

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB18-208. CD-3 Architectural District Parking Garage Heights**

REQUEST

PB 18-208. 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 AMEND THE MAXIMUM HEIGHT REQUIREMENTS FOR PARKING GARAGES WITHIN THE CD-3 ARCHITECTURAL DISTRICT FOR LOTS FRONTING ON JAMES AVENUE, BOUNDED BY 17TH STREET TO THE NORTH AND LINCOLN ROAD TO THE SOUTH; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY/ BACKGROUND

On February 14, 2018, the City Commission (Item C4 AC), at the request of Commissioner John Elizabeth Aleman, referred a discussion item to the Land Use and Development Committee (LUDC) regarding proposed amendments to the City Code pertaining to maximum height requirements for parking structures located in the Architectural District and zoned CD-3. On March 14, 2018, the Land Use Committee discussed the item and recommended that an ordinance amendment be referred to the Planning Board. The LUDC also recommended that more than 20 spaces be provided to the public at City approved rates.

On April 11, 2018, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the attached ordinance to the Planning Board (Item C4 AA).

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.**

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.**

Not applicable – The proposed amendment does not modify district boundaries.

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

The proposed ordinance amendment is not out of scale with the surrounding 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.

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 proposed ordinance is necessary to increase the availability of parking in the City Center area.

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 which is predominately made up of commercial and hotel uses.

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.

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

Consistent – The proposed ordinance does not affect will 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 should not adversely affect property values in the adjacent areas, as this will allow for the removal of an unsightly surface parking lot.

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 should 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.

Not Consistent – There are not any substantial reasons why the properties within this zoning district cannot be used in accordance with the existing zoning.

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 – The proposed amendment does not affect permitted uses in the district.

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 affect 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

A similar ordinance, referred by the City Commission was reviewed by the Planning Board on June 23, 2015. The Planning Board recommended against the Ordinance at that time, due in

part to the potential increase in scale and mass within an area that currently limits overall building heights to 50 feet. The City Commission also ended up not approving the legislation.

The subject ordinance amendment has been referred again, and 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 to 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.

In order to 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 Ordinance includes a minimum setback of 75 feet from Collins Avenue 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.

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.

TRM/MAB

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 AMEND THE MAXIMUM HEIGHT REQUIREMENTS FOR PARKING GARAGES WITHIN THE CD-3 ARCHITECTURAL DISTRICT FOR LOTS FRONTING ON JAMES AVENUE, BOUNDED BY 17TH STREET TO THE NORTH AND LINCOLN ROAD TO THE SOUTH; 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)
Commercial—None	Commercial—None	Commercial—N/A	Commercial—N/A	75 Feet.
Residential—7,000	Residential—50	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,	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	Lots within the architectural district: 50 Feet. <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</u>

located within a local historic district or a national register district, which are being renovated in 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

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.

Lots fronting on 17th Street: 80 Feet.

City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south

		<p>size is maintained.</p>	<p>property line of those lots fronting on the south side of Lincoln Road): 100 Feet.</p> <p>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).</p>
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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 _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

Verified By: _____

Thomas R. Mooney, AICP
Planning Director

Underline = New Language

~~Strikethrough~~ = Deleted Language

Underline = Language Added at First Reading

(Sponsored by Commissioner John Elizabeth Aleman)

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