

# MIAMI BEACH

Land Use and Sustainability Committee  
June 10, 2024 - 4:00 PM

Commissioner Alex Fernandez, Chair  
Commissioner Tanya Bhatt, Vice Chair  
Commissioner Laura Dominguez, Member  
Commissioner David Suarez, Member

Thomas Mooney, Liaison  
Jessica Gonzalez, Support Staff

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## LAND USE AND SUSTAINABILITY COMMITTEE AGENDA

Monday, June 10, 2024, 4:00 PM

Hybrid Meeting Commission Chambers and Zoom

Please click the link below to join the webinar:

<https://miamibeachfl-gov.zoom.us/j/85059923037>

Or Telephone: 1 301 715 8592 or 888 475 4499 (Toll Free)

Webinar ID: 850 5992 3037

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### PRIORITY ITEMS

- 1 PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO INCENTIVIZE NON-TRANSIENT RESIDENTIAL USES ALONG WASHINGTON AVENUE FROM 5TH TO 17TH STREETS

Commissioner Suarez  
May 15, 2024 - C4 AA

Planning

- 2 EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE DEVELOPMENT OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.

Commissioner Dominguez  
March 17, 2021 - C7 Q

Office of Capital Improvement Projects

- 3 REVIEW ZONING DISTRICTS WHERE ENTERTAINMENT (WHICH INCLUDES NIGHTCLUBS) IS A PERMITTED OR CONDITIONAL USE AND CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS TO LIST ENTERTAINMENT AS A CONDITIONAL OR

PROHIBITED USE IN SPECIFIED ZONING DISTRICTS, AS WELL AS INCENTIVIZE SUPPER CLUB RESTAURANTS OFFERING INDOOR PERFORMANCES WITHIN DISTRICTS THAT PERMIT ENTERTAINMENT

**Commissioner Suarez**  
**April 3, 2024 -C4 C and C4 D**

**Planning**

- 4 DISCUSS CURRENT INCENTIVES FOR AVERAGE UNIT SIZE REQUIREMENTS IN RESIDENTIAL APARTMENT UNITS

**Commissioner Fernandez**  
**April 3, 2024 -C4 E**

**Planning**

- 5 DISCUSS POTENTIAL INCENTIVES TO CONVERT CO-LIVING AND TRANSIENT UNITS TO APARTMENTS IN THE NORTH BEACH TCC DISTRICT

**Commissioner Fernandez and Commissioner Bhatt**  
**March 13, 2024 -C4 K**

**Planning**

- 6 REVIEW AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO AMEND THE HOTEL APPROVAL PROCESS

**Commissioner Magazine, Commissioner Bhatt, Commissioner Fernandez and Commissioner Suarez**  
**December 13, 2023 - R9 G, C4 O and C4 S**

**Planning**

- 7 REVIEW AND CONSIDER REPEALING THE 0.5 FAR INCENTIVE FOR HOTEL DEVELOPMENT IN THE CD-2, COMMERCIAL MEDIUM INTENSITY DISTRICT

**Commissioner Fernandez, Commissioner Bhatt, Commissioner Magazine and Commissioner Suarez**  
**December 13, 2023 -C4 N**

**Planning**

- 8 REVIEW THE CITY'S CURRENT MAXIMUM DEVELOPMENT CAPACITY FOR WATER, SEWER, ELECTRICAL AND OTHER UTILITIES AND PUBLIC FACILITIES, AND HOW TO BETTER USE UPDATED MODELING AND DATA FOR PROJECTED FUTURE DEMAND TO INFORM CITY'S PLANNING AND LEGISLATIVE EFFORTS RELATING TO DEVELOPMENT

**Mayor Meiner and Commissioner Bhatt**  
**December 13, 2023 -C4 R**

**Planning**

## REGULAR ITEMS

9. DISCUSS AUTHORIZING LIMITED DIRECTIONAL SIGNAGE ON LINCOLN ROAD, SUBJECT TO STRICT SIZE AND DESIGN CRITERIA, TO INFORM PEDESTRIANS ON LINCOLN ROAD REGARDING RETAIL AND RESTAURANT BUSINESSES LOCATED ON SIDE STREETS, IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT AND BUSINESS RETENTION IN PARTS OF THE LINCOLN ROAD RETAIL DISTRICT THAT RECEIVE LESS PEDESTRIAN TRAFFIC.

**Commissioner Suarez**  
**May 15, 2024 -C4 AL**

**Planning**

10. EXPLORE ZONING INCENTIVES AND IDENTIFY APPROPRIATE ZONING DISTRICTS TO ENCOURAGE THE DEVELOPMENT OF SCHOOLS AND OTHER EDUCATIONAL FACILITIES.

**Commissioner Fernandez**  
**April 3, 2024 -C4 F**

**Planning**

11. DISCUSS PROPOSED COLLINS CANAL HISTORIC DESIGNATION

**Historic Preservation Board**  
**April 3, 2024 -R5 O**

**Planning**

12. DISCUSS AN INITIATIVE TO PILOT A DECIBEL SYSTEM FOR NOISE ENFORCEMENT, INCLUDING THE INSTALLATION OF NOISE METERS IN THE ENTERTAINMENT DISTRICT

**Commissioner Fernandez**  
**March 13, 2024 -C4 L**

**Planning**

13. CONSIDER THE CREATION OF A NEW CAPITAL PROJECT TO INSTALL FLOATING WALKWAYS AND/OR THE ACQUISITION OF THE OUTLOT AT 2811 INDIAN CREEK DRIVE TO COMPLETE THE INDIAN CREEK PEDESTRIAN PATHWAY

**Commissioner Fernandez**  
**March 13, 2024, C4I**

**Public Works**

14. REVIEW THE FUTURE LAND USE MAP CLASSIFICATION FOR PRIDE PARK

**Commissioner Fernandez**  
**March 13, 2024 -C4 M**

**Planning**

15. DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD

**Commissioner Magazine**  
**March 13, 2024 -R9 AR**

**Planning**

16. CONSIDER ADOPTING A BUILDING ENERGY BENCHMARKING ORDINANCE FOR GREENHOUSE GAS EMISSIONS

**Commissioner Dominguez**  
**February 21, 2024-C4 I**

**Environment & Sustainability**

17. DISCUSS POTENTIALLY REQUIRING COMMERCIAL CHARTER VESSEL OPERATORS TO PROVIDE SANITATION/PUMP-OUT LOGS EVIDENCING COMPLIANCE WITH APPLICABLE SANITATION LAWS.

