

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: December 18, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 18-0242. 550 9th Street – LDR Amendment.**

#### **REQUEST**

**PB 18-0242. 550 9th Street – LDR Amendment. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY," SECTION 142-306, ENTITLED "DEVELOPMENT REGULATIONS," TO ESTABLISH A MINIMUM HOTEL UNIT SIZE OF 250 SQUARE FEET FOR PROPERTY FORMERLY ZONED HD THAT DOES NOT EXCEED 25,000 SQUARE FEET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION:**

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

#### **HISTORY/ BACKGROUND**

On October 17, 2018, at the request of the Commissioner Michael Gongora, the City Commission referred the proposed ordinance to the Land Use and Development Committee and Planning Board (Item C4 C).

On November 28, 2018, the Land Use and Development Committee recommended that the proposed ordinance be approved.

#### **REVIEW CRITERIA**

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

**Consistent** – The proposed amendment is consistent with the Comprehensive Plan.

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

**Not Applicable** – The proposed change does not affect district boundaries.

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

**Consistent** – The proposed does not affect the scale of development in the City.

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

**Consistent** – The proposed amendment does not increase the intensity of development and will not increase the load on public facilities beyond what is currently permitted. A full concurrency analysis will be provided as part of a building permit process.

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

**Not Applicable** – The proposed amendment does not affect zoning boundaries.

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

**Consistent** – The need to allow for the sustainable reuse of existing structures makes passage of the proposed amendment necessary.

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

**Consistent** - The proposed changes should not adversely influence living conditions in the surrounding neighborhood.

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

**Consistent** - The proposed change should not create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

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

**Consistent** - The proposed changes will not seriously reduce light and air to adjacent areas; as the maximum building intensity and height is not affected by the proposed amendments.

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

**Consistent** – Property values should not be negatively impacted by the proposed changes.

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 changes would not be a deterrent to the redevelopment or improvement of any adjacent property.

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

**Consistent** – The affected site contains a building which was formerly the Oceanside Extended Care Center, which has closed. The sustainable reuse of the existing structure requires that the proposed change be adopted.

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 Mean elevation of the affected site is 3.4 (NAVD). The proposal affects an area that is not vulnerable to the impacts of sea level rise until 2100 pursuant to the Unified Sea Level Rise Projection for Southeast Florida in the long term. However, the elevation is within the range of the low and high mean high water projections.

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** – New Development will meet current and future Building Codes and the City's standards, they will also comply with recently adopted sea level rise mitigation criteria and green building requirements.

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

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

### **PLANNING ANALYSIS**

The proposed amendment allows for properties under 25,000 SF, which are zoned CD-2 and that were previously zoned HD, to have a minimum hotel unit size of 250 SF. The current minimum unit size requires that 15% of hotel rooms have a minimum size of 300 SF to 335 SF and that the remaining 85% have a minimum size of 335 SF.

The proposal would be applicable to the parcel located at 550 9<sup>th</sup> Street for which there is a companion Future Land Use Amendment and Zoning Map Amendment under consideration. The site contains a building which has previously been used a rehabilitation center. The proposal incentivizes the reuse of that structure as a hotel. The hotel use is more compatible with the surrounding neighborhood which already contains several hotels.

The proposal is also consistent with the requirement for contributing buildings in local historic districts which are allowed to maintain non-conforming room sizes of 200 SF, and with the Washington Avenue Zoning Incentives, which allow for micro-hotel units of 175 SF, provided certain conditions are met.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**CD-2 MINIMUM HOTEL UNIT SIZE  
FOR PROPERTY FORMERLY ZONED HD**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY," SECTION 142-306, ENTITLED "DEVELOPMENT REGULATIONS," TO ESTABLISH A MINIMUM HOTEL UNIT SIZE OF 250 SQUARE FEET FOR PROPERTY FORMERLY ZONED HD THAT DOES NOT EXCEED 25,000 SQUARE FEET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**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 number of properties zoned HD that do not exceed 25,000 square feet in size is limited; and

**WHEREAS**, the existing HD-zoned property that does not exceed 25,000 square feet in size is located in close proximity to the Washington Avenue corridor; and

**WHEREAS**, Section 142-309 of the Code provides for minimum hotel unit sizes of 175 feet within the Washington Avenue corridor; and

**WHEREAS**, the City of Miami Beach seeks to allow for adaptive reuse of existing structures; and

**WHEREAS**, the City of Miami Beach has determined that the adaptive reuse of HD-zoned properties that do not exceed 25,000 square feet in size will ensure that new redevelopment and renovation of existing structures are compatible and in scale with the built environment and is in the best interest of the City; and

**WHEREAS**, the amendment set forth below is necessary to accomplish all of the above objectives.

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

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.5	Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A	50 (except as provided in section 142-1161). Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not

			<p>the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. <u>In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the</u></p>		<p>separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017 Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley</p>
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			property does not exceed 25,000 square feet as of the effective date of this ordinance.		
					Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.

### **SECTION 3. REPEALER.**

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

### **SECTION 4. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

### **SECTION 5. SEVERABILITY.**

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

### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

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

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ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

First Reading: \_\_\_\_\_, 2018

Second Reading: \_\_\_\_\_, 2018

City Attorney \_\_\_\_\_ Date \_\_\_\_\_

Verified by: Thomas R. Mooney, AICP  
Planning Director