

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: June 26, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **Discussion: North Beach Town Center**

Attached for the Board's reference are the following items for this discussion:

1. The June 13<sup>th</sup> Land Use and Development Committee Memo.  
[Note: Since this memo was published it has been clarified that the recommended limits on hotel units and apartments referenced on page 11 is over above the development capacity, inclusive of density and intensity prior to the adoption of the FAR increase approved on November 7, 2017. Also, a link to the referenced mobility study will be provided separately by email to the Board, and will be available for this item in the online agenda.]
2. A massing study prepared by the Planning Department.
3. The ballot question and special election voter's guide for the Town Center FAR increase.
4. The draft ordinance.
5. A list of changes recommended by Arquitectonica as part of the public comment provided at the Land Use and Development Committee meeting, along with comments from the Planning Department regarding the proposed changes.

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 13, 2018

SUBJECT: **DISCUSSION:**  
**NORTH BEACH TOWN CENTER (TC) ZONING DISTRICTS.**

### HISTORY

On December 13, 2017, at the request of Commissioner Ricky Arriola, a discussion pertaining to the recent voter approval of an increase in FAR (to 3.5) for the Town Center district was referred to the Land Use and Development Committee (Item C4AA). A similar discussion pertaining to the North Beach Master Plan recommendations for the Town Center (TC) zoning districts, which was previously pending before the Land Use Committee, was continued at the June 14, 2017 LUDC meeting to the January 2018 LUDC.

On February 7, 2018, the Land Use Committee discussed the general parameters of a proposed FAR overlay for the first time and continued the item to a date certain of March 14, 2018, with direction to staff to prepare a draft overlay Ordinance. Additionally, as both of these items are similar in content, they have been combined for purposes of discussion before the Land Use and Development Committee.

Subsequent to the February 7, 2018 Land Use Committee meeting, Commissioner John Elizabeth Aleman requested to be a co-sponsor of the item. Attached, for informational purposes, is a summary of the legislative and master plan discussion history for this item.

On March 14, 2018 the Land Use and Development Committee continued the item to the May 23, 2018 meeting at the request of the sponsor. On May 23, 2018 the Administration made a PowerPoint presentation on the broad points of the proposed overlay. The Land Use and Development Committee discussed the item and continued it to the June 13, 2018 meeting.

### BACKGROUND

On November 7, 2017 the voters of the City of Miami Beach approved an increase in FAR to 3.5 for the area of the TC district bounded by 69<sup>th</sup> Street on the south, Collins Avenue on the east, 72<sup>nd</sup> Street on the north and Indian Creek Drive/Dickens Avenue on the west. Attached is a copy of Resolution 2017-29961, which approved and authorized the ballot question, and a copy of the approved Voters Guide for reference and background.

The boundaries approved for an FAR increase, as noted on the attached aerial map, include properties with the following zoning districts:

- TC-1 (previous maximum FAR of 2.25 – 2.75);
- TC-2 (previous maximum FAR of 1.50 – 2.00);
- TC-3 (previous maximum FAR of 1.25).

Pursuant to the approved ballot question, the maximum FAR for all zoning districts within the specified boundaries has been permitted by the voters to be increased to 3.5. In order to effectuate the proposed FAR increase, a separate enabling ordinance was referred to the Planning Board by the City Commission on January 17, 2018. On February 27, 2018, the Planning Board transmitted the ordinance to the City Commission with a favorable recommendation. This enabling legislation was adopted by the City Commission on May 16, 2018.

The initial December 13, 2017 City Commission referral was to develop a comprehensive planning strategy for the Town Center area approved for the 3.5 FAR increase. On February 7, 2018, the Land Use and Development Committee discussed the referral for the first time, and recommended that the following be considered for inclusion in a draft ordinance:

1. The creation of special regulations for the boundaries approved for a 3.5 FAR (FAR overlay).
2. Strategic increases in maximum allowable building height in order to better accommodate the new 3.5 FAR. At a minimum, maximum building height will need to be increased in TC-2 (current maximum height of 50') and TC-3 (current maximum height of 45') districts.
3. In conjunction with increases in height, modified setback regulations should be explored, as follows:
  - For properties along 69<sup>th</sup> street, which have adjoining RM-1(max height: 50') and CD-2 (max height: 50') districts to the south.
  - For the properties along Indian Creek Drive, which have adjoining RM-1(max height: 50'), RM-2(max height: 60') and TC-3(max height: 45') districts to the west.
  - Additional tower side setbacks and /or tower separation requirements for development sites along 72<sup>nd</sup> Street, in order to prevent a continuous wall and potential shading of what could be a park north of 72<sup>nd</sup> Street.
4. The location of certain, more intense allowable uses within the overlay, in order to address existing, lower scale / less intense uses to the south (along 69<sup>th</sup> Street) and west (along Indian Creek Drive).

5. All existing zoning district categories (TC-1, 2, 3 & 3c) should be looked at holistically throughout the entire overlay, with particular emphasis on existing properties that cross zoning district boundaries (e.g. abutting parcels that currently have TC-1 and TC-3 classifications).
6. Lot aggregation requirements, in addition to potential increases in maximum building heights, in order to ensure that the increased FAR, particularly within existing TC-2 and TC-3 areas, is appropriately distributed.
7. A review of off-street parking requirements for all uses within the overlay should be conducted, including the impact of transit, ride share and non-vehicular modes of transportation, as well as a revised mix of uses, on off-street parking storage.
8. Standards and requirements for street trees and sidewalk canopy that would be applicable to the entire overlay.

Additionally, the LUDC discussed the issues in the North Beach Master Plan: walkability, safe streets, partnerships, mobility, affordable housing and, generally, quality of life.

Pursuant to the direction of the Land Use Committee on February 7, 2018, a first draft of the Ordinance was prepared for discussion at the March 14, 2018 LUDC. Subsequent to the item being continued on March 14, 2018, staff has further developed the proposed overlay ordinance.

### **PLANNING ANALYSIS**

This draft ordinance incorporates the elements of design in the North Beach Master Plan and in the FAR Voter Guide from the last election. It is a balanced approach intended to ignite sustainable development to revitalize North Beach. Staff has listened to public comment and Commission direction over the last few months/years in order to produce this draft. Given the rather small size of the area and the different important goals for North Beach this is our professional urban planning recommendation for your consideration and further public input.

The revised draft ordinance proposes to establish a **TC-C, Town Center – Central Core** zoning district with an FAR of 3.5, and would replace the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The administration believes that this will provide for a more uniform and cohesive Town Center area, allowing for a seamless distribution of allowable FAR, height, setbacks and uses. The remainder of TC districts outside the boundaries of the overlay area will not be affected by these regulations.

The regulations proposed in the draft ordinance are consistent with the recommendations of the North Beach Master Plan and the referenced guidelines in the Intensity Increase Study prepared by Shulman + Associates in 2014. The Shulman Study analyzed the impact of allowing buildings with increased height and FAR and made recommendations as to setbacks to ensure that views were protected, sidewalks are sufficiently wide, and that air and light corridors are accommodated between towers.



The relevant sections of the Shulman massing studies are attached, and provide a visual representation of how the proposed FAR and height can be distributed.

The following is a summary of the proposed development regulations within the revised draft ordinance:

### **Building Height**

The maximum building height proposed in the draft ordinance is 125 feet for the entire TC-C district, with the ability to increase the height up to 200 feet with participation in a Public Benefits program explained below. For reference the current maximum allowable height regulations are as follows (See attached map titled "Current Zoning and Height Limits"):

- TC-1: 125 feet
- TC-2: 50 feet
- TC-3: 45 feet.

Also attached to this memorandum are various massing studies, which provide examples of how this massing could be achieved and how it would appear from surrounding areas. Please note for reference neighboring tall building heights

### **Public Benefits**

Participation in a public benefits program (to be created by separate Commission action) would be required for building height beyond 125 feet. The draft ordinance establishes several options which may be utilized to achieve the additional height; however, it is proposed that the height not exceed 200 feet. The initial draft options include the following:

- **Contribution to the Public Benefit Fund** per square foot located above 125 feet.
- **Providing On-Site Workforce or Affordable Housing** at a rate of two square feet above 125 feet for each square foot of workforce or affordable housing provided.
- **Providing Off-Site Workforce or Affordable Housing in the City** at a rate of 1.5 square feet above 125 feet for each square foot of workforce or affordable housing provided.
- **Achieving LEED Platinum Certification** for an additional 75 feet above 125 feet.
- **Provide a fully Sustainable Structure and Surplus Stormwater Retention and Reuse** for an additional 75 feet above 125 feet.

A market study is currently being undertaken in order to determine the appropriate value for contributions to the Public Benefit Fund. The Administration expects this study to be complete in advance of the next LUDC meeting.

The draft ordinance provides that the City Commission would have discretion to allocate the revenue from the Public Benefit Fund in North Beach for the following purposes:

- Sustainability and resiliency grants for properties in North Beach Historic Districts
- Uses permitted for the Sustainability and Resiliency Fund
- Improvements to existing parks
- Enhancements to public transportation and alternative modes of travel, including

rights of ways and roadways

- Acquisition of new parkland and environmental and adaption areas
- Initiatives that improve the quality of life for residents.

### Setbacks

Increased setbacks at the first level allow for expanded pedestrian movement and for outdoor cafes that do not interfere with pedestrian flow. Since the rights-of-ways in the proposed overlay area are limited and vary greatly in terms of width and public facilities and function, the recommended setbacks are specific to each street. As part of the requirement for ground level setbacks, there is a proposal to maintain a "Clear Pedestrian Path" of ten feet that is free from obstructions in order to improve pedestrian safety and comfort, and to encourage pedestrian activity.

In this regard, the proposed ordinance incorporates street-level and tower setbacks that are generally consistent with those recommended by the October 2014 Shulman Study for the FAR of 3.5. Additional considerations have been taken into account to ensure that lower-scale neighborhoods to the south are not impacted by the additional height and FAR through the use of upper level setbacks.

The proposed setbacks along the street frontages are as follows:

Property line abutting	Building Height at which Setback occurs	Minimum Setback from property line	Allowable Habitable Encroachments into setback
69th Street Between Collins Avenue and Harding Avenue	Grade to 135 feet	10 feet	5 feet
	135 feet to max height	35 feet	5 feet
69th Street Between Harding Avenue and Indian Creek Drive	Grade to 55 feet	10 feet	5 feet
	55 feet to 135 feet	50 feet	0 feet
	135 feet to max height	85 feet	0 feet
70th Street Alley Line	Grade to max height	10 feet	3 feet
71st Street	Grade to 55 feet	10 feet	0 feet
	55 feet to max height	25 feet	5 feet
72nd Street	Grade to max height	20 feet from back of curb line; curb line location shall be at the time of permitting; however, it shall be no less than 5 feet from the property line	5 feet
Collins Avenue	Grade to 55 feet	10 feet	5 feet

	55 feet to 135 feet	20 feet	5 feet
	135 feet to max height	35 feet	5 feet
Indian Creek Drive, Abbott Avenue, Dickens Avenue, Byron Avenue, Carlyle Avenue, and Harding Avenue	Grade to max height	10 feet	5 feet
Interior Side	Grade to 55 feet	0 feet	0 feet
	55 feet to max height	30 feet	10 feet
Rear abutting an alley (Except 70th Street Alley)	Grade to 55 feet	5 feet	0 feet
	55 feet to max height	20 feet	10 feet
Rear abutting a parcel	Grade to 55 feet	0 feet	0 feet
	55 feet to max height	30 feet	10 feet

Of note is the upper-level setback from 69<sup>th</sup> Street, as staff was sensitive to the existing, established scale of 69<sup>th</sup> street, particularly the south side, which has a height limit of 50 feet for new construction, but a built context of two story apartments. It is recommended that any portion of a building fronting 69<sup>th</sup> Street that is above 55 feet in height be setback 50 feet from the 69<sup>th</sup> Street property line. This is intended to provide an appropriate transition to the lower-intensity RM-1 neighborhood to the south of the Town Center.

Also of note is the recommended 20 foot setback along 72<sup>nd</sup> Street from the back of curb at the time of permitting. This is intended to encourage sidewalk cafes facing the open space uses on the opposite frontage, while still maintaining ample sidewalks.

### **Tower Regulations**

The proposed ordinance defines towers as the portions of buildings located above 55, except for allowable height exceptions. In addition to upper level setbacks, in order to further minimize the impact of towers adjacent to streets and prevent a canyon effect, the proposed ordinance requires that the furthest wall faces on portions of towers that are within 50 feet of a property line be limited to 160 feet apart. It also requires that individual towers be separated by 60 feet. This will ensure that there are significant block segments that are clear from towers, therefore allowing air and light to make it to the street level, while still allowing for flexibility and creativity in tower design, in particular towards the center of blocks.