**Commissioner Bhatt, Commissioner Rosen Gonzalez**  
**February 21, 2024 - C4J**

**Police/Code Compliance**

18. DISCUSSION REGARDING RECOMMENDATIONS FOR A POTENTIAL COMPOSTING PROGRAM

**Mayor Meiner**  
**February 21, 2024-C4 L**

**Environment and Sustainability**

19. DISCUSS THE NEW SHORT-TERM RENTAL LAW PASSED IN NEW YORK CITY, KNOWN AS 'LOCAL LAW 18'

**Commissioner Fernandez**  
**September 13, 2023-C4 Q**

**Office of the City Attorney**

20. AMEND CERTAIN LANDSCAPING REQUIREMENTS IN CHAPTER 126 OF THE CITY CODE RELATING TO PALM TREES, TO PERMIT PALMS TO COUNT TOWARD THE MINIMUM NUMBER OF STREET TREES

**Commissioner Meiner**  
**February 1, 2023 - C4 C**

**Planning**

21. DISCUSSION - PROPOSED AMENDMENTS TO CHAPTER 46 OF THE CITY CODE PERTAINING TO HERITAGE TREE DESIGNATION

**Mayor Meiner**  
**December 8, 2021-R5 N**

**Environment & Sustainability**

22. DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR'S) AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS.

**Mayor Meiner**  
**May 15, 2024 -C4 AS**

**Planning**

23. DISCUSS/CONSIDER THE POTENTIAL REZONING AND RECLASSIFICATION ON THE FUTURE LAND USE MAP OF CANOPY PARK, AT 701 WEST AVENUE, TO REFLECT THE CITY'S OWNERSHIP AND USE OF THE PROPERTY AS A PARK

**Commissioner Bhatt**  
**May 15, 2024 -C4 AC**

**Planning**

24. DISCUSS/CONSIDER THE POTENTIAL REZONING OF THE MXE (MIXED USE ENTERTAINMENT) DISTRICT IN NORTH BEACH, ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, TO A DIFFERENT ZONING DISTRICT CLASSIFICATION

**Commissioner Bhatt**  
**May 15, 2024 -C4 AD**

**Planning**

**DEFERRED ITEMS**

25. DISCUSSION REGARDING FACILITATING POP-UPS FOR LOCAL CULTURAL INSTITUTIONS AND LOCAL START-UPS IN VACANT RETAIL COMMERCIAL SPACES.

**Commissioner Fernandez**  
**May 15, 2024-C4 AG**

- Tourism and Culture**
26. PROVIDE A PRESENTATION OF THE 41ST STREET CORRIDOR PROJECT STATUS AND FUTURE DIRECTION.
- Commissioner Fernandez  
May 15, 2024-C4 AK**
- CIP**
27. DISCUSS PROPOSED 6TH STREET OVERLAY
- Mayor Meiner and Commissioner Dominguez  
October 18, 2023-C4 A**
- Planning**
28. DISCUSS PROPOSED ORDINANCE ESTABLISHING THE CENTURY AND FARREY LANE OVERLAY ON BELLE ISLE.
- Commissioner Fernandez  
October 18, 2023-R5 A**
- Planning**

**FUTURE ITEMS**

29. REVIEW AND, IF NECESSARY, AMEND PARKING REQUIREMENTS APPLICABLE TO DISTRICTS WHERE LIVE LOCAL PROJECTS ARE PERMITTED (Dual Referral to Planning Board).
- Commissioner Rosen Gonzalez  
May 15, 2024-C4 AB**
- Planning**
30. ORDINANCE TO MODIFY THE HEIGHT OF ALLOWABLE FENCING AND SHRUBBERY OF OCEANFRONT PROPERTIES FACING THE BEACHWALK TO IMPROVE SIGHTLINES FOR PEDESTRIANS (Dual Referral to Planning Board).
- Commissioner Bhatt  
May 15, 2024-C4 AE**
- Planning**
31. REVIEW CITY'S MODAL PRIORITIZATION STRATEGY ESTABLISHED IN 2015 AS PART OF THE TRANSPORTATION MASTER PLAN.
- Commissioner Fernandez  
May 15, 2024-C4 AF**
- Transportation and Mobility**
32. DISCUSSION REGARDING I-95/MACARTHUR CAUSEWAY.
- Commissioner Fernandez  
May 15, 2024-C4 AH**
- Transportation and Mobility**
33. DISCUSSION REGARDING I-95/JULIA TUTTLE CAUSEWAY FDOT PROJECT.
- Commissioner Fernandez  
May 15, 2024-C4 AI**
- Transportation and Mobility**
34. DISCUSS AND IDENTIFY POTENTIAL SITES FOR THE INSTALLATION OF "THE GLORY OF OLD GLORY," A SERIES OF MURALS BY ARTIST ENZO GALLO, WHICH WERE REMOVED, PRESERVED, AND DONATED TO THE CITY PRIOR TO THE DEMOLITION OF THE WELLS

FARGO BANK ON ALTON ROAD.

