



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Jimmy Morales, City Manager

From: Jonah Wolfson, Commissioner

Date: January 9, 2015

Re: **Commission Agenda Item - Consent Agenda**

Please place on the January 14, 2015 Commission Consent Agenda:

Referral to the LUDC to discuss regarding general height restrictions in CD-3 districts.

JW

Condensed Title:

An Ordinance pertaining to height regulations for CD-3 properties.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:**SECOND READING – PUBLIC HEARING**

The proposed Ordinance would clarify the existing language governing height in the CD-3 district, as well as give the historic preservation board the discretion to allow certain buildings to go up to a maximum of 75 feet in height along James Avenue between 17th Street and Lincoln Road.

On January 21, 2015, the Land Use and Development Committee recommended that the Ordinance be approved and sent to the Planning Board with a favorable recommendation.

On July 8, 2015, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; and 2) approved the Ordinance at First Reading and scheduled a Second Reading Public Hearing for September 2, 2015.

The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

On June 23, 2015, the Planning Board (vote of 5-1), transmitted the subject Ordinance to the City Commission with an unfavorable recommendation. (Planning Board File No. 2264).

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

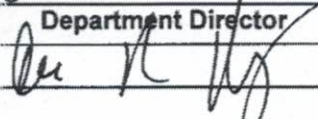
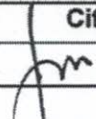
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2015\September\PLANNING\CD-3 Parking Garage Heights - Second Reading SUM.docx

MIAMI BEACH

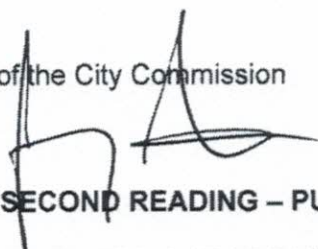
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 2, 2015

 **SECOND READING – PUBLIC HEARING**

SUBJECT: CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS

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 II, "DISTRICT REGULATIONS", DIVISION 6, "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT", BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS", TO CLARIFY AND AMEND THE MAXIMUM HEIGHT REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

BACKGROUND

On January 14, 2015, the City Commission (Item C4L), at the request of Commissioner Jonah Wolfson, referred a discussion item to the Land Use and Development Committee (LUDC) regarding proposed amendments to the City Code pertaining to general height restrictions in the CD-3 zoning district. On January 21, 2015, the Land Use Committee discussed the item and recommended that an ordinance amendment be referred to the Planning Board.

On May 6, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred the attached ordinance to the Planning Board (Item C4D).

ANALYSIS

The proposed ordinance amendment would allow lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, to be built up to 75 feet at the discretion of the Historic Preservation Board as long as the properties provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.

On James Avenue between 17th Street and Lincoln Road, the current uses are mainly

hotels that are classified as contributing and located within the Museum Historic District. There is a surface parking lot that spans three lots located on the east side of James Avenue that could potentially take advantage of this ordinance. The three lots have stores fronting Collins Avenue, but the rear of the lots face James Avenue. Currently, the surface parking lot has approximately sixty (60) spaces. This ordinance amendment would allow for the redevelopment of the rear of these lots into a seven (7) story structure with a minimum of five (5) stories of parking.

This particular lot is one of the few parcels in the Museum District area (generally from Lincoln Road to 23rd Street, between Collins and Washington Avenues) that can readily accommodate a multi-level parking structure. While transitioning to a less automobile dependent transportation network, the parking needs of the larger hotels in the immediate area continue to be apparent. The construction of a multi-level garage at this location could help alleviate the related traffic issues associated with a lack of parking in the area.

Additionally, the City Code already permits buildings up to 7 stories / 80 feet in height for lots fronting 17th Street. As such, a future aggregation of properties that includes a lot on 17th Street could result in new buildings at up to 7 stories / 80 feet in height, even without the proposed code change.

In the process of reviewing the proposed amendment, planning staff was able to simplify and clarify the height regulations in the CD-3 zoning district. Currently, this section of the code, which was poorly drafted and modified over time, has created problems for both staff reviewing the code, as well as property owners and architects reading the code. In this regard, staff is recommending that the entire section be stricken, and re-written in a more clear and concise form.

