

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 23, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0306. Lincoln Road Hotel Amendments.**

REQUEST

PB 19-0306. Lincoln Road Hotel Amendments. 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, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-33, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, and 8," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ON LINCOLN ROAD BETWEEN ALTON ROAD AND WASHINGTON AVENUE; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 142-337, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO AMEND THE MINIMUM HOTEL UNIT SIZE FOR NEW HOTEL UNITS AND THE MAXIMUM BUILDING HEIGHT FOR HISTORIC BUILDINGS ON LINCOLN ROAD; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 5, ENTITLED "HEIGHT REGULATIONS," SECTION 142-1161, ENTITLED "HEIGHT REGULATION EXCEPTIONS," TO PROVIDE ADDITIONAL REGULATIONS FOR ROOFTOP ADDITIONS FOR HISTORIC BUILDINGS ON LINCOLN ROAD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

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

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.

On June 5, 2019, the City Commission referred the proposed ordinance to the Planning Board for review and recommendation (Item C4 V).

On July 9, 2019, the Historic Preservation Board (HPB) discussed the item and indicated support of the concept. However, concerns were expressed with the minimal public benefit proposed, and the board recommended a much larger area be required. Additionally, the HPB recommended the exploration of how additional height would allow the more substantial preservation of the contributing structures on Lincoln Road.

REVIEW CRITERIA

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

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

Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

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

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

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood, as the proposed ordinance will allow for a reduced scale of development due to a reduced need for off-street parking facilities.

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

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure.

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

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

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

Consistent – The need to allow for the revitalization of structures in historic and conservation districts makes passage of the proposed change necessary.

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

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

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

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

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

Consistent – The proposed change will not reduce light and air to adjacent areas.

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

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

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

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

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

Not 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 areas that are vulnerable to the impacts of sea level rise in the long term.

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

Consistent – The proposal will allow for the redevelopment of properties along Lincoln Road in a way that will be more resilient with respect to sea level rise due to new code requirements.

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

Consistent – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

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.

On May 22, 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.

SUMMARY

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. This includes a public benefit fee for arts and culture, as well as required improvements to Lincoln Lane, from block end to block end.

With regard to the public benefits program, in consultation with the Economic Development Department, staff is proposing the following:

- 1. Provide on-site area for the benefit of the general public. Provide on-site, ground floor space within the building in which the hotel is located equal to the size of the smallest hotel unit ("Public Benefits Space"), for use by local not-for-profit entities and/or artisans, as workshops, for display or demonstrations that are available for public viewing. The property owner shall not be required to submit land use board applications for the uses proposed in the Public Benefit Space. Any such approvals shall be the responsibility of the not-for-profit or local artisan.*
- 2. Contribution to public benefits fund. As an alternative to providing an on-site area under subsection (a) above, an owner may provide a contribution to a public benefits fund benefiting Lincoln Road or Art in Public Places, in the amount of 1.5% of the total of*

all construction cost associated with the proposed hotel project regardless of the number of permits associated with the project or whether it is a phased project.

3. Final approval. Prior to the issuance of a final Certificate of Occupancy for the property, the Public Benefits Space shall be designated and a covenant executed by the property owner submitted to the City and approved by the City Manager or designee. If the owner decides to provide a contribution consistent with paragraph (2) hereof as an alternative to providing the Public Benefit Space, payment shall be made prior to the development obtaining a final certificate of occupancy (CO).

The basis for the 1.5% contribution in option 2 is the present value of leased spaced on Lincoln Road. As an example, for a hotel site that is 30,000 square feet, the total buildable project would be 67,500 square feet (based upon a maximum FAR of 2.25). The average cost of construction is \$250 per square foot, or \$16,875,000. Multiplied by 1.5%, the public benefit would equate to \$253,125.00, which is still not significant as compared to the present value of \$200 per square foot for leased space on Lincoln Road.