### **Frontage Types**

The draft ordinance organizes different streets within the TC-C district into classes for the purposes of providing regulations for the building frontage (see attached map titled "Proposed North Beach Roadway Classes"). The streets are designated as Class A, B, C, and D. Each class has various requirements for habitable space (see attached map titled "Ground Floor Areas with Habitable Space Requirements"). The regulations for

each class vary as follows:

- **Class A** streets are intended to be predominantly commercial in nature. It requires a continuous street wall with a height of 35 feet, which is similar to the height of the 1948 City National Bank Building. It also requires a minimum of three floors along 90 percent of the length of the frontage and that the ground floor is primarily used for commercial uses while providing for access to upper levels. To ensure that the commercial space is viable, it requires that it have a minimum depth of 50 feet. The upper two floors must have a minimum depth of 25 feet. In order to provide a safe pedestrian environment, driveways are generally prohibited unless it is the only means of access to the site. Class A streets include 71<sup>st</sup> Street, 72<sup>nd</sup> Street, Collins Avenue, and Indian Creek Drive.
- **Class B** streets are intended to provide additional flexibility at the ground floor, while still providing for an active frontage. It requires a continuous street wall with a height of 35 feet. The frontage is required to have one floor along 90 percent of the length of the frontage. It allows for the ground floor be for commercial uses, residential uses, and to provide access to upper levels. To ensure that these uses are viable, it requires that they have a minimum depth of 20 feet. Ground floor residential uses are required to provide individual entrances in order to provide “eyes on the street” and active street level. This would provide for private gardens or porches similar to 6000 Collins Avenue. In order to provide a safe pedestrian environment, driveways are generally prohibited unless it is the only means of access to the site, or if the only other access is a Class A street. Class B Streets include Abbott Avenue, Dickens Avenue, and 69<sup>th</sup> Street.
- **Class C** streets provide the most flexibility, while still providing for an active frontage. It requires a continuous street wall with a height of 35 feet. The frontage is required to have one floor along 85 percent of the length of the frontage. It allows for the ground floor be for commercial uses, residential uses, and to provide access to upper levels. To ensure that these uses are viable, it requires that they have a minimum depth of 20 feet. Similar requirements exist for ground floor residential uses as Class B Streets. Driveways and loading are permitted on Class C frontages; however, their width is limited and they must be incorporated into the façade of the building. Additionally, loading must be setback to limit its visibility from the street. Class C Streets include Harding Avenue, Byron Avenue, and Carlyle Avenue.
- **Class D** frontages establish a pedestrian alley. The blocks between 69<sup>th</sup> Street and 71<sup>st</sup> Street are over 620 feet in length as a result of a 70<sup>th</sup> Street never having been platted. This distance is not ideal for pedestrian connectivity. As a result, the proposed ordinance identifies a property line where 70<sup>th</sup> Street should have been located. This line is treated as a frontage line, and requires a 10 foot setback from the adjacent properties. This will eventually result in a 20 foot wide alley being established that will greatly enhance connectivity and provide for interesting active spaces for the Town Center area. The frontage is required to have one floor along 25 percent of the length of the frontage and is to be for commercial, hotel, or residential use. No loading or driveways are permitted along this alley.

#### **Street Tree and Canopy Requirements**

In addition to the requirements of Chapter 126, within the TC-C district, all street trees shall require the installation of an advanced structural soil cells system (Silva Cells or approved equal). Minimum amenity requirements have been proposed, including irrigation, up lighting and porous aggregate tree place finish, for all tree pits. Additionally, street trees must be of a species typically grown in Miami Beach and comply with ADA clearance requirements.

Minimum street tree standards have also been established by street frontage class, which will take into account the anticipated widths of sidewalks, as well as available space underneath the sidewalk for adequate root growth. These minimum street tree standards shall include maximum average spacing, minimum clear trunk dimensions, minimum overall height and minimum caliper at time of planting. Additionally, in the event of an infrastructure or other conflict that would prevent street trees from being planted, the applicant/property owner would be required to contribute double the sum required in Section 126-7(2) into the City's Tree Trust Fund.

### **Use Regulations**

The draft ordinance establishes several regulations to incentivize sustainable economic development, while enhancing surrounding communities with a viable Town Center, while ensuring that potential impacts are mitigated. The list of permitted, conditional, prohibited, and accessory uses has been re-structured into a unified table for all TC districts.

It is important to note that the revised list of uses, and specific limits on the quantity of certain types of uses, has been informed by the mobility study for the area, which is attached for reference.

### **Viable Commerce**

E-commerce has had a great impact on traditional retail. The ability to order goods online has resulted in many traditional retail businesses going bankrupt. As a result, it is important to rethink how commercial regulations must change to ensure that storefronts remain viable and the City remains vibrant. As consumers often seek locally produced goods that cannot be found online, Artisanal Retail for On-Site Sale is listed as a permitted use in the draft ordinance. This will allow for retail uses that produce and repair low-impact goods on-site, including artwork, personal care items, foodstuffs, microbreweries, light repairs, etc. Should the artisan wish to sell goods to other vendors, a conditional use permit with approval from the Planning Board would be required to minimize impacts to surrounding properties.

Additionally, e-commerce retailers are looking to find ways to get goods to consumers faster. As a result, Neighborhood Fulfillment Centers are listed as a permitted use, which allow e-commerce retailers to sell goods online and allow them to be picked up at the center and provide a place where the goods can be distributed throughout the immediate neighborhood by means other than vans, cars, or trucks. The ordinance provides that there be no more than two such facilities and that they be limited to 30,000 square feet.

Additionally, the proposal allows for ground level residential units to be live-work units. This allows for artists or other professionals to have a portion of their home to be used for business purposes, reflecting current trends. It further helps activate the street the

street level.

### **Use Predictability**

In an effort to minimize impacts of certain uses on surrounding properties, the Planning Board places conditions on applications approved for a 'Conditional Use'. Several of the conditions have become very common, as they are effective at mitigating impacts. In order to increase compatibility with surrounding uses, the conditions which are placed on a typical Conditional Use Permit Board Order have been included as a requirement for certain uses in the draft ordinance. This will ensure that the conditions are applied equally to all applicable uses, regardless of whether the uses requires Planning Board review or not. These conditions and criteria include:

- Hours of operation for entertainment;
- Requirements for double door vestibules for entertainment;
- Requirement for entertainment establishments to also be restaurants;
- Loading and trash hours, and standards;
- Other noise reduction criteria.

Having this criteria mandated in the Code will greatly improve predictability for both residents and applicants, as the expectations will be clear from the outset. It will also streamline the process.

The proposal also establishes a requirement that the primary means of pedestrian ingress and egress for uses that may have an impact on low-intensity residential, such as entertainment establishments, commercial establishments over 25,000 square feet, retail establishments over 25,000 square feet, and artisanal retail uses, not be located within 200 feet of an RM-1 district. This proposed distance separation will help ensure that the more intense uses permitted within the proposed TC-C district are adequately buffered from the existing, low intensity RM-1 district south of 69<sup>th</sup> Street.

### **Streamlined Review Process**

In conjunction with the above-mentioned criteria and standards to mitigate potential impacts to surrounding properties established in the draft ordinance, a more streamlined review process is proposed for certain uses that previously fell under the definition of a Neighborhood Impact Establishment (NIE). Specifically, the proposed ordinance modifies the thresholds for an NIE from occupant content, which requires certification from the Fire Marshal and subject to change based on aspects such as furniture layout, to a square footage criterion, which can be easily determined from floor plans. In this regard, the proposed thresholds for NIE's in the TC-C district are as follows:

- An ***alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall*** from an occupant content of 300 or more persons to an **area of 10,000 square feet or greater of areas accessible by patrons**; or
- An ***entertainment establishment or dance hall***, from an occupant content of 200 or more persons to an **area of 5,000 square feet or greater of areas accessible by patrons**.

In order to streamline the process and facilitate the revitalization envisioned in the master plan, the requirement for Planning Board review of development projects in excess of 50,000 square feet has not been included within the proposed TC-C district. This reduces the number of Land Use Boards that a development proposal has to go through. Additionally, the revised thresholds and criteria in the ordinance address issues that are typically reviewed by the Planning Board as part of a 50,000 square foot project application.

### **Co-Living Residential Units and Micro-Hotel Units**

Modern trends in the housing and hotel industries are co-living units and micro-hotels. In order to develop more housing options, these types of units have been introduced into the proposed overlay. A co-living unit provides for smaller units than what has been traditionally seen; however, they provide many amenities and opportunities for social interaction which may be more attractive to some people than a larger living space. Amenities may include community gourmet kitchens, business centers, gyms, community rooms, pools, restaurants, etc. The proposed ordinance requires that a minimum of 20 percent of a building's gross floor area be for amenities that are available to residents. A resident who lives in such a unit would likely be spending more time in the communal amenity spaces with neighbors and in the new vibrant and walkable town center, rather than in a traditional housing unit. Due to the smaller square footages, such units can typically be provided at a lower rate than what can be provided for a larger unit which may not have as many amenities available to residents.

This type of housing also follows current trends towards shared spaces that are seen with office uses. Many small businesses are choosing to locate in shared office spaces such as those seen at WeWork and Büro in various parts of Miami Beach. In these types of environments, private office spaces are limited, while amenities such as conference rooms and work spaces are shared by all tenants. This essentially allows the cost of amenities that may not be needed by each tenant each day to be shared by all tenants. The same would occur with co-living units.

An example of a coliving provider is *Ollie Coliving*, which has co-living units in Manhattan, Queens, and Pittsburgh; with units in Boston, Jersey City, Los Angeles, and Brooklyn under development. Their developments host events for residents and provide amenities such as gyms, lounges, terraces. Additionally, utilities and internet are provided. However, some of the units are as small as 265 square feet. Another example of a coliving provider is *WeLive* in Manhattan and Washington, DC, which provides communal chef's kitchen, yoga studio, and common areas, in addition to including access daily events, utilities, furnishings, unlimited refreshments, concierge services, and housekeeping.

Micro-hotels are similar in concept, where smaller hotel rooms are provide in a hotel that has many amenities. The recently adopted Washington Avenue Zoning Incentives provides for micro-hotel units. As a result of these incentives, several hotel projects are proposed for Washington Avenue that will lead to a great improvement the surrounding areas.

### **Transportation, Parking and Use Analysis**

The proposed ordinance establishes Parking District 8, which incorporates the FAR area of the Town Center (proposed TC-C district). Parking District 8 will replace those areas

currently within Parking District 4, which encompasses the surrounding commercial areas along Collins Avenue, Ocean Terrace, and Normandy Isle. Parking District 8 contains regulations intended to encourage and expand mobility options, including the use of alternative modes of transportation in order to reduce the potential traffic impact of new development and reflect current trends in parking.

The City's Transportation Department has coordinated a comprehensive mobility study specific to the proposed TC-C area. This study, which is attached, has taken into account existing traffic data (both internally and regionally), as well as future projected traffic data and mobility trends. The study projects mobility trends through the year 2040 and takes into account planned mobility improvements for the area. Based upon this analysis, the following are recommendations regarding allowable uses, off-street parking regulations and requirements, alternative modes of transportation, alignments for public rights of way and on-street parking, and public transportation that have been incorporated into the proposed ordinance:

- Limit certain uses in order to create an ideal mix of uses that encourages walking and mass transit use while minimizing single occupancy vehicle use:
  - Limit hotels to 1,800 rooms
  - Limit apartments over 1,000 square feet to 200 units
  - Limit apartments under 1,000 square feet to 300 units
  - Limit co-living, workforce, & affordable housing to 300 units
- Reduce parking requirements and encourage centralized parking areas.
- Require facilities to encourage biking such as bicycle parking.
- Require facilities to encourage walking such as wider and more comfortable sidewalks.
- Require transit oriented development (TOD).

The revised minimum off-street parking requirements are more specifically outlined in the draft ordinance. The proposed ordinance includes limits on residential units that are generally consistent with the recommended land uses. However, instead of differentiating between units by size and the proposed ordinance includes of a limit of 500 apartment units in order to simplify review and permitting. Additionally, the draft ordinance includes a limit of 500 units for co-living, workforce, & affordable housing as opposed to the 300 recommended in the report. Since these types of units do not have an impact on parking and maximize the use of alternative modes of transportation, a slightly larger number was utilized in order to more equitably distribute housing throughout the district.

### **SUMMARY**

At the May 23, 2018 meeting, a power point presentation was made to the Land Use and



Development Committee, which provided a broad outline of the more specific draft regulations contained herein. Staff believes that the previous comments of the LUDC have been successfully addressed within the attached draft ordinance. The only outstanding item that will require input is the minimum contribution amount to the Public Benefits fund. The Administration expects the market analysis to be completed by early July, and will provide a more specific set of options at the July LUDC meeting.

One of the previous recommendations of the Committee was to further study the location of the bulk of the massing of buildings, and that the greater height of new buildings be concentrated towards the central portion of the Town Center overlay. In this regard, the proposed setbacks from 69<sup>th</sup> Street achieve this goal for the southern portion of the district.

The north side of the Town Center district is adjacent to an open park, recreation facility and surface parking lot along 72<sup>nd</sup> Street, which buffers the proposed TC-C area from the residential areas north of 73<sup>rd</sup> Street. After a detailed analysis of different massing options, and in consideration of the aforementioned conditions along 72<sup>nd</sup> Street, staff believes that there is some latitude for allowing more height closer to 72<sup>nd</sup> Street. In this regard, the proposed setback and tower regulations included in the proposed overlay ordinance will mitigate the impact of taller structures proposed near 72<sup>nd</sup> Street, by requiring minimum separation and maximum length standards, in addition to minimum setback requirements. Staff believes these standards and requirements will prevent a canyon effect of multiple tall buildings, as well as the walling off of 72<sup>nd</sup> Street.

