

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: July 24, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 18-0213. NORTH BEACH TC-C DISTRICT – COMP PLAN AMENDMENTS.**  
**PB 18-0214. NORTH BEACH TC-C DISTRICT – LDR AMENDMENTS.**

#### **REQUEST**

**PB 18-0213. NORTH BEACH TC-C DISTRICT – COMP PLAN AMENDMENTS. AN ORDINANCE** AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING CHAPTER 1, ENTITLED “FUTURE LAND USE ELEMENT;” “OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS,” POLICY 1.2, TO ESTABLISH THE TOWN CENTER – CENTRAL CORE CATEGORY (TC-C) PROVIDING FOR REGULATIONS ON USES, DENSITY LIMITS, AND INTENSITY LIMITS; BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTIES GENERALLY BOUNDED BY 72ND STREET TO THE NORTH, COLLINS AVENUE TO THE EAST, 69TH STREET TO THE SOUTH, AND INDIAN CREEK DRIVE AND DICKENS AVENUE TO THE WEST FROM THE CURRENT “TOWN CENTER CORE CATEGORY (TC-1),” “TOWN CENTER COMMERCIAL CATEGORY (TC-2),” AND “TOWN CENTER RESIDENTIAL OFFICE (TC-3)” TO “TOWN CENTER – CENTRAL CORE CATEGORY (TC-C);” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**PB 18-0214. NORTH BEACH TC-C DISTRICT – LDR AMENDMENTS. AN ORDINANCE** OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 114, “DEFINITIONS,” TO DEFINE ARTISANAL RETAIL, CO-LIVING, NEIGHBORHOOD FULFILLMENT CENTER, LIVE-WORK, AND OTHER RELATED USES; CHAPTER 130, “OFF-STREET PARKING” TO ESTABLISH PARKING DISTRICT NO. 8, ESTABLISH PARKING REQUIREMENTS FOR APARTMENT AND TOWNHOME UNITS, CO-LIVING AND LIVE-WORK UNITS, OFFICE, AND OTHER USES WITHIN PARKING DISTRICT NO. 8, AND TO REMOVE PARCELS INCORPORATED INTO PARKING DISTRICT NO. 8 FROM PARKING DISTRICT NO. 4; AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, “DISTRICT REGULATIONS,” TO ESTABLISH DIVISION 21, “TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT,” PROVIDING FOR REGULATIONS ON PERMITTED, ACCESSORY, CONDITIONAL, AND PROHIBITED USES, ESTABLISHING SUPPLEMENTAL USE REGULATIONS, MODIFYING THRESHOLDS FOR NEIGHBORHOOD IMPACT ESTABLISHMENTS, PROVIDING LIMITS FOR FLOOR AREA RATIO, MAXIMUM HEIGHT LIMITS, MINIMUM UNIT SIZES, MINIMUM SETBACKS AND ENCROACHMENTS, TOWER REGULATIONS, REQUIREMENTS FOR CLEAR PEDESTRIAN PATHS AND EASEMENTS,

MINIMUM STANDARDS FOR STREET TREES, BUILDING FRONTAGE REQUIREMENTS, REQUIREMENTS FOR THE DESIGN OF OFF-STREET PARKING FACILITIES, UTILITIES, AND LOADING, ESTABLISHING A 70TH STREET FRONTAGE, DESIGNATING STREET CLASSES, ESTABLISHING REQUIREMENTS FOR FRONTAGES ON STREET CLASS FRONTAGE TYPES, ESTABLISHING REQUIREMENTS FOR NONCONFORMING STRUCTURES; ESTABLISHING A PUBLIC BENEFITS PROGRAM, AND ESTABLISHING THE NORTH BEACH PUBLIC BENEFITS FUND; AMENDING APPENDIX A, "FEE SCHEDULE," TO ESTABLISH FEES FOR PUBLIC BENEFITS; AND MODIFYING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTIES GENERALLY BOUNDED BY 72ND STREET TO THE NORTH, COLLINS AVENUE TO THE EAST, 69TH STREET TO THE SOUTH, AND INDIAN CREEK DRIVE AND DICKENS AVENUE TO THE WEST FROM THE CURRENT "TOWN CENTER CORE (TC-1) DISTRICT," "TOWN CENTER MIXED-USE (TC-2) DISTRICT," "TOWN CENTER RESIDENTIAL OFFICE (TC-3) DISTRICT," AND "TOWN CENTER RESIDENTIAL OFFICE (C) (TC-3(C)) DISTRICT" TO "TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT;" PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**RECOMMENDATION:**

Transmit the proposed amendments to the Comprehensive Plan and Land Development Regulations to the City Commission with a favorable recommendation.

**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 and Development Committee (LUDC), was continued at the June 14, 2017 LUDC meeting to the January 2018 LUDC.

On February 7, 2018, the LUDC 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. Subsequent to the February 7, 2018 LUDC meeting, Commissioner John Elizabeth Aleman requested to be a co-sponsor of the item.

On March 14, 2018 the LUDC 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.

On June 13, 2018 the LUDC discussed the item and recommended that the Draft Ordinance be referred to the Planning Board and that a Letter to Commission (LTC) be drafted summarizing the discussion of the LUDC. Additionally, the LUDC continued the item to their July 31, 2018 meeting, in order to review the Transmittal Recommendation of the Planning Board and to make a formal recommendation prior to First Reading at the City Commission.

On June 26, 2018, the Planning Board discussed the proposed ordinance.

On July 2, 2018, the City Commission referred the proposed Comprehensive Plan and Land Development Regulations (LDR) amendments to the Planning Board. Additionally, the City

Commission requested that the Planning Board specifically discuss and provide recommendations on the following:

1. Building Height;
2. Parking;
3. Number of Hotel Units;
4. Co-living and Micro Units;
5. Affordable Housing Component; and
6. Public Benefits.

### **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. These boundaries approved for an FAR increase, 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 this 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 to the Land Use Committee 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 further developed the proposed overlay ordinance, and the current draft was presented to the LUDC on June 13, 2018.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

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

**Partially Consistent** – The proposed Land Development Regulations (LDR) amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as proposed to be amended.

The proposed amendment is generally consistent with the recommendations of the North Beach Master Plan.

**2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment encompasses approximately 22 acres and would not create an isolated district.

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

**Consistent** – The proposed change will allow for an increased scale of development. However, the area is well buffered from most surrounding low scale areas. The proposed change will also allow for development that is compatible with the higher density and intensity areas to the east of Collins Avenue. Additionally, the proposed ordinance includes setback requirements to provide for appropriate transitions to the lower-scale multi-family areas to the south. Therefore, the proposed ordinance is not out of scale with the needs of the neighborhood.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Partially Consistent** – The proposed change could potentially tax the existing load on public facilities and infrastructure as future projects are developed at the proposed maximum FAR (See Concurrency Analysis at the end of this report). However, a concurrency review will take place as part of the building permit process for each new development. However, the attached Mobility Study indicates that the proposed changes will encourage a shift in transportation modes from single occupancy vehicles to walking, transit, and biking. It indicates that while congestion may increase over time, the proposed change has the potential to reduce the increase that would otherwise occur without the proposed amendment.

The area is already served by five (5) Metrobus and Bicycle facilities (See the Metrobus Routes and Bicycle Infrastructure maps at the end of the report). Additionally, the area is served by the North Beach Loop and Collins Express Miami Beach Trolley Routes (See Miami Beach Trolley Routes maps at the end of this report). The adopted North Beach Master Plan, Transportation Master Plan, Bicycle Master Plan, and Street Design Guide call for additional improvements that would increase the use of public transportation and alternative modes of travel, which the City is looking to implement.

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

**Consistent** – Currently, the Town Center is divided into three districts that provide for disjointed development patterns. The proposal is to create a unified district that takes into account area specific conditions to simplify redevelopment and create a cohesive district.

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

**Consistent** – The need for redevelopment in the Town Center area and the desire for better quality residential, hotel, commercial, office spaces and the creation of a more significant town center makes passage of the proposed change necessary.

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

**Consistent** – The proposed change should not adversely affect living conditions in neighborhoods as it contains restrictions which limit impacts to surrounding communities.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Partially Consistent** – The proposed change will allow for an increase in the intensity of development. As larger developments are built, traffic congestion beyond the levels of service set forth in the comprehensive plan could be created if not properly controlled. The proposed ordinance contains many strategies to reduce automobile use and encourage alternative modes of transportation such as walking, biking, and transit use. The attached Mobility Study indicates that the proposed changes will encourage a shift in transportation modes from single occupancy vehicles to these alternative modes and indicates that while congestion may increase over time, the proposed change has the potential to reduce the increase that would otherwise occur without the proposed amendment since future growth would not be as autocentric. Additionally, a traffic review will occur as part of the land use board review process to further minimize traffic impacts.

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

**Partially Consistent** – The proposed ordinance should not seriously reduce light and air to adjacent areas. The proposed ordinance contains several strategies to minimize the impacts of the larger buildings, such as upper level setbacks on certain streets, limitations on tower length within 50 feet of the property line, and a requirement to locate minimum amounts of floor area at the lower levels. Site specific impacts will be taken into account as part of the Design Review process for new construction to provide further safeguards.

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

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas, but rather should have a beneficial effect on property values.

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

**Consistent** – The proposed change should not be a deterrent to the improvement or development of adjacent properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect an area that is vulnerable to the impacts of sea level rise pursuant to the Unified Sea Level Rise Projection for Southeast Florida in the near and long term (See the “LIDAR Ground Elevations” Map at the end of this report). However, the area is located outside of the adopted Coastal High Hazard Area (See the Coastal High Hazard Area map at the end of this report). For reference, the Sea Level Rise Projection is below:

<b>Sea Level Rise Projections (NAVD)</b>				
	Low Prj.	High Prj.	Low Prj.	High Prj.
	Mean Sea Level		Mean High Water	
1992	-0.96	-0.96	0.25	0.25
2030	-0.46	-0.13	0.75	1.08
2060	0.21	1.21	1.42	2.42
2100	1.62	4.12	2.83	5.33

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

**Consistent** – The proposal will encourage the redevelopment of the Town Center area. New developments will have to comply with recently adopted sea level rise mitigation criteria and green building requirements, along with additional sustainability requirements within the proposed ordinance. New developments will be required to raise habitable spaces to the base flood elevation plus a five (5) foot City of Miami Beach Freeboard, or provide sufficient space to allow for the raising of floors consistent with future plans to raise roadways. Except in a few circumstances where specifically noted, all heights in the proposed ordinance are measured from the five (5) foot City of Miami Beach freeboard to ensure future resiliency.

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

**Consistent** – The proposal will encourage the redevelopment of the Town Center area

in a manner that is compatible with the City's sea level rise mitigation and resiliency efforts.

## **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 spur 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.

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. Staff 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 following is a summary of the development regulations within the proposed 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 outlines several potential 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

- Providing On-Site Workforce or Affordable Housing
- Providing Off-Site Workforce or Affordable Housing in the City
- Achieving LEED Platinum Certification
- Provide a fully Sustainable Structure and Surplus Stormwater Retention and Reuse
- Provide Active Publically Accessible Recreation

A market study is currently is 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.

### **Tower Regulations**

The proposed ordinance defines towers as the portions of buildings located above 55 feet, 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 165 feet in length. 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.