**Commissioner Fernandez**  
**May 15, 2024-C4 AJ**

**Facilities and Fleet Management**

35. REVIEW AND ANALYZE WHERE LIVE LOCAL DEVELOPMENTS MAY BE CONSTRUCTED IN THE CITY, TAKING INTO ACCOUNT THE PREEMPTIONS IN THE LIVE LOCAL ACT.

**Commissioner Fernandez**  
**May 15, 2024-C4 AM**

**Planning**

36. PROVIDE A PRESENTATION OF THE OCEAN DRIVE CORRIDOR PROJECT STATUS AND FUTURE DIRECTION.

**Commissioner Fernandez**  
**May 15, 2024-C4 AN**

**CIP**

37. MESSAGE THERAPY CENTERS – NORTH BEACH USE REGULATIONS.

**Commissioner Fernandez**  
**May 15, 2024-R5 G**

**Planning**

38. NORTH BEACH COMPREHENSIVE USE REGULATIONS.

**Commissioner Fernandez**  
**May 15, 2024- R5 H**

**Planning**

39. DISCUSS LDR INCENTIVES TO RETAIN AND REHABILITATE HISTORIC BUILDINGS (Dual Referral to Planning Board).

**Commissioner Fernandez**  
**April 28, 2023-C4 D**

**Planning**

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 1  
**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS (LDRS) TO INCENTIVIZE NON-TRANSIENT RESIDENTIAL USES ALONG WASHINGTON AVENUE FROM 5TH TO 17TH STREETS**

**HISTORY:**

On May 15, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred the item (C4 AA) to the Land Use and Sustainability Committee (LUSC) and the Planning Board.

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss eliminating the parking requirement for non-transient residential uses in Parking Tier 2.c, as well as explore incentivizing non-vehicular transit options for new residential developments in the Washington Avenue corridor, from 5th to 17th Street. Additionally, the sponsor has requested that the LUSC consider whether any other zoning incentives (including height and/or floor area ratio (FAR)) may be appropriate to encourage non-transient, residential uses along Washington Avenue.

**ANALYSIS:**

The item sponsor seeks to develop tangible incentives for non-transient, residential uses on Washington Avenue, from 5th to 17th Street. Pursuant to the direction of the item sponsor, the draft incentives below have been developed for consideration by the LUSC. All such incentives would be predicated on the following:

- Non-transient, residential apartment units only.
- No residential unit shall exceed 1,200 square feet in size.
- A minimum micro-mobility component within the interior of the structure, accessible by all residential units.

The following is an initial list of draft incentives:

1. Parking Tier 2.c would be amended to eliminate the minimum off-street parking requirement for

non-transient, residential projects. Additionally, a cap on the number of off-street parking spaces that may be provided within an eligible project should be established.

2. The maximum FAR shall be increased from 2.0 to 3.0 for non-transient residential projects.
3. The interior portions of a project dedicated to micro-mobility shall be exempt from the definition of floor area.
4. The maximum building height for non-transient residential buildings shall be increased from 50 feet to 75 feet and the current maximum height for hotels and transient residential shall be decreased from 75 feet to 50. Up to an additional 25 feet in building height may be permitted, subject to the following:
  - a. Off-street parking shall be prohibited.
  - b. The project shall exceed minimum micro-mobility requirements, as well as participate in a public micro-mobility network.
5. A reduction or elimination of the mobility fee.
6. A sunset provision for these incentives of 7 to 10 years.
7. An enhanced and expedited process for the permitting of the project.

The above noted incentives seek to take advantage of the transit network on Washington Avenue, as well as promote and expand opportunities for micro-mobility options by future residents. It should be noted that a decrease or elimination of the existing parking requirement combined with an increase in FAR and/or height could potentially have the effect of increasing parking demand in the area as some residents may desire to utilize a vehicle despite the intended focus on micro-mobility. If there is consensus on the above incentives, or other options, an ordinance can be drafted for review by the Planning Board.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ REF C4 AA	Memo





# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner David Suarez  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE (LUSC) AND PLANNING BOARD - PROPOSED AMENDMENTS TO THE LDRs TO INCENTIVIZE NON-TRANSIENT RESIDENTIAL USES ALONG WASHINGTON AVENUE FROM 5TH TO 17TH STREETS.

### **BACKGROUND/HISTORY**

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, including a principal engaged in lobbying? No.
2. If so, please specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

In order to incentive new residential construction, I would like the LUSC to discuss eliminating the parking requirement for non-transient residential uses in Parking Tier 2.c. This particular parking tier already incentivizes hotel and office uses.

The elimination of minimum off-street parking requirements would not prevent a developer from providing parking. However, by removing the current mandate it could provide a tangible incentive for much needed, non-transient housing. Given the areas access to transit, as well as the likely use of micro-mobility options by the residents, the removal of a parking mandate in this limited area is not expected to create parking issues.

In addition to parking incentives, I would also like to explore incentivizing non-vehicular transit options for new residential developments. This could include, but not be limited to providing mobility fee relief for projects providing tangible micro-mobility options within a new development.

Lastly, as part of this referral, I would ask that the LUSC consider whether any other zoning incentives (including height and/or FAR) may be appropriate to encourage non-transient, residential uses along Washington Ave.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

Yes

### **Strategic Connection**

Non-Applicable

### **Legislative Tracking**

Commissioner David Suarez

### **ATTACHMENTS:**

#### **Description**

- [Resiliency Code Section 5.2.4.2](#)

Tier 2c

c. Off-street parking requirements for Tier 2 area c.