Should the Committee conclude that a greater setback for taller buildings is needed along the northern portion of the Town Center district, in order to concentrate the maximum allowable overall height toward 71<sup>st</sup> Street, the following option for setbacks along 72<sup>nd</sup> Street may be considered:

Property line abutting	Building Height at which Setback occurs	Minimum Setback from property line	Allowable Habitable Encroachments into setback
72nd Street	Grade to 55 feet	20 feet from back of curb line; curb line location shall be at the time of permitting; however, it shall be no less than 5 feet from the property line	5 feet
	55 feet to 135 feet	50 feet	5 feet
	135 feet to max height	85 feet	5 feet

#### **CONCLUSION**

This draft ordinance incorporates the elements of design in the North Beach Master Plan and in the FAR Voter Guide from the last election. It is a balanced approach intended to ignite sustainable development to revitalize North Beach. Staff has listened to public comment and Commission direction over the last few months/years in order to produce

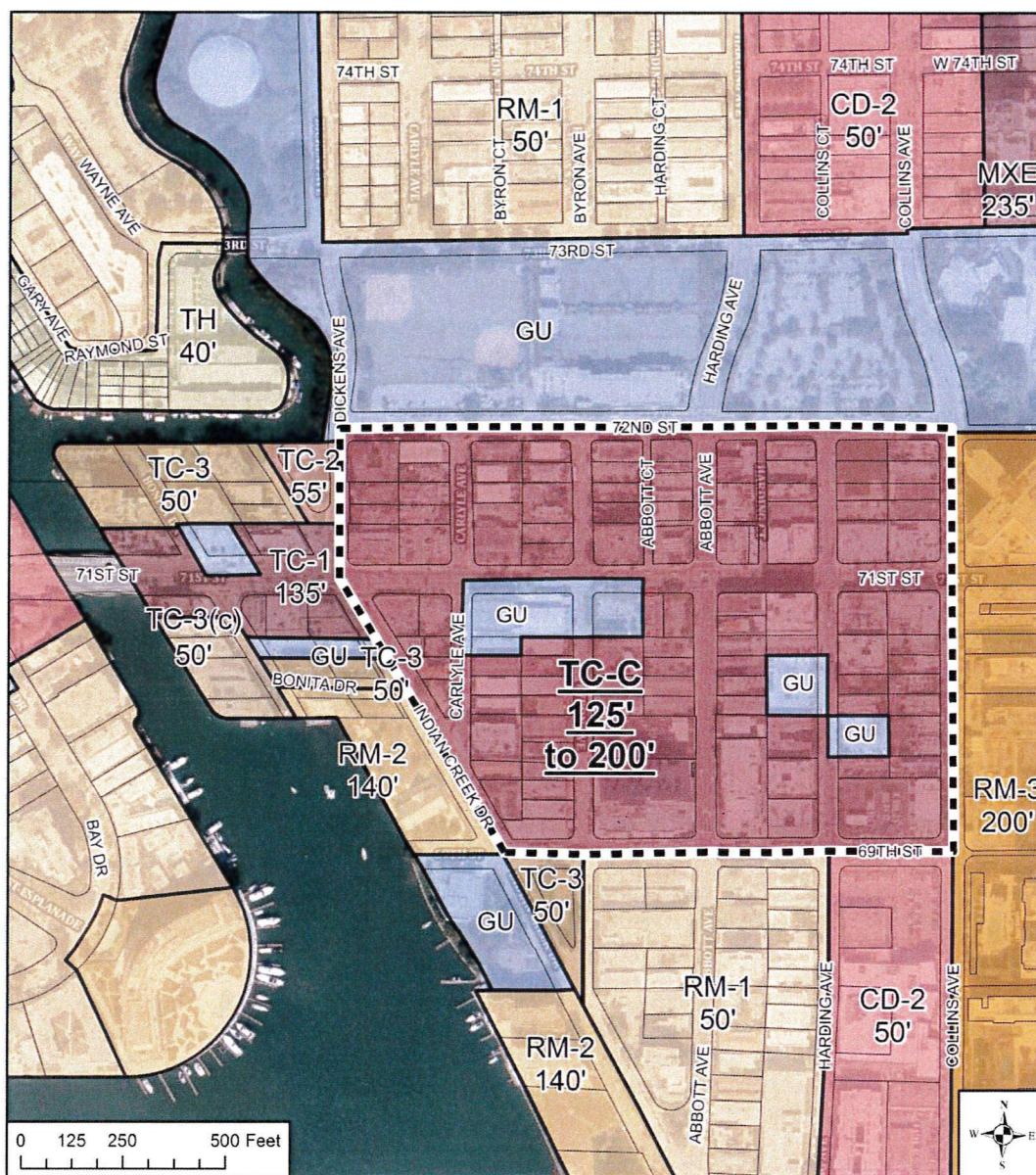
this draft. Given the rather small size of the area and the different important goals for North Beach this is our professional urban planning recommendation for your consideration and further public input.

The Administration recommends that the Land Use and Development Committee discuss the attached draft ordinance and provide additional recommendations and policy direction. It is further recommended that the Land Use and Development Committee continue the item to the July 18, 2018 meeting for the purpose of receiving the market analysis for the proposed public benefit program.

JLM/SMT/TRM/RAM

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June 2018 LUDC.docx

### Proposed Zoning and Height Limits





**Legend**

**FAR Increase Area**

**Zoning Designation**

- RM-1 Residential multifamily, low intensity
- RM-2 Residential multifamily, medium intensity
- RM-3 Residential multifamily, high intensity
- CD-1 Commercial, low intensity
- CD-2 Commercial, medium intensity
- CD-3 Commercial, high intensity
- MXE Mixed use entertainment
- GU Government use
- TC-1 North Beach Town Center core
- TC-2 North Beach Town Center mixed use
- TC-3 North Beach Town Center residential/office
- TC-3(c) North Beach Town Center residential/office

**Map Labels:**

Streets: BYRON CT, HARDING AVE, COLLINS CT, COLLINS AVE, 73RD ST, 72ND ST, 71ST ST, 70TH ST, 69TH ST, CARLYLE AVE, ABBOTT CT, ABBOTT AVE, INDIAN CREEK DR, BONITA DR, DICKENS AVE.

Zoning Districts and Dimensions:

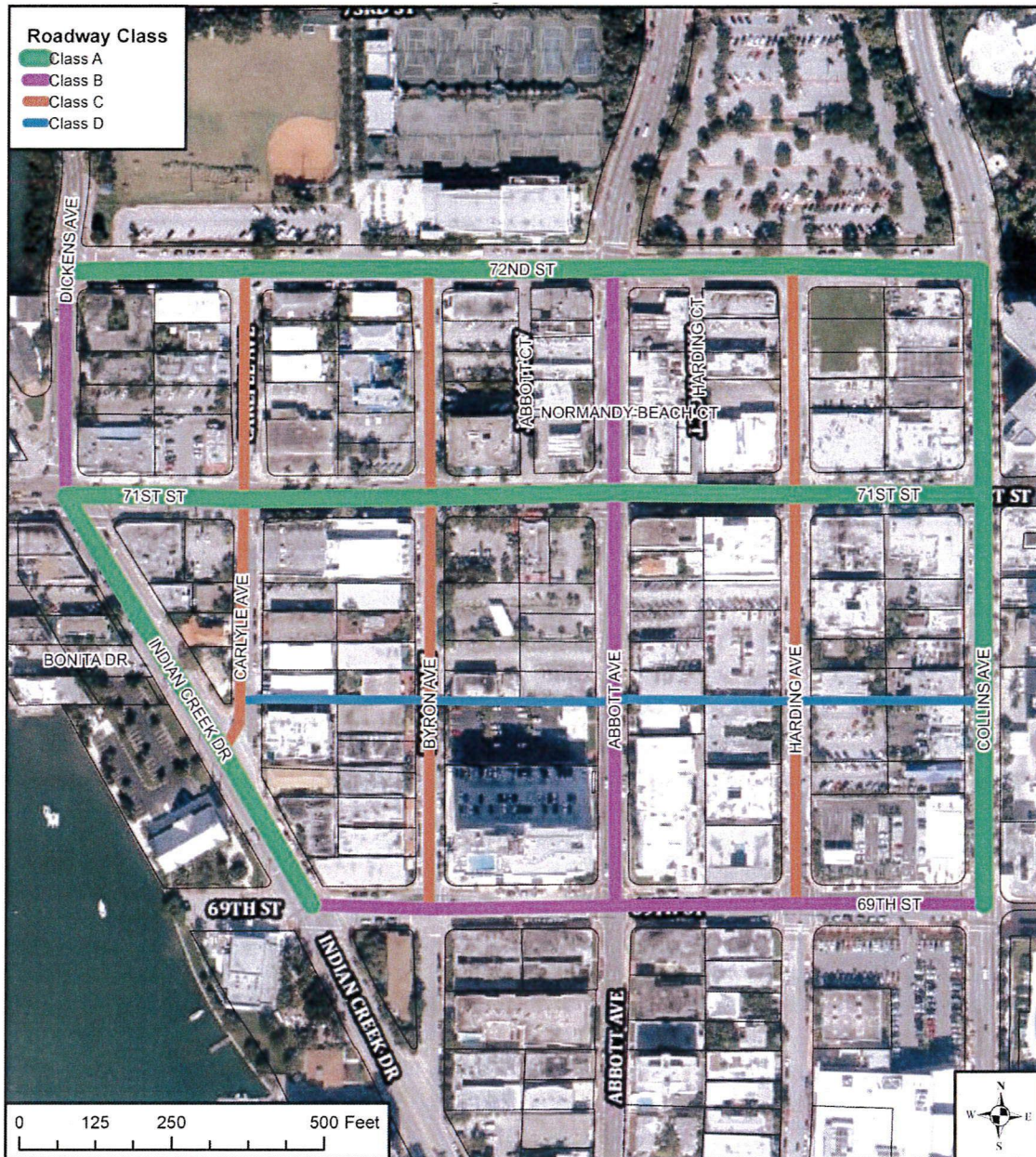
- RM-1 50'
- CD-2 50'
- MXE 235'
- TC-2 50'
- TC-3 45'
- TC-3(c) 45'
- TC-1 125'
- TC-3 45'
- RM-2 140'
- TC-3(c) 45'
- TC-2 50'
- TC-3 45'
- RM-1 50'
- CD-2 50'
- RM-3 200'