### **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 existing 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 125 feet	10 feet	5 feet
	125 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 125 feet	50 feet	0 feet
	125 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 125 feet	20 feet	5 feet
	125 feet to max height	35 feet	5 feet
Byron Avenue, Carlyle Avenue, and Harding Avenue	Grade to max height	10 feet	7 feet
Abbott Avenue, Dickens Avenue, and Indian Creek Drive	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 69th 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.

### 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 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.

Since the intent of the 50,000 square foot Conditional Use requirement was to better regulate big box establishments and their regional impacts, the proposal requires that retail establishments (does not include grocery stores) over 25,000 square feet be required to obtain a Conditional Use Permit. Additionally, there is a proposed limit of two (2) such establishments, in order to ensure that the majority of the retail in the area serves the local community.

### **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 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 consideration planned mobility improvements for the area. Based upon this analysis, 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 have been incorporated into the proposed ordinance. Specifically limits to increases in certain uses from what is currently permitted, including density and intensity, in order to create an ideal mix of uses that encourages walking and mass transit use while minimizing single occupancy vehicle use, have been proposed.

The proposed ordinance includes limits on the increase in residential units above what is currently permitted under the City's Comprehensive Plan, and that are generally consistent with the recommended land uses. However, instead of differentiating between units by size, 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 Mobility 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. Currently, the maximum densities and number of dwelling units are as follows, pursuant to the adopted Comprehensive Plan:

- TC-1: 150 units per acre X 9.62 acres = 1,443 units
- TC-2: 100 units per acre X 1.15 acres = 173 units
- TC-3: 60 units per acre X 10.07 acres = 604 units
- **Total: 20.83 acres = 2,162 units**

If the full **20.83 acres** is changed to allow for 150 units per acre, as is proposed, the maximum density will be **3,125 units**. Therefore, the additional 500 apartments and 500 co-living, workforce and affordable units (1,000 residential units total) will provide for sufficient units to allow for ALL properties within the TC-C district to achieve the proposed maximum allowable density.

As an example, if a property previously had a TC-3 zoning designation its maximum density would have been 60 dwelling units an acre. A one (1) acre TC-3 site would therefore allow for a maximum of 60 units. Since the proposed maximum density is 150 units, if a development wanted to max out its new development capacity, it would be required to consume 90 units from the established pool of units.

The revised minimum off-street parking requirements are more specifically outlined in the draft ordinance. Additional, updates have been made to the section regarding the limit of hotel uses, which are described further in the summary section of the memorandum.

### **City Charter Issues**

The request for increasing the FAR for the North Beach Town Center Area is affected by the following City Charter provision: Sections 1.03 (c), which partially states:

*The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.*

The proposed ordinance would increase the zoned floor area ratio to 3.5 for all areas in the district and as a result required a general referendum. The following question was submitted to the electors of the City of Miami Beach:

#### **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?*

On November 7, 2017, the referendum was approved by 58.64 percent of the voters. Therefore the ordinance can be considered for adoption by the City Commission.

### **Comprehensive Plan Issues**

This application includes a text amendment to Policy 1.2 of the Future Land Use element of the Comprehensive Plan. Under Section 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31 days after it is adopted if there are no appeals.

### **Interlocal Agreement for Public School Facility Planning**

The 2005 Florida Legislature adopted laws which are incorporated in the Florida Statutes, requiring each local government to adopt an intergovernmental coordination element as part of their comprehensive plan, as well as a statutory mandate to implement public school concurrency. The proposed amendment will not increase the maximum residential density within the affected area.

For any increase in established residential units, final site plan approval is contingent upon meeting Public School Concurrency requirements and any applicant will be required to obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. Such Certificate will state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.

### **SUMMARY**

The proposed ordinance contains some minor updates from the amendments which were discussed at the June 26, 2018 Planning Board meeting. The additional changes are double-underlined or underlined-stricken. The modifications include the non-substantive revisions preferred by property owners at the June 13, 2018 Land Use and Development meeting which the Planning Department found acceptable (These changes do NOT include suggested modifications to increase height or tower length further).

Additionally, the Planning Department has incorporated the following minor changes for consideration:

- Allow for Clear Pedestrian Path to be delineated through the use of ground markers.
- Allow Clear Pedestrian Path for the 70<sup>th</sup> Street Alley/Class D Streets of one project to utilize 5 feet from the adjacent property into order to facilitate activation of the Alley through outdoor cafes.
- Require that non-conforming buildings that are incorporated into a unified development site for the purposes of shifting FAR be made conforming to the requirements of the new code, unless the building is architecturally significant. For those buildings that have existing long-term leases, the proposal allows for the modifications to that building to be phased-in at a later date.

Modifications and clarifications have also been incorporated into the section of the proposed ordinance regarding the limitations on residential and hotel uses pursuant to the recommendations of the mobility study.

The first modification relates to the number of hotel rooms. Rather than place 1,800 hotel rooms above what would have been permitted prior to the FAR increase, an overall limit of 2,000 hotel rooms is proposed. Under current regulations, if developers decided to forego building residential units, and build out the full FAR of the district with hotel and retail uses only, the area could contain approximately 8,410 hotel rooms. The proposed limit of 2,000 hotel rooms is consistent with the assumptions of the mobility study that estimated that prior to the FAR increase, only approximately 131 hotel rooms could have been built because of the likelihood that most new development would have been primarily residential in nature, for a total

new hotel program maximum of 1,931 hotel rooms. Because of the amount of FAR available in the district, this limit will ensure that sufficient FAR remains for the Town Center to have a full residential component. For reference, the recently approved hotel development on 72<sup>nd</sup> and Collins will contain approximately 187 hotel rooms.

Additional modifications have been included into this section to clarify how credits for units are issued and how long they are valid. A change has also been incorporated to allow for transfers between the regulated uses as long as the peak hour traffic impact is not increased pursuant to the Peak Hour Traffic Trip Rates as established by the Institute of Transportation Engineers Trip Generation Manual. For reference, using current rates, 10 hotel rooms are approximately equivalent to 11 market rate apartments and 17 co-living, workforce, and affordable units.

At the July 2, 2018 meeting, the City Commission transmitted the proposed amendments to the Comprehensive Plan and LDRs to the Planning Board and further requested that the Planning Board discuss and provide specific recommendations concerning the following aspects of the ordinance:

- Building Height
- Parking
- Number of Hotel Units
- Co-living/Micro Units
- Affordable Housing Component
- Public benefits.