The following is a bullet point version of the revised, clarified language proposed within the body of the Ordinance. Other than the amendment proposed for parking structures along James Avenue (*in bold text*), and the removal of the regulations for ocean front lots (there are no longer any ocean front lots in the CD-3 zoning district), there are no other substantive changes proposed:

Maximum Building Height:

- 75 Feet.
- Lots within the architectural district: 50 Feet.
- **Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.**
- Lots fronting on 17th Street: 80 Feet.
- City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 Feet.
- Notwithstanding the foregoing requirement for the City Center Area, the following additional regulations shall apply:

The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 Feet for the first 50' of lot depth.

The height for lots fronting on Drexel Avenue is limited to 50 Feet for the first 25' of lot depth (except as provided in section 142-1161).

Maximum Number of Stories:

- 7 Stories.
- Lots within the architectural district: 5 Stories.
- ***Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, the historic preservation board shall have discretion to allow up to seven (7) stories for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.***
- Lots fronting on 17th Street: 7 Stories.
- City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 Stories, subject to the applicable height restrictions (except as provided in section 142-1161).

PLANNING BOARD REVIEW

On June 23, 2015, the Planning Board (by a 5-1 vote) transmitted the proposed Ordinance to the City Commission with an unfavorable recommendation. The Planning Board, while supportive of the non-substantive text changes proposed, expressed a concern with the proposed height increase, as it could result in an increase in scale, mass and height within an area currently limited to five stories / 50 feet in height.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

SUMMARY

The Planning Board expressed concerns with the proposed Ordinance, particularly as it pertains to a potential increase in scale and mass within an area that currently limits overall building heights to 5 stories / 50 feet. The Administration is understanding of and sensitive to these concerns.

In order to further address the potential scale and height issues associated with a future structure taller than 50 feet in height, particularly as it may be perceived from Collins or Washington Avenue, the Administration has suggested that a minimum setback of 75' be required from Collins and Washington Avenue for any portion of a building above 50 feet in height. This would ensure that a future building above 50 feet in height on James Avenue, with a thru-lot to either Washington or Collins Avenue, would not overwhelm those respective streetscapes.

On July 8, 2015, the City Commission approved the subject Ordinance at First Reading and scheduled a Second Reading Public Hearing for September 2, 2015. The Commission approval included the recommended additional setbacks from Collins and Washington Avenue, which have been incorporated into the text of the legislation for Second Reading.

As indicated previously, in the event that the City Commission is not comfortable with the proposed increase in height for certain structures along James Avenue, the Administration would recommend that this portion of the proposed legislation be stricken, and that the remainder of the Ordinance be approved. As indicated previously, the current text structure of the height regulations for the CD-3 district is clumsy at best, and exceedingly difficult to understand. The proposed re-organization of the text, in a non-substantive manner will help further the stated goals of simplifying and comprehending the code.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance. In the event that the City Commission does not move forward with the aforementioned amendment pertaining to the maximum height of properties on James Avenue, the Administration recommends that the remainder of the proposed Ordinance be adopted.

CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS

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 II, "DISTRICT REGULATIONS", DIVISION 6, "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT", BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS", TO CLARIFY AND AMEND THE MAXIMUM HEIGHT REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") seeks to encourage and incentivize new development and the preservation and restoration of structures located within the Museum Historic District; and

WHEREAS, the City desires to encourage private property owners to redevelop properties to accommodate the off-street parking needs of the surrounding properties; and

WHEREAS, the preservation and restoration of the City's contributing buildings furthers the general welfare and is especially important to the citizens of Miami Beach; and

WHEREAS, the preservation and restoration of contributing structures is often aided by the construction of new buildings on the same property; and

WHEREAS, the City has previously implemented increased height requirements for parking garages; 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, "Zoning Districts and Regulations," Article II, "District Regulations" Division 6, "CD-3 Commercial High Intensity District," is hereby amended as follows:

Section 142-337. Development regulations and area requirements.

(a) The development regulations in the CD-3 commercial, high intensity district are as follows:

- (1) Max FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; Lot area greater than 45,000 sq. ft.—2.75; Oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.
- (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.