**Scale:** 0 125 250 500 Feet

**North Arrow:** N, S, E, W

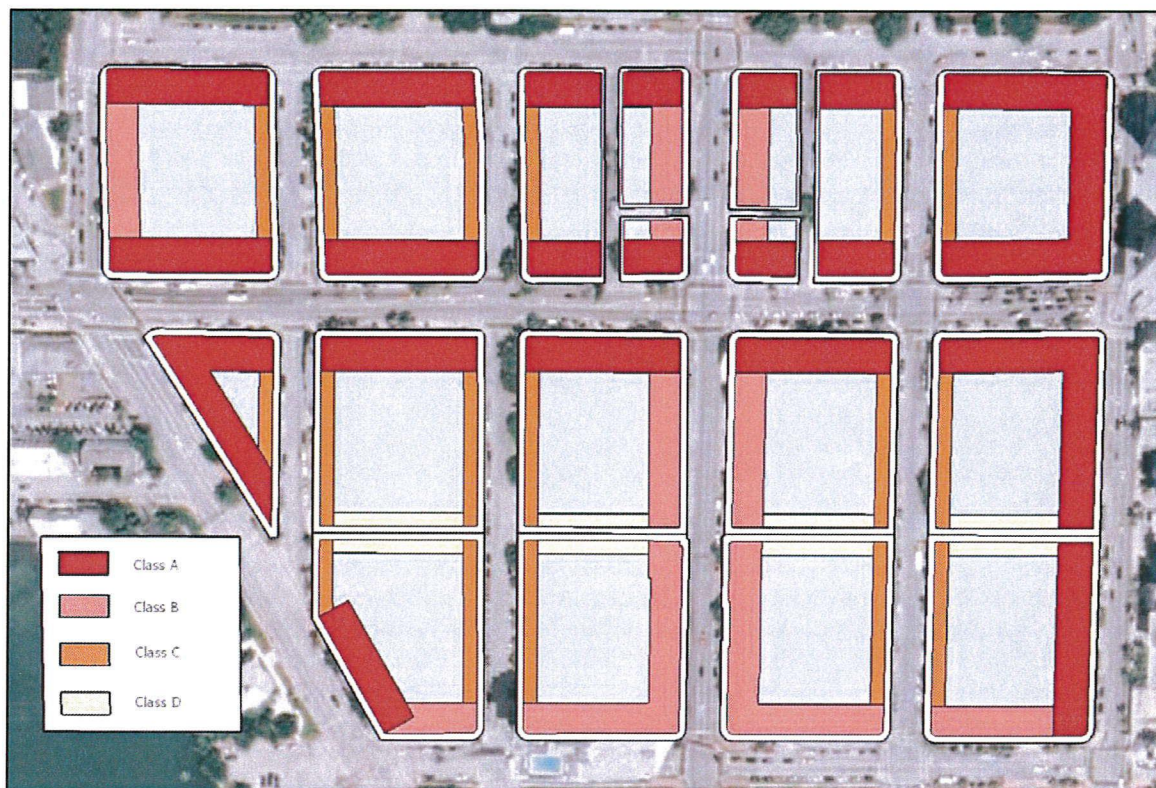


### Proposed North Beach Roadway Classes





### Ground Floor Areas with Habitable Space Requirements





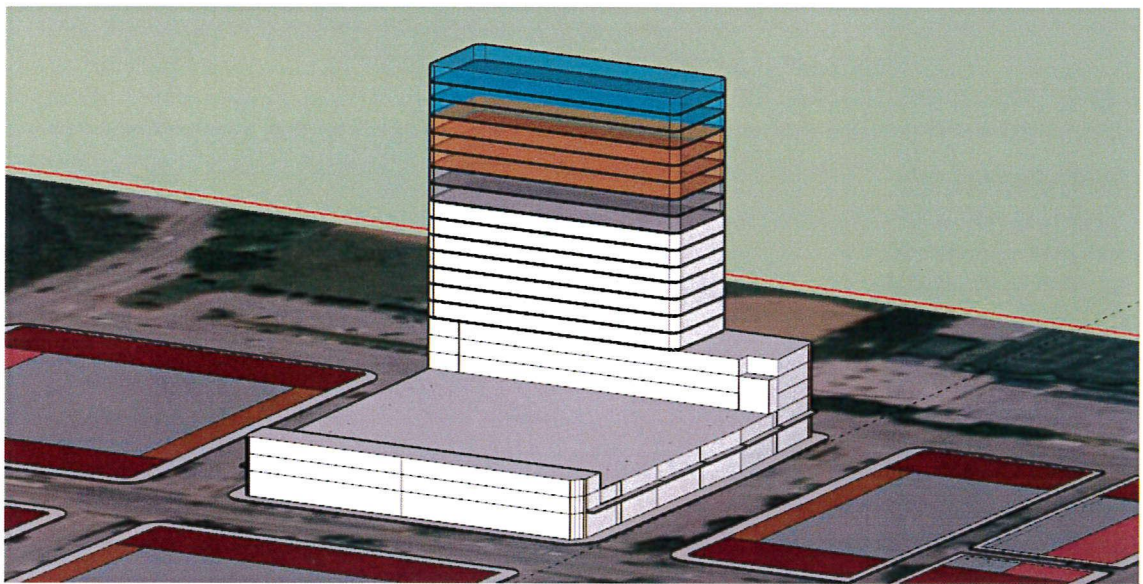
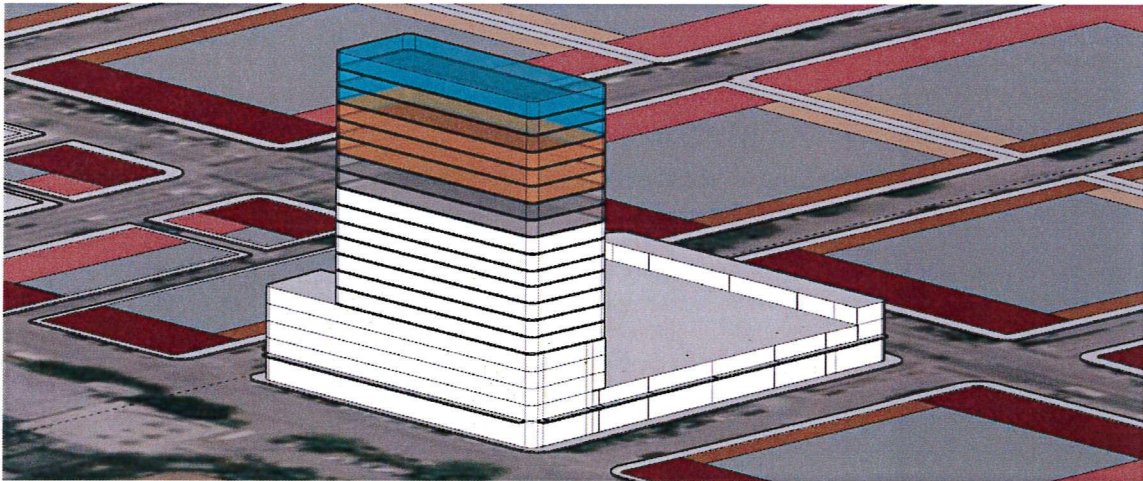
## TC-C MASSING STUDY

### Legend

- Up to 125 FT – 11 stories (**White**)
- 125-145 FT – Approximately 13 stories (**Gray**)
- 145-175 FT – Approximately 16 stories (**Orange**)
- 175-200 FT – Approximately 19 stories (**Turquoise**)

### TC-C MASSING STUDY - OPTION A (Block from 71<sup>st</sup> to 72<sup>nd</sup> St.)

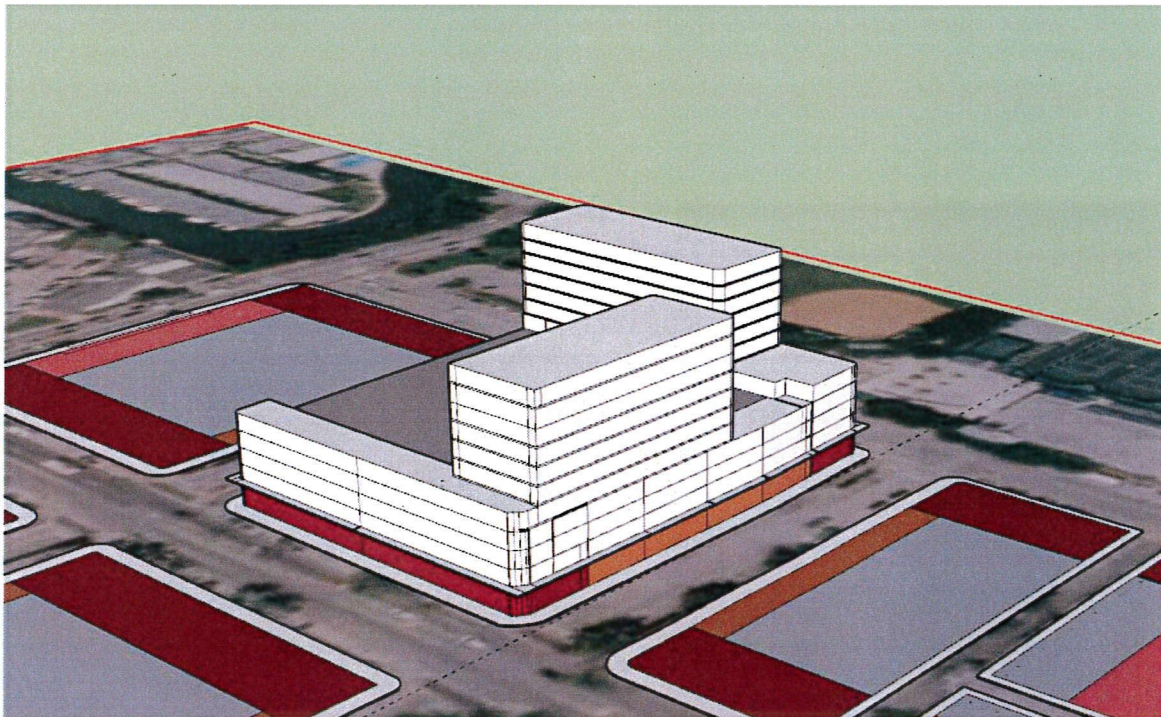
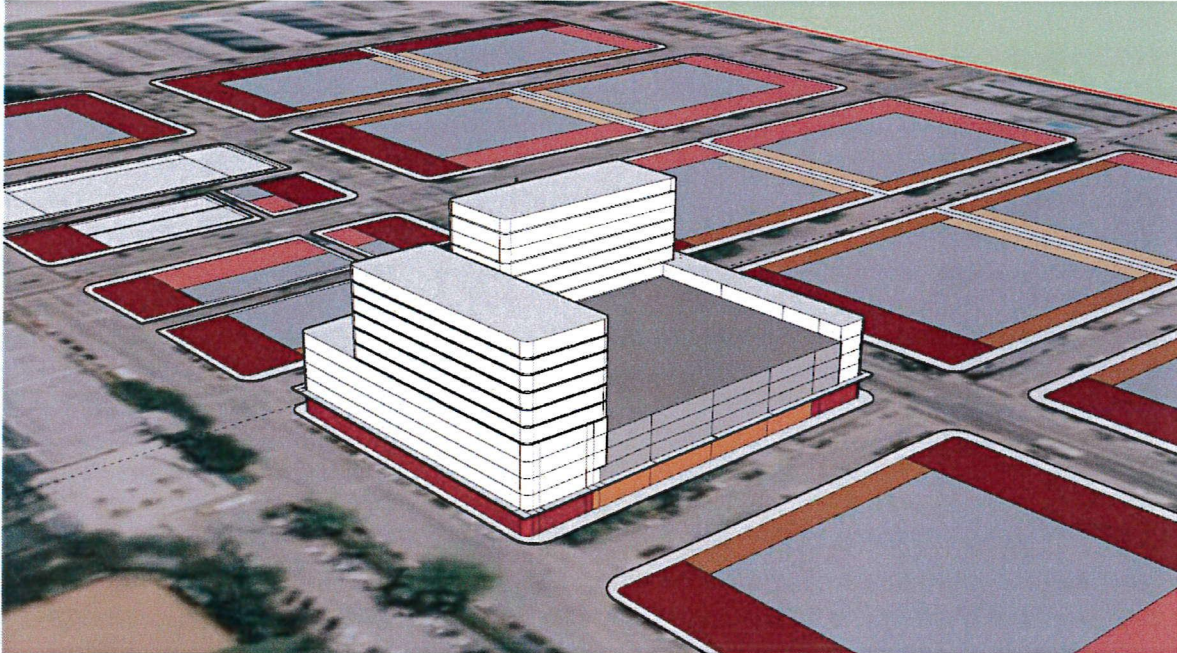
Option to maximize floor area while providing public benefits.





**TC-C MASSING STUDY - OPTION B**  
**(Block from 71<sup>st</sup> to 72<sup>nd</sup> St.)**

Option to maximize floor area without providing public benefits.

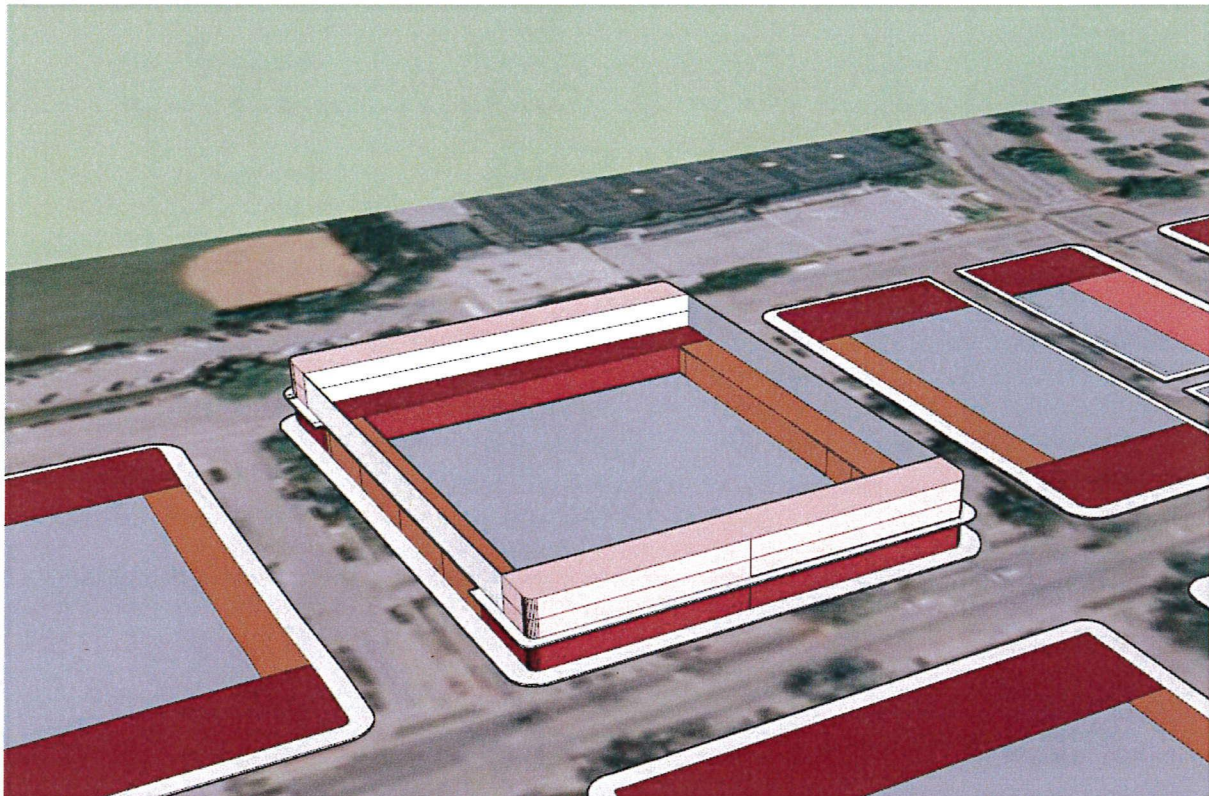




## **TC-C MASSING STUDY - BASE REGULATIONS**

(Block from 71<sup>st</sup> to 72<sup>nd</sup> St.)