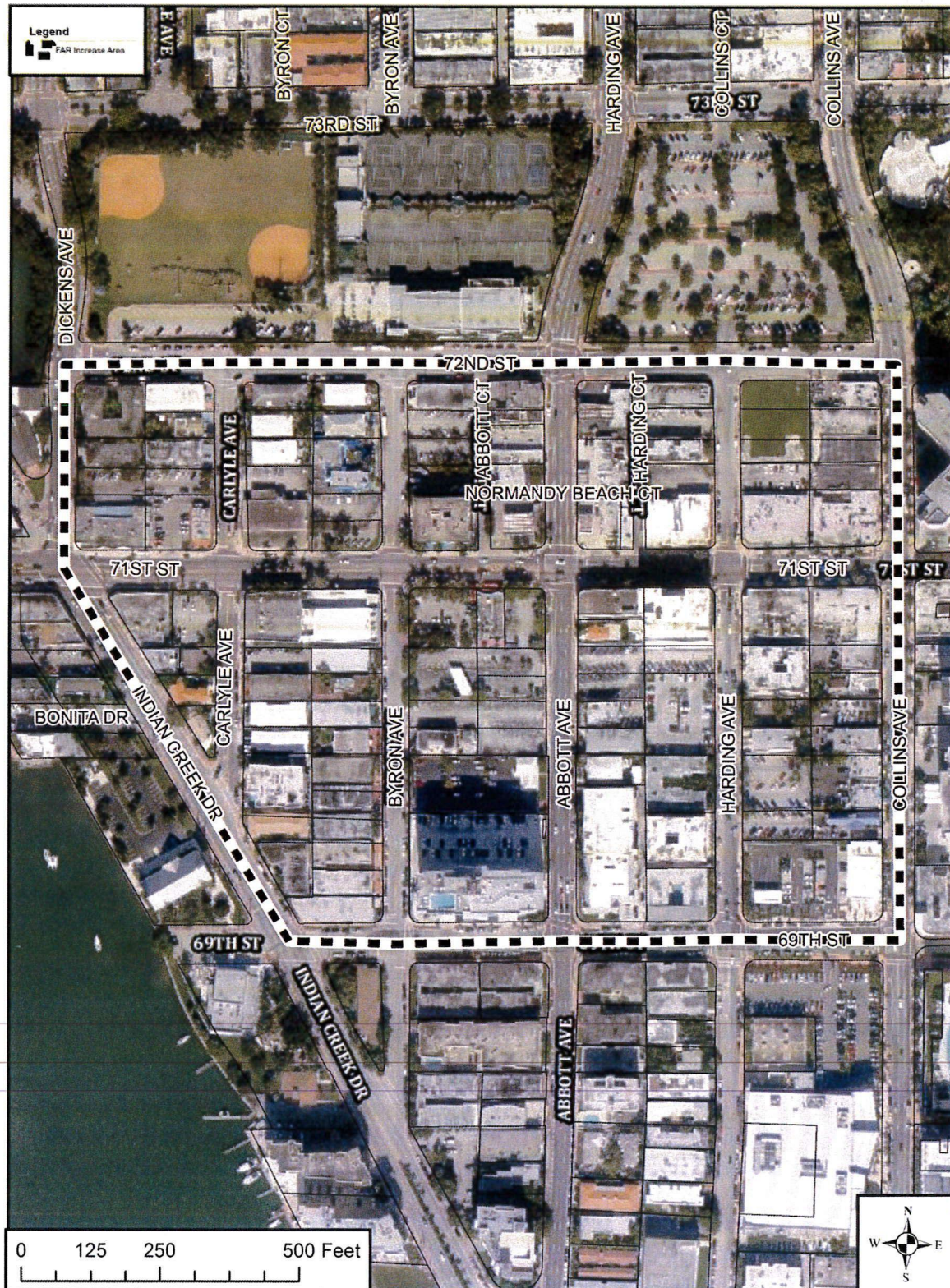
#### **RECOMMENDATION**

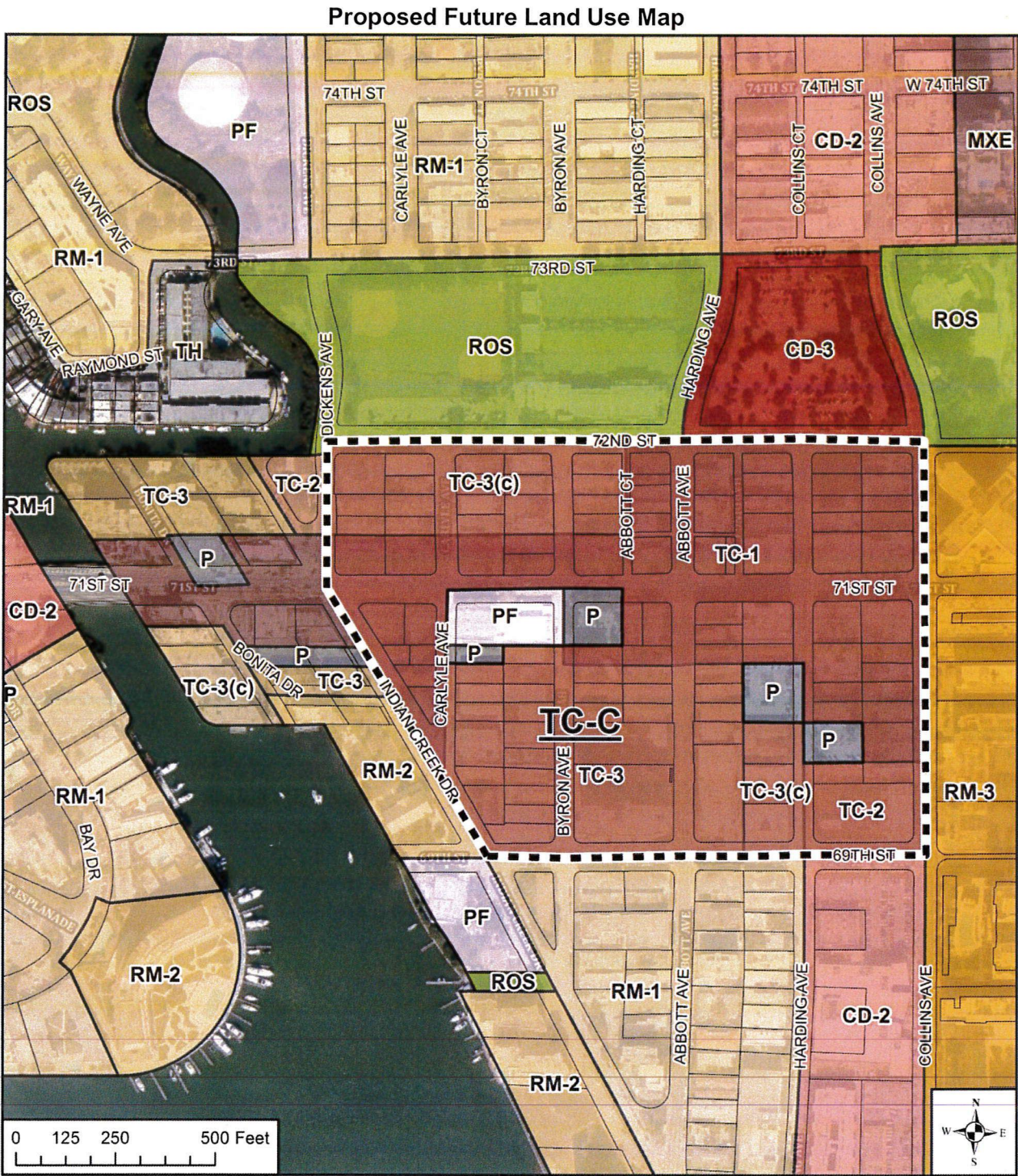
In view of the foregoing analysis, staff recommends that the Planning Board provide:

1. Specific recommendations as to Building Height, Parking, Number of Hotel Units, Co-living/Micro Units, Affordable Housing Component, and Public Benefits, per direction of the City Commission; and
2. The Planning Board transmits the proposed amendments to the Comprehensive Plan and Land Development Regulations to the City Commission with a favorable recommendation.

