

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 5, 2019

SUBJECT: REFERRAL TO PLANNING BOARD - PROPOSED ORDINANCE PERTAINING TO MODIFIED DEVELOPMENT REGULATIONS FOR HOTELS ON LINCOLN ROAD.

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### RECOMMENDATION

The administration recommends that the City Commission refer the attached ordinance to the Planning Board for review and recommendation.

### ANALYSIS

#### HISTORY

March 13, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the subject discussion item to the Land Use and Development Committee (Item C4 X). On April 3, 2019 the Land Use and Development Committee discussed the item and continued it to the May 22, 2019 meeting. The LUDC also directed staff to work with the item proposer and modify the ordinance for review at the May 22nd meeting.

On May 22, 2019 the LUDC discussed the proposed ordinance and recommended that the City Commission refer the item to the planning board for review and consideration.

#### PLANNING ANALYSIS

The original draft ordinance was prepared by the property owner of the Sterling Building located at 927 Lincoln Road, and proposed the following modifications for properties located on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue:

- Reductions in the off-street parking requirements;
- A reduction in the minimum hotel unit sizes from 335 sq ft to 200 sq ft;
- The allowance for a multistory rooftop addition;
- An increase in maximum permitted height from 50 feet to 75 feet.

The proposal to reduce the minimum unit size for new hotel units located within attached additions to contributing buildings to a minimum of 200 square feet would be contingent upon the project including at least 5% of the total floor area as amenity space. Currently, the minimum unit size for new hotel units is between 300 and 335 square feet.

The subject ordinance amendment would also allow lots located between Pennsylvania Avenue and Lenox Avenue on the north side of Lincoln Road to construct an attached addition to a contributing building up to 75 feet in height, provided the property has a minimum lot area of 30,000 square feet and a minimum of 100 hotel units are being provided. In order to address the potential scale and height issues associated with a future structure taller than 50 feet in height, particularly as it may be perceived from Lincoln Road, the ordinance includes a minimum setback of 75 feet from Lincoln Road and a minimum setback of 25 feet from a side street for any portion of a building above 50 feet in height. This would ensure that any future addition to a building above 50 feet in height would not overwhelm the Lincoln Road streetscape. The administration is supportive of this limited increase in height and would note that there are several taller buildings immediately to north of Lincoln Road between Lincoln Lane North and 17th Street, where the maximum building height is currently 80 feet.

In addition to the proposed height increase for attached additions, the ordinance would also allow for multistory rooftop additions to be constructed above a contributing building. Currently, a rooftop addition, whether attached or detached, to a contributing building is limited to one story. This proposal would allow for multiple levels to be cantilevered over an existing contributing building without the requirement that the building be demolished and reconstructed as a ground up addition, encouraging the retention and restoration of contributing buildings.

The proposer has provided the attached map showing the affected area on the north side of Lincoln Road. As to the total number of potential hotel units within the larger area, between Lenox and Pennsylvania Avenues on the north side of Lincoln Road, the proposer's architect has studied the area and estimates that if most of the buildings take advantage of the ordinance (which is not likely), there could be as many as 500 more hotel units on the north side of Lincoln Road.

A similar map and analysis is being prepared for the south side of Lincoln Road and is expected to be ready for the planning board

hearing.

#### **LUDC SUMMARY**

On May 23, 2019, the Land Use Committee endorsed the proposal, and recommended the following modifications for properties on the south side of Lincoln Road, between Pennsylvania and Lenox Avenues:

1. No parking for hotel uses.
2. A reduction in the minimum unit size to 250 square feet.
3. Allowance for multi-story roof top additions, but no increase in overall height above the current 50 feet.

Additionally, the LUDC recommended the following, which will be applicable to both the north and south sides of Lincoln Road:

1. The inclusion of a public benefit component for arts and culture.
2. All applicable improvements required for Lincoln Lane shall take place from block end to block end, and not just abutting a particular property proposing a hotel use.