1. Tier 2 area c includes those properties with a lot line on Washington Avenue from 5th Street to 17th Street, excluding those properties in Tier 3 area a, as depicted in the map below:



2. The following off-street parking requirements apply to properties located within Tier 2 area c.

1.	<b>OFF-STREET PARKING REQUIREMENT</b>
	<b>RESIDENTIAL</b>
	<i>Co-living units</i> No parking requirement.
	<b>LODGING</b>
	<i>Hotel and hostel</i> No parking requirement. For accessory uses to a hotel or hostel, the minimum parking is as set forth in parking tier. 1.
	<b>OFFICE</b>
	<i>Office</i> No parking requirement
	<b>COMMERCIAL</b>
	<i>Café, outdoor</i> No parking requirement

	Retail existing as of the date of adoption of previous parking district no. 7 (now Tier 2 area c)	No parking requirement.
<i>Retail</i>	New retail construction	One space per 300 square feet of floor area
	Notwithstanding the above, there shall be no parking requirement for retail uses, provided that a parking garage with publicly accessible parking spaces is located within 500 feet.	
	<i>Quality restaurants</i>	No parking requirement.
<b>OTHER</b>		
	<i>Approved parklets</i>	No parking requirement

The parking requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2027.

Any building or structure erected in Tier 2 area c may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 1 of these land development regulations

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 2 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE DEVELOPMENT OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.**

### **HISTORY:**

As part of a standing item on the Committee's agenda, the Office of Capital Improvement Projects (CIP) has provided updates on the status of the Baywalk projects, including both GOB and non-GOB funded sections. See attached Baywalk Link Status Map (Exhibit A).

During the March 19, 2024 Land Use Sustainability Committee (LUSC) meeting, City staff provided an update on the Baywalk segment at the Mondrian Hotel/Mirador Condominiums (Mondrian/Mirador Baywalk) located at 1000 – 1200 West Avenue and the 5th Street Pedestrian Bridge. At this meeting, the Developer, Terra Group, provided the status of the DERM and ROW permits, and provided the LUSC the anticipated start and end dates of construction activities. Following the discussion, the LUSC asked that the item be brought back to the next meeting on May 1, 2024, and that the Developer return, on a monthly basis, with their updates on the progress of the Pedestrian Bridge and the Mondrian/Mirador Baywalk segment.

At the May 1, 2024 LUSC meeting, the Developer presented a timeline for both the Pedestrian Bridge and the Mondrian/Mirador Baywalk segments (Exhibit B). The LUSC passed a motion that the Mayor and City Commission consider the timeline and benchmarks provided for these two projects when discussing any future grants or development agreements.

### **ANALYSIS:**

The following provides an update on the 5th Street Pedestrian Bridge and the Mondrian/Mirador Baywalk segments. The Developer has acknowledged and agreed to the Committee's request to return on a regular basis.

#### **5th Street Pedestrian Bridge**

The 5th Street Pedestrian Bridge, designed and constructed as part of the Development Agreement with the 500 Alton project, is required to undergo several layers of review prior to the issuance of permits by both the Florida Department of Transportation (FDOT) and the City of

Miami Beach Building Department. The Developer submitted final plans to FDOT on February 21, 2024, and follow-up coordination meetings with FDOT occurred on April 3 and 4 to discuss 100% submittal comments, final steps for permit issuance, and maintenance of traffic (MOT) comments. The Developer has addressed the 100% submittal comments and provided the final submittal to FDOT on May 30, 2024. While the Building Department will review the final submittal concurrently with FDOT, the City's construction permit will not be issued until the permit is approved by FDOT. The developer anticipates having all permits issued by mid-June.

During the May 1, 2024, LUSC meeting, the Developer presented and stated they will commence fence installation and clearing at the end of May, followed by 4-5 months of utility relocation. The Developer also stated that the start of construction for the bridge structure is anticipated to occur in October 2024, with a duration of 16 months. The completion of construction is expected to be by the end of 2025.

A timeline update delivered to the City on June 3, 2024 (Exhibit C) indicates that the Developer continues to expect that all permits are completed and issued by mid-June, with mobilization now anticipated at the end of June 2024. However, bridge completion remains scheduled for the end of 2025.

Mondrian Hotel/Mirador Condominiums (1000-1200 West Avenue; DRB File 20181)

Per the terms of a Development Agreement with the Developer of the 500 Alton tower project, the City is responsible for obtaining regulatory permitting approvals (federal, state and county), and the Developer is responsible for the design, building permit and construction. The City delivered the regulatory permits in the Spring of 2023. The City of Miami Beach Building permit was applied for by the developer and was approved and issued on March 6, 2024.

During the May 1, 2024 meeting of the LUSC, the developer stated that they plan to start construction activities with the delivery and installation of test piles on May 13, 2024. However, continued delays with the final DERM approval, related to the renewal of the submerged land lease, has delayed that activity. DERM approved the final permit on May 14, 2024.

The contractor mobilized and installed test piles on May 29, 2024. Test piles will be evaluated, and pilings will be ordered. Installation of pilings will commence in late June and continue through July. Construction is expected to be complete in December of 2024.

**CONCLUSION:**

The foregoing is presented to the members of the Land Use and Sustainability Committee for update and discussion.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

