

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **Discussion: North Beach Yard**

#### **HISTORY**

On April 26, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject discussion item to the Land Use and Development Committee and the Planning Board (Item R9AG).

#### **ANALYSIS**

The subject discussion item pertains to a proposal to create the 'North Beach Yard', which is a community based, culinary incubator. The endeavor has been put forward by the operator of the existing 'Wynwood Yard' in Miami, which is located in the Wynwood area and provides an open area for food trucks, as well as other community based activities such as gardens, music, yoga and performances. The site identified for this concept in North Beach is located on the west side of Collins Avenue, between 81<sup>st</sup> and 82<sup>nd</sup> Street. All of the City owned lots on the west side of Collins Avenue from 79<sup>th</sup>-87<sup>th</sup> Streets are zoned 'Government Use (GU)' and the future land use category is 'Residential, Low Intensity (RM-1)'.

The following is a summary of the pertinent City Code and Comprehensive Plan amendments that will be needed for the North Beach Yard proposal to move forward:

#### **Comprehensive Plan:**

Under Sec 142-425(d) of the LDR's, "*no GU property may be used in a manner inconsistent with the comprehensive plan*". Under the current RM-1 Future Land Use Category of the Comprehensive Plan, commercial type uses such as that proposed by the North Beach Yard would be inconsistent with the Comprehensive Plan. In order to address this inconsistency, the following attached amendments have been drafted:

1. Change the current Future Land Use Map (FLUM) category from RM-1 to **Public Facility (PF)**
2. Amend the **Public Facility (PF)** portion of the Comprehensive Plan to allow for commercial uses as a permitted use.

This change would also bring previously approved uses (e.g. Ocean Rescue) into compliance with the comprehensive plan, as well as provide more flexibility for future uses.

**City Code Development Regulations (LDR Chapter 142):**

The proposal for the North Beach Yard could conflict with certain provisions of the Land Development Regulations of the City Code. In order to address any inconsistencies with the LDR's, rather than pursuing a number of single section ordinance amendments and variances, the attached text amendment to Sec. 142-425(d) of the City Code has been drafted. This amendment would allow for the City Commission to grant waivers for certain private uses located on GU properties.

Currently, GU waivers are limited to government facilities/uses, cultural organizations and not-for-profits. The proposed amendment would allow for private uses approved by the City Commission for a period of 10 years or less to be eligible for a City Commission waiver of development regulations, except for the historic preservation and design review processes. This amendment would also provide the City Commission with additional flexibility in the future.

**Concurrency (LDR Chapter 122):**

The proposal for the North Beach Yard would generate a concurrency requirement, which can only be satisfied by paying an expensive mitigation fee. Under Chapter 122 of the City Code, only very specific uses and areas of the City are eligible for concurrency waivers. The City Commission has recently amended this Chapter of the LDR's to allow for concurrency waivers for sidewalk cafes in North Beach, as well as waivers for the North Beach Bandshell and the Botanical Gardens.

In order to address the aforementioned inconsistencies with the concurrency requirements of the code, the attached amendment to Chapter 122 has been drafted to give the City Commission the ability to waive concurrency requirements on the GU Lots located on Collins Avenue from 79<sup>th</sup> Street to 87<sup>th</sup> Street. Assuming this ordinance amendment is adopted, a subsequent Resolution formally waiving concurrency requirements would still be required.