- (3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
- (4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.
- (b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	75 Oceanfront lots— 200 Oceanfront lots within the architectural dist., new construction— 120; ground floor additions to existing structures on oceanfront lots —50 80 Lots fronting on 17th Street 50 Non-oceanfront lots within the architectural dist. 100 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south	7 Oceanfront lots— 22 Oceanfront lots within the architectural dist., new construction— 13; ground floor additions to existing structures on oceanfront lots —5 7 Lots fronting on 17th Street 5 Non-oceanfront lots within the architectural dist. 11 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south

		accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.		property line of lots fronting on the south side of Lincoln Rd., Washington Rd., and Lincoln Rd.); except the height for lots fronting on Lincoln Rd. and 16th St. between Drexel and Washington are limited to 50' for the first 50' of lot depth; and except the height for lots fronting on Drexel Avenue are limited to 50' for the first 25' of lot depth (except as provided in section 142-1161) <u>75 Feet.</u> <u>Lots within the architectural district: 50 Feet.</u> <u>Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, the</u>	property line of lots fronting on the south side of Lincoln Rd., Washington Ave., and Lincoln Rd.); subject to the applicable height restrictions (except as provided in <u>section 142-1161</u>) <u>7 Stories.</u> <u>Lots within the architectural district: 5 Stories.</u> <u>Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, the Historic Preservation Board shall have discretion to allow up to seven (7) stories for those properties that provide a minimum of five (5) stories of parking, of which</u>
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				<u>Historic Preservation Board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 50 feet in height.</u> <u>Lots fronting on 17th Street: 80 Feet.</u> <u>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue</u>	<u>a minimum of 250 spaces must be unencumbered by any use at the property, and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 5 stories in height.</u> <u>Lots fronting on 17th Street: 7 Stories.</u> <u>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 Stories, subject to the applicable height restrictions (except as provided in section 142-1161).</u>
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				<u>and the south property line of those lots fronting on the south side of Lincoln Road); 100 Feet.</u> <u>Notwithstanding the foregoing requirement for the City Center Area, the following additional regulations shall apply:</u> <u>The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 Feet for the first 50' of lot depth.</u> <u>The height for lots fronting on Drexel Avenue is limited to 50 Feet for the first 25' of lot depth (except as provided in section 142-1161).</u>	
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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 relettered 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 _____, 2015.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Paul Dwyer
City Attorney

7/13/15
Date

First Reading: July 8, 2015
Second Reading: September 2, 2015

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

Underline = New Language
~~Strikethrough~~ = Deleted Language
Underline = Language Added at First Reading

[Sponsored by Commissioner Malakoff]

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS SEPTEMBER 2, 2015

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **September 2, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," By Amending The Requirements And Procedures For The Retention Of Architecturally Significant Single-Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit Prior To The Issuance Of A Full Building Permit For Architecturally Significant Pre-1942 Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements," To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," To Establish Section 13-309, "Washington Avenue Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue Between 6th Street And Lincoln Road; By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," To Establish Parking District 7 To Modify The Parking Requirements For The Properties Fronting Washington Avenue Between 6th Street And Lincoln; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection B Thereof Regarding The Idle Speed, No Wake Zones By Adding An Idle Speed, No Wake Zone In The Area Of The Miami Beach Marina And Amending The Appendices To Section 66-43, Accordingly; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environment and Sustainability Division at 305.673.7010.*

10:30 a.m.

An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Creating Article VI, To Be Entitled "Expanded Polystyrene Sale And Use Restrictions," To Provide Regulations For The Sale And Use Of Expanded Polystyrene Food Service Articles, And To Provide For Enforcement, Penalties, And Waivers For Financial Hardship; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environment and Sustainability Division at 305.673.7010.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

10:11:10 a.m.

- R5C Single Family Home Development Regulations For Lot Splits
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. **10:10 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on July 8, 2015 - R5M)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3959 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which was approved at first reading in July. The Ordinance sets forth the lower lot coverage and unit size maximum on lot split applications when the new lots do not follow the lines of the original plotted lines, or when there is a proposal to demolish an architectural significant pre-1942 home.

City Clerk's Note: Commissioner Grieco was absent during the vote, but subsequently returned and voted "Yes" on the item.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060

10:27:07 a.m.