Yes

**Departments**

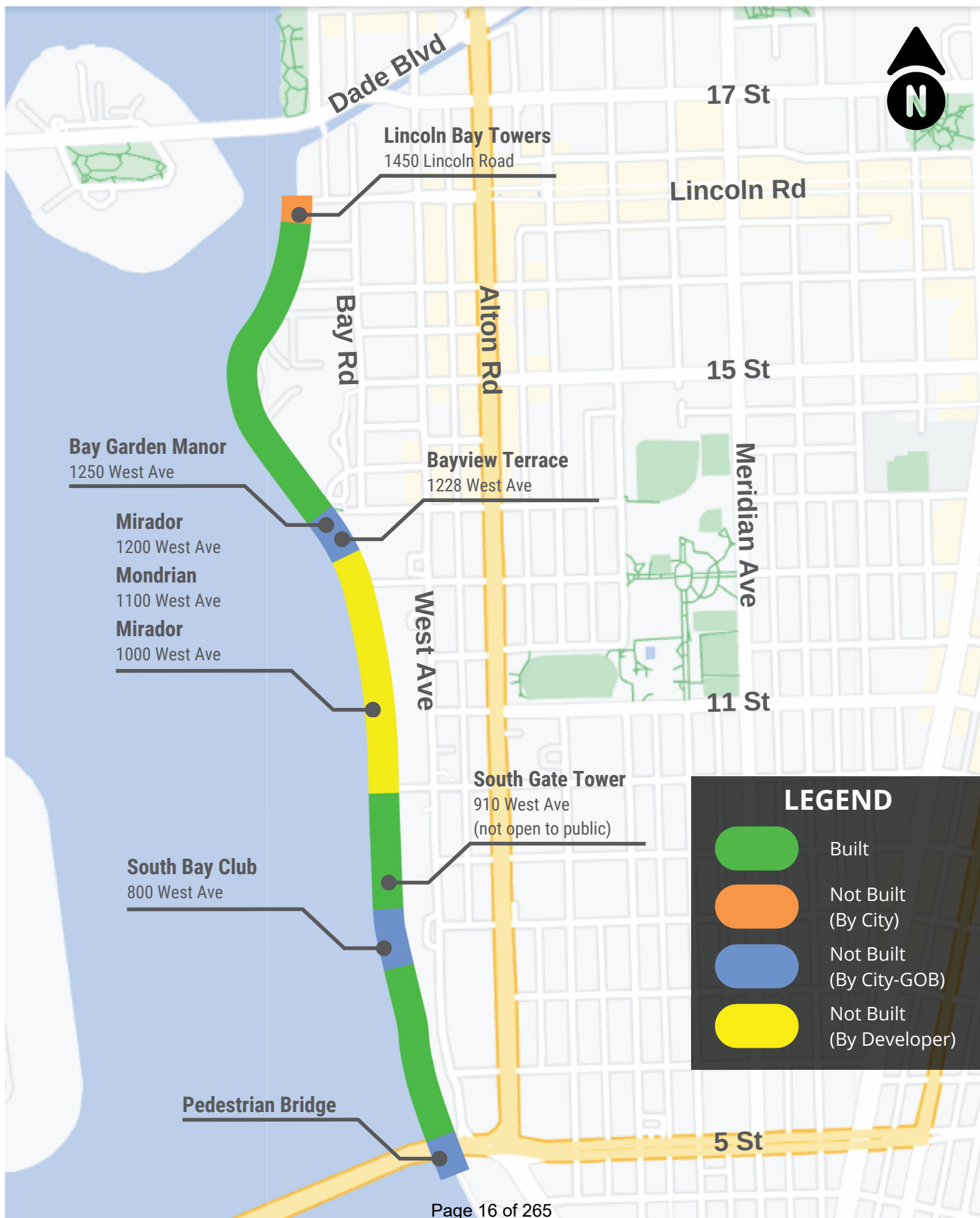
Office of Capital Improvement Projects

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ Exhibit A - Baywalk Link Status Map	Memo
☐ Exhibit B - Developer Timelines (provided 05.01.2024)	Other
☐ Exhibit C - Updated Developer Timelines (provided 06.03.2024)	Other

# Baywalk Links Status

January 26, 2024





**PEDESTRIAN BRIDGE****HISTORY – DESIGN**

FDOT 75% Submittal – **9/2019, Resolution Meeting held on 11/13/2019.**

FDOT 90% Submittal – **9/5/23**

FDOT 90% Comments received – 9/27/23

FDOT 90% Review Meeting – 11/14/23

100% FDOT Set Submittal – **2/21/24**

100% FDOT Comments Due – 3/21/2024

100% FDOT Responses Target Date – 3/29/2024

100% FDOT Review Meeting Target Date – 4/4/2024

FDOT PERMIT ISSUANCE TARGET – 6/15/2024

CoMB / DERM Permitting Target – 6/15/2024

- **100% review Comments uploaded to FDOT for final review and approval.**

**CONTRACTOR AGREEMENT**

- **Mastec – Executed Agreement – Complete**
- **CEI – Pinnacle Consulting Enterprises – finalizing agreement for Inspection services.**

**MOVING FORWARD - Milestone Schedule****1- MOBILIZATION – . (Based on FDOT / CoMB / DERM permits issued by - 6-15-2024)**

a. End of May 2024 to begin fencing, clearing / grubbing, and relocating small utilities.

**b. MOT Coordination ongoing with Fire & Police**

**i. Sequence Drawing with Crane radius & placement drawings being prepared.**

**2- WORK**

a. Expected OVERALL Duration – **6-15-2024 through 12-30-2025**

**b. UTILITIES –**

i. Water main

1. South - Start in July 2024 – **Added Scope**

2. North - Start in September 2024 – **Added Scope**

ii. The AT&T communications relocation - Start in September 2024.

iii. Injection Wells - Start October 2024 – **Added Scope**

**c. FOUNDATIONS & VERTICALS - BASE WORK**

i. Drilled shafts, Foundations & Verticals

1. start in November 2024 through March 2025

**d. SUPER STRUCTURE**

i. Super structure (Concrete, Steel & Stairs)

1. Start April 2025 and complete in September 2025

ii. Glazing installation

1. Start September 2025 and complete October 2025.

**e. FINISHES**

i. Finishes - Stucco, Paint, Railings, Sidewalk, Landscaping

1. start August 2025 and go into October 2025

**f. FINAL INSPECTIONS**

i. September through the end of the 2025 year.