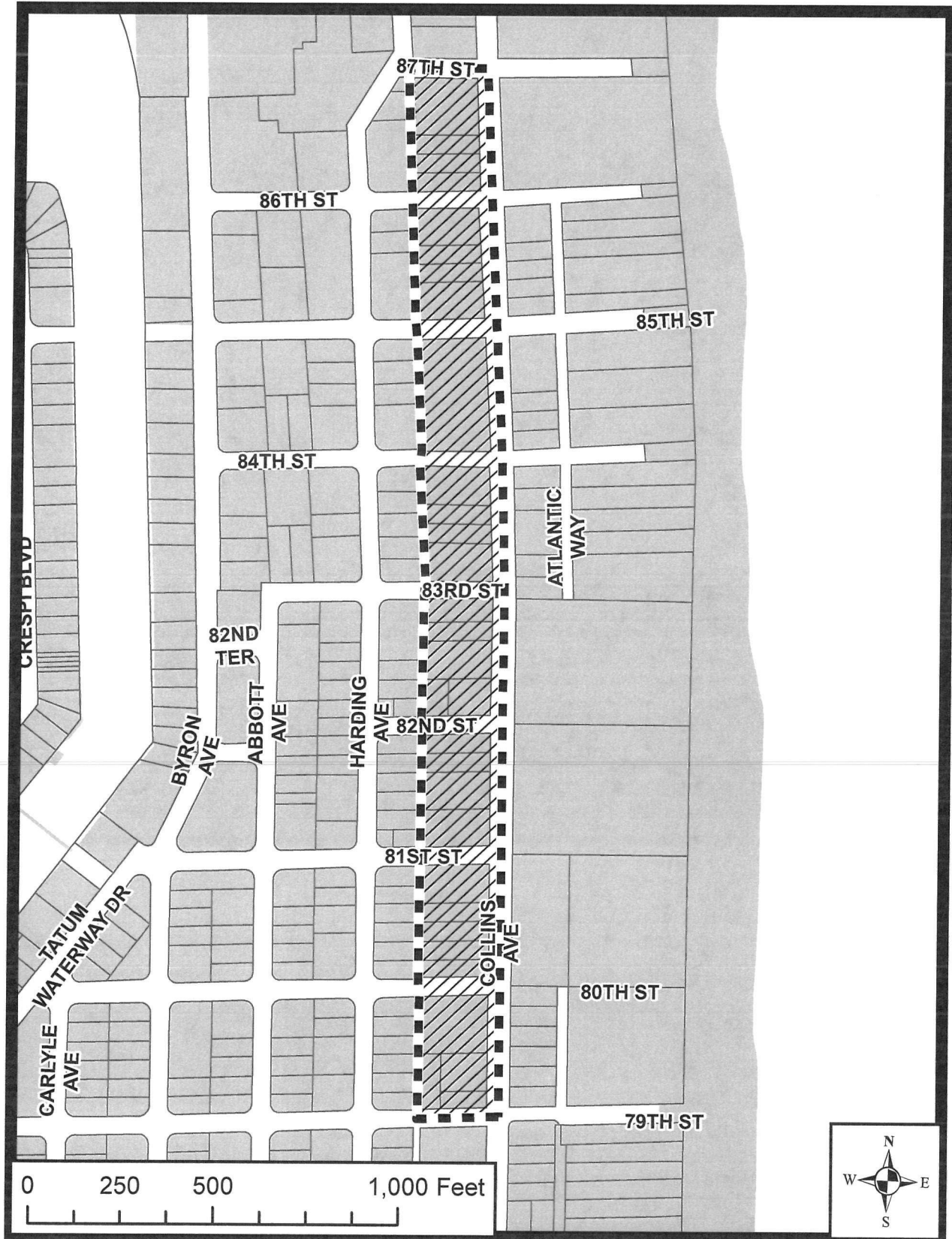
**SUMMARY**

The item was a dual referral to both the Land Use Committee and the Planning Board. At the request of the City Commission, the Planning Board will only discuss the proposed amendments at this meeting, and consider transmittal action in June. Since all of the west lots (from 79-87 streets) are 14 acres, the attached draft amendments would be applicable to properties greater than 10 acres, and therefore not require a 30 day mail notice.

TRM/MAB

# EXHIBIT B

Properties located between  
79th Street on the South, Collins Avenue on the East  
87th Street on the North, and Collins Court on the West



**COMPREHENSIVE PLAN – NORTH BEACH YARD**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING POLICY 1.2 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE PROCEDURES IN SECTION 163.3184(3), FLORIDA STATUTES, BY MODIFYING THE PUBLIC FACILITIES: GOVERNMENTAL USES (PF) CATEGORY IN ORDER TO ALLOW FOR COMMERCIAL AND RESIDENTIAL USES AS MAIN PERMITTED USES; AND AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTIES LOCATED IN THE AREA BOUNDED BY COLLINS AVENUE ON THE EAST, 87<sup>TH</sup> STREET ON THE NORTH, COLLINS COURT ON THE WEST, AND 79<sup>TH</sup> STREET ON THE SOUTH FROM “LOW DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-1)” TO “PUBLIC FACILITY: GOVERNMENTAL USES (PF);” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach seeks to activate the city-owned “West Lots” generally located west of Collins Avenue between 79<sup>th</sup> Street and 87<sup>th</sup> Street; and