- R5D CD-3 Architectural District Parking Garage Heights
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements", To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **10:15 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on July 8, 2015 - R5N)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2015-3960 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Thomas Mooney to handle.**

AMENDMENT:

Approve without height increase
Accept clean up language only

MOTION 1:

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco approving the Ordinance with the height increase; Ballot-vote: 4-3. Opposed: Mayor Levine and Commissioners Steinberg and Weithorn. **Motion failed.**

MOTION 2:

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Motion carries; item is approved.**

Thomas Mooney, Planning Department Director, explained that this is an Ordinance amendment that modifies Section 142-337. The intent of the amendment to the Ordinance is two-fold: 1) staff used this as an opportunity to clean up a Section of the Code that was convoluted; and 2) the other part of the Ordinance makes a substantive change for potential parking garages that will be located on James Avenue, between 17th Street and Lincoln Road. In this instance, there are benchmarks and thresholds that have to be met in order for a 75-foot height to be obtained. If there is not the will of the Commission to move forward with this proposed language along James Avenue, the Administration would recommend that that particular portion be stricken, but that the remainders of the Ordinance, the cleanup language, move forward to ensure clear reading.

Eve Boutsis, Deputy City Attorney, added for clarification that on June 23, 2015, the Planning Board voted unfavorably for this item by a 5-1 vote.

Discussion held.

Commissioner Malakoff described that this is not valet parking like what people expect; the public thinks that valet parking garage means that it is going to take care of all the valet services of all the hotels and clubs in the vicinity, and that is not the use. These are 250 parking spaces open to the public; one drives into the garage, the attendant gives a ticket, and the attendant drives and park the car. These are 250 parking spaces allocated specifically for the public. She wanted to clarify this, because the word "valet" can be misleading.

Daniel Ciraldo urged the City Commission to vote against the portion that increases the height for the parking garage, as it is a type of spot zoning. What happened was that the developer came and got a project through the Planning Board under zoning that should not exist, and no one caught it in the Planning Department. So rather than the developer coming back and redesigning the garage to fit within the architecturally historic district, they are here now before the Commission seeking to increase the height. Mr. Ciraldo urged a vote against the height increase.

Vice-Mayor Tobin asked Mr. Ciraldo if it were a self-service parking garage, would Mr. Ciraldo's concerns be alleviated.

Mr. Ciraldo responded that overall, the City Commission has to be careful when changing zoning for parking garages.

Mayor Levine believes the issue is the height.

Commissioner Grieco suggested showing the zoning map so they can see that within a very small surrounding area, there are similar heights, if not higher heights allowed just half a block away and in almost all directions. This is a strange carved-out zone with lower heights. Commissioner Grieco asked if there is a way to integrate a discount for Miami Beach residents, to alleviate the concern about cost imposed upon people driving up, such as showing the driver license to the parking attendant.

Monika Entin, Esq., explained that various buildings in the neighborhood have taller height requirements, so it is really this particular block in the middle that has the 50-foot requirement and it is surrounded by these higher construction heights. In regards to the discount for residents, she

distributed to the City Commission a monthly pass log that shows area employees that park in this lot at a discounted rate. There may be some incentives for residents or for area employees receiving monthly passes as well. In regards to what Commissioner Malakoff stated, she thinks it is a full-service garage and, for clarification, Ms. Entin explained that the intention of the proposed garage is to serve the public, she showed as an example that in the current 100-space parking garage, 46 of those are monthly passes, and they are monthly passes from places that are within walking distance.

Discussion held regarding parking difficulties in the area.

Monika Entin, Esq., added that drivers are circling the neighborhood until they find a parking spot. Since they offer discounted rates and a 24-hour period for their garage, they currently have people parking at hotels that are in proximity of their location. This parking garage will take off this traffic off the streets.

Mayor Levine suggested voting on the item without the height and asked for consensus.

Commissioner Grieco is concerned that if the developer does not get the height, they will not build the garage, and there is shortage of parking in the area. Commissioner Grieco added that the City needs parking in that area as a short-term solution, and the height increase is compatible with the surrounding buildings.

Discussion continued.

Ray Breslin suggested adding a residential component to the garage and looking at every individual case.

Motion No. 1 failed.

Thomas Mooney, Planning Department Director, recommended approving the remainder of the Ordinance with the exception of the height increase. They have cleaned up the language to make it clear and easy to understand.

Discussion held.

Motion No. 2 carries with clean-up language and without height increase.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. 1667 James Avenue Parking Lot Monthly Passes and Transient Area Parkers distributed by Monika Entin.
3. Color prints of 1667 James Avenue Proposed Garage Site, rendering and map.