

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 24, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-311. RM-2 Accessory Bayfront Apt Uses**

REQUEST

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, ENTITLED "CONDITIONAL USES," TO EXPAND THE CONDITIONAL USES TO INCLUDE CERTAIN TYPES OF NON-MEDICAL OFFICE AND PERSONAL SERVICE USES FOR BAYFRONT APARTMENT BUILDINGS IN THE WEST AVENUE OVERLAY DISTRICT; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY

A previous proposal to expand allowable accessory uses within bayfront apartment buildings in the RM-2 district was considered by the City Commission in 2014 but did not move forward. This proposal would have allowed non-medical, low intensity offices, such as architect offices, accountant offices, attorney offices and real estate offices, to be permitted as a Conditional Use within the lobby level of bay front apartment buildings.

On July 17, 2019, at the request of Commissioner Joy Malakoff, the City Commission referred the draft Ordinance to both the Land Use and Development Committee and the Planning Board (Item C4 X).

The draft Ordinance is scheduled to be reviewed by the LUDC on September 18, 2019. Staff will provide a verbal update of the LUDC recommendation at the September 24, 2019 planning board meeting.

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.**

Consistent – The amendment would be applicable to bayfront properties within the West Avenue Overlay District.

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

Consistent – The proposed Ordinance would not be out of scale with the built context of the City.

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

Consistent – The proposed ordinance should 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.**

Consistent – The proposed amendment does not modify district boundaries.

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

Consistent – Changes in economics and market conditions would have no bearing on the proposed regulations.

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

Consistent – The proposed change would not adversely influence living conditions in the City.

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 ordinance will not 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.**

Partially 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.

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 will 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.**

The proposal does affect areas that are vulnerable to the impacts of sea level rise.

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

The proposal will not affect the resiliency of the City with respect to sea level rise.

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

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

ANALYSIS

In the RM-2 Zoning District, apartment uses have limited permitted accessory uses. Pursuant to Section 142-902 of the City Code, the following are permitted accessory uses for apartment uses in the RM-2 district:

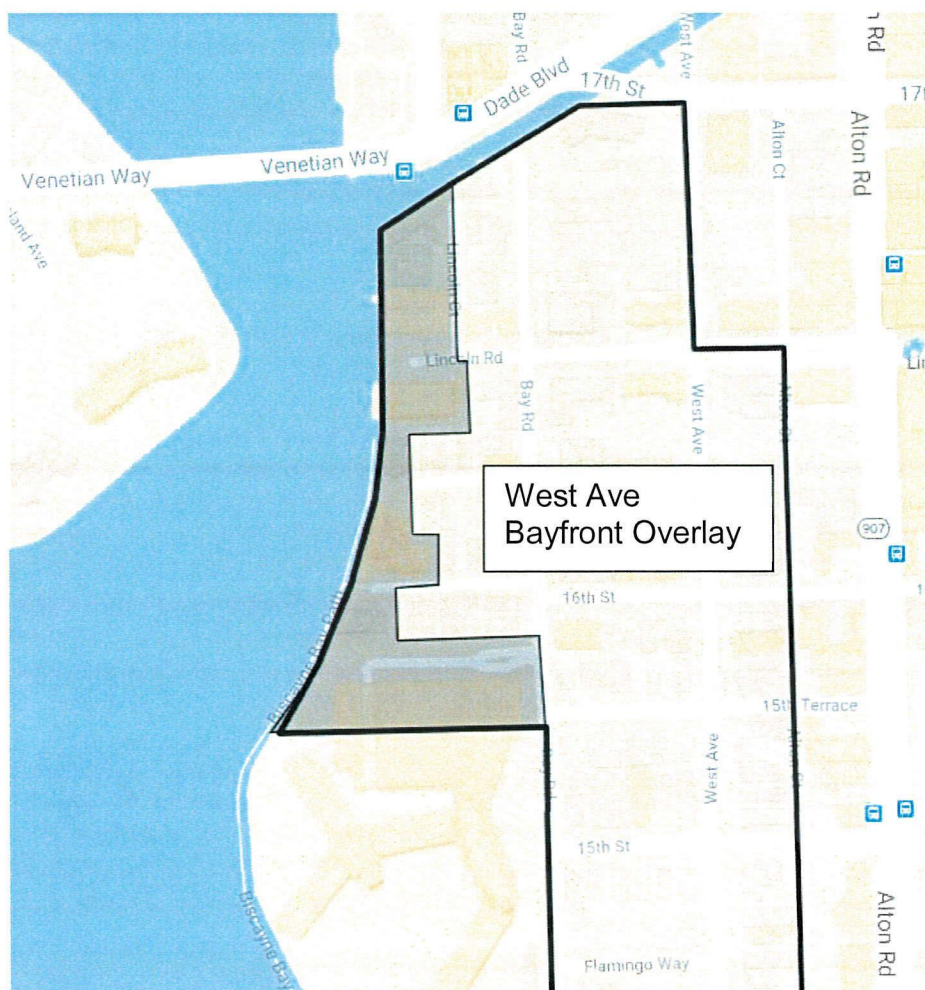
- Mechanical support equipment and administrative offices and uses that maintain the operation of the building.
- Washers and dryers shall be located inside a structure or not visible from a right-of-way.
- A dining room which is operated solely for the residents in the building shall be located