**WHEREAS**, the West Lots currently have a future land use designation of RM-1; and

**WHEREAS**, the RM-1 is intended to allow for residential uses, which may be beneficial in the long-term; however, in the near term, additional uses are necessary to activate the sites; and

**WHEREAS**, commercial and residential uses may complement government uses and facilities and facilitate the delivery of public services; 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.** The following amendment to the “Public Facility: Governmental Uses (PF)” category in Policy 1.2 of the City’s Comprehensive Plan Future Land Use Element is hereby adopted:

**Public Facility: Governmental Uses (PF)**

Purpose: To provide development opportunities for existing and new government uses.

Uses which may be permitted: Government uses, various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments, and apartment residential uses.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.0.

**SECTION 2.** The following amendment to the destinations for the property described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the City's Future Land Use Map:

The parcels of land located in the area bounded by Collins Avenue on the east, 87<sup>th</sup> Street on the north, Collins Court on the west, and 79<sup>th</sup> Street on the south, as depicted in Exhibit "B," from the current "Low Density Multi Family Residential Category (RM-1)" to "Public Facility: Governmental Uses (PF)."

**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. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 6. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

**SECTION 7. EFFECTIVE DATE.**

This ordinance shall take effect 31 days after adoption pursuant to Section 163.3184(3) Florida Statutes.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading/Transmittal: \_\_\_\_\_, 2017  
Second Reading/Adoption: \_\_\_\_\_, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underline = new language  
~~Strikethrough~~ = deleted language

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**LAND DEVELOPMENT REGULATIONS – NORTH BEACH YARD**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 122, ENTITLED "CONCURRENCY MANAGEMENT," SECTION 122-5, ENTITLED "EXEMPTIONS FROM CONCURRENCY" TO ALLOW THE CITY COMMISSION TO WAIVE USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79<sup>TH</sup> STREET AND 87<sup>TH</sup> STREET FROM CONCURRENCY REQUIREMENTS BY RESOLUTION; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," IN ORDER TO ALLOW THE CITY COMMISSION TO WAIVE DEVELOPMENT REGULATIONS FOR PRIVATE USES APPROVED BY THE CITY COMMISSION FOR A PERIOD OF 10 YEARS OR LESS ON GU LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach seeks to activate the city-owned "West Lots" generally located west of Collins Avenue between 79<sup>th</sup> Street and 87<sup>th</sup> Street; and

**WHEREAS**, the City of Miami Beach seeks to allow private commercial uses for periods of 10 years or less on a block of the West Lots in order to encourage economic development in North Beach; and

**WHEREAS**, in order to encourage commercial uses that will exist for periods of less than 10 years, waivers from the development regulations will be necessary; and

**WHEREAS**, exemptions from concurrency requirements will encourage the development of commercial uses that will exist for periods of less than 10 years; 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.** That Chapter 122, entitled "Concurrency Management," Section 122-5, entitled "Exemptions from concurrency," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Sec. 122-5. - Exemptions from concurrency.**

The following types of development are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate:

\* \* \*

- (11) Uses located on lots with a GU zoning designation fronting Collins Avenue between 79<sup>th</sup> Street and 87<sup>th</sup> Street, as determined by the city commission by resolution.

**SECTION 2.** That Chapter 142, entitled "Zoning Districts and Regulations", Article II, entitled "District Regulations", Division 9, entitled "GU Government Use District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Sec. 142-425. - Development regulations.**

\* \* \*

- (d) Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of GU property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permittee variances ~~Private or joint government/private uses~~ and shall not be eligible to waive any regulations as described in this paragraph. ~~except for~~ However, not-for-profit, educational, or cultural organizations as set forth herein, or private uses approved by the City Commission for a period of 10 years or less, shall be eligible for a City Commission waiver of development regulations as described in this paragraph, except for the historic preservation and design review processes.

**SECTION 2. REPEALER**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**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 \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

First Reading: \_\_\_\_\_, 2017  
Second Reading: \_\_\_\_\_, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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