The attached ordinance includes all of the modified development regulations for hotel uses along the north and south side of Lincoln Road, as recommended by the Land Use Committee, including placeholders for a public benefit fee for arts and culture, as well as required improvements to Lincoln Lane, from block end to block end. Prior to planning board action on the ordinance, the administration and the city attorney will further develop these portions of the legislation.

Finally, the LUDC requested current parking utilization data for all of the adjacent Lincoln Road garages. This information will be provided to the planning board, and updated for first reading of the legislation. Also, the economic development department is working on an analysis regarding the potential impact of new hotel rooms (supply), demand trends, economic/public benefits, market mix, etc. on Lincoln Road would impact the convention center hotel.

#### **ADMINISTRATION SUMMARY**

In summary, the administration is supportive of the ordinance modifications, which are not expected to have any adverse visual impacts on the character of this portion of the Flamingo Park Local Historic District, nor the north side of Lincoln Road. As hotel uses are already permitted on Lincoln Road, the proposed reduction in the minimum unit size for hotels, as well as the removal of the minimum parking requirement, is not expected to have an adverse impact, particularly since Lincoln Road contains a significant concentration of contributing structures where providing parking would be challenging. Additionally, the parking impact fee, per required space, is \$40,000.00. Further, the mixed use character of Lincoln Road promotes a guest experience which is consistent with smaller hotel units and should encourage activation of the street.

Finally, there has been a demonstrative decrease in parking demand throughout the City, and the typical hotel guest is more likely to take advantage of ride share services in lieu of valet parking. Additionally, this area of the City is within walking distance of the recently renovated convention center, shops, restaurants, and the beach.

#### **CONCLUSION**

The Administration recommends that the City Commission refer the attached ordinance amendment to the Planning Board for review and recommendation.

Additionally, since this referral is occurring after June 1, 2019, all applicable fees must be paid by the proposer. Specifically, pursuant to section 118-162(c) of the City Code, an application that is filed on behalf of a private applicant is required to pay all applicable planning department fees and costs associated with the application, as specified in section 118-7 and Appendix A to this Code. Notwithstanding the foregoing, the fees and costs associated with this application may be waived by a five-sevenths (5/7ths) vote of the city commission, based upon one or more of the following circumstances:

1. The city manager determines, in writing, that the proposed amendment is necessary due to a change in federal or state law, and/or to implement best practices in urban planning.
2. Upon written recommendation of the city manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

#### **Legislative Tracking**

Planning

#### **Sponsor**

Commissioner Ricky Arriola

#### **ATTACHMENTS:**

**DEVELOPMENT REGULATIONS FOR HOTELS ON LINCOLN ROAD**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ON LINCOLN ROAD BETWEEN ALTON ROAD AND WASHINGTON AVENUE; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, 'DISTRICT REGULATIONS' BY AMENDING THE MINIMUM HOTEL UNIT SIZE FOR NEW HOTEL UNITS AND THE MAXIMUM BUILDING HEIGHT FOR HISTORIC BUILDINGS ON LINCOLN ROAD; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS" BY PROVIDING ADDITIONAL REGULATIONS FOR ROOFTOP ADDITIONS FOR HISTORIC BUILDINGS ON LINCOLN ROAD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's land development regulations include several restrictions that have made the development of hotel units undesirable on Lincoln Road; and

**WHEREAS**, changes in patterns and norms regarding the use of automobiles in urban areas such as Miami Beach, has changed the need for excessive parking in hotels, particularly in the Lincoln Road neighborhood; and

**WHEREAS**, the pedestrian friendly and vibrant character of Lincoln Road promotes a guest experience which is consistent with smaller hotel units to encourage activation on the street; and

**WHEREAS**, provisions for additional height and flexibility with development above contributing structures would promote responsible hotel development on Lincoln Road, while preserving the contributing structures that exist; and

**WHEREAS**, the proposed changes are necessary in order to promote good hotel development and the preservation of certain contributing structures on Lincoln Road.