**BAYWALK 1100 Mondrian**

**HISTORY – DESIGN**

- Initial Permit Submission - 5/23/2023
  - o Initial Permit Comments – 6/12/2023
- Permit Revision #1 Submitted – 10/24/2023
  - o Permit Revision #1 Comments – 11/27/2023
- Permit Revision #2 Submittal – 2/5/2024
  - o Permit Revision # 2 Completion - 3/6/2024
- Permit Issued – 03/07/2024 (**APPROVED**)
  - o CURRENT STATUS - DERM CLASS A Re-submittal – 3/18/2024 (original DERM application expired)
    - DERM Reviewer – Lindsay Elam
    - DERM Stamp receipt target Date – 4-8 weeks (5-13-2024)
      - DERM is currently reviewing Submerged Land Lease documentation for final release of permit.

**CONTRACTOR AGREEMENT**

- Dock & Marine – Executed Agreement - Complete

**MOVING FORWARD - Milestone Schedule****1- MOBILIZATION – week of 5-13-2024**

- a. 1 week after DERM stamp issue resolution to drive test pile from Barge
  - i. Needed to confirm length requirement.
  - ii. 4 weeks to get Piles on site by Barge to start driving them.

**2- WORK**

- a. Expected OVERALL Duration - 5-13-2024 through 11-1-2024
- b. Materials start being delivered to the site.
  - i. 4 weeks after test pile layout.
- c. Pile Driving Duration
  - i. Pending Permit completion with DERM Approval
    - 1. 5-1-24 to 6-18-24
- d. Beams and Caps
  - i. 6-18-24 to 7-23-24
- e. Walkways – Decks -
  - i. 7-23-24 to 9-1-24
- f. Inspections & Approvals
  - i. Specialty Inspector, Environmental & Building
    - 1. 9-1-2024 to 11-1-2024

**PEDESTRIAN BRIDGE**

**HISTORY – DESIGN**

FDOT 75% Submittal – **9/2019, Resolution Meeting held on 11/13/2019.**

FDOT 90% Submittal – **9/5/23**

- FDOT 90% Comments received – 9/27/23
- FDOT 90% Review Meeting – 11/14/23

100% FDOT Set Submittal – **2/21/24**

100% FDOT Comments Due – 3/21/2024

100% FDOT Responses Target Date – 3/29/2024

100% FDOT Review Meeting Target Date – 4/4/2024

FDOT PERMIT ISSUANCE TARGET – 6/15/2024 – **100% Drawings submitted**

- **FDOT in review for permit release**

**CoMB Target – 6/15/2024**

**Department of Health Permit – Expected permit in hand by 6-15-2024**

**AGREEMENTS**

- CEI – Pinnacle Consulting Enterprises

**MOVING FORWARD - Milestone Schedule**

**1- MOBILIZATION – (Based on FDOT permit issued by 6/15/2024)**

- a. End of June 2024 to begin fencing, clearing / grubbing, and relocating small utilities.**
- b. MOT Coordination ongoing with Fire & Police – for MOT Permit**

**2- WORK**

- a. Expected OVERALL Duration – 6-15-2024 through 12-30-2025**
- b. UTILITIES –**
  - i. Water main
    - 1. South - Start in July 2024 – **Added Scope**
    - 2. North - Start in September 2024 – **Added Scope**
  - ii. The AT&T communications relocation - Start in September 2024.
  - iii. Injection Wells - Start October 2024 – **Added Scope**
- c. FOUNDATIONS & VERTICALS - BASE WORK**
  - i. Drilled shafts, Foundations & Verticals
    - 1. start in November 2024 through March 2025
- d. SUPER STRUCTURE**
  - i. Super structure (Concrete, Steel & Stairs)
    - 1. Start April 2025 and complete in September 2025
  - ii. Glazing installation
    - 1. Start September 2025 and complete October 2025.
- e. FINISHES**
  - i. Finishes - Stucco, Paint, Railings, Sidewalk, Landscaping
    - 1. start August 2025 and go into October 2025
- f. FINAL INSPECTIONS**
  - i. September through the end of the 2025 year.

**BAYWALK 1100 Mondrian**

**HISTORY – DESIGN**

- Initial Permit Submission - 5/23/2023
  - o Initial Permit Comments – 6/12/2023
- Permit Revision #1 Submitted – 10/24/2023
  - o Permit Revision #1 Comments – 11/27/2023
- Permit Revision #2 Submittal – 2/5/2024
  - o Permit Revision # 2 Completion - 3/6/2024
- Permit Issued – 03/07/2024 (**APPROVED**)
  - o CURRENT STATUS - DERM CLASS A Re-submittal – 3/18/2024 (original DERM application expired)
    - **DERM Permit Received**

**AGREEMENTS**

- Dock & Marine – Executed Agreement - **Complete**

**MOVING FORWARD - Milestone Schedule**

**1- MOBILIZATION –**

- a. **Test Pile installed on 5-29-2024**
- b. **Pile delivery being scheduled – expected by 6-19-2024**

**2- WORK**

- a. Expected OVERALL Duration - **5-29-2024 through 11-1-2024**
- b. Materials start being delivered to the site.
  - i. 4 weeks after test pile layout.
- c. Pile Driving Duration
  - 1. **DERM Approval received**
- d. Beams and Caps
  - i. 6-24-24 to 7-23-24
- e. Walkways – Decks -
  - i. 7-23-24 to 9-1-24
- f. Inspections & Approvals
  - i. Specialty Inspector, Environmental & Building
    - 1. 9-1-2024 to 11-1-2024

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## Item 3 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: REVIEW ZONING DISTRICTS WHERE ENTERTAINMENT (WHICH INCLUDES NIGHTCLUBS) IS A PERMITTED OR CONDITIONAL USE AND CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS TO LIST ENTERTAINMENT AS A CONDITIONAL OR PROHIBITED USE IN SPECIFIED ZONING DISTRICTS, AS WELL AS INCENTIVIZE SUPPER CLUB RESTAURANTS OFFERING INDOOR PERFORMANCES WITHIN DISTRICTS THAT PERMIT ENTERTAINMENT**

### **HISTORY:**

On April 3, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred the following items to the Land Use and Sustainability Committee (LUSC) and the Planning Board:

C4 C:

REVIEW ZONING DISTRICTS WHERE ENTERTAINMENT (WHICH INCLUDES NIGHTCLUBS) IS A PERMITTED OR CONDITIONAL USE AND CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS TO LIST NIGHTCLUBS / ENTERTAINMENT AS A CONDITIONAL OR PROHIBITED USE IN SPECIFIED ZONING DISTRICTS.