Minimum required habitable space pursuant to the regulations for Class A and Class C roadways.



## TC-C Massing Study Bird's Eye Renderings

### Legend

- Approved Hotel Development (**Green**)
  - 3.5 FAR at 125 feet
- Land Swap Parcels Proposed Development (**Yellow**)
- Massing Study Samples
  - Up to 125 FT – 11 stories (**White**),
  - 125-145 FT – Approximately 13 stories (**Gray**)
  - 145-175 FT – Approximately 16 stories (**Orange**)
  - 175-200 FT – Approximately 19 stories (**Turquoise**)









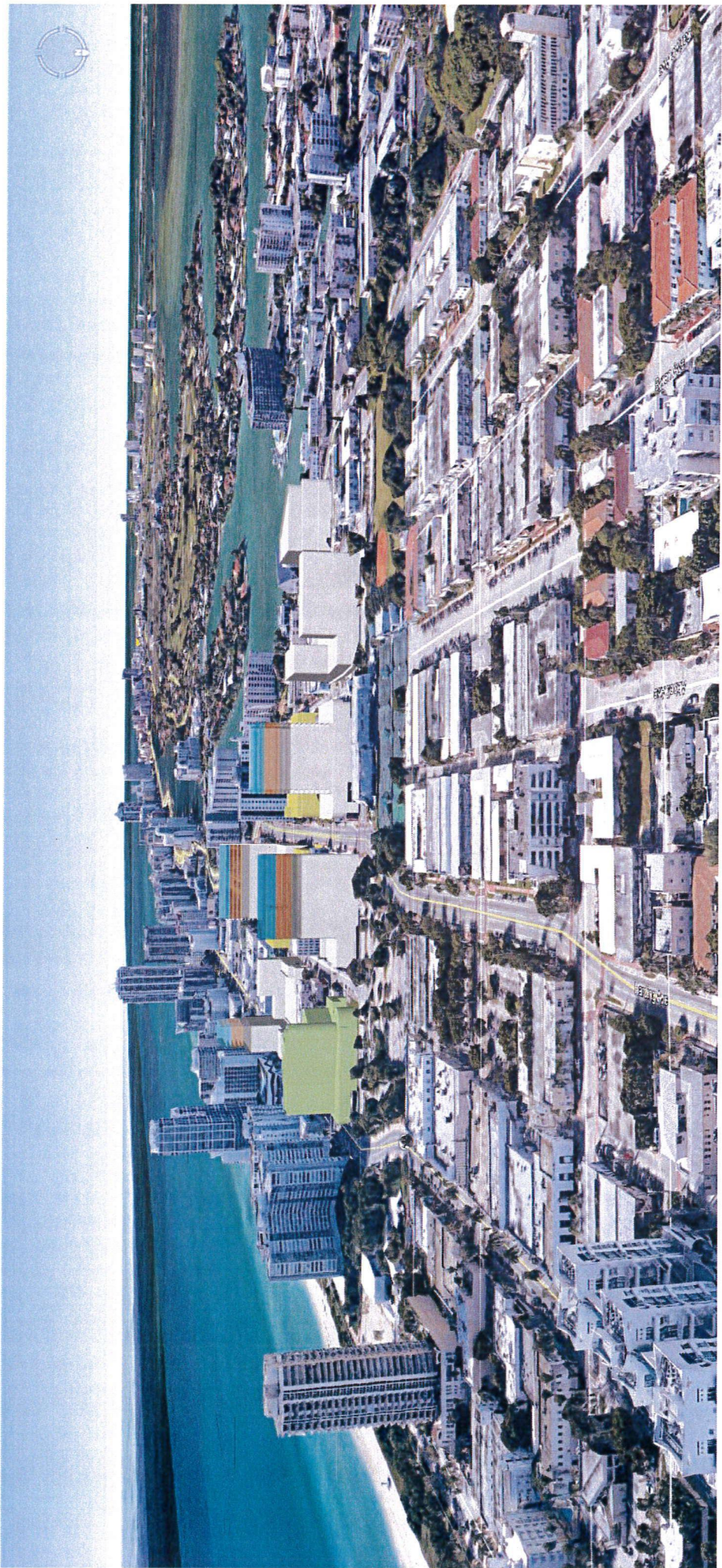


































## Ballot Question 2

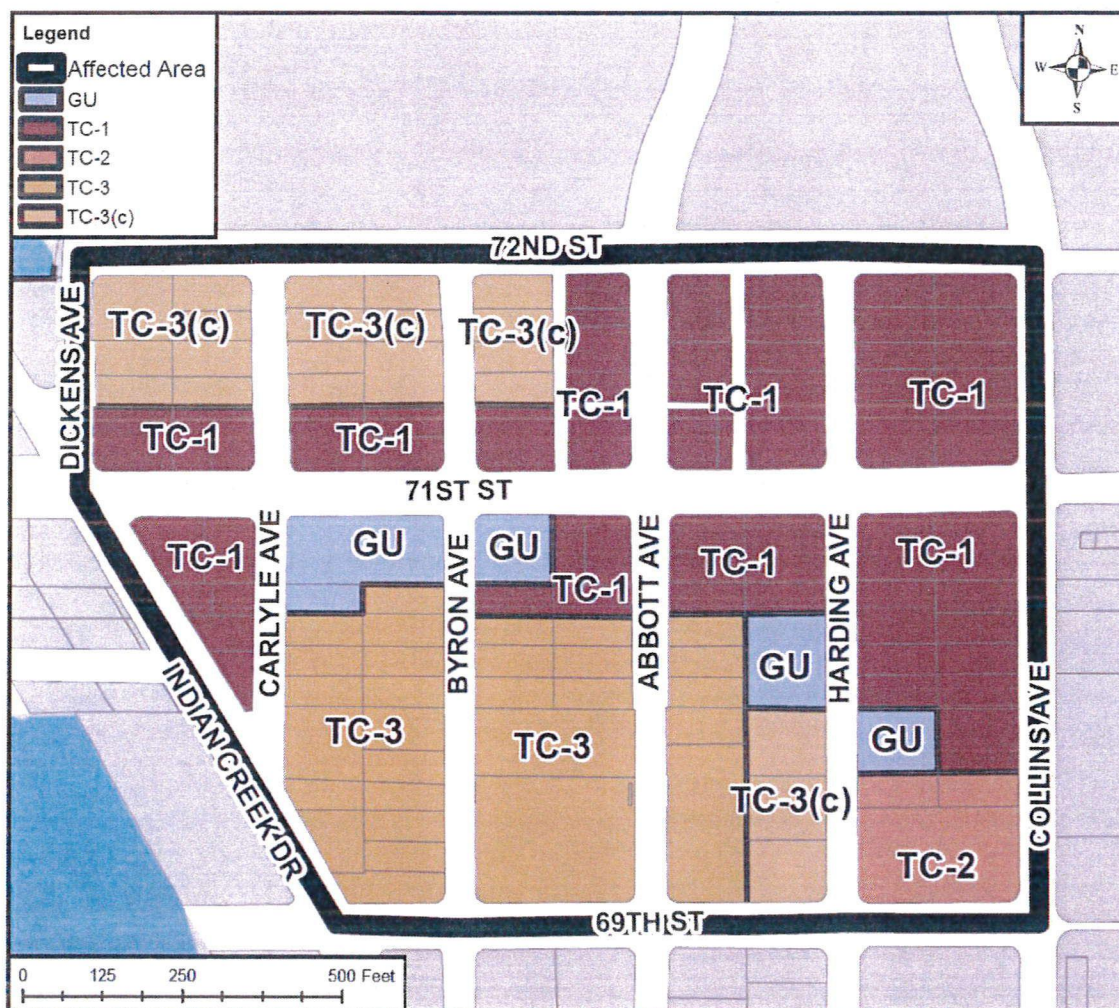
### **FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR**

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

### Explanation of Ballot Question 2

This ballot question relates to a proposed increase in the current allowable Floor Area Ratio ("FAR") for the Town Center ("TC") zoning districts in the North Beach area of the City of Miami Beach. The area subject to the proposed FAR increase is bounded by Collins Avenue on the east, Dickens Avenue and Indian Creek Drive on the west, 69th Street on the south, and 72nd Street on the north.

The following is a map of the area subject to the proposed FAR increase:



The term "Floor Area Ratio" (or "FAR") generally describes the size of a building in relation to the size of the property where the building will be located. A property's maximum buildable floor area is calculated by multiplying the square footage of the property by the allowable FAR in the zoning district where the property is located. For example, if a property owner owns 10,000 square feet of land with a zoned FAR of 3.0, the owner can generally build a building with 30,000 usable square feet, subject to any applicable exceptions in the City Code.

City Charter Section 1.03(c), which was approved by the City's voters in 2001, requires that any increase in zoned FAR for any property in the City must be approved by a majority vote of the electors of the City of Miami Beach. Accordingly, the proposed FAR increase for the Town Center ("TC") zoning districts requires voter approval.

On October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan (the "Master Plan"). The Master Plan was developed by Dover, Kohl and Partners, Inc. and received significant public input. The Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (referred to as "TC-1," "TC-2," and "TC-3" in the City's land development regulations). The goal of this recommendation is to enable the design and construction of larger buildings within the Town Center, and to encourage the development of 71st Street as a "main street" for North Beach.

This ballot question would authorize the following increases in FAR:

<b>Zoning District</b>	<b>Current FAR</b>	<b>Proposed FAR</b>
<b>TC-1</b>	2.25 – 2.75	3.5
<b>TC-2</b>	2.0	3.5
<b>TC-3</b>	1.25	3.5

If a majority of the City's electors voting on this ballot measure vote in favor of it, that approval will have binding, official effect on the City of Miami Beach and the proposed Ordinance will be codified upon its adoption by the City Commission.

**DRAFT**

**NORTH BEACH TOWN CENTER – CENTRAL CORE  
LAND DEVELOPMENT REGULATIONS**

**ORDINANCE NO.**\_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE  
CITY OF MIAMI BEACH, FLORIDA, AMENDING**

**CHAPTER 114, “DEFINITIONS”**\_\_\_\_\_

**CHAPTER 130, “OFF-STREET PARKING”**\_\_\_\_\_

\_\_\_\_\_  
**CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II,  
“DISTRICT REGULATIONS,”**\_\_\_\_\_

\_\_\_\_\_  
**APPENDIX A, “FEE SCHEDULE”**\_\_\_\_\_

\_\_\_\_\_  
**PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND  
AN EFFECTIVE DATE.**

**WHEREAS**, in September 2015, at the recommendation of the Mayor’s Blue Ribbon Panel on North Beach and after an appropriate Request for Qualifications had been issued, the City Commission entered into an agreement with Dover, Kohl and Partners, Inc. to prepare a master plan for the North Beach district of the City; and

**WHEREAS**, on October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan developed by Dover, Kohl and Partners Inc. after significant public input; and

**WHEREAS**, the North Beach Master Plan identifies the Town Center area as being in need of redevelopment and revitalization; and

**WHEREAS**, the North Beach Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (TC-1, TC-2, and TC-3) within the Town Center district areas; and

**WHEREAS**, the goal of the recommendation is to enable the design and construction of larger buildings within the Town Center, and to encourage the development of 71<sup>st</sup> Street as a “main street” for the North Beach area; and

**WHEREAS**, City Charter Section 1.03(c), requires that any increase in zoned FAR for any property in the City must be approved by a majority vote of the electors of the City of Miami Beach; and

**WHEREAS**, on November 7, 2017, and pursuant to Resolution No. 2016-29608, the following ballot question was submitted to the City’s voters:

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## FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR –

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

**WHEREAS**, the ballot question was approved by 58.64 percent of the City's voters; and

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**,

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives and consistent with the vote of the electorate.

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

**SECTION 1.** Chapter 114, "General Provisions," Section 114-1, "Definitions," is hereby amended as follows:

### **Chapter 114 - GENERAL PROVISIONS**

#### **Sec. 114-1. Definitions.**

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artisanal Retail for On-Site Sales Only* shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including but not limited to works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises only. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

*Artisanal Retail with Off-Site Sales* shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including but not limited to works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises and concurrently for sale to vendors and retailers off the premises. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

\*

\*

\*



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Co-Living shall mean a small multi-family residential dwelling unit that includes sanitary facilities and kitchen facilities; however, such facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

\* \* \*

Neighborhood Fulfillment Center shall mean a retail establishment where clients collect goods that are sold off-site, such as with an internet retailer. Additionally, the establishment provides a hub where goods can be collected and delivered to clients' homes or places of business by delivery persons that do not use cars, vans, or trucks. Such facilities are limited to 35,000 square feet.

\* \* \*

Live-Work shall mean residential dwelling unit that contains a commercial or office component which is limited to a maximum of fifty percent (50%) of the dwelling unit area.

