

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: September 27, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Ordinance Amendment**
Collins Park Arts District Overlay

REQUEST

PB16-0056. COLLINS PARK ARTS DISTRICT OVERLAY. 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 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," DIVISION 7, "CULTURAL ARTS NEIGHBORHOOD DISTRICT OVERLAY (CANDO)," BY RENAMING THE DISTRICT AS THE "COLLINS PARK ARTS DISTRICT OVERLAY," REDUCING THE BOUNDARIES OF THE OVERLAY DISTRICT, PERMITTING OUTDOOR ENTERTAINMENT ESTABLISHMENTS AS A MAIN PERMITTED USE WITHIN AREAS WITH AN UNDERLYING CD-2 "COMMERCIAL, MEDIUM INTENSITY DISTRICT" AND CD-3 "COMMERCIAL, HIGH INTENSITY DISTRICT" ZONING DESIGNATION, PERMITTING RESTAURANTS, SIDEWALK CAFES, AND OUTDOOR ENTERTAINMENT AS ACCESSORY USES FOR HOTELS WITHIN AREAS WITH AN UNDERLYING RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY" ZONING DESIGNATION, AND REMOVING REGULATIONS FOR MINIMUM AND AVERAGE UNIT SIZE AND MIXED USE FLOOR AREA RATIO (FAR) INCENTIVES; AMENDING CHAPTER 122 OF THE CITY CODE, ENTITLED "CONCURRENCY MANAGEMENT," AUTHORIZING THE CITY COMMISSION TO EXEMPT TEMPORARY USES IN THE PUBLIC RIGHT OF WAY IN THE COLLINS PARK ARTS DISTRICT OVERLAY FROM CONCURRENCY REQUIREMENTS BY RESOLUTION; AMENDING CHAPTER 82 OF THE CITY CODE, "PUBLIC PROPERTY," ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 5, "SIDEWALK CAFES," SUBDIVISION II, ENTITLED "PERMIT," EXEMPTING SIDEWALK CAFES LOCATED IN THE COLLINS PARK ARTS DISTRICT OVERLAY FROM SQUARE FOOTAGE SIDEWALK CAFÉ FEES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY

On May 11, 2016, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee (Item C4L). On May 18, 2016, the Land Use and Development Committee continued the item to the June 15, 2016 meeting, and directed the administration to bring back a draft ordinance in accordance with the proposal submitted by the Collins Park Neighborhood Association. On June 15, 2016, the Land Use Committee discussed the draft ordinance and recommended that the City Commission refer the

item to the Planning Board.

On July 13, 2016, the City Commission referred the proposed Ordinance Amendment to the Planning Board for consideration and recommendation (Item C4H).

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 uses proposed by the ordinance amendment are 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 proposed amendment creates an overlay district boundaries that is compatible with and intended enhance the surrounding areas.

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

Consistent – The proposed Ordinance will not modify the scale of development.

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

Consistent – The proposed will not modify the intensity of development.

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

Consistent – The boundaries of the Cultural Arts Neighborhood District Overlay (CANDO) cover a large area that consists of various distinct neighborhoods. The proposed boundary incorporates a single neighborhood.

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

Consistent – The desire to encourage uses that take advantage of the concentration of cultural institutions in the Collins Park neighborhood and create a vibrant, mixed-use, and pedestrian friendly neighborhood makes the proposed change necessary.

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

Consistent – The proposed change will not adversely affect living conditions in the neighborhood as safeguards regarding hours of operation are incorporated into the

proposed ordinance.

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 additional sidewalk cafes and entertainment uses. However, due to the low intensity of the encouraged uses, it is expected that these will generate additional pedestrian traffic and not create or increase traffic congestion beyond the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal 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 proposal will allow for additional uses that will incentivize the improvement properties within the overlay district, which should encourage the improvement of adjacent properties.

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.

BACKGROUND

On October 17, 2007, the City established the Cultural Arts Neighborhood District Overlay (CANDO). The purpose of this overlay district was to provide land-use incentives to property owners, developers and commercial businesses to create affordable housing for cultural workers and encourage arts-related businesses to establish within the district, and to create definitions and mandatory requirements for new construction and rehabilitation of housing units.

However, few developments have taken advantage of the CANDO incentives for cultural arts worker housing. Since the overlay has not fully had the intended effect, the Collins Park Neighborhood Association has suggested the modifications in this memorandum to the overlay in order to further encourage arts and entertainment related uses through different measures.

ANALYSIS

The Collins Park Neighborhood contains some of the City's premier cultural institutions including the Bass Museum of Art, the Miami City Ballet, and the Miami Beach Regional Library. As such, it is an appropriate location to encourage the establishment of arts and entertainment related uses.

The attached ordinance includes several modifications that are intended to encourage arts and entertainment related uses within a smaller area than what is covered by the current CANDO boundaries. Since the change in the boundary will limit the overlay to the Collins Park neighborhood, the Collins Park Neighborhood Association proposed that the overlay be renamed the *Collins Park Arts and Entertainment District Overlay*. Maps of the existing CANDO and the proposed Collins Park Arts and Entertainment District Overlay boundaries are attached to the memorandum.

The City is presently studying potential policy incentives and development regulations for the creation of workforce housing citywide. The proposed amendment, removes existing regulations regarding housing for cultural workers, which to date have not been utilized. However, this will prevent any potential conflicts and redundancy should a citywide workforce-housing policy initiative move forward.

The ordinance amendment proposes the following incentives and regulations to encourage art and entertainment uses within the proposed boundaries:

- Allow Outdoor Entertainment Establishments as a main permitted or accessory use in areas with an underlying CD-2 or CD-3 zoning designation subject to the following:
 - Outdoor entertainment shall commence no earlier than 10:00 a.m.
 - Outdoor entertainment shall cease no later than 10:00 p.m. on Sundays through Thursdays, and midnight on Fridays and Saturdays.
 - For purposes of this subsection, outdoor entertainment shall be limited to non-amplified, string instruments, or solo vocalists, as well as DJ's playing recorded music at background levels.
- Allow Restaurants, Sidewalk Cafes, and Outdoor Entertainment as a permitted accessory use to a hotel uses, in areas with an underlying RM-2 zoning designation, subject to the following:
 - Sidewalk cafes shall be limited to 30 seats.
 - Restaurants shall not exceed 3,000 square feet.
 - Outdoor entertainment shall commence no earlier than 10:00 a.m.
 - Outdoor entertainment shall cease no later than 10:00 p.m. on Sundays through Thursdays, and midnight on Fridays and Saturdays.
 - For purposes of this subsection, outdoor entertainment shall be limited to non-amplified, string instruments, or solo vocalists, as well as DJ's playing recorded music at background levels.
- Encourage arts related businesses.
- Exemption of Concurrency Fees for Sidewalk Cafes containing up to 30 seats

- Exemption of Permit Fees for Sidewalk Cafés containing up to 30 seats

The Land Use Committee was supportive of the draft ordinance and recommended that the boundaries of the CANDO district be revised to extend northward to Collins Canal and Lake Pancoast, and that an accommodation for the inclusion of the existing hotels east of Collins Avenue be explored. Additionally, the Committee recommended that allowable music meeting the definition of 'Entertainment' be played or performed at ambient, background levels and that such music include amplified music.

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.

TRM/MAB/RAM