

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: **PB 17-0123. RM-3 Accessory Uses**

REQUEST

PB 17-0123. RM-3 ACCESSORY USES. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," TO MODIFY THE ACCESSORY USE REQUIREMENTS FOR APARTMENTS IN THE RM-3 ZONING DISTRICT BY ALLOWING LIMITED ACCESSORY USES AT AN AMENITY LEVEL FOR BUILDING RESIDENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On March 1, 2017, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion item to the Land Use and Development Committee (Item C4L).

On March 8, 2017, the Land Use Committee discussed the proposal and recommended that the City Commission refer the Ordinance to the Planning Board.

On April 26, 2017, the Mayor and City Commission referred this item to the Planning Board for consideration (item C4L.)

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 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 change will not tax the existing 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 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 desire to amend the supplementary district regulations for the RM-3 district to allow apartment buildings to open limited accessory uses on the amenity level of the building makes the 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.

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

Currently, apartment buildings in the RM-3 and R-PS4 districts may have commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building. Office space, when originally constructed on the second level of an existing building may also be retained or re-introduced. Accessory commercial uses are not allowed in any other areas of the building. While in many instances amenity levels are located on the ground floor, they are often located on a higher level, such as a pool deck located above parking levels.

The proposed draft ordinance would amend Section 142-902 of the Land Development Regulations of the City Code, pertaining to allowable accessory uses in apartment buildings. Specifically, only in the RM-3 district, a retail store and / or a café with less than 30 seats (either or both of which could only be open to residents and their guests) would be permitted on the amenity level of an apartment building.

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

RM-3 ACCESSORY USES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," TO MODIFY THE ACCESSORY USE REQUIREMENTS FOR APARTMENTS IN THE RM-3 ZONING DISTRICT BY ALLOWING LIMITED ACCESSORY USES AT AN AMENITY LEVEL FOR BUILDING RESIDENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," includes supplementary district regulations that specify permitted accessory uses; and

WHEREAS, unique accessory use requirements apply to apartment buildings in the City's RM-3 district based upon the size, location, and intensity of uses in the district; and

WHEREAS, the Mayor and City Commission desire to amend the supplementary district regulations for the RM-3 district to allow apartment buildings to open limited accessory uses on the amenity level of the building; and

WHEREAS, such accessory uses would be limited to a retail store and/or a cafe with less than 30 seats, either of which could only be open to residents and their guests; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," is hereby amended, as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. - ACCESSORY USES

* * *

Sec. 142-902. - Permitted accessory uses.

The following are permitted accessory uses:

* * *

(2) Apartment buildings may have accessory uses based upon the below criteria:

* * *

~~e. Buildings in the RM-3 and R-PS4 districts may have commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building. Office space, when originally constructed on the second level of an existing building may be retained or re-introduced. When located on the ground floor, office space shall be at least 50 feet from the front property line.~~

Buildings in the RM-3 and R-PS4 districts may have:

1. Commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building.
2. A retail store and / or a café with less than 30 seats (either or both of which could only be open to residents and their guests) may occupy space on the amenity level of an apartment building located within an RM-3 district.
3. Office space, when originally constructed on the second level of an existing building may be retained or re-introduced. When located on the ground floor, office space shall be at least 50 feet from the front property line.

* * *

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 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 _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
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

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