

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: March 28, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0106. Ocean Terrace Balcony Projections**
PB 17-0107. Ocean Terrace Parking District No. 4

REQUESTS

PB 17-0106. OCEAN TERRACE BALCONY PROJECTIONS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS, AT ARTICLE III "OVERLAY DISTRICTS", DIVISION 11 "OCEAN TERRACE OVERLAY," AT SECTION 142-870.1, ENTITLED "COMPLIANCE WITH REGULATIONS," TO ALLOW EXTERIOR UNENCLOSED PRIVATE BALCONIES FOR BUILDINGS SITUATED ON PROPERTIES WITH AN UNDERLYING DESIGNATION OF MXE TO ENCROACH TEN (10) FEET INTO THE FRONT YARD SETBACK; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

PB 17-0107 OCEAN TERRACE PARKING DISTRICT NO. 4. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO ALLOW OFF-STREET PARKING TO BE PROVIDED IN PARKING DISTRICT NO. 4 FOR USES THAT DO NOT HAVE REQUIRED PARKING, WHICH ADDITIONAL PARKING SHALL NOT COUNT TOWARDS THE CALCULATION OF FLOOR AREA RATIO FOR A STRUCTURE WITH SUCH USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On February 8, 2017, at the request of Commissioner Joy Malakoff, the City Commission referred the subject ordinances to the Land Use and Development Committee for discussion and recommendation (item C4O).

On February 15, 2017, the Land Use Committee discussed the proposal and recommended that

the City Commission refer the Ordinances to the Planning Board.

On March 1, 2017, the City Commission referred the proposed ordinances to the Planning Board.

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 uses proposed modifications 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.**

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.**

Not Applicable – 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.**

Not Applicable – The existing boundaries are not proposed to be modified by the proposed Ordinance.

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

Consistent – The need to ensure that there is sufficient parking to service a new development on Ocean Terrace, along with ensuring that the new development leads to revitalizing Ocean Terrace and addresses trending demands for residential development makes passage of 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, and is intended to ensure that there is sufficient parking to serve the development.

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 impact 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 does not modify the scale of development and 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 not be a deterrent to the improvement or development of adjacent property.

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.

ANALYSIS

The proposed draft ordinances would amend the maximum allowable balcony projections and off-street parking requirements within the Ocean Terrace Overlay District.

The parking ordinance would allow a property owner located in Parking District No. 4 to provide required parking for uses that normally would not require parking, such as retail for example. This is the same provision that was applied to the Washington Avenue Overlay District. This will help ensure that there is sufficient operational parking to service new retail and restaurant uses within Parking District 4.

The second Ordinance changes the allowable encroachment of a balcony at the tower level into the front yard from the current eight (8') feet to ten (10') inches for those buildings with an underlying designation of MXE. Since the review and approval of the Historic Preservation Board is required for such balcony projections, the proposed two (2') foot increase would still be subject to compliance with the Certificate of Appropriateness criteria.

RECOMMENDATION

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

TRM/MAB/RAM

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PARKING DISTRICT NO. 4

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO ALLOW OFF-STREET PARKING TO BE PROVIDED IN PARKING DISTRICT NO. 4 FOR USES THAT DO NOT HAVE REQUIRED PARKING, WHICH ADDITIONAL PARKING SHALL NOT COUNT TOWARDS THE CALCULATION OF FLOOR AREA RATIO FOR A STRUCTURE WITH SUCH USES; 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, there is generally a shortage of available parking spaces in the North Beach area of the City; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach area; and

WHEREAS, Parking District No. 4 is the parking district that covers most of North Beach; and

WHEREAS, the City of Miami Beach desires to allow new construction to provide parking for uses that do not have required parking in Parking District No. 4 without penalizing the builder of the parking spaces by allowing said parking spaces to not count towards the calculation of the floor area ratio; and

WHEREAS, additional provided parking in the North Beach area will improve the overall economic viability of the North Beach area; 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. That Chapter 130, Article II entitled "Districts; Requirements", is hereby amended as follows:

* * *

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

- (a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3, 4 and 5 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

- (8) Any building or structure erected in parking district no. 4 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations..

SECTION 2. 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. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Eve Boutsis, City Attorney

Date

First Reading: _____

Second Reading: _____

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

OCEAN TERRACE OVERLAY – BALCONY PROJECTIONS

ORDINANCE NO. _____

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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 City of Miami Beach seeks to encourage and incentivize new development within the North Beach area; and

WHEREAS, consumer preferences in Miami Beach, especially for properties near the ocean, are to have large exterior balconies; and

WHEREAS, the City of Miami Beach desires to allow new construction to meet the consumer preferences for large exterior balconies as long as the balconies meet other performance criteria provided in the land development regulations; 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. That Chapter 142, Article III, Division 11 entitled "Ocean Terrace Overlay", is hereby amended as follows:

* * *

Sec. 142-870.1. – Compliance with regulations.

* * *

(b) Allowable encroachments and projections, consistent with Section 142-1132(o), within required yards.

(1) Exterior unenclosed private balconies and pool decks.

a. For buildings situated on properties with an underlying designation of CD-2, allowable encroachment is 7.5 feet into any required yard.

b. For buildings situated on properties with an underlying designation of MXE:

1. Allowable front yard encroachments are:
 - i. Twelve feet for the pedestal, and
 - ii. Ten (10) ~~Eight (8)~~ feet for the tower.

SECTION 2. CODIFICATION.

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