In addition to on site public benefits, another potential option for the Planning Board to consider making a recommendation on would be a contribution to an off-site area for the public benefit for the general public. In this scenario, a developer may choose to contribute an alternate public benefit space valued at 1.0% of all construction costs of the project, inclusive of the cost of maintenance, insurance, and utilities of the off-site location. The off-site location would need to be approved by the City in substantive form.

Since Lincoln Road real estate values are high, a developer will most likely choose the contribution, as an onsite unit may be a challenge, especially for their lenders. By having an alternative offsite alternative it may provide an incentive to invest the money into a less expensive area (i.e. North Beach). While the goal of the legislation is to have this cultural amenity on Lincoln Road, having an alternate site would still achieve the cultural amenity.

Staff 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.

Attached, per the request of the LUDC, is current parking utilization data for all of the adjacent Lincoln Road garages. There has also 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.

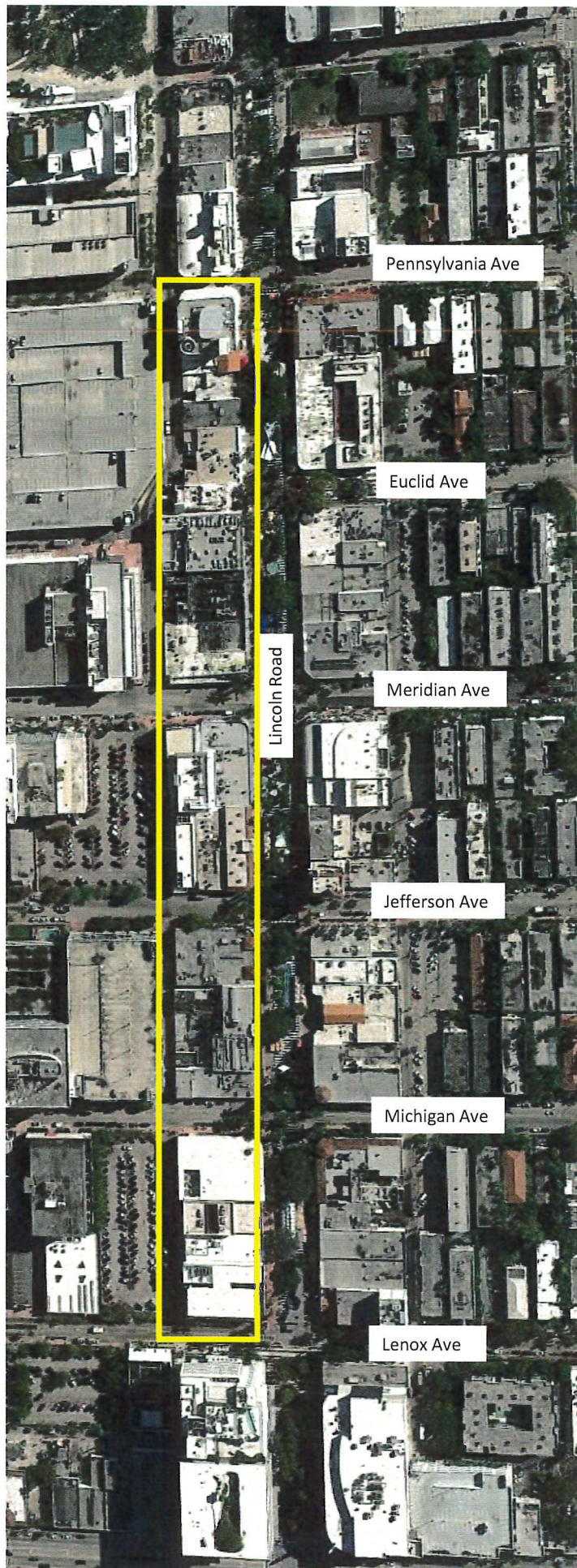
As part of its referral to the Planning Board, the City Commission directed staff to explore the possibility of placing a cap on the number of hotel rooms that can open up on Lincoln Road. A recommendation will be made regarding a cap prior to first reading. Finally, the Economic Development Department 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.