**SECTION 2.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," is hereby amended to establish Division 21, "Town Center – Central Core (TC-C) District as follows:

### **DIVISION 21. TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT**

#### **Sec. 142-740. – Purpose and Intent.**

The overall purpose of the Town Center – Central Core (TC-C) District is to:

- (a) Encourage the redevelopment and revitalization of the North Beach Town Center.
- (b) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, mixed-use areas, and residential living environments with compatible office uses and neighborhood-oriented commercial services;
- (c) Promote a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors and residents;
- (d) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- (e) Provide opportunities for live/work lifestyles and increase the availability of affordable office and commercial space in the North Beach area.
- (f) Promote the health and well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction;
- (g) Create a place that represents a unique, attractive and memorable destination for residents and visitors;

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- (h) Enhance the community's character through the promotion of high-quality urban design;
- (i) Promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment;
- (j) Encourage the development of workforce and affordable housing; and
- (k) Improve the resiliency and sustainability of North Beach.

**Sec. 142-741. - Main permitted uses, accessory uses, exception uses, special exception uses, conditional uses, and prohibited uses and supplemental use regulations.**

Land Uses in the TC-C district shall be regulated as follows:

- (a) The main permitted, accessory, conditional, and prohibited uses are as follows:

<b><u>General Use Category</u></b>	
<b><u>Residential Uses</u></b>	
<u>Apartments &amp; Townhomes</u>	<u>P</u>
<u>Co-Living</u>	<u>P</u>
<u>Live-Work</u>	<u>P</u>
<u>Single Family Detached Dwelling</u>	<u>P</u>
<b><u>Hotel Uses</u></b>	
<u>Hotel</u>	<u>P</u>
<u>Micro-Hotel</u>	<u>P</u>
<b><u>Commercial Uses</u></b>	
<u>Alcoholic Beverage Establishments</u>	<u>P</u>
<u>Artisanal Retail for On-Site Sales Only</u>	<u>P</u>
<u>Grocery Store</u>	<u>P</u>
<u>Indoor Entertainment Establishment</u>	<u>P</u>
<u>Neighborhood Fulfillment Center</u>	<u>P</u>
<u>Offices</u>	<u>P</u>
<u>Restaurants</u>	<u>P</u>
<u>Retail</u>	<u>P</u>
<u>Outdoor Cafe</u>	<u>A</u>
<u>Outdoor Bar Counter</u>	<u>A</u>
<u>Sidewalk Café</u>	<u>A</u>
<u>Artisanal Retail with Off-Site Sales</u>	<u>C</u>
<u>Day Care Facility</u>	<u>C</u>
<u>Public and Private Institutions</u>	<u>C</u>
<u>Religious Institution</u>	<u>C</u>

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<u>Schools</u>	<u>C</u>
<u>Commercial Establishment over 25,000 SF</u>	<u>C</u>
<u>Retail Establishment over 25,000 SF</u>	<u>C</u>
<u>Neighborhood Impact Establishment</u>	<u>C</u>
<u>Outdoor and Open Air Entertainment Establishment</u>	<u>C</u>
<u>Pawnshop</u>	<u>N</u>

P = Main Permitted Use, C = Conditional Use, N = Prohibited Use, A = Accessory only

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

- (1) There shall be no variances regarding the regulations for permitted, prohibited, accessory, exception, special exception, and conditional uses in subsection 147-741(a); and the supplemental regulations of such uses and subsection 147-741(b).
- (2) There shall be a limit of 1,800 hotel rooms within the TC-C district over and above the development capacity, inclusive of density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. Credits for hotel rooms shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the hotel rooms are not built or cease operations, the credits shall become available to new applicants. Any hotel rooms permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (3) There shall be a limit of 500 apartment units built within the TC-C district over and above the development capacity, inclusive of density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. Credits for such housing units shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or certificate of occupancy, whichever comes first. If said approval, permit, or certificate expire and the apartment units are not built or cease to be housing units, the credits shall become available to new applicants. Any apartment units permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (4) There shall be a combined limit of 500 workforce housing, affordable housing, or co-living units built within the TC-C district over and above the development capacity, inclusive of density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. Credits for such units shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or certificate of occupancy, whichever comes first. If said approval, permit, or certificate expire and the units are not built or cease to be residential units, the credits shall become available to new applicants. Any workforce housing, affordable housing, or co-living units permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (5) There shall be a limit of two (2) retail establishments over 25,000 square feet within the TC-C district. Credits for such retail establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or

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business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

- (6) There shall be a limit of two (2) Neighborhood Fulfillment Centers within the TC-C district. Credits for such establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

- (7) For the purposes of the TC-C district, the definition for a neighborhood impact establishments established in section 142-1361 is modified as follows:

A neighborhood impact establishment means:

a. An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1) with an area of 10,000 square feet or greater of areas accessible by patrons; or

b. An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an area of 5,000 square feet or greater of areas accessible by patrons.

- (8) The primary means of pedestrian ingress and egress for alcoholic beverage establishments, entertainment establishments, neighborhood impact establishments, commercial establishment over 25,000 SF, retail establishment over 25,000, or artisanal retail uses in the TC-C district shall not be permitted within 200 feet of an RM-1 district boundary. This shall not apply to emergency egress.

- (9) The following requirements shall apply to Indoor Entertainment Establishments and Outdoor and Open Air Entertainment Establishments:

a. Indoor Entertainment Establishments shall be required to install a double door vestibule at all access points, except for emergency exits.

b. Indoor entertainment shall cease operations no later than 5 am and commence entertainment no earlier than 9 am.

c. Open Air Entertainment shall cease operations no later than 11 pm on Sunday through Thursday, and 12 am on Friday and Saturday; operations shall commence no earlier than 9 am on weekdays and 10 am on weekends; however, the Planning Board may establish stricter requirements.

d. There shall be a maximum of ten (10) Alcoholic Beverage Establishments that are not also operating as a restaurant or Entertainment Establishment permitted within this zoning district. Credits for entertainment establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval,

## DRAFT

building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the entertainment establishment is not built or ceases operations, the credits shall become available to new applicants. Any entertainment establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

- e. Entertainment Establishments shall also be restaurants with full kitchens. Such restaurants shall be open and able to serve food at a minimum between the hours of 10 am and 2 pm on days in which the Entertainment Establishment will be open and additionally during hours in which entertainment occurs and/or alcohol is sold.

- (10) Restaurants with sidewalk cafe permits or outdoor cafes shall only serve alcoholic beverages at sidewalk cafes and outdoor cafes during hours when food is served in the restaurant, shall cease sidewalk cafe operations at 12:00 am and commence no earlier than 7 am.

### **Sec. 142-743. – General Development Regulations.**

- (a) The maximum floor area ratio (FAR) shall be 3.5.

- (b) The maximum building height shall be follows:

- (1) 125 feet (Base Maximum Height);

- (2) 200 feet maximum height with participation in the Public Benefits Program as outlined in Sec. 142-746 (Public Benefit Maximum Height).

- (c) Minimum Unit Sizes:

- (1) Residential Unit Sizes. The minimum unit sizes for residential uses shall be as follows:

- c. Apartment – 550 SF

- d. Workforce Housing – 400 SF

- e. Affordable Housing – 400 SF

- f. Co-Living Units – 375 SF with a minimum of 20 percent of the gross floor area of the building consisting of amenity space that is physically connected to and directly accessed from the co-living units without the need to exit the parcel. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; kitchens; club rooms; business center; retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses whether operated by the condo or another operator. Bars and restaurants shall count no more than 50 percent of the total co-living amenity space requirements. These amenities may be combined with the amenities for Micro-Hotels, provided residents and hotel guests have access.

- (2) Minimum Hotel Room Sizes. The minimum hotel room size shall be:

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a. Hotel – 300 SF

b. Micro-Hotel – 175 SF provided that a minimum of 20 percent of the gross floor area of the building consists of amenity space that is physically connected to and directly accessed from the micro-hotel units without the need to exit the parcel. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel uses whether operated by the hotel or another operator. Bars and restaurants shall count no more than 50 percent of the total amenity space requirements. These amenities may be combined with the amenities for Co-Living Units, provided residents and hotel guests have access.

(d) The maximum residential density shall be 150 units per acre.

(1) The maximum residential density of may be increased by up to 80 percent beyond the maximum residential density if the development incorporates certified workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

(e) The following floor to ceiling height limits shall apply to floors located above 55 feet in height:

(1) Residential and Hotel Uses – 12 feet

(2) Commercial Uses – 14 feet

## **Sec. 142-744. - Setbacks and Encroachments.**

Setbacks and Allowable Encroachments into Setbacks shall be as per Table A below. For the purposes of new construction in this zoning district, heights shall be measured from the City of Miami Beach Freeboard of five (5) feet, unless otherwise noted.

**Table A**

<u>Street Class</u>	<u>Property line abutting</u>	<u>Building Height at which Setback occurs</u>	<u>Minimum Setback from property line</u>	<u>Allowable Habitable Encroachments into setback</u>
<u>Class B</u>	<u>69th Street Between Collins Avenue and Harding Avenue</u>	<u>Grade to 135 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>135 feet to max height</u>	<u>35 feet</u>	<u>5 feet</u>
<u>Class B</u>	<u>69th Street Between Harding Avenue and Indian Creek Drive</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>55 feet to 135 feet</u>	<u>50 feet</u>	<u>0 feet</u>
		<u>135 feet to max height</u>	<u>85 feet</u>	<u>0 feet</u>
<u>Class D</u>	<u>70th Street Alley Line</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>3 feet</u>

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<u>Class A</u>	<u>71st Street</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>25 feet</u>	<u>5 feet</u>
<u>Class A</u>	<u>72nd Street</u>	<u>Grade to max height</u>	<u>20 feet from back of curb line; curb line location shall be at the time of permitting; however, it shall be no less than 5 feet from the property line</u>	<u>5 feet</u>
<u>Class A</u>	<u>Collins Avenue</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>55 feet to 135 feet</u>	<u>20 feet</u>	<u>5 feet</u>
		<u>135 feet to max height</u>	<u>35 feet</u>	<u>5 feet</u>
<u>Class A</u>	<u>Indian Creek Drive</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Class B</u>	<u>Abbott Avenue and Dickens Avenue</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Class C</u>	<u>Byron Avenue, Carlyle Avenue, and Harding Avenue</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>N/A</u>	<u>Interior Side</u>	<u>Grade to 55 feet</u>	<u>0 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>30 feet</u>	<u>10 feet</u>
<u>N/A</u>	<u>Rear abutting an alley (Except 70th Street Alley)</u>	<u>Grade to 55 feet</u>	<u>5 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>20 feet</u>	<u>10 feet</u>
<u>N/A</u>	<u>Rear abutting a parcel</u>	<u>Grade to 55 feet</u>	<u>0 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>30 feet</u>	<u>10 feet</u>

## **Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

The development regulations and street frontage requirements for the TC-C district are as follows:

(a) The following regulations shall apply to all frontages:

- (1) **Tower Regulations.** The tower shall be considered the portion of a building located above 55 feet, excluding allowable height exceptions as defined in section 142-1161. Towers shall comply with the following:

## DRAFT

- a. That portion of a tower located within 50 feet of a public right-of-way shall not exceed 165 feet in length between the two furthest points of the exterior face of the tower.
  - b. The minimum horizontal separation between multiple towers located on the same site, including balconies, shall be 60 feet.
- (2) **Setback Design.** The minimum setback shall be designed to function as an extension of the adjacent public sidewalk unless otherwise noted in the regulations of this zoning district.
- (3) **Clear Pedestrian Path.** A minimum ten (10) foot wide "Clear Pedestrian Path," free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:
- a. The Clear Pedestrian Path may only utilize public sidewalk and setback areas.
  - b. Pedestrians shall have 24-hour access to the Clear Pedestrian Path.
  - c. The Clear Pedestrian Paths shall be well lit.
  - d. The Clear Pedestrian Paths shall be designed as an extension of the adjacent public sidewalk.
  - e. The Clear Pedestrian Path shall be delineated by differing pavement tones, pavement type, or other method to be approved by the Planning Director or designee.
  - f. An easement to the City providing for perpetual public access shall be provided for portions of the Clear Pedestrian Path that fall within the setback area.
- (4) **Balconies.** Balconies may encroach into required setbacks above a height of 15 feet up to the applicable distance indicated for allowable habitable encroachments in Table A.
- (5) **Articulation.** Facades with a length of 240 feet or greater shall be articulated so as to not appear as one continuous façade, subject to design review criteria.
- (6) **Windows.** All windows shall be a minimum of double-pane hurricane impact glass.
- (7) **Street trees.** In addition the requirements of Chapter 126, street trees shall require the installation of an advanced structural soil cells system (Silva Cells or approved equal) and other amenities (irrigation, up lighting, porous aggregate tree place finish) in tree pits. Additionally, street trees shall be of a species typically grown in Miami Beach and shall comply with ADA clearance requirements.
- (8) **Commercial, Hotel, and Access to Upper Level Frontages.** In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:
- a. The habitable space shall be directly accessible from the Clear Pedestrian Path.



