrounding residents to discuss appropriate revisions to the draft overlay.

Prior to the January 25, 2023 LUSC meeting, the item was deferred to the February 15, 2023 LUSC meeting, at the request of the item sponsor. On February 1, 2023, at the request of the item sponsor, the City Commission referred to the LUSC an expansion of the Century and Farrey Lane discussion to include the entire north side of Belle Isle (C4 A). As part of this supplemental referral, the City Commission requested that the item come back to the City Commission before traveling to the Planning Board.

At the request of the sponsor, the item was deferred to the February 15, 2023 LUSC meeting. On February 15, 2023 the item was discussed and continued to the April 19, 2023 LUSC meeting. On April 19, 2023 the item was deferred to the May 10, 2023 LUSC meeting, with no discussion.

On May 10, 2023, the LUSC recommended that the City Commission refer the proposed ordinance to the Planning Board with an amendment allowing up to a 3-lot aggregation for non-conforming hotel uses that improve on site vehicular circulation.

On June 28, 2023, the City Commission referred the proposed ordinance to the Planning Board for review and recommendation (item C4 N).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency 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 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 does modifies the scale of development to ensure that new development is not out of scale with the needs of the 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 recent development of structures that are out of scale with the surrounding community, makes 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 will 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 proposed change will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance.

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

Consistent – The proposed change will minimize impacts to light and air on adjacent areas.

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

Partially Consistent – The proposed change may adversely affect property values in the adjacent areas by limiting the scale of development.

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 may be a deterrent to the improvement or development of properties in the City by limiting lot aggregation and the height of new development.

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 7.1.2.4 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 increase the resiliency of the City with respect to sea level rise by incorporating additional requirements for natural landscaping, green roofs, and stormwater retention.

(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

Development History

Both Century Lane and Farrey Lane were primarily developed with single-story bungalows, constructed between 1940 and 1941. The lots on Century Lane and Farrey Lane, which range in size from under 3,000 square feet up to 4,500 square feet, are among the smallest individual lots within any RM-1 multi-family zoning district in the city. As noted in the 1952 plat book, Century Lane contained 12 individual lots and Farrey Lane contained 14 individual lots, most of which exist today. These lots were actually subdivided from the original platting, as noted in the 1935 plat book.

The original bungalows remained largely intact on both streets until the mid-1990's, when a permit was issued for the demolition of six (6) homes and the construction of the six story 'Vistas' condominium on Century Lane at the western end of the north side of Belle Isle. The Vistas project included 48 residential units and 71 parking spaces and was designed to the maximum floor area ratio (FAR) allowed at that time (87,000 square feet).

Six (6) individual properties remain on the northeast side of Century Lane, of which one (1) has a new home under construction and two (2) others have new proposed homes. The other three (3) properties currently have no development planned. Of the original fourteen (14) properties on Farrey Lane, ten (10) homes remain, none of which have completed development applications or approvals for substantial new construction.

Belle Isle Zoning

The north side of Belle Isle, including Century Lane and Farrey Lane, is zoned RM-1, Residential Multifamily Low-Intensity, with a maximum FAR of 1.25 and maximum height of 55 feet when parking and/or non-habitable spaces are provided at the ground level. The south side of Belle Isle is zoned RM-2, Residential Multifamily, Medium Intensity, with a maximum FAR of 2.0 and maximum height of 60 feet to 140 feet, depending on the ground floor configuration and size of the lot.

ANALYSIS

The following is a summary of the proposed overlay ordinance, which is attached:

Allowable Uses

1. The main permitted uses within the overlay are limited to apartment, townhome and single-family dwelling.

2. There shall be no conditional or accessory uses in the overlay.

3. The following uses would be prohibited in the overlay:

- Day care facility;
- Religious institutions;
- Private and public institutions;
- Schools; and
- Commercial or noncommercial parking lots and garages.

Lot Aggregation Guidelines

1. A maximum of three (3) platted lots may be combined for the use of a single family dwelling only. Apartment or townhomes shall not be permitted on more than two (2) aggregated lots.

2. Where a development is proposed on three (3) lots, the maximum building height for the entire portion of at least one (1) of the aggregated lots shall not exceed 35 feet.

3. Where a development is proposed on three (3) lots, the property owner shall voluntarily elect, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the planning director and city attorney affirming that, in perpetuity, no portion of the approved building on the property shall be leased or rented for a period of less than six months and one day.

4. New construction shall acknowledge the original platting of the assembled parcels through separation of buildings and appropriate architectural treatment within the building's façade.

5. For unified sites containing a non-conforming hotel use, up to three (3) platted lots may be aggregated and the foregoing limitations (1 to 3) shall not apply. The aggregation of up to three (3) platted lots shall only be permitted if any lots fronting Farrey Lane are used for the sole purpose of providing vehicular circulation and do not contain any enclosed structures.

Design and Resiliency Standards

1. All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.

2. Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.

3. New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area. In lieu of this requirement, a green roof(s) may be provided with a minimum area of 25% of the total roof area.

