

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0163. Washer and Dryer Encroachments – RM1 District.**

REQUEST

PB 17-0163. WASHER AND DRYER ENCROACHMENTS – RM1 DISTRICT. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4, "SUPPLEMENTARY YARD REGULATIONS," AT SECTION 142-1132, ENTITLED "ALLOWABLE ENCROACHMENTS WITHIN REQUIRED YARDS," TO ALLOW ENCROACHMENTS BY WASHERS AND DRYERS IN SIDE YARD SETBACKS WITHIN THE RM-1 ZONING DISTRICT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On July 26, 2017, at the request of Commissioner John Elizabeth Aleman, the City Commission approved a dual referral to the Land Use and Development Committee and the Planning Board, to amend Sec. 142-1132 of the Land Development Regulations of the City Code (item C4C). The purpose of the referral is to address allowable encroachments within required yards in the RM-1 district for washers and dryers.

On October 11, 2017, the Land Use and Development Committee recommended that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed modifications are 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 Ordinance will not change district boundaries.

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

Consistent – The proposed Ordinance is not out of scale with 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 increase the intensity or density of development.

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

Not Applicable – The proposed Ordinance will not change district boundaries.

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

Consistent – The needs of modern washer and dryers makes passage of the proposed change is necessary in order to allow them to fit within the confines of RM-1 districts.

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

Consistent – The proposed change 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 proposed change will not have any impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal will not reduce light and air to adjacent properties,

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

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposal should not be a deterrent to the improvement or development of adjacent property.

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 some areas that are vulnerable to the impacts of sea level rise.

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

Not Applicable – The proposal will not impact the resiliency of the City with respect to sea level rise.

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

Consistent – The proposed ordinance allows for washing and drying machines to be

elevated, which is consistent with sea level rise mitigation and resiliency efforts.

ANALYSIS

The attached amendment would create standards and requirements for exterior washers and dryers connected to existing buildings within interior side and rear yards in RM-1 zoning districts. Currently, Sec. 142-1132(f) allows for "Mechanical Equipment" as an allowable encroachment within rear and side yards of properties within RM-1 districts. However, the needs of modern washers and dryers often cannot meet the existing minimum yard and height limits, as allowed under the current allowable projection regulations.

The subject ordinance proposes limited flexibility for washers and dryers connected to existing buildings within interior side and rear yards. In this regard, washers and dryers located in the RM-1 district, which are abutting and connected to an existing building, would be subject to the following:

- Washers and dryers shall be for the sole use of building residents.
- Washers and dryers may be located closer than five feet from a rear or interior side lot line, provided there are no adverse impacts on pedestrian circulation.
- Washers and dryers must be setback a minimum of 50 feet from the front property line and shall not be located within any open courtyards.
- Washers and dryers must be physically screened such that they are not visible from a public street or sidewalk.
- The overall height of washers and dryers may exceed ten feet above grade, if required to be located at or above minimum flood elevation.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

TRM/MAB/RAM

WASHER AND DRYER ENCROACHMENTS – RM1 DISTRICT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4, "SUPPLEMENTARY YARD REGULATIONS," AT SECTION 142-1132, ENTITLED "ALLOWABLE ENCROACHMENTS WITHIN REQUIRED YARDS," TO ALLOW ENCROACHMENTS BY WASHERS AND DRYERS IN SIDE YARD SETBACKS WITHIN THE RM-1 ZONING DISTRICT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, property owners are modifying and improving existing multi-family buildings within RM-1 districts city wide; and

WHEREAS, factors, such as the future raising of roads and the need to provide tangible areas for the location of washers and dryers need to be taken into consideration; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's RM-1 districts.

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

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," is hereby amended, as follows:

Sec. 142-1132. - Allowable encroachments within required yards.

* * *

(f) *Central air conditioners, emergency generators and other mechanical equipment.* Accessory central air conditioners, generators and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in single-family, townhome, or in the RM-1 residential multifamily low intensity districts, provided that:

- (1) They are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street.
- (2) The maximum height of the equipment including attached screening elements, shall not exceed five feet above current flood elevation, with a maximum height not to exceed ten feet above grade, as defined in subsection 114-1, of the lot at which they are located.

(3) If visible from the right-of-way, physical and/or landscape screening shall be required.

(4) Any required sound buffering equipment is located outside the minimum five-foot yard area specified in subsection (f)(1) of this section.

(5) If the central air conditioning and other mechanical equipment do not conform to subsections (1), (2), (3), and (4) above, then such equipment shall follow the setbacks of the main structure.

(6) Washers and dryers located in the RM-1 district, which are abutting and connected to an existing building, shall comply with the following:

a. Washers and dryers shall be for the sole use of building residents.

b. Washers and dryers may be located closer than five (5) feet from a rear or interior side lot line, provided there are no adverse impacts on pedestrian circulation.

c. Washers and dryers shall be setback a minimum of 50 feet from the front property line, and shall not be located within any open courtyards.

d. Washers and dryers shall be physically screened, such that they are not visible from a public street or sidewalk.

e. The overall height of washers and dryers may exceed ten feet above grade, if required to be located at or above minimum flood elevation.

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 _____, 2018.

Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2017
Second Reading: _____, 2018

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

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

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