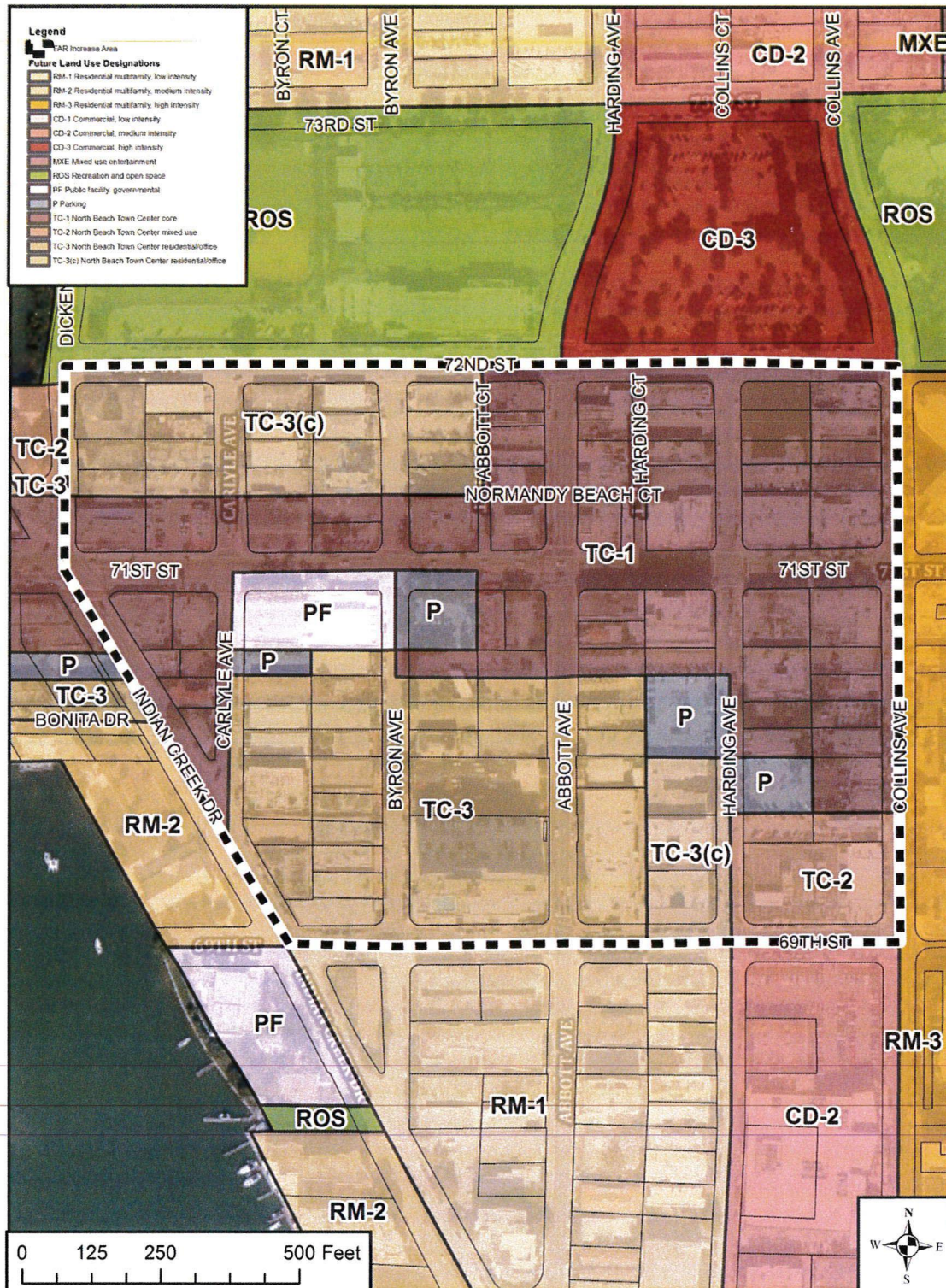
TRM/RAM

Aerial

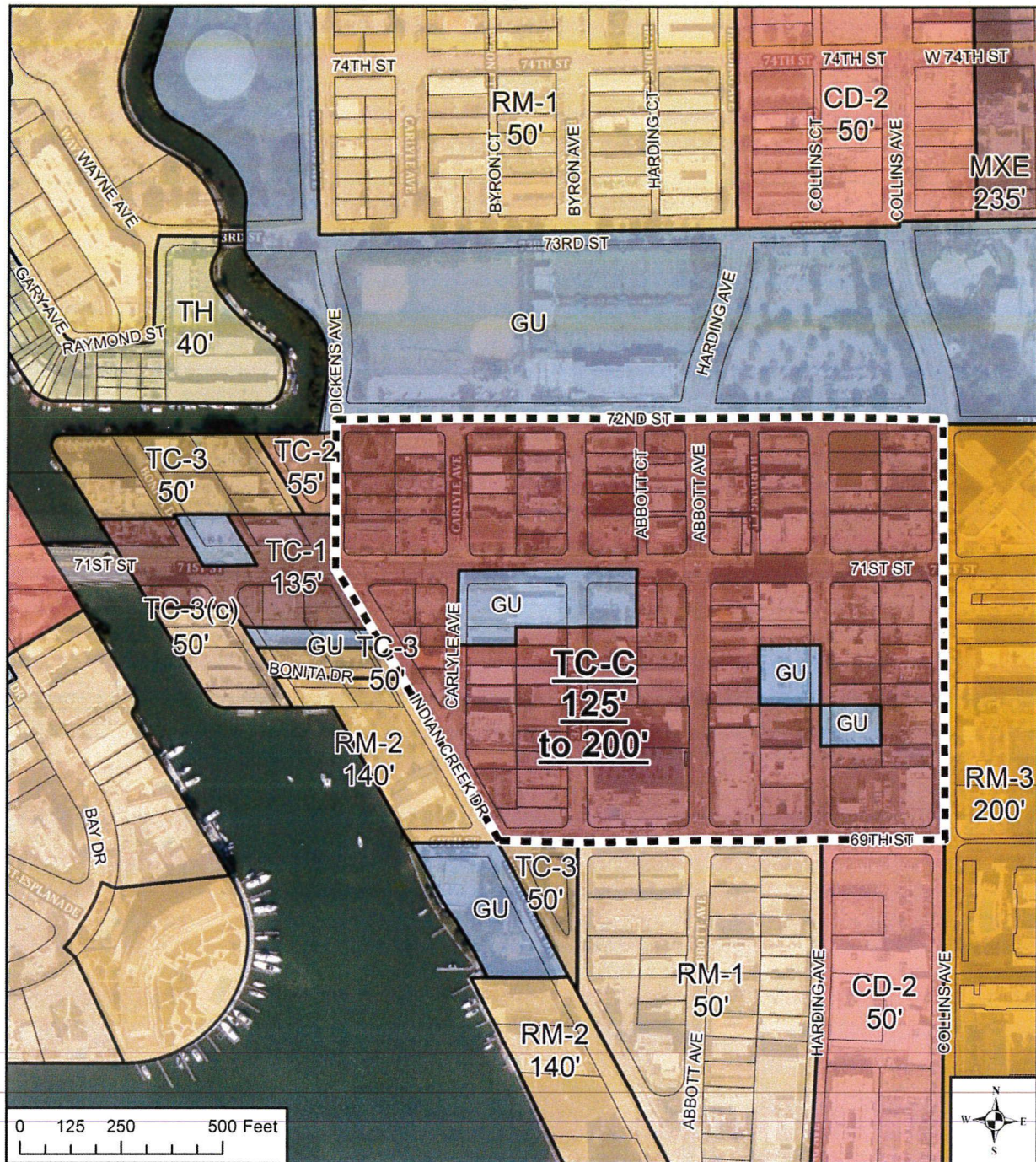




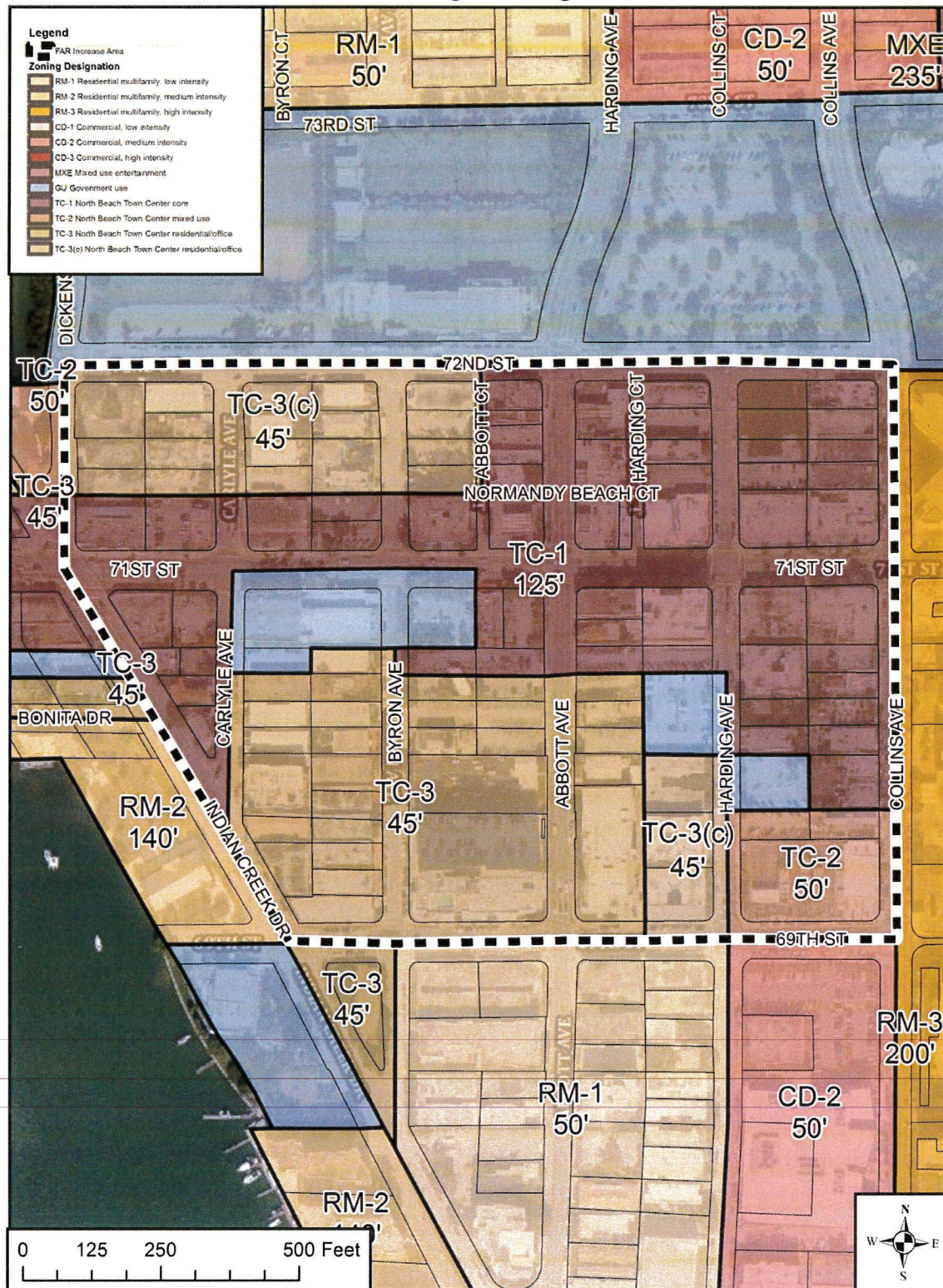
# Current Future Land Use Map



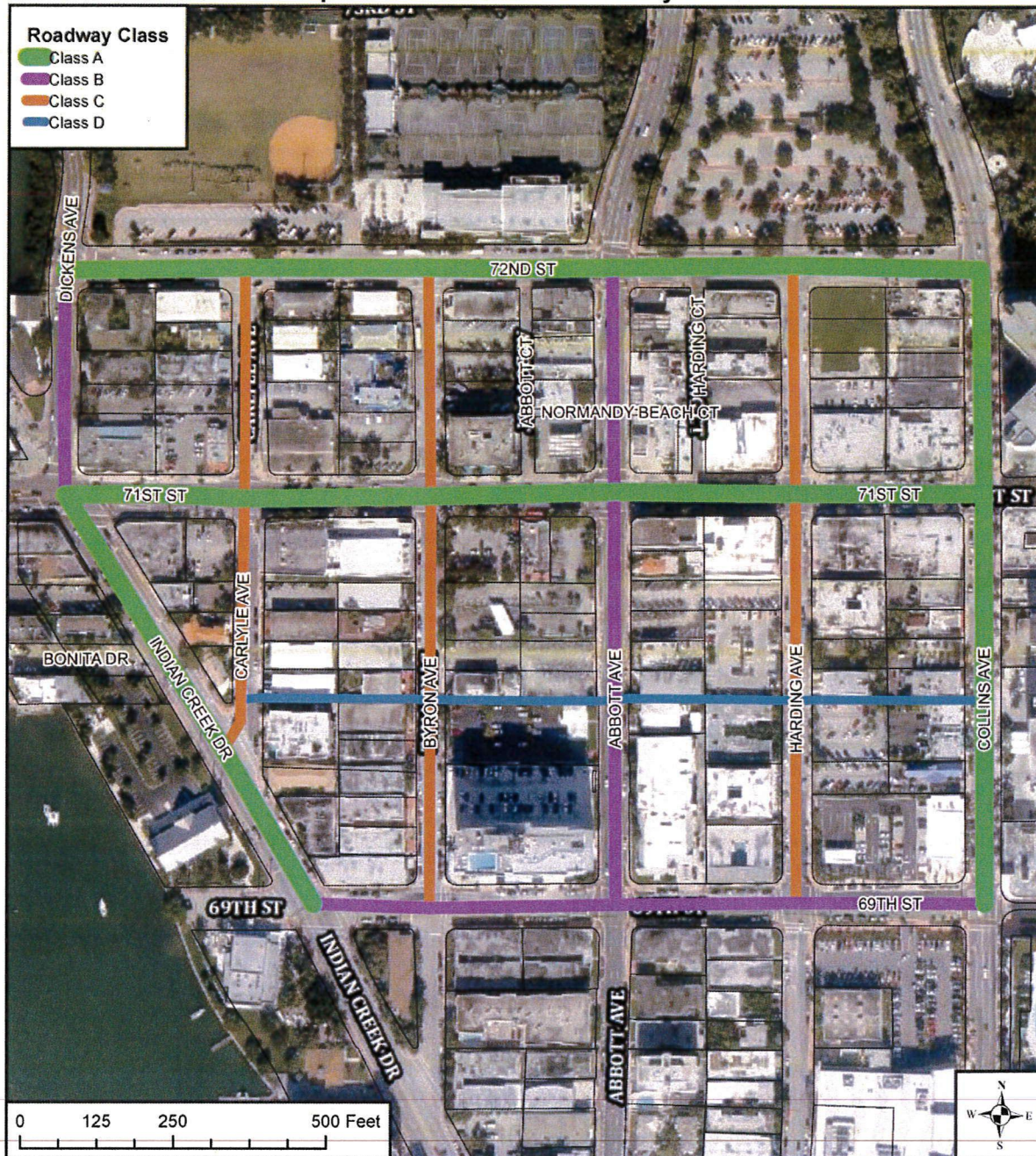
### Proposed Zoning and Height Limits



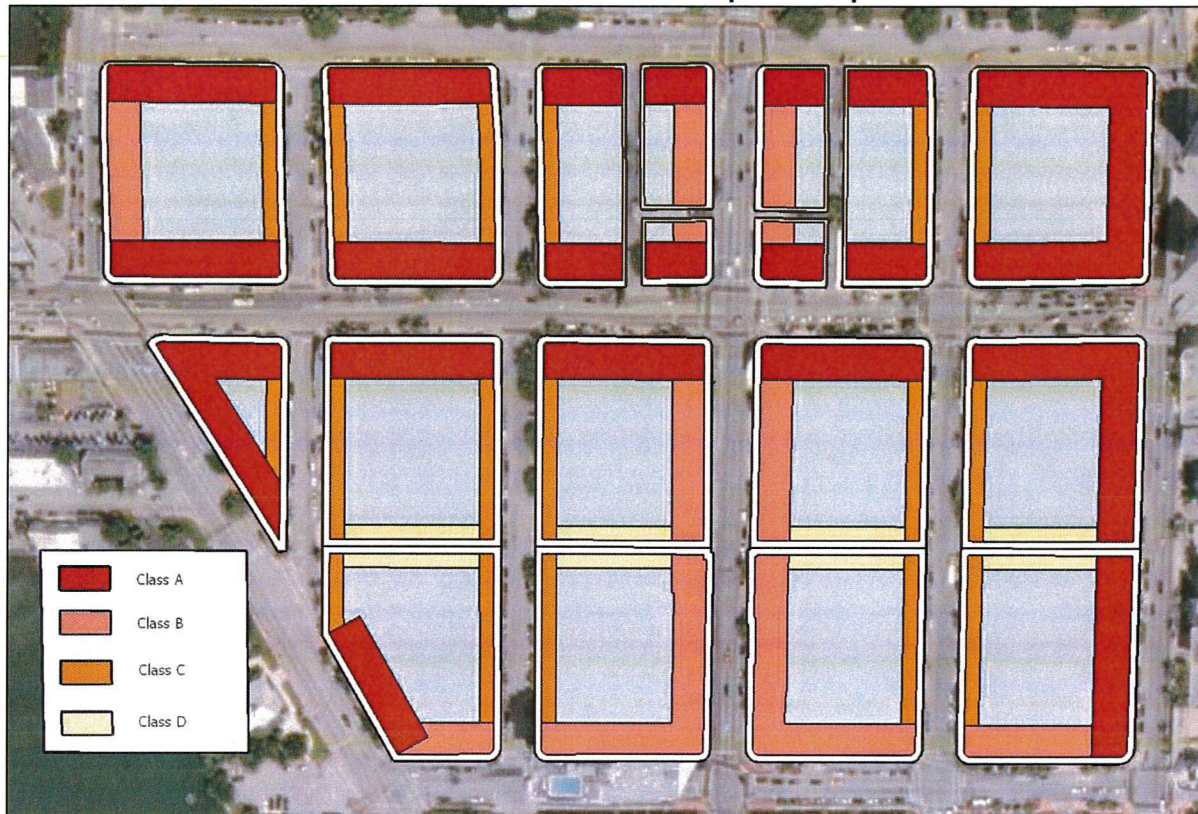
### Current Zoning and Height Limits



### Proposed North Beach Roadway Classes

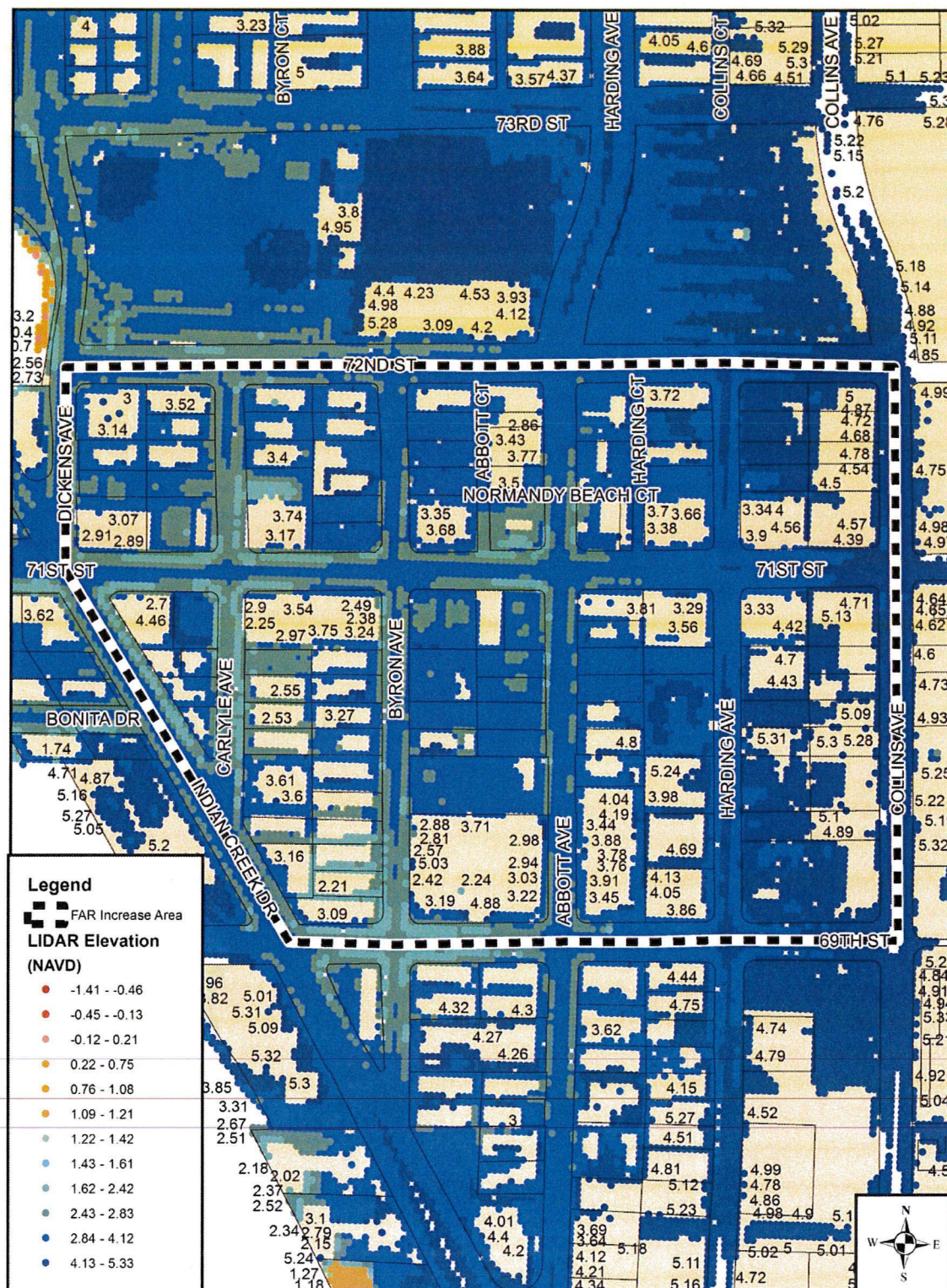


### Ground Floor Areas with Habitable Space Requirements

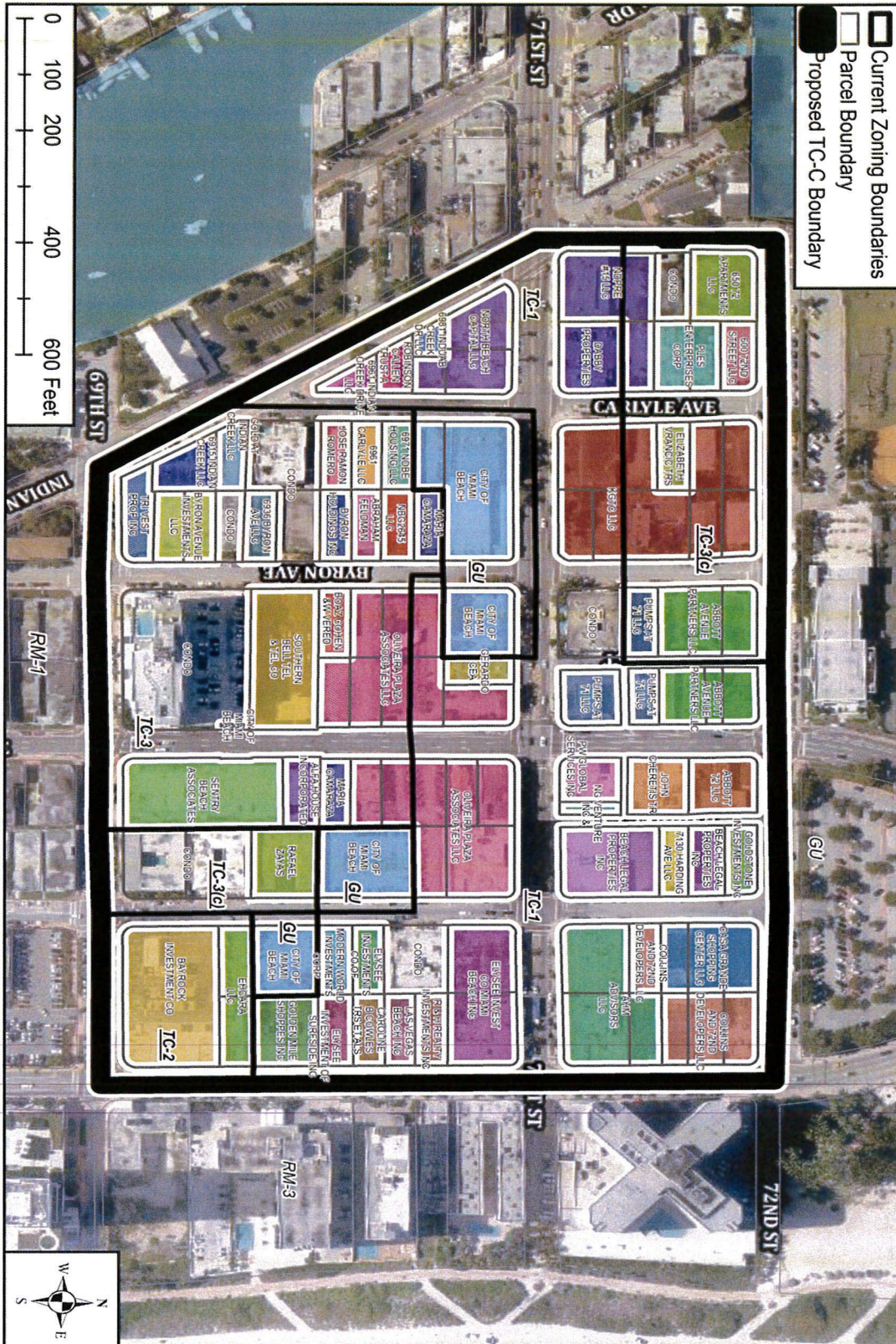


### Coastal High Hazard Area





## Unified Land Ownership



## MIAMI BEACH

PLANNING DEPARTMENT

### Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared: 3/5/2014  
 Name of Project: North Beach Town Center-Central Core (TC-C)  
 Address of Site: Area between 69th St, Collins Av, 72nd St, Indian Creek Dr, & Dickens Av

Concurrency Management Area: North Beach  
 Square Feet in the Amendment: 907,571  
 Acreage in the Amendment: 20.83

#### Proposed FLUM Designation

Designation:

TC-C

Maximum Density	Maximum FAR
150	3.5

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
	3,125	2,000	226,893	470,006		
Peak Hour Trips Generated*	2,438	1,480	1,139	700	N/A	5,757
Residential Demand	7,813	1,000				8,813

\*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Note: Estimate assumes Floor Area for Residential Units at 800 SF per Unit at Max Density, 25% of Lot Area for Area Retail, Hotel Rooms at 375 SF per Unit with proposed cap of 2,000, Remainder of available Floor Area for Office

#### Existing FLUM Designation

Designation:

TC-1, TC-2, & TC-3