4. For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high-quality appearance when seen from adjoining properties.

5. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

SUMMARY

The existing residences on Farrey and Century Lane work well as a cohesive architectural form, due to their collective low scale and connection to the street. However, these older homes are all well below current standards for flood elevation, and any new construction, regardless of lower building heights, is going to have an impact on the older scale of buildings. New construction, for better or for worse, simply does not have the ability to accommodate this same scale, due to minimum flood elevation requirements.

Staff is supportive of the proposed overlay ordinance, as it accommodates existing development regulations (e.g., FAR) and allows for appropriate new construction along Century and Farrey Lane. Additionally, non-residential uses would not be permitted within the overlay.

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.

Century Lane and Farrey Lane Overlay District - LDR Regulations

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.4, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY CREATING SUBSECTION 7.2.4.6, ENTITLED "CENTURY LANE AND FARREY LANE OVERLAY DISTRICT," TO PROVIDE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING AMENDING THE MAIN PERMITTED, PROHIBITED, AND CONDITIONAL USES, MODIFICATIONS TO THE LOT AGGREGATION REQUIREMENTS, AND INCLUSION OF DESIGN AND RESILIENCY STANDARDS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, APPLICABILTY, AND AN EFFECTIVE DATE.

WHEREAS, both Century Lane and Farrey Lane were primarily originally developed with single-story bungalows constructed in 1940 and 1941; and

WHEREAS, although the properties are zoned RM-1, residential multifamily, low intensity, the majority of the originally platted lots are some of the smallest RM-1 lots in the City, ranging from under 3,000 SF to approximately 4,500 SF; and

WHEREAS, concerns have been expressed regarding the development of the remaining small lots on Century Lane and Farrey Lane, and the resulting change of character; and

WHEREAS, the City desires to establish regulations that are sensitive and compatible with the character of the neighborhood, including further restrictions on lot aggregations; and

WHEREAS, Both Century Lane and Farrey Lane have limited 20 foot rights-of-way, with no sidewalks; and

WHEREAS, due to the limited rights-of-way and residential character of the overlay, further limitations on the allowable uses is warranted; and

WHEREAS, the City of Miami beach desires to also promote the resilience of existing structures and new development; and

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 7, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Section 7.2.4, entitled "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.4 RM-1 RESIDENTIAL MULTFAMILY LOW INTENSITY

* * *

7.2.4.6 CENTURY LANE AND FARREY LANE OVERLAY DISTRICT

a. Location and Purpose (Century Lane and Farrey Lane Overlay District – RM-1).

i. The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, with a lot line on Century Lane or Farrey Lane.

ii. In the event of a conflict with the regulations of the underlying RM-1 zoning district, the provisions herein shall control.

iii. The purpose of this overlay district is to:

1. To promote resilience of both existing structures and new development.

2. To ensure that the scale and massing of new development is sensitive to and compatible with the established context of the existing residential neighborhood.

b. Uses.

i. The main permitted uses within the overlay shall be apartment, townhome and single family dwelling.

ii. There shall be no conditional or accessory uses in the overlay.

iii. Day care facility, religious institutions, private and public institutions, schools, as well as commercial or noncommercial parking lots and garages shall be considered a prohibited use in the overlay.

c. Lot Aggregation Guidelines.

i. A maximum of three (3) platted lots may be combined. Where a development is proposed on three (3) lots, the following shall apply:

1. The aggregation of up to 3 lots shall be for a single-family dwelling only; apartment or townhomes shall not be permitted on more than two (2) aggregated lots.

2. New construction shall acknowledge the original platting of the assembled parcels through separation of buildings and appropriate architectural treatment within the building's façade.

3. The maximum building height for the entire portion of at least one of the aggregated lots shall not exceed 35 feet

4. The property owner shall voluntarily elect, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the planning director and city attorney affirming that, in perpetuity, no portion of the approved building on the property shall be leased or rented for a period of less than six months and one day.

5. For unified sites containing a non-conforming hotel use, up to three (3) platted lots may be aggregated and the foregoing subsections 1 to 3 shall not apply. For unified sites within the overlay that contain a non-conforming hotel use, the aggregation of up to three (3) platted lots shall only be permitted if any lots fronting Farrey Lane are used for the sole purpose of providing vehicular circulation and do not contain any enclosed structures.

d. Design and Resiliency Standards.

i. All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.

ii. Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.

iii. New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area. In lieu of this requirement, a green roof(s) may be provided with a minimum area of 25% of the total roof area.

iv. For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high-quality appearance when seen from adjoining properties.

v. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

vi. Notwithstanding the foregoing, (i) and (iv) above shall not apply to lots containing a nonconforming hotel use.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. 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 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. APPLICABILITY.

This Ordinance shall not apply to a project that submitted a completed Design Review Board application and was issued a Notice to Proceed by _____.

SECTION 7. 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: October 18, 2023
Second Reading: December 13, 2023

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

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