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- b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.
- c. A shade structure that projects for a minimum depth of 5 feet into the setback beyond the building facade, shall be provided at a height between 15 feet and 25 feet. Said shade structure may consist of an eyebrow or similar structure. Additionally, an allowable habitable encroachment such as balconies or parking deck may take the place of the shade structure.
- d. No more than 35 percent of the required habitable space along the ground floor of a building frontage shall be for Access to Upper Levels, unless waived by the Design Review Board.

(9) **Residential Frontages.** In addition to other requirements for specific frontage types and other requirements in the City Code, residential frontages shall be developed as follows:

- a. Ground floor residential units shall have private entrances from the Clear Pedestrian Path.
- b. Live-work units shall only be permitted where there are private entrances from the Clear Pedestrian Path.
- c. Where there are ground floor residential units, the building may be recessed from the setback line up to an additional to five (5) feet in order to provide private gardens or porches that are visible and accessible from the street.
- d. A shade structure over the private garden or porch may be provided.
- e. Private access stairs, ramps, and lifts to the ground floor units may be located within the area of the private garden or porches.
- f. Fencing and walls for such private gardens or porches may encroach into the required setback up to the applicable distance indicated for allowable encroachments in Table A at grade; however, it shall not result in a Clear Pedestrian Path of less than ten (10) feet. Such fencing and walls shall not be higher than four (4) feet from grade.

(10) **Off-Street Parking Facilities.** In addition to requirements for specific frontage types and other requirements in the City Code, off-street parking facilities shall be built as follows:

- a. Parking facilities shall be entirely screened from view from public rights of way and Clear Pedestrian Paths. Parking garages shall be architecturally screened or lined with habitable space.
- b. Parking garages may only encroach into the required setback between a height 25 feet and 55 feet up to the applicable distance indicated for allowable habitable encroachments in Table A.

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1. Habitable space for residential, commercial, or hotel uses may be placed within the allowable habitable encroachment in order to screen the parking garage from view of the public right-of-way.
  - c. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have a minimum floor to ceiling height of nine (9) feet.
  - d. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have horizontal floor plates.
  - e. Rooftop and surface parking shall be screened from view from surrounding towers through the use of solar carports or landscaping.
- (11) **Utilities.** In addition to other requirements for specific frontage types and other requirements in the City Code, facilities for public utilities shall be built as follows:
- a. For new construction, local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.
  - b. Long-distance power transmission lines not otherwise buried shall be placed on poles for above-ground distribution pursuant to the following restrictions:
    - a. Poles shall be located in the area of Allowable Encroachments into Setbacks; however, they may not obstruct Clear Pedestrian Paths.
    - b. Poles shall be located no closer than 50 feet from the radius of the intersection of two streets.
    - c. Poles shall be separated by the longest distance possible that allows the lines to operate safely.
    - d. Poles shall be architecturally and artistically treated.
- (12) **Loading.** Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways:
- a. Loading shall at a minimum be setback behind the area required to be habitable for each Street Class designation.
  - b. Loading for non-residential uses that are on lots over 45,000 square feet shall provide for loading spaces that do not require vehicles to reverse into or out of the site, unless waived by the Design Review Board.
  - c. Driveways for parking and loading shall be combined, unless waived by the Design Review Board.
  - d. Loading areas shall be closed when not in use.
  - e. Garbage rooms shall be noise-baffled, enclosed, and air-conditioned.



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- f. Trash containers shall be located in loading areas.
  - g. Trash containers shall utilized rubber tired wheels.
  - h. Delivery trucks shall not be allowed to idle in the loading areas
  - i. Loading for commercial and hotel uses and trash pick-ups with vehicles of more than two (2) axles may only commence between the hours of 6 am and 7 am, 9 am and 3 pm, and 6 pm and 9 pm on weekdays; and 9 am and 9 pm on weekends, unless waived by the Planning Board with Conditional Use approval. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5 am instead of 6 am on weekdays.
  - j. Loading for commercial and hotel uses with vehicles of two (2) axles or less may occur between the hours of 6 am and 11 pm on weekdays and 9 am and 11 pm on weekends. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5 am instead of 6 am on weekdays.
  - k. Required off-street loading may be provided on another site within the TC-C district and within 1,500 feet of the site.
- (b) **70<sup>th</sup> Street Frontage.** The property line between southern boundary of Lots 6 and 7 of Blocks 11 through 14 of "Normandy Beach South" according to the plat thereof as recorded in Plat Book 21 at Page 54 and the northern boundary of Lots 1 and 12 of Blocks D, E, and H of "Atlantic Heights Corrected" according to the plat thereof as recorded in Plat Book 9 at Page 54 and of Lots 1 and 6 of Block J of "Atlantic Heights" according to the plat thereof as recorded in Plat Book 9 at Page 14, is hereby defined as the "70<sup>th</sup> Street Frontage."
- (c) **Street Class Designation.** For the purposes of establishing development regulations for adjacent properties and public rights of way, streets and frontages shall be organized into classes as follows:
- (1) Class A frontages are the following:
    - a. 71<sup>st</sup> Street
    - b. 72<sup>nd</sup> Street
    - c. Collins Avenue
  - (2) Class B frontages are the following:
    - a. Abbott Avenue
    - b. Dickens Avenue
    - c. Indian Creek Drive
    - d. 69<sup>th</sup> Street

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(3) Class C frontages are the following:

- a. Abbott Avenue
- b. Carlyle Avenue
- c. Harding Avenue
- d. Byron Avenue

(4) Class D frontages are the following:

- a. 70<sup>th</sup> Street Frontage

(d) **Hierarchy of Frontages.** For the purposes of conflicts, Class A frontages shall be the highest class frontage; Class B frontages shall be the second (2<sup>nd</sup>) highest class frontage; Class C frontages shall be the third (3<sup>rd</sup>) highest class frontage; and Class D shall be the fourth (4<sup>th</sup>) highest class frontage. Where requirements for frontages of different classes overlap and conflict, the regulations for the higher class frontage shall supersede the regulations for the lower class frontage.

(e) **Class A.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

(1) Facades shall have a minimum of height of 35 feet.

(2) Buildings shall have a minimum of three (3) floors located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:

- a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
- b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space with a minimum depth of 50 feet from the building façade.
- c. The habitable space on the ground floor shall be for commercial and hotel uses, and to provide access to uses on upper floors of the building.
- d. The second (2<sup>nd</sup>) and third (3<sup>rd</sup>) floors shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 25 feet from the building façade.
- e. Ground floor and surface parking shall be setback a minimum of 50 feet from the building façade and be concealed from view from the Clear Pedestrian Path.

(3) Driveways and vehicle access to off-street parking and loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted drive-ways on Class A frontages shall be limited by the following:

- a. If a driveway is permitted it shall be limited to 22 feet in width and be incorporated into the façade of the building.



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- b. Driveways shall be spaced no closer than 60 feet apart.
  - c. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.
- (4) Off-street loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site.
- (5) On-street loading shall be prohibited on Class A frontages.
- (6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted utility infrastructure shall be developed as follows:
  - a. Permitted utility infrastructure shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (7) Street trees shall be provided at a maximum average spacing of 20 feet on center, have a minimum clear trunk of eight (8) feet, an overall height of 22 feet, and a minimum caliper of six (6) inches at time of planting. Additionally, the following shall apply:
  - a. Street trees shall be up-lit.
  - b. If such street trees cannot be planted the applicant/property owner shall contribute double the sum required in Section 126-7(2) into the City's Tree Trust Fund.
- (f) **Class B.** In addition to other requirements in the City Code, Class B frontages shall be developed as follows:
  - (1) Facades shall have a minimum of height of 35 feet.
  - (2) Buildings shall have a minimum of one (1) floor located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:
    - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
    - b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 45 feet from the building façade for the minimum required length along the setback line.
  - (3) Driveways and vehicle access to off-street parking and loading shall be prohibited unless it is the only means of egress to the site or if the only other means of egress is from a Class A street. Permitted drive-ways on Class B frontages shall be limited by the following:
    - a. The prohibition on driveways may be waived by the Design Review Board on blocks that are over 260 feet in length; however, such driveways shall be limited to 12 feet in width.

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- b. Driveways shall be limited to 22 feet in width and be incorporated into the façade of the building.
  - c. Driveways shall be spaced no closer than 60 feet apart on a single parcel.
  - d. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.
- (4) Off-street loading shall be prohibited on Class B frontages, unless it is the only means of egress to the site, or if the only other means of egress is from a Class A street.
- (5) On-Street Loading shall be prohibited on Class B frontages.
- (6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class B frontage, unless it is the only means of egress to the site or if the only other means of egress is from a Class A street. Permitted utility infrastructure shall be developed as follows:
  - a. Permitted utility infrastructure shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (7) Street trees shall be provided at a maximum average spacing of 20 feet on center. , have a minimum clear trunk of six (6) feet, an overall height of 16 feet, and a minimum caliper of four (4) inches at time of planting. Additionally, the following shall apply:
  - a. Street trees shall be up-lit.
  - b. If such street trees cannot be planted the applicant/property owner shall contribute 1.5 times the sum required in Section 126-7(2) into the City's Tree Trust Fund.
- (g) **Class C.** In addition to other requirements in the City Code, Class C frontages shall be developed as follows:
  - (1) Facades shall have a minimum of height of 35 feet.
  - (2) Buildings shall have a minimum of one (1) floor located along a minimum of 85 percent of the length of the setback line pursuant to the following regulations:
    - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
    - b. Where there are ground floor residential units, the building may be recessed from the setback line up to five (5) feet in order to provide private gardens or porches that are visible and accessible from the street.
    - c. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.



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- d. Ground floor and surface parking shall be setback a minimum of 20 feet from the building façade and shall be concealed from view from the Clear Pedestrian Path.
- (3) Driveways on Class C frontages shall be limited as follows:
  - a. Driveways shall be limited to 24 feet in width and be incorporated into the façade of the building.
  - b. Driveways shall be spaced no closer than 30 feet apart, unless waived by the Design Review Board.
  - c. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.
- (4) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (h) **Class D.** In addition to other requirements in the City Code, Class D frontages shall be developed as follows:
  - (1) The Class D frontage is intended to provide a comfortable pedestrian path that connects Indian Creek Drive to Collins Avenue; therefore, the minimum setback area shall contain Clear Pedestrian Path that provides access from the perpendicular Clear Pedestrian Paths which are intersected.
  - (2) Facades shall have a minimum of height of 20 feet.
  - (3) Buildings shall have a minimum of one (1) floor located along a minimum of 25 percent of length of the setback line pursuant to the following regulations:
    - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
    - b. The ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.
    - c. Surface Parking shall be setback a minimum of 20 feet from the building façade and shall be concealed from view from the Clear Pedestrian Path.
  - (4) Driveways shall be prohibited on Class D frontages.
  - (5) Loading shall be prohibited on Class D frontages.
  - (6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within the line of the façade if access from the street is required.

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(7) Buildings on either side of the frontage shall be permitted to provide one elevated pedestrian walkway to connect to the building on the opposite side of the frontage pursuant to the following restrictions:

- a. The elevated walkway shall be located between a height of 25 feet and 55 feet.
- b. Elevated walkways shall be setback a minimum 30 feet from Class A, B, or C setbacks.
- c. Elevated walkways may be enclosed.
- d. Elevated walkways shall be architecturally treated.
- e. Elevated walkways shall be no wider than 20 feet, excluding architectural treatments.

### **Sec. 142-746. - Public Benefits Program.**

Participation in the public benefits program shall be required for floor area that is located above 125 feet up to the Maximum Height. The following options or mix of options are available for participation in the public benefits program:

(a) **Contribution to Public Benefits Fund.** A contribution to the Public Benefits Fund, in the amount identified in Appendix A shall be required as follows:

#### TO BE DETERMINED BY MARKET STUDY

(1) The payment shall be made prior to obtaining a building permit. However, such option may only be chosen within 18 months of the development obtaining approval from the design review board. If the payment is made and a building permit is not obtained within the aforementioned time-frame, the payment shall be forfeited to the City. An extension of time of issued by the design review board for the project, and any applicable State extension of time shall not extend this option.

(b) **On-Site Workforce or Affordable Housing.** Provide On-Site Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons pursuant to the requirements of Articles V and VI of Chapter 58 of the City Code and certified by the Community Development Department. Two square feet of floor may be built above 125 feet for each square foot of Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons provided onsite. The following regulations shall apply to such units:

- (1) There shall be no separate entrance or access for such units. Residents of such units shall be permitted to access the building from the same entrances as the market rate units, unless units are on the ground floor, in which case they shall have private entrances from the Clear Pedestrian Path.
- (2) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this division.

