

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 21, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0173. RM-PRD Alcohol Regulations.**

REQUEST

PB 17-0173. RM-PRD Alcohol Regulations. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," TO AMEND THE MAIN PERMITTED, PROHIBITED, AND ACCESSORY USES, IN ORDER TO AUTHORIZE THE LIMITED SALE OF ALCOHOLIC BEVERAGES AS AN ACCESSORY USE TO DINING FACILITIES WITHIN MULTIFAMILY RESIDENTIAL BUILDINGS, SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On October 18, 2017, at the request of Vice-Mayor Ricky Arriola, the City Commission approved a dual referral to the Land Use and Development Committee and the Planning Board, to amend Sec. 142-182 of the Land Development Regulations of the City Code (item C4 S). The purpose of the referral is to allow alcoholic beverage establishments as an accessory use, in apartment buildings located in the RM-PRD district.

On October 30, 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 desire for residents of multifamily apartment buildings to have access to alcoholic beverages at dining facilities in their buildings makes passage of the proposed change necessary.

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 allows the sale of alcoholic beverages in dining facilities which already permissible accessory uses, and should therefore 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 in the long-term (year 2100).

(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 proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The RM-PRD Multifamily, Planned Residential Development District, is located on the northern portion of Fisher Island, and is the only part of Fisher Island within the City of Miami Beach. The island is only accessible through a private ferry, via Terminal Island, and public access is limited.

The attached draft ordinance proposes an amendment to the Land Development Regulations to allow for the sale of alcoholic beverages as part of accessory dining facilities in apartment buildings located within the RM-PRD district.

Pursuant to the accessory use requirements for apartment buildings in section 142-902(2), dining rooms are only permitted for the use of residents. Since the sale of alcoholic beverages is an accessory to dining rooms, it would be subject to the same limitation.

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

RM-PRD ALCOHOL REGULATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," TO AMEND THE MAIN PERMITTED, PROHIBITED, AND ACCESSORY USES, IN ORDER TO AUTHORIZE THE LIMITED SALE OF ALCOHOLIC BEVERAGES AS AN ACCESSORY USE TO DINING FACILITIES WITHIN MULTIFAMILY RESIDENTIAL BUILDINGS, SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, residential apartment buildings that are located within the City of Miami Beach's RM-PRD (Residential Multifamily Planned Residential Development) District are authorized to provide limited dining facilities open only to residents and their invited guests; and

WHEREAS, several of the existing residential apartment buildings within the RM-PRD have taken advantage of the dining facility provision contained in the land development regulations; and

WHEREAS, such residential apartment buildings also desire to be able to serve alcoholic beverages within such dining facilities; and

WHEREAS, the proposed amendment would allow apartment buildings within the RM-PRD District a similar ability to serve alcoholic beverages within residential multifamily buildings; and

WHEREAS, the City seeks to modify Chapter 142 entitled "Zoning Districts", Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision III, "RM-PRD Multifamily, Planned Residential Development District" at section 142-182, "Main permitted" to identify main permitted uses, prohibited uses, and accessory uses; and

WHEREAS, to authorize the sale of alcohol within the residential multifamily buildings, within the dining facility authorized under the land development code, the City desires to amend the land development regulations, to allow the sale of alcohol as an accessory use; and

WHEREAS, the amendments set forth below are necessary to accomplish 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, entitled "Zoning District Regulations," at Article II, "District Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

DIVISION 3 - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision III. - RM-PRD Multifamily, Planned Residential Development District

Sec. 142-182. - Main permitted, prohibited, and accessory uses.

- (a) The main permitted uses in the RM-PRD multifamily, planned residential development district are single-family detached dwelling; townhomes; and apartments.
- (b) The sale of alcoholic beverages as an accessory use to a dining facility within apartment buildings within this District shall be permitted.
- (c) All Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses.
- (d) Moreover, all uses not listed as a main permitted or accessory use are also prohibited.

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

Underscore indicates new text proposed under a companion ordinance

Double Underscore indicates new text

First Reading: December 13, 2017

Second Reading: January ____, 2018

Verified by: _____

Thomas Mooney, AICP

Planning Director

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