Maximum Density	Maximum FAR
150/100/60	3.5

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
	2,162	2,440	226,893	305,001		
Peak Hour Trips Generated*	1,686	1,806	1,139	454	N/A	5,085
Residential Demand	5,405	1,220				6,625

\*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

#### Transportation Concurrency

New Trips Generated	Trip Allowances	Transit	15%
671.59 Trips		Pass-by	30%
		Mixed-use	10%
		Total	55%

#### Alton Road/Washington Avenue Sub Area

Capacity:	6,250 Trips
Existing Trips:	5,517 Trips
Net New Trips Generated:	302 Trips
Concurrent:	YES

#### Parks and Recreation Concurrency

Net New Residential Demand:

2,188.1 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Recreational Facilities Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	YES
Tennis Court	YES
Multiple-Use Courts	NO
Designated Field Area	NO
Tot Lots	YES
Vita Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	NO

Required Mitigation to be determined at Building Permit Application

#### Potable Water Transmission Capacity

Proposed Demand:	755,362 Gallons Per Day
Existing Demand:	612,677 Gallons Per Day
New Demand:	142,685 Gallons
Concurrency to be determined at Building Permit Application	

#### Sanitary Sewer Transmission Capacity

Proposed Demand:	1,233,836 Gallons Per Day
Existing Demand:	927,500 Gallons Per Day
New Demand:	306,336 Gallons
Concurrency to be determined at Building Permit Application	

#### Solid Waste Collection Capacity

Proposed Demand:	11,237 Tons Per Year
Existing Demand:	8,447 Tons Per Year
New Demand:	2,790 Gallons
Concurrency to be determined at Building Permit Application	