C4 D:

ADOPT MINIMUM REQUIREMENTS FOR RESTAURANTS SEEKING TO PROVIDE ENTERTAINMENT, IN ORDER TO INCENTIVIZE "SUPPER CLUBS" AND RESTAURANTS OFFERING INDOOR PERFORMANCES WITHIN DISTRICTS THAT PERMIT ENTERTAINMENT.

On May 1, 2024, the LUSC discussed and continued both of these items to the June 10, 2024, LUSC meeting with direction to develop an ordinance for review by the LUSC, based on the options delineated in the LUSC memo, as well as the discussion at committee. After the May 1, 2024 LUSC meeting, at the request of the item sponsor, both items were combined into a single item.

As noted in the attached referral memos, the item sponsor would like the LUSC to discuss amending the Land Development Regulations of the City Code (LDRs) to better define what

constitutes a restaurant, for purposes of allowing indoor entertainment in zoning districts that currently permit entertainment. The intent of this proposal is to incentivize supper clubs, as well as restaurants offering indoor performances.

Additionally, the item sponsor would like the LUSC to discuss and review the zoning districts where entertainment is allowed, as well as consider applicable amendments to the LDRs to list nightclubs/entertainment as a conditional or prohibited use in specified districts.

At present, entertainment, and dance halls (which includes nightclubs) are listed as a permitted or conditional use, either stand-alone or as part of a restaurant, in the following zoning districts:

- CD-2 (Except for Sunset Harbor)
- CD-3 (Restaurants only on Lincoln Road)
- MXE
- RM-2 and RM-3 (Accessory Use Only)
- RM-1 (Site Specific – the International Inn in North Beach and the Woman’s Club in South Beach)
- TC-1, TC-2 and TC-C (North Beach)

The following areas that are eligible for entertainment and dance halls have a 2:00 a.m. alcohol sale termination time:

- Alton Road from 5th Street to Dade Boulevard
- 41st Street

Additionally, entertainment and dance halls are permitted in a venue serving alcohol, in accordance with the following:

- Fully enclosed, indoor venues, including bars, nightclubs and restaurants, are permitted as of right, if the occupational content is less than 200 persons.
- Fully enclosed, indoor venues, including bars, nightclubs and restaurants, require conditional use approval from the Planning Board, if the occupational content exceeds 200 persons.
- Outdoor or open-air venues, regardless of occupational content, require conditional use approval from the Planning Board.

The minimum distance separation between dance halls and entertainment establishments not also operating as restaurants with full kitchens and serving full meals is 300 feet; requests for a distance separation variance are permitted. However, for dance halls and entertainment establishments also operating as a restaurant, there is no distance separation requirement between such uses. Additionally, the Code has the following minimum standards for a restaurant associated with a dance hall or entertainment establishment:

For purposes of this section, "full kitchens" shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchens must contain grease trap interceptors, and meet all applicable city,

county and state codes.

**ANALYSIS:**

Pursuant to direction of the LUSC on May 1, 2024, the attached draft ordinances have been prepared. In addition to a comprehensive amendment to the LDR's, a companion amendment to Chapter 6 of the City Code is included.

The following is a summary of the proposed LDR amendment:

Definitions

A definition for a "Restaurant Supper Club" has been added to section 1.2.2.4 as follows:

*Restaurant Supper Club means a commercial establishment where food and drinks may be purchased by the public and which conducts the business of serving of food to be consumed on the premises, whose principal business is the preparation, serving, and selling of food, to the customer for consumed [consuming] on the premises. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant supper club use. Additionally, the following shall apply:*

*a. The establishment shall be licensed as a restaurant and shall obtain all required restaurant licenses from the State and meet all requirements of the health department specific to restaurants.*

*b. The restaurant shall include a full kitchen, including the following minimum equipment requirements:*

- 1. Cook top and oven.*
- 2. A hood exhaust system along with a fire system connected to the hood.*
- 3. Dish washing apparatus, including a 3-compartment sink.*
- 4. A walk-in refrigerator.*
- 5. Grease trap interceptor (if required).*

*c. The establishment shall have minimum annual food sales of 60%.*

This new definition significantly increases the threshold for what constitutes a supper club restaurant use. Under the current definition of restaurant, it is easy for a venue to provide little more than snacks and bar bites, yet still be considered a restaurant.

Amendments to Applicable Zoning Districts

All districts that currently permit entertainment, in some form, have been modified to be consistent with proposed, comprehensive entertainment regulations in section 7.5.5.4.

Comprehensive Regulations for Entertainment

Section 7.5.5.4 has been significantly revised to include a comprehensive, and clear set of regulations for entertainment uses in all applicable zoning districts. These regulations apply to indoor entertainment, outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall and after-hours dance hall. The following is a summary of the proposed changes:

**RM-1 District:**

Clarifies that entertainment is not permitted in the RM-1 district, with the exception of the International Inn and Miami Beach Women's Club sites, which have previously approved regulations.