inside the building and shall not be visible from the street with no exterior signs, entrances or exits except for those required by the South Florida Building Code. However, a dining room shall not be allowed in the RM-1 district except for those dining rooms associated with adult congregate living facilities.

- Solarium, sauna, exercise studio, health club or massage service for use by residents or open to the public by an individual licensed by the state or other appropriate agencies.
- Family day care centers as defined in subsection 142-905(b)(1) of the City Code.
- One property management office for the purpose of managing residential units within the building as well as residential units located in other buildings under common beneficial ownership, as long as the total number of units does not exceed a maximum of 100 units.

The attached draft ordinance would allow personal service establishment uses, in addition to non-medical offices, as a conditional use within the lobby level of bay front apartment buildings in the RM-2 areas of the West Avenue Overlay District.

The darker shading of the map below outlines the subject area of the Ordinance, which includes the current RM-2 zoned bayfront apartment buildings located within the West Avenue Overlay District (defined by the dark lined border).



Staff believes that limited office and personal service uses on the ground floor of an apartment building in the RM-2 zoning district would likely have a minimal impact upon the surrounding residential neighborhood. The requirement for Conditional Use approval by the Planning Board would provide an additional safeguard. The accessory office and personal service establishment uses proposed, while slightly more intense than the main permitted apartment use, will still be subject to Planning Board requirements for compatibility with the surrounding neighborhood. Further, the personal services proposed are of similar intensity to the some of the currently allowed accessory uses such as an exercise studio or health club.

Adequate parking, circulation and loading requirements would also be considered as part of the Planning Board review for conditional use, as residential projects within the RM-2 district typically have just enough parking for the actual residential units.

RECOMMENDATION

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

**RM-2 CONDITIONAL USES
FOR BAYFRONT APARTMENTS IN THE WEST AVENUE OVERLAY DISTRICT**

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, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, ENTITLED "CONDITIONAL USES," TO EXPAND THE CONDITIONAL USES TO INCLUDE CERTAIN TYPES OF NON-MEDICAL OFFICE AND PERSONAL SERVICE USES FOR BAYFRONT APARTMENT BUILDINGS IN THE WEST AVENUE OVERLAY DISTRICT; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Code contains provisions for accessory office uses in the RM-2 District; and

WHEREAS, the City of Miami Beach ("City") desires to provide for certain types of non-medical offices and personal service uses as accessory uses within bayfront apartment buildings in the West Avenue Bayfront Overlay District; and

WHEREAS, this Ordinance amends the conditional use requirements for bayfront apartment buildings located in the RM-2 district; and

WHEREAS, the amendments set forth below are 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 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision IV. – RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-213. – Conditional uses

(a) The conditional uses in the RM2 residential multifamily, medium intensity district are as follows:

- (1) day care facility;
- (2) stand-alone religious institutions;
- (3) private and public institutions;
- (4) schools;
- (5) commercial or noncommercial parking lots and garages; and
- (6) accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

(b) Museum Historic Preservation District. In addition to the conditional uses specified in subsection 142-213(a), existing religious institutions located on properties in the Museum Historic Preservation District, which contain a contributing structure, may obtain conditional use approval for a separate hall for hire use within the interior of the existing religious institution. Any such hall for hire use shall comply with the following additional regulations:

- (1) Entertainment may only be permitted in the hall for hire;
- (2) The hall for hire use shall cease operations by 11:00 p.m. on Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday;
- (3) Only the property owner, its subsidiaries, and its invited guests may hold events at the hall for hire;
- (4) Restaurants, stand-alone bars, and alcoholic beverage establishments, shall be prohibited;
- (5) Outdoor dining, outdoor entertainment, open-air entertainment uses, outdoor speakers and outdoor music shall be prohibited;
- (6) There shall be no variances from the provisions of subsection 142-213(b).

(c) West Avenue Bayfront Overlay District. In addition to the conditional uses specified in subsection 142-213(a), the conditional uses within the West Avenue Bayfront Overlay District shall include the following: non-medical offices and personal service uses, either of which may only be located on the lobby level of bayfront apartment buildings.

SECTION 2. Repealer.

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

SECTION 3. 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