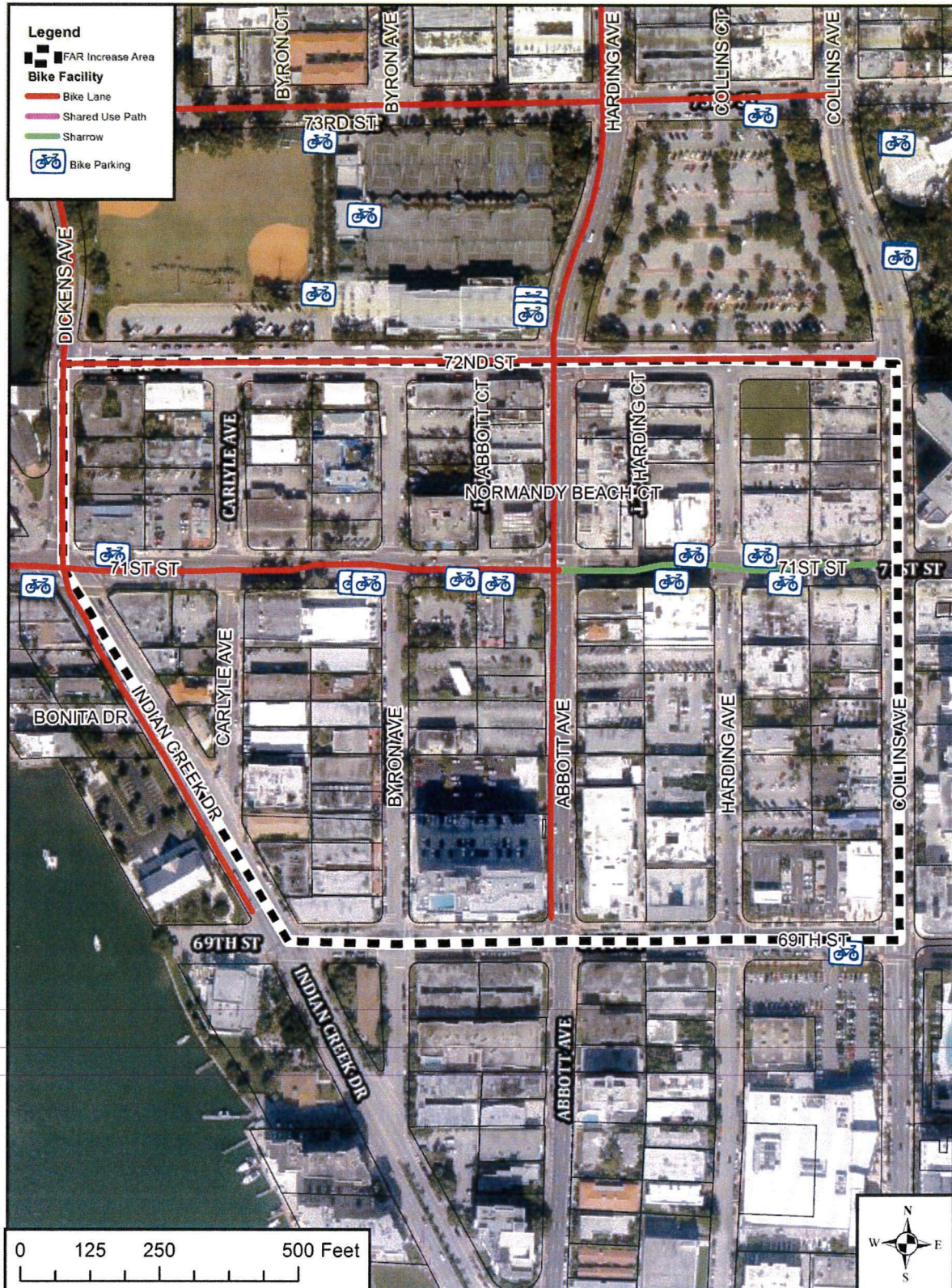
#### Storm Sewer capacity

Required LOS: One-in-five-year storm event	
Concurrency to be determined at Building Permit Application	

#### Note:

This represents a comparative analysis of concurrency with maximum development potential of the site between the existing and proposed Future Land Use designations. Actual concurrency demands, required mitigation, and required capacity reservation will be determined at the time of Building Permit Application.

### Bicycle Infrastructure



### Metrobus Routes

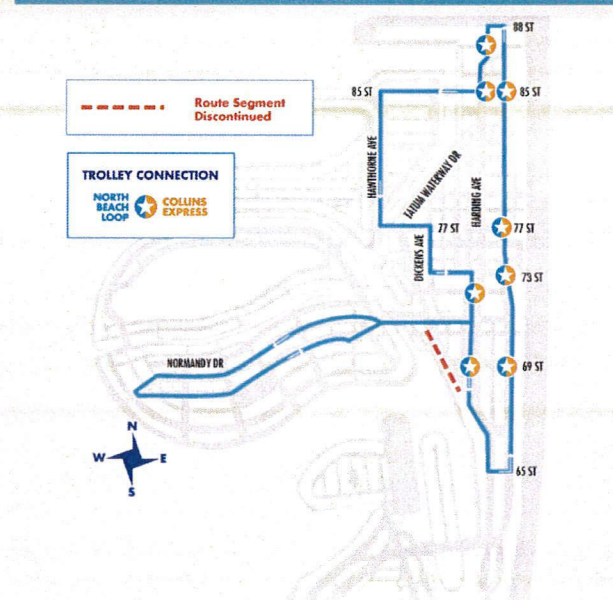


## Miami Beach Trolley Routes

### COLLINS EXPRESS



### NORTH BEACH LOOP



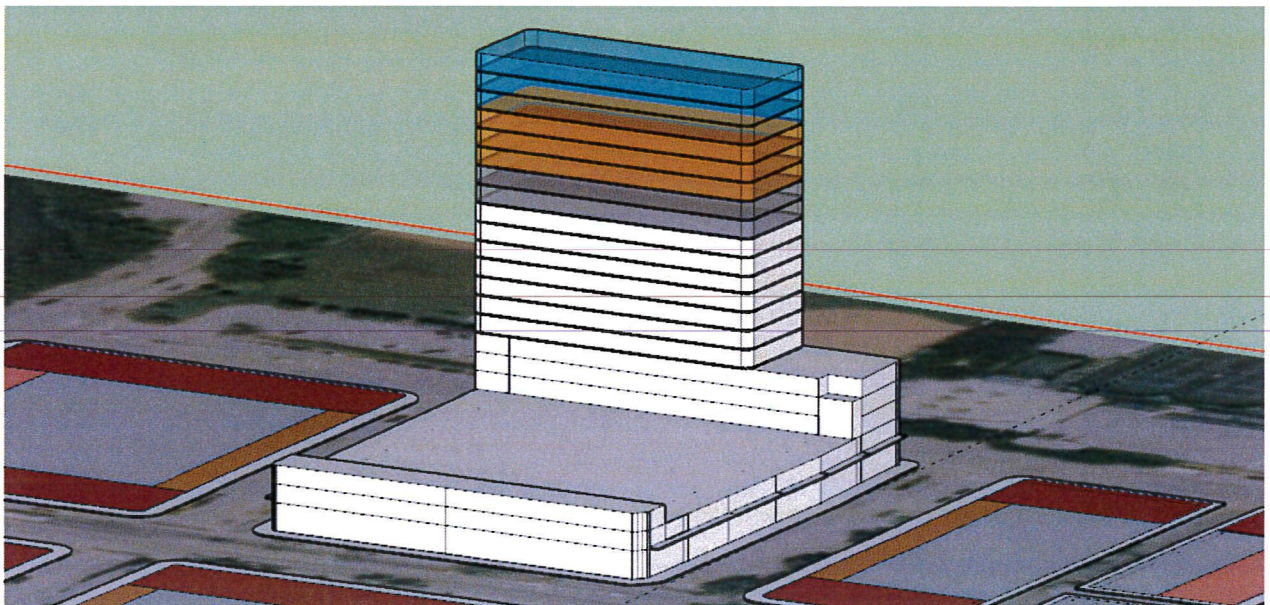
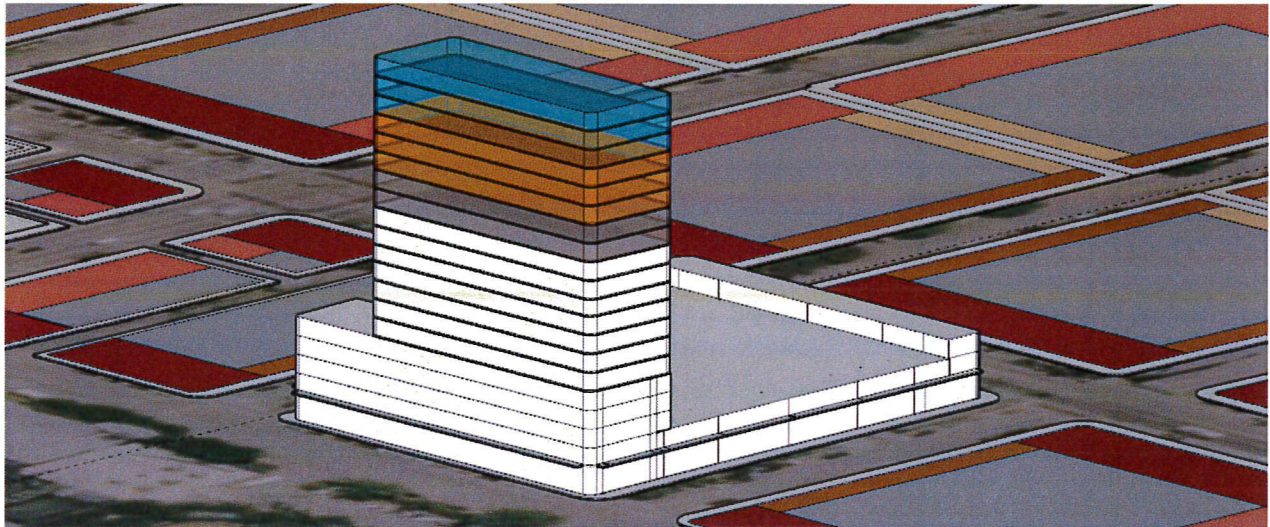
## TC-C Massing Study

### Legend:

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

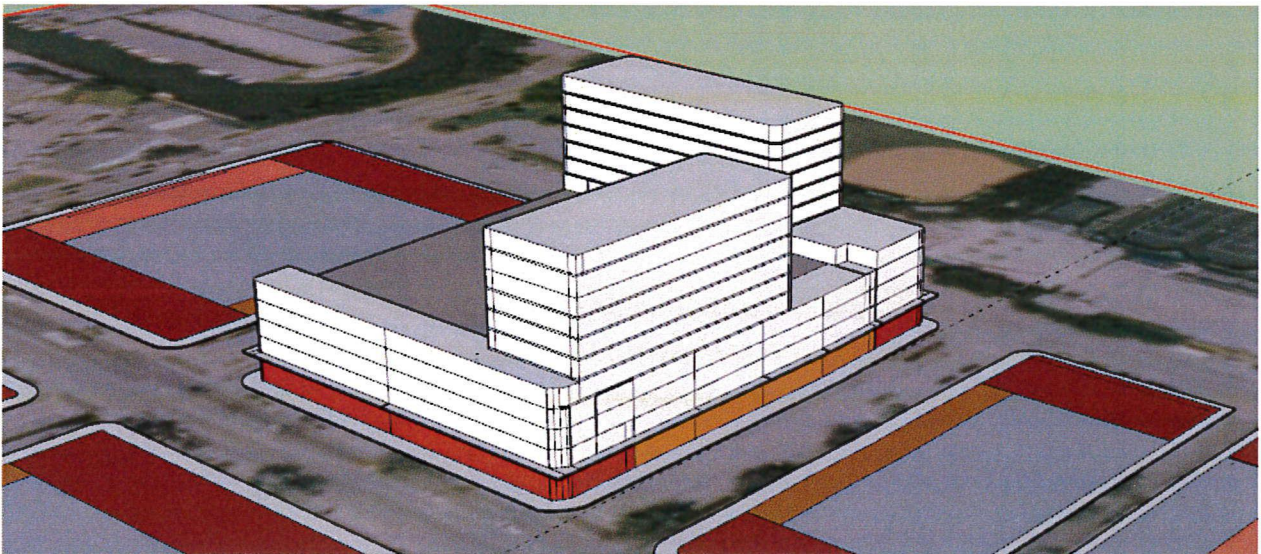
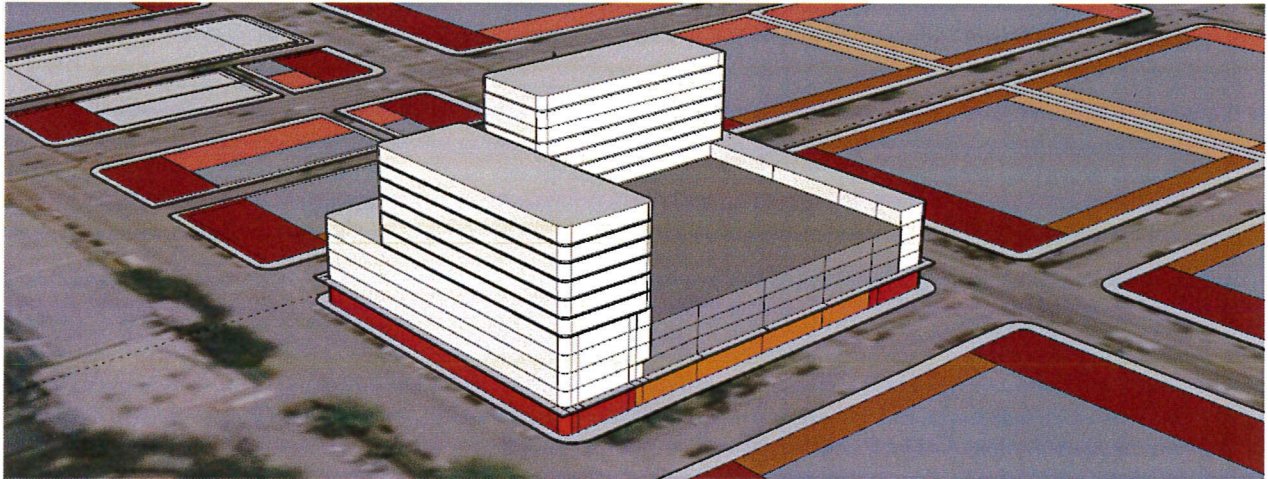
### TC-C Massing Study – Option A (Block from 71<sup>st</sup> Street to 72<sup>nd</sup> Street)

Option to maximize floor area while providing public benefits.