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

**SECTION 1.** That Section 130-33, "Off Street parking requirements for parking districts nos. 2, 3, 4, 5, 6 and 7" is hereby amended as follows:

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

(4) *Hotel, suites hotel, motel, or motor lodge:* One space per unit, except as follows:

Properties located within a local historic district or National Register Historic District	
New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
<p><u>New hotel units as part of additions to contributing historic buildings on Lincoln Road between Pennsylvania Avenue and Lenox Avenue</u></p> <p>Other (e.g., new construction or substantial demolition of contributing building)</p>	<p><u>No off-street parking requirement</u></p> <p>1 space per unit</p>

\* \* \*

**SECTION 2.** That Section 142-337, "Development regulations and area requirements" is hereby amended as follows:

**Section 142-337. Development regulations and area requirements**

(c) Minimum Unit Size (Square Feet)

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 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. For the construction of new hotel units in attached additions to contributing buildings on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area as amenity space – 200 square feet. For the construction of new hotel units in additions to contributing buildings on the south side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area as amenity space – 250 square feet.

\* \* \*

#### Maximum Building Height

75 feet.

Lots within the architectural district: 50 feet.

Lots between Pennsylvania Avenue and Lenox Avenue on the north side of Lincoln Road with a minimum lot area of 30,000 square feet, and containing a contributing building and with an attached addition providing a minimum of 100 hotel units, where the addition is setback at least 75 feet from the Lincoln Road property line and has a street side setback of no less than 25 feet – 75 feet.

Lots fronting on 17th Street: 80 feet.

City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet. Notwithstanding the 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 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. Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply:

The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth. The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).

(d) Hotel uses on Lincoln Road, between Pennsylvania and Lenox Avenues, shall be subject to the following additional regulations:

(1) A public benefit fee for arts and culture, in the amount of \_\_\_\_\_, shall be required, prior to the issuance of a building permit.

(2) Applicable improvements to the abutting portion of Lincoln Lane, from block end to block end, regardless of Lincoln Lane frontage, shall be required.

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**SECTION 3.** That Section 142-1161, "Height regulation exceptions" is hereby amended as follows:

**Section 142-1161. Height regulation exceptions.**

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(d) Rooftop additions.

(1) Restrictions. There shall be no rooftop additions to existing structures in the following areas: oceanfront lots within the Miami Beach Architectural District in the RM-3 or CD-3 zoning districts; non-oceanfront lots fronting Ocean Drive in the MXE zoning district. ~~No variance from this provision shall be granted.~~

(2) Additional regulations. Existing structures within an historic district shall only be permitted to have habitable one-story rooftop additions (whether attached or detached), with a maximum floor to ceiling height of 12 feet except as hereinafter provided. The above described additions shall not be visible when viewed at eye level (5'—6" from grade) from the opposite side of the adjacent right-of-way; for corner properties, said additions shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way. Notwithstanding the foregoing, the line-of-sight requirement may be modified as deemed appropriate by the historic preservation board based upon the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and architecture of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

(3) Lincoln Road hotel additions. Notwithstanding the foregoing, a multistory rooftop addition, for hotel uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue and Lenox Avenue, in accordance with the following:

a. For properties on the north side of Lincoln Road, a multistory rooftop addition shall be setback at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. Additionally, the multistory addition shall be cantilevered over a contributing building.

b. For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be setback at least 65 feet from Lincoln Road.

(4) The placement and manner of attachment of all additions (including those which are adjacent to existing structures) are subject to historic preservation board approval.

(5) No variance from this the provisions of subsection 142-1161(d) shall be granted.

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**SECTION 4. Repealer.**

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

**SECTION 5. Codification.**

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

**SECTION 6. Severability.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 7. Effective Date.**

This Ordinance shall take effect the \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

First Reading:  
Second Reading:

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

Verified by: \_\_\_\_\_  
Planning Director

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

Underscore denotes new language

# The Sterling Building