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.

The Sterling Building



City of Miami Beach Parking Utilization Trend

ATTENDED GARAGE HOURS YEAR-TO-YEAR

Zone	#	Name	FY15 Hours	FY16 Hours	FY16-FY15 Diff	FY16-FY15 % Diff	FY17 Hours	FY17-FY16 Diff	FY17-FY16 % Diff	FY18 Hours	FY18-FY17 Diff	FY18-FY17 % Diff
South	G5	17th Street	3,493,953	3,507,862	13,909	0%	2,990,887	(516,976)	-15%	2,841,277	(149,610)	-5%
South	G9	Pennsylvania Avenue	641,428	642,162	734	0%	513,499	(128,663)	-20%	422,564	(90,935)	-18%
TOTAL GARAGES HOURS			4,135,381	4,150,024	14,643	0%	3,504,385	(645,639)	-16%	3,263,841	(240,544)	-7%

ATTENDED GARAGE HOURS CUMULATIVE

Zone	#	Name	FY15 Hours	FY18 Hours	FY18-FY15 Diff	FY18-FY15 % Diff
South	G5	17th Street	3,493,953	2,841,277	(652,676)	-19%
South	G9	Pennsylvania Avenue	641,428	422,564	(218,864)	-34%
TOTAL GARAGES HOURS			4,135,381	3,263,841	(871,540)	-21%

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 ENTITLED "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 ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "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 ENTITLED "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
<u>New hotel units as part of additions to contributing historic buildings on Lincoln Road between Pennsylvania Avenue and Lenox Avenue</u> Other (e.g., new construction or substantial demolition of contributing building)	<u>No off-street parking requirement</u> 1 space per unit

* * *

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 foot 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 – minimum average, 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) In order for a hotel project to avail itself of the minimum 200 square foot unit size (on the North side of Lincoln Road) or the minimum average 250 square foot unit size (on the South side of Lincoln Road), as well as any height above 50 feet, the portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block end to block end, shall be fully improved subject to the requirements of the Public Works Department. Additionally, participation in a public benefits program shall be required; the following alternatives are available for participation in the public benefits program:

(1) Provide on-site area for the benefit of the general public. Provide on-site, ground floor space within the building in which the hotel is located equal to the size of the smallest hotel unit ("Public Benefits Space"), for use by local not-for-profit entities and/or artisans, as workshops, for display or demonstrations that are available for public viewing. The property owner shall not be required to submit land use board applications for the uses proposed in the Public Benefit Space. Any such approvals shall be the responsibility of the not-for-profit or local artisan.

(2) Contribution to public benefits fund. As an alternative to providing an on-site area under subsection (a) above, an owner may provide a contribution to a public benefits fund benefiting Lincoln Road or Art in Public Places, in the amount of 1.5% of the total of all construction cost associated with the proposed hotel project regardless of the number of permits associated with the project or whether it is a phased project.

(3) Final approval. Prior to the issuance of a final Certificate of Occupancy for the property, the Public Benefits Space shall be designated and a covenant executed by the property owner submitted to the City and approved by the City Manager or designee. If the owner decides to provide a contribution consistent with paragraph (2) hereof as an alternative to providing the Public Benefit Space, payment shall be made prior to the development obtaining a final certificate of occupancy (CO).

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

Section 142-1161. Height regulation exceptions.

* * *

(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 may 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.

c. The portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block end to block end, shall be fully improved subject to the requirements of the Public Works Department.

d. Participation in the public benefits program, pursuant to section 142-337(d), shall be required in order for a hotel project to avail itself of a multistory rooftop addition.

(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.

* * *

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.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: September 11, 2019
Second Reading: October 16, 2019

Verified by: _____
Thomas R. Mooney, AICP
Planning Director