**TC-C Massing Study – Option B**  
**(Block from 71<sup>st</sup> Street to 72<sup>nd</sup> Street)**

**Option to maximize floor area without providing public benefits.**



## 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 Feet – Approximately 11 stories (White)
  - 125-145 Feet – Approximately 13 stories (Gray)
  - 145-175 Feet – Approximately 16 stories (Orange)
  - 175-200 Feet – Approximately 19 stories (Turquoise)













**FILE NO. PB 18-0213**

**NORTH BEACH TC-C DISTRICT – COMPREHENSIVE PLAN AMENDMENT**

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**NORTH BEACH TOWN CENTER – CENTRAL CORE  
COMPREHENSIVE PLAN AMENDMENT**

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

**AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING CHAPTER 1, ENTITLED “FUTURE LAND USE ELEMENT;” “OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS,” POLICY 1.2, TO ESTABLISH THE TOWN CENTER – CENTRAL CORE CATEGORY (TC-C) PROVIDING FOR REGULATIONS ON USES, DENSITY LIMITS, AND INTENSITY LIMITS; BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTIES GENERALLY BOUNDED BY 72ND STREET TO THE NORTH, COLLINS AVENUE TO THE EAST, 69TH STREET TO THE SOUTH, AND INDIAN CREEK DRIVE AND DICKENS AVENUE TO THE WEST FROM THE CURRENT “TOWN CENTER CORE CATEGORY (TC-1),” “TOWN CENTER COMMERCIAL CATEGORY (TC-2),” AND “TOWN CENTER RESIDENTIAL OFFICE (TC-3)” TO “TOWN CENTER – CENTRAL CORE CATEGORY (TC-C);” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; 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) for a majority of 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**, on November 7, 2017, and pursuant to Resolution No. 2016-29608, the following ballot question was submitted to the City’s voters:

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

**WHEREAS**, on May 16, 2018, the City Commission adopted Comprehensive Plan Amendment "Miami Beach 18-1ESR" as ordinance no. 2018-4189, providing for an FAR of 3.5, for properties with a PF, TC-1, TC-2, and TC-3 future land use designation that are located within the North Beach Town Center Revitalization Overlay; and

**WHEREAS**, the City of Miami Beach seeks to adopt regulations to ensure that the FAR increase results in redevelopment that encourages alternative modes of transportation to single occupancy vehicles; including, but not limited to walking, bicycling, and public transportation; and

**WHEREAS**, due to the advent of online retailing, economic conditions are changing, and impacting traditional retailers; and

**WHEREAS**, the City of Miami Beach seeks to allow uses that will be viable into the future due to changing economic conditions; 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**, the amendments set forth below are necessary to accomplish all of the above objectives and 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.** The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

\*

\*

\*

**CHAPTER 1**

**FUTURE LAND USE ELEMENT**

**OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS**

\* \* \*

## Policy 1.2

The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

\* \* \*

### ***Phased Bayside Intensive Mixed Use Commercial “Performance Standard” Category (C-PS4)***

\* \* \*

Intensity Floor Area Ratio Limits: 2.5.

### **Town Center – Central Core Category (TC-C)**

Purpose: To encourage and enhance the high-intensity commercial employment center function of the North Beach Town Center’s Central Core area; support the Town Center’s role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment; promote development of a compact, pedestrian and transit oriented, mixed-use area; provide opportunities for live-work lifestyles; and create a place that represents a unique, attractive and memorable destination for residents and visitors.

Uses which may be Permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments, outdoor cafes, artisanal retail, neighborhood fulfillment centers; residential uses; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 150 dwelling units per acre;

Intensity Limits: a floor area ratio of 3.5.

Intensity may be further limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed the floor area ratio identified above.

\* \* \*

**SECTION 2.** The properties bounded by 72nd Street to the north, Collins Avenue to the east, 69th Street to the south, and Indian Creek Drive and Dickens Avenue to the west

that are currently designated "Town Center Core Category (TC-1)," "Town Center Commercial Category (TC-2)," and "Town Center Residential Office (TC-3)" shall be designated "Town Center – Central Core Category (TC-C)" on the City's Future Land Use Map.

**SECTION 3. REPEALER.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 6. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

**SECTION 7. EFFECTIVE DATE.**

This ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado City Clerk

First Reading: September \_\_, 2018

Second Reading: October \_\_, 2018

(Sponsor: Commissioner John Elizabeth Aleman)

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

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**FILE NO. PB 18-0214**

**NORTH BEACH TC-C DISTRICT – LDR AMENDMENTS**

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

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

**AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 114, “DEFINITIONS,” TO DEFINE ARTISANAL RETAIL, CO-LIVING, NEIGHBORHOOD FULFILLMENT CENTER, LIVE-WORK, AND OTHER RELATED USES; CHAPTER 130, “OFF-STREET PARKING” TO ESTABLISH PARKING DISTRICT NO. 8, ESTABLISH PARKING REQUIREMENTS FOR APARTMENT AND TOWNHOME UNITS, CO-LIVING AND LIVE-WORK UNITS, OFFICE, AND OTHER USES WITHIN PARKING DISTRICT NO. 8, AND TO REMOVE PARCELS INCORPORATED INTO PARKING DISTRICT NO. 8 FROM PARKING DISTRICT NO. 4; AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, “DISTRICT REGULATIONS,” TO ESTABLISH DIVISION 21, “TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT,” PROVIDING FOR REGULATIONS ON PERMITTED, ACCESSORY, CONDITIONAL, AND PROHIBITED USES, ESTABLISHING SUPPLEMENTAL USE REGULATIONS, MODIFYING THRESHOLDS FOR NEIGHBORHOOD IMPACT ESTABLISHMENTS, PROVIDING LIMITS FOR FLOOR AREA RATIO, MAXIMUM HEIGHT LIMITS, MINIMUM UNIT SIZES, MINIMUM SETBACKS AND ENCROACHMENTS, TOWER REGULATIONS, REQUIREMENTS FOR CLEAR PEDESTRIAN PATHS AND EASEMENTS, MINIMUM STANDARDS FOR STREET TREES, BUILDING FRONTAGE REQUIREMENTS, REQUIREMENTS FOR THE DESIGN OF OFF-STREET PARKING FACILITIES, UTILITIES, AND LOADING, ESTABLISHING A 70TH STREET FRONTAGE, DESIGNATING STREET CLASSES, ESTABLISHING REQUIREMENTS FOR FRONTAGES ON STREET CLASS FRONTAGE TYPES, ESTABLISHING REQUIREMENTS FOR NONCONFORMING STRUCTURES; ESTABLISHING A PUBLIC BENEFITS PROGRAM, AND ESTABLISHING THE NORTH BEACH PUBLIC BENEFITS FUND; AMENDING APPENDIX A, “FEE SCHEDULE,” TO ESTABLISH FEES FOR PUBLIC BENEFITS; AND MODIFYING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTIES GENERALLY BOUNDED BY 72ND STREET TO THE NORTH, COLLINS AVENUE TO THE EAST, 69TH STREET TO THE SOUTH, AND INDIAN CREEK DRIVE AND DICKENS AVENUE TO THE WEST FROM THE CURRENT “TOWN CENTER CORE (TC-1) DISTRICT,” “TOWN CENTER MIXED-USE (TC-2) DISTRICT,” “TOWN CENTER RESIDENTIAL OFFICE (TC-3) DISTRICT,” AND “TOWN CENTER RESIDENTIAL OFFICE (C) (TC-3(C)) DISTRICT” TO “TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT;” 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:

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**, on May 16, 2018, the City Commission adopted Comprehensive Plan Amendment “Miami Beach 18-1ESR” as ordinance no. 2018-4189, providing for an FAR of 3.5, for properties with a PF, TC-1, TC-2, and TC-3 future land use designation that are located within the North Beach Town Center Revitalization Overlay; and

**WHEREAS**, on May 16, 2018, the City Commission adopted ordinance no. 2018-4190 which amended the Land Development Regulations to provide for an FAR of 3.5 for properties with a TC-1, TC-2, and TC-3 zoning designation for the properties located within the area described in the FAR increase ballot question approved on November 7, 2017; and

**WHEREAS**, the City of Miami Beach seeks to adopt regulations to ensure that the FAR increase results in redevelopment that encourages alternative modes of transportation to single occupancy vehicles; including, but not limited to walking, bicycling, and public transportation; and

**WHEREAS**, the City of Miami Beach seeks to adopt regulations to limit large-scale retail establishments in order to prevent the potential traffic impact of an overconcentration of such uses; and

**WHEREAS**, due to the advent of online retailing, economic conditions are changing, and impacting traditional retailers; and

**WHEREAS**, the City of Miami Beach seeks to allow uses that will be viable into the future due to changing economic conditions; and

**WHEREAS**, the City of Miami Beach seeks to streamline development review process to facilitate economic development and the revitalization of the North Beach Town Center; 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**, 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 provides access to 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-seventy percent~~ (570%) 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) Permit uses that will be able to provide for economic development in light of changing economic realities due to technology and e-commerce;
- (d) Promote a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors and residents;
- (e) 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;
- (f) Encourage neighborhood-oriented retail and prevent an excessive concentration of large-scale retail that has the potential to significantly increase regional traffic congestion.
- (g) Provide opportunities for live/work lifestyles and increase the availability of affordable office and commercial space in the North Beach area.
- (h) Promote the health and well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction;

- (i) Create a place that represents a unique, attractive and memorable destination for residents and visitors;
- (j) Enhance the community's character through the promotion of high-quality urban design;
- (k) 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;
- (l) Encourage the development of workforce and affordable housing; and
- (m) 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>AP</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>
<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) Use limitations

a. The following limits shall apply for residential and hotel uses:

- i. **Hotel Rooms.** There shall be a limit of 1,800-2,000 hotel units 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 units 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.
- ii. **Apartments.** There shall be a limit of 500 apartment units built within the TC-C district over and above the development capacity, inclusive of maximum allowable density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. Credits for such units shall be applied for and 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. This limit shall not authorize exceeding the maximum density authorized within the adopted Comprehensive Plan.
- iii. **Workforce and Affordable Housing and Co-Living Units.** 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 maximum allowable 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. This limit shall not authorize exceeding the maximum density authorized within the adopted Comprehensive Plan.