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- (3) Only the square footage within the unit itself shall count for the square footage above the As of Right Height.
- (c) **Off-Site Workforce or Affordable Housing.** Provide Off-Site Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons pursuant to the requirements of Articles V and VI of Chapter 58 of the City Code and certified by the Community Development Department within the City of Miami Beach. 1.5 square feet of floor area may be built above 125 feet for each square foot of Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons provided off-site within the City of Miami Beach. The following regulations shall apply to such units:
- (1) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this zoning district.
- (2) Only the square footage within the unit itself shall count for the square footage above the As of Right Height.
- (3) The housing shall be provided prior to the development obtaining a Certificate of Occupancy.
- (4) If the housing cannot be provided prior to the development obtaining a Certificate of Occupancy, a contribution into the public benefits trust fund shall be made in the amount identified in Appendix A for each 0.5 square feet of floor area that is above the As of Right Height.
- (d) **LEED Platinum Certification.** Obtain LEED Platinum Certification or International Living Future Institute Living Building Challenge Certification. An additional 75 feet of height above 125 feet shall be provided for this option. This option shall be regulated per the Green Building Program in Chapter 133, Division 1; however, it requires that the participant post a sustainability fee payment bond or issue full payment of the sustainability fee in the amount of ten (10) percent of the total construction valuation of the building permit, as opposed to the five (5) percent as required in section 133-6(a) and that the following Compliance Schedule be utilized:

Certification Compliance Schedule

<u>Level of Certification Achieved</u>	<u>Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels</u>
<u>Failure to obtain Certification</u>	<u>0% refund of bond or payment of Sustainability Fee</u>
<u>LEED Certified</u>	<u>30% refund of bond or payment of Sustainability Fee</u>
<u>LEED Silver Certified</u>	<u>40% refund of bond or payment of Sustainability Fee</u>
<u>LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified</u>	<u>60% refund of bond or payment of Sustainability Fee</u>



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<u>LEED Platinum or International Living Future Institute Living Building Challenge Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>
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- (e) **Self-Sustaining Electrical and Surplus Stormwater Retention and Reuse.** Provide storm water retention that is over and above the minimum requirements in order to accommodate offsite storm water, including the reuse of such storm water through purple pipes throughout the building, in a manner to be reviewed and approved by Public Works. Additionally, the entire building shall be fully self-contained in terms of electrical power through the use of solar panels and similar electricity generating devices. An additional 75 feet of height above 125 feet shall be provided for this option.

### **Sec. 142-747. – North Beach Public Benefits Fund.**

- (a) The city has established a North Beach Public Benefits Fund. The revenue generated through the Public Benefits Program in section 142-748 shall be deposited in the North Beach Public Benefits Fund. Interest earned under the account shall be used solely for the purposes specified for funds of such account.
- (b) Earned fees in the North Beach Public Benefits Fund shall be utilized for the purposes outlined herein:
- (1) Sustainability and Resiliency grants for properties in North Beach Historic Districts;
  - (2) Uses identified for the Sustainability and Resiliency Fund, as identified in section 133-8(c);
  - (3) Improvements to existing parks;
  - (4) Enhancements to public transportation and alternative modes of travel, including rights of ways and roadways;
  - (5) Acquisition of new parkland and environmental and adaptation areas;
  - (6) Initiatives that improve the quality of life for residents.
- (c) All expenditures from these funds shall require City Commission approval and shall be restricted to North Beach. Prior to the approval of any expenditure of funds by the City Commission, the City Manager or designee shall provide a recommendation.

**SECTION 3.** Chapter 130, “Off-Street Parking,” Article II, “Districts; Requirements” of the Code of the City of Miami Beach is hereby amended as follows:

### **Chapter 130 - OFF-STREET PARKING**

### **ARTICLE II. - DISTRICTS; REQUIREMENTS**

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- (a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

\*

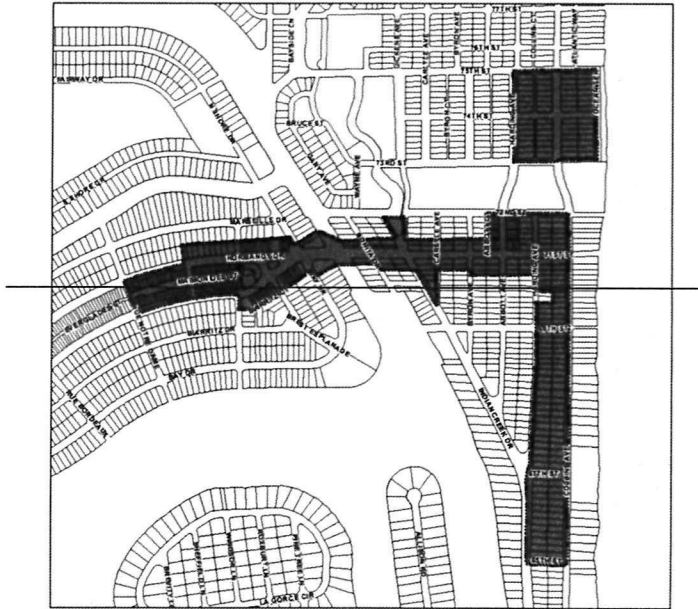
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- (4) *Parking district no. 4.* Parking district no. 4 includes those properties within the ~~TC-1 and TC-2 commercial district in the North Beach Town Center~~ and those properties in CD-2 districts with a lot line on 71st Street, or between 67th Street and 72nd Street, from the west side of Collins Avenue to the east side of Rue Notre Dame, and those properties with a lot line on Normandy Drive from the west side of the Indian Creek Waterway to the east side of Rue Notre Dame, and those properties in the CD-2 and MXE districts between 73rd Street and 75th Street, as depicted in the map below:



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\* \* \*

(8) Parking district no. 8. Parking district no. 8 includes those properties within the TC-C, TC-1, TC-2, and TC-3 districts, as depicted in the map below:



**Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7, and 8.**

\* \* \*



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(d) **Parking district no. 8.** Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 8, off-street automobile parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 4, as applicable.

(1) Apartment units and Townhomes:

1. One-half ( $\frac{1}{2}$ ) space per unit for Units between 550 and 749 square feet;
2. Three-quarters ( $\frac{3}{4}$ ) space per unit for Units between 750 and 1,000 square feet;
3. One (1) space per unit for Units above 1,000 square feet.

(2) Affordable housing and workforce housing: no parking requirement.

(3) Co-living and live-work units less than 550 square feet: no parking requirement. For co-living and live-work units greater than 550 square feet, the parking requirement shall follow the per unit requirement specified under apartment units and townhomes.

(4) Hotel: No parking requirement. For accessory uses to a hotel, no parking requirement provided a facility with publicly accessible parking spaces is located within 1,500 feet; otherwise, as per parking district no. 4.

(5) Office: No parking requirement provided a facility with publicly accessible parking spaces is located within 1,500 feet; otherwise, as per parking district no. 4.

(6) In order to encourage the use of alternative modes of transportation, the limitation for the sum of all parking reductions in Section 130-40(g) shall not apply in parking district no. 8.

(7) In order to encourage the use of centralized parking locations, required off-street parking may be located within 2,000 feet of a development site.

(8) Any building or structure erected in parking district no. 8 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

(9) New construction of any kind may satisfy their parking requirement by participation in the fee in lieu of parking program for pursuant to subsection 130-132(a) of the City Code.

(10) Short-Term and Long-Term Bicycle Parking shall be provided for development in parking district no. 8 as follows:

1. Commercial uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
  - a. Short-term bicycle parking: one (1) per business, four (4) per project, or one (1) per 10,000 square feet, whichever is greater.
  - b. Long-term bicycle parking: one (1) per business or (2) per 5,000 square feet.

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2. Hotel uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
  - a. Short-term bicycle parking: two (2) per hotel or one (1) per 10 rooms, whichever is greater.
  - b. Long-term bicycle parking: two (2) per hotel or (1) per 20 rooms, whichever is greater.
3. Residential uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
  - a. Short-term bicycle parking: four (4) per building or one (1) per 10 units, whichever is greater.
  - b. Long-term bicycle parking: one (1) unit.

This above noted required bicycle parking shall be permitted to apply towards vehicle parking reductions identified in section 130-40.

**SECTION 4.** Appendix A - Fee Schedule of the Code of the City of Miami Beach is hereby amended as follow:

### APPENDIX A – FEE SCHEDULE

#### FEE SCHEDULE

This appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances:

\* \* \*

<i>Section this Code</i>	<i>Description</i>	<i>Amount</i>
	<b>Subpart B. Land Development Regulations</b>	
	* * *	
	<b>Chapter 142. Zoning Districts and Regulations</b>	
	* * *	
<u>142-746(a)</u>	<u>Public benefits, per unit identified in LDRs</u>	<u>TBD</u>

**SECTION 5. ZONING MAP AMENDMENT** The following amendment to the City's zoning map designation for the property described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

## **DRAFT**

The area bounded by Indian Creek Drive and Dickens Avenue on the west, 72<sup>nd</sup> Street on the north, Collins Avenue on the east, and 69<sup>th</sup> Street on south, as depicted in Exhibit A, from the current zoning classifications of TC-1, "Town Center Core;" TC-2, "Town Center Mixed-Use;" and TC-3, "Town Center Residential Office" to the proposed zoning classification TC-C, "North Beach Town Center - Central Core."

### **SECTION 6. 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 7. REPEALER.**

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

### **SECTION 8. SEVERABILITY.**

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

### **SECTION 9. 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

(Sponsor: Commissioner John Elizabeth Aleman)



# DRAFT

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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## List of changes requested by ARQ / Development Team 6-18-18

1. 114-1 *Co-Living* shall mean a small multi-family residential dwelling unit that includes sanitary facilities and provides access to kitchen facilities; however, such kitchen facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

Planning Department: No objection to request

2. 114-1 *Live-Work* shall mean residential dwelling unit that contains a commercial or office component which is limited to a maximum of fifty percent (50%) of the dwelling unit area. Two story Loft units may have an increased work area on the lower level not to exceed 70% of the overall square footage of the unit.

Planning Department: No objection to request with modification to allow for 70% work area regardless of number of floors. The unit shall include sanitary, kitchen, and sleeping facilities.

3. 114-1 *Loft* shall mean a single residential dwelling unit within an apartment building that contains two (2) floors.

Planning Department: Department does not recommend inclusion of this definition as number of stories in one unit allows for this height without need for definition.

4. 142-741 (a)

<u>General Use Category</u>	
* * *	
<u>Commercial Uses</u>	
* * *	
<u>Outdoor Café</u>	<u>AP</u>

Planning Department: No objection to request (General Use Category Table)

5. 142-743 (b) (2)  
220 feet maximum height with participation in the Public Benefits Program as outlined in Sec. 142-746 (Public Benefit Maximum Height).

Planning Department: Not recommended for Tower widths greater than 140'

6. 142-743 (e)  
Loft Units – 24 feet

Planning Department: Not necessary. Floor to ceiling height regulated

7. 142-744 Table A

<u>Street Class</u>	<u>Property line abutting</u>	<u>Building Height at which Setback occurs</u>	<u>Minimum Setback from property line</u>	<u>Allowable Habitable Encroachments into setback</u>
* * *				
<u>Class C</u>	<u>Byron Avenue, Carlyle Avenue, and Harding Avenue</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 7 feet</u>
* * *				

Planning Department: No objection to request

8. 142-745 (a) (1) a.

That portion of a tower located within 50 feet of a public right-of-way shall not exceed 165 180 feet in length between the two furthest points of the exterior face of the tower.

Planning Department: The Department does not recommend Tower width increase beyond 165'

9. 142-745 (a) (9) b.

Live-work units shall only be permitted where there are private entrances from the Clear Pedestrian Path.

Planning Department: No objection to request

10. 142-745 (a) (12) k

Required off-street loading may be provided on another site within the TC-C District and or within 1,500 feet of the site.

Planning Department: No objection to request with modification to ensure parking is not located in a residential district.

11. 142- 745 (e) (7)

Street trees shall be provided at a maximum average spacing of 20 feet on center. Notwithstanding Chapter 126, the maximum average on center spacing may be extended to 28 feet administratively by the Planning Director or designee provided there is no reduction to the number of trees otherwise required with the 20 foot on center requirement above. Street trees not provided may be mitigated pursuant to Chapter 126-7 or planted elsewhere on site. Trees shall have a minimum clear trunk of six (6) feet, an overall height of 16 feet, and a minimum caliper of four (4) inches at time of planting. Additionally, the following shall apply:

Planning Department: Recommendation - There are provision in Chapter 126 that already address the concern. Sec. 126-6 (a) (1) shall apply.



12. 142-745 (g) (5)

Columns – to allow the ability to split the clear pedestrian path in two when columns are needed.

Planning Department: No objection to request. Modification would allow for the clear pedestrian path to be divided into two sections and allow for columns in a colonnade. Sections must be ADA accessible.

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13. 130-33 (d) (1)

(1) Apartment units and Townhomes:

1. One-half ( $\frac{1}{2}$ ) space per unit for Units between 550 and ~~749~~ 850 square feet;
2. Three-quarters ( $\frac{3}{4}$ ) space per unit for Units between ~~750~~ 851 and ~~1,000~~ 1,250 square feet;
3. One (1) space per unit for Units above ~~1,000~~ 1,250 square feet.

Planning Department: No objection to request (Need back up from ARQ)

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14. 130-33 (d) (4), (5)

- (4) Hotel: No parking requirement. For accessory uses to a hotel, no parking requirement provided a facility with publicly accessible parking spaces is located within the TC-C District and or within 1,500 feet of the site; otherwise, as per parking district no. 4.
- (5) Office: No parking requirement provided a facility with publicly accessible parking spaces is located within the TC-C District and or within 1,500 feet of the site; otherwise, as per parking district no. 4.

Planning Department: No objection to request with a modification to ensure that parking is not located in a residential District.