- b. Limits for the number of units for the uses identified above shall be applied for and allocated on a first-come, first serve basis as part of concurrent with an application for land use board approval, building permit, certificate of occupancy, or business tax receipt, whichever comes first.
    - i. If said allocation occurs simultaneously with an application for land use board approval or building permit, the allocation shall expire concurrent with the expiration of the land use board approval or building permit. Upon expiration of the allocation, the units shall become available to new applicants.
    - ii. If said allocation occurs simultaneously with an application for land use board approval, building permit, or business tax receipt, and such application is withdrawn or abandoned, said allocation shall also be withdrawn or abandoned and the units shall become available to new applicants.
    - iii. If said use changes, the allocation of units shall become available to new applicants.
  - c. Any such units permitted the boundaries of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
  - d. Notwithstanding the use limitations in subsection (a.) above, the Planning Director or designee may permit simultaneous increase and decreases in the above described uses, provided that the impacts of the changes will not exceed originally approved impacts, as measured by total weekday peak hour (of Adjacent Street Traffic, One Hour Between 4 and 6 .p.m.) vehicle trips, pursuant to the Institute of Transportation Engineers Trip Generation Manual, as may be amended from time to time.
- (3) 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 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.
- (4) 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.

- (5) 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.

- (6) 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.

- (7) 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, 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.

- (8) 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) Maximum floor area ratio (FAR) shall be 3.5.

(b) The maximum building height:

(1) 125 feet (Base Maximum Height);

(2) 200 feet maximum height through participation in the Public Benefits Program as outlined in Sec. 142-747 (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 square feet (“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. No variances are permitted from these provisions.

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

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. No variances are permitted from these provisions.

(d) The maximum residential density: 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**

<b><u>Street Class</u></b>	<b><u>Property line abutting</u></b>	<b><u>Building Height at which Setback occurs</u></b>	<b><u>Minimum Setback from property line</u></b>	<b><u>Allowable Habitable Encroachments into setback</u></b>
<b><u>Class B</u></b>	<b><u>69th Street Between Collins Avenue and Harding Avenue</u></b>	<b><u>Grade to 125 feet</u></b>	<b><u>10 feet</u></b>	<b><u>5 feet</u></b>
		<b><u>125 feet to max height</u></b>	<b><u>35 feet</u></b>	<b><u>5 feet</u></b>
<b><u>Class B</u></b>	<b><u>69th Street Between Harding Avenue and Indian Creek Drive</u></b>	<b><u>Grade to 55 feet</u></b>	<b><u>10 feet</u></b>	<b><u>5 feet</u></b>
		<b><u>55 feet to 125 feet</u></b>	<b><u>50 feet</u></b>	<b><u>0 feet</u></b>
		<b><u>125 feet to max height</u></b>	<b><u>85 feet</u></b>	<b><u>0 feet</u></b>
<b><u>Class D</u></b>	<b><u>70th Street Alley Line</u></b>	<b><u>Grade to max height</u></b>	<b><u>10 feet</u></b>	<b><u>3 feet</u></b>
<b><u>Class A</u></b>	<b><u>71st Street</u></b>	<b><u>Grade to 55 feet</u></b>	<b><u>10 feet</u></b>	<b><u>0 feet</u></b>
		<b><u>55 feet to max height</u></b>	<b><u>25 feet</u></b>	<b><u>5 feet</u></b>
<b><u>Class A</u></b>	<b><u>72nd Street</u></b>	<b><u>Grade to max height</u></b>	<b><u>20 feet from back of curb line; curb line location shall</u></b>	<b><u>5 feet</u></b>

			be at the time of permitting; however, it shall be no less than 5 feet from the property line	
<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 125 feet</u>	<u>20 feet</u>	<u>5 feet</u>
		<u>125 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>57 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:

- 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 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 and consistent with the City’s lighting policies.
  - 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 in-ground markers that are flush with the Path, 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.
- (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.
  - 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.
- 
- 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.
- 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 or within 1,500 feet of the site, provided it is not located in a residential district.
- (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
    - d. Indian Creek Drive
  - (2) Class B frontages are the following:
    - a. Abbott Avenue
    - b. Dickens Avenue
    - c. 69<sup>th</sup> Street
  - (3) Class C frontages are the following:
    - a. Carlyle Avenue
    - b. Harding Avenue

c. 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 control over 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.

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 or behind the line of the façade if access from the street is required.
- (7) In addition to the requirements of section 126-6(a)(1), 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.
    - 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 or behind the line of the façade if access from the street is required.
- (7) In addition to the requirements of section 126-6(a)(1), 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.
- 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 or behind the line of the façade if access from the street is required.
- (5) Columns to support allowable habitable encroachments are permitted below the encroachment, provided they are no more than 2 feet wide and spaced a minimum of 20 feet apart. The columns may split the "Clear Pedestrian Path" into two (2) narrower "Clear Pedestrian Paths" with a combined width of 10 feet, provided that both paths are in compliance with American with Disabilities Act (ADA) clearance requirements.
- (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 or behind the line of the façade if access from the street is required.
  - (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.
- (8) The "Clear Pedestrian Path" may incorporate up to five (5) feet from the setback of the adjacent parcel.

**Sec. 142-746. - Nonconforming Structures within Unified Development Sites**

- (a) Buildings within the TC-C district that are nonconforming with the regulations of this division and incorporated into a unified development site as part of a land use board approval shall be made conforming with the development regulations of this division.
- (b) Notwithstanding the requirements of subsection (a) above, if said nonconforming building has a tenant with a lease that prevents the structure from being made conforming as part of the land use board approval, then the following shall apply:
  - (1) A phased development permit, pursuant to section 118-259, shall be applied for as part of the land use board approval process. The phased development approval shall require the nonconforming building to be redeveloped into a conforming building. The phasing time limit shall be the minimum necessary to allow for the completion of the lease.
  - (2) A certified copy of the lease shall be provided as part of the Land Use Board application.
- (c) Notwithstanding the requirements of subsection (b) above, buildings constructed prior to 1965 and determined to be architecturally significant by the planning director, or designee, may retain the existing floor area ratio, height, setbacks and parking credits, if the following portions of the building remain substantially intact and are retained, preserved and restored:
  - (1) At least 75 percent of the front and street side facades, exclusive of window openings;
  - (2) At least 50 percent of all upper level floor plates; and
  - (3) At least 50 percent of the interior side walls, exclusive of window openings.

**Sec. 142-747. - 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.
- (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>
<u>LEED Platinum or International Living Future Institute Living Building Challenge Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>

- (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.
- (f) **Public Recreation Facilities.** Provide active recreation facilities that are available to the general public. Two (2) square feet of floor area may be built above 125 feet for each square foot of recreation facilities provided. The facilities shall serve a recreational need for the North Beach community, and consultation with the City's Parks and Recreation Department shall be required prior to submitting an application for Land Use Board Approval in order to determine the types of facilities that are most in need for the area. The facilities can include, but are not limited to, soccer fields, football fields, basketball courts, tennis courts, gyms, pools, and playgrounds. Such facilities can be located on ground levels, rooftops, above parking garages, or within habitable buildings. An operating agreement shall be submitted to the City and approved by the City Manager or designee. The operating agreement shall contain minimum hours of operation, cost of admission to cover

maintenance and operating costs, organized league information, signage to ensure the public is aware of the public nature of the facility, security requirements, reservation requirements, and other requirements as applicable. The agreement shall also ensure that residents of the building are not prioritized over the general public.

**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) for North Beach;
  - (3) Improvements to existing parks in North Beach;
  - (4) Enhancements to public transportation and alternative modes of travel, including rights of ways and roadways that improve mobility in North Beach;
  - (5) Acquisition of new parkland and environmental and adaptation areas in North Beach;
  - (6) Initiatives that improve the quality of life for residents in North Beach.
- (c) For the purposes of this section, North Beach shall be defined as the area of the City located north of 63<sup>rd</sup> Street, excluding the La Gorce neighborhood, La Gorce Island, and Allison Island.
- (d) 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:

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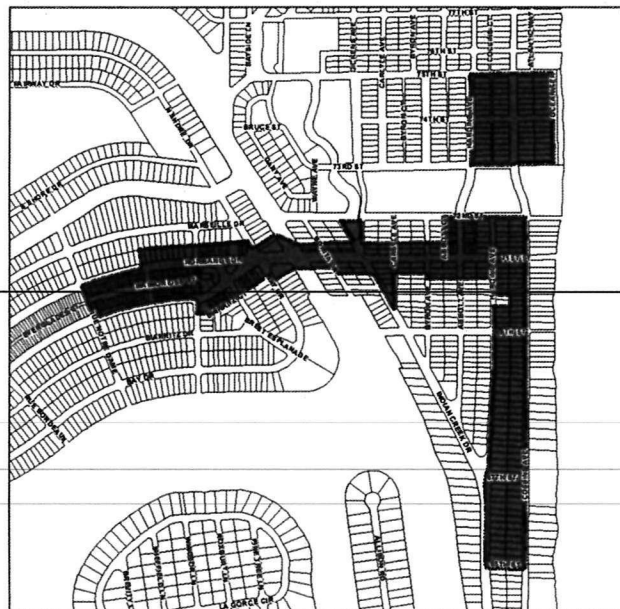
**Chapter 130 - OFF-STREET PARKING**

**ARTICLE II. - DISTRICTS; REQUIREMENTS**

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

\* \* \*

- (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:

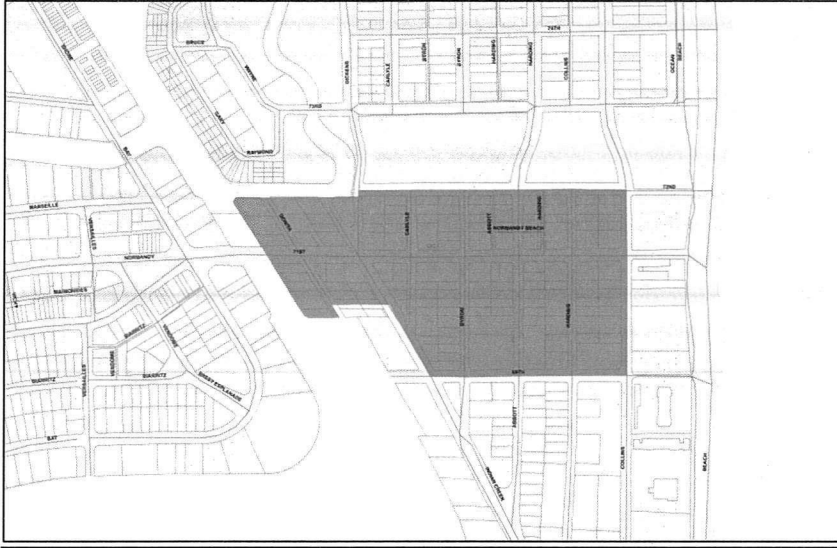


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- (8) Parking district no. 8. Parking district no. 8 includes those properties within the TC-C, TC-1, TC-2, and TC-3 districts, as depicted in the map below:



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

\* \* \*

- (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 749,850 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.

(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 the TC-C

district or 1,500 feet of the site, provided the parking is not located within a residential district; 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 or 1,500 feet of the site, provided the parking is not located within a residential district; 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.
  - 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 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)

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

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