**RM-2 District:**

- Outdoor and open-air entertainment, regardless of occupational content, shall continue to require conditional use approval as an accessory use to a hotel, if a hotel use is permitted.
- Indoor entertainment shall only be permitted as an accessory use to a hotel, if a hotel use is permitted, and only as part of a restaurant supper club, unless otherwise noted.
- Indoor entertainment, regardless of occupational content, shall require conditional use approval.
- The occupational content for a venue with entertainment shall not exceed 300 persons, unless otherwise noted.
- Existing limited areas and sites, including Temple Emmanuel, the Collins Park Arts District Overlay and the FAENA District Overlay, retain previously approved regulations.

**RM-3 District:**

- Outdoor and open-air entertainment, regardless of occupational content, shall continue to require conditional use approval.
- Indoor entertainment shall only be permitted as an accessory use to a hotel, if a hotel use is permitted, and only as part of a restaurant supper club or as part of an indoor venue that does not serve alcohol past 2:00 a.m.
- Indoor entertainment, regardless of occupational content, shall require conditional use approval.

**CD-2, CD-3, T-CC, TC-1, TC-2 and MXE Districts:**

- Outdoor and open-air entertainment, regardless of occupational content, shall continue to require conditional use approval.
- Indoor entertainment shall be permitted as part of a restaurant supper club or as part of an indoor venue that does not serve alcohol past 2:00 a.m.
- Indoor entertainment, located within an establishment having an occupational content exceeding 125 persons, shall require conditional use approval.
- Existing limited areas and sites, including the Collins Park Arts District Overlay and the Ocean Terrace Overlay, retain previously approved regulations.

**CCC and GU districts:**

All entertainment continues to be subject to the approval of the City Commission.

**Nonconforming Entertainment Establishments:**

Provisions pertaining to legally established entertainment venues, including those with an active conditional use permit (CUP), have been included.

**Minimum Distance Separation Requirements:**

All existing minimum distance separation requirements have been retained and clarified, as follows:

- The minimum distance separation between entertainment establishments, including, but not limited to, outdoor entertainment establishment, open air entertainment establishment, dance hall or after-hours dance hall, which are licensed to sell alcoholic beverages and not also operating as restaurant supper clubs, shall be 300 feet.
- The minimum distance separation between dance halls not licensed to sell alcoholic beverages shall be 300 feet.

**Variances:**

Variances from any of the requirements of section 7.5.5.4 would now be prohibited.

The minor revisions to Chapter 6 of the City Code, also attached, are to ensure consistency with the proposed amendments to the LDRs. If there is consensus on the attached draft ordinances,



as well as any additional input from the LUSC, the proposals can be forwarded to the Planning Board for review and transmittal.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board and City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> REF C4C	Memo
<input type="checkbox"/> REF C4D	Memo
<input type="checkbox"/> ORD - LDR	Ordinance
<input type="checkbox"/> ORD - Ch 6	Ordinance

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner David Suarez  
DATE: April 3, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE PLANNING BOARD - REVIEW ZONING DISTRICTS WHERE ENTERTAINMENT (WHICH INCLUDES NIGHTCLUBS) IS A PERMITTED OR CONDITIONAL USE, AND CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS TO LIST NIGHTCLUBS/ENTERTAINMENT AS A CONDITIONAL OR PROHIBITED USE IN SPECIFIED ZONING DISTRICTS.

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### **BACKGROUND/HISTORY**

Was Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above matter on the April 3, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC") and Planning Board.

Currently, entertainment (which includes nightclubs) is listed as a permitted or conditional use in several zoning districts throughout the City. I would like the LUSC to discuss and review the zoning districts where entertainment is allowed (either as a permitted or conditional use). I would also like the LUSC to consider amending the Land Development Regulations to list nightclubs/entertainment as a conditional or prohibited use in specified districts.

Based on input from the LUSC, I would like an Ordinance transmitted to the Planning Board.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Commissioner David Suarez

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner David Suarez  
DATE: April 3, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD - ADOPT MINIMUM REQUIREMENTS FOR RESTAURANTS SEEKING TO PROVIDE ENTERTAINMENT, IN ORDER TO INCENTIVIZE "SUPPER CLUBS" AND RESTAURANTS OFFERING INDOOR PERFORMANCES WITHIN DISTRICTS THAT PERMIT ENTERTAINMENT.

---

### **BACKGROUND/HISTORY**

Was Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above matter on the April 3, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC") and Planning Board.

I would like the LUSC to discuss amending the Land Development Regulations of the City Code ("LDRs") to better define what constitutes a restaurant, for purposes of allowing indoor entertainment in zoning districts that currently permit entertainment. My intent is to incentivize supper clubs, as well as restaurants offering indoor performances.

The following are some initial standards and requirements for restaurants seeking to provide entertainment, which can be discussed by the LUSC:

1. Regardless of the occupational content of the venue, conditional use approval from the Planning Board shall be required.
2. The restaurant shall obtain all applicable restaurant licenses from the State and meet all requirements of the health department specific to restaurants.
3. The restaurant shall include a full kitchen, including the following minimum equipment requirements:

- a. Cook top and oven.
- b. A hood exhaust system along with a fire system connected to the hood.
- c. Dish washing apparatus, including a 3 compartment sink.
- d. A walk-in refrigerator.

4. The restaurant shall have minimum annual food sales of 60%.

5. At least 50% of the floor area of the restaurant venue shall contain table seating with individual chairs. The Planning Board, through the CUP process, may allow for a lower floor area percentage of restaurant seating, based upon the need for a larger kitchen, and may consider different types of tables and seating.

Following review by the LUSC, an Ordinance would be sent to the Planning Board.

**SUPPORTING SURVEY DATA**

N/A

**FINANCIAL INFORMATION**

N/A

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Commissioner David Suarez

Entertainment and Supper Club Regulations

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 "MIAMI BEACH RESILIENCY CODE," CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.2, ENTITLED "USE DEFINITIONS," SUBSECTION 1.2.2.4, ENTITLED "COMMERCIAL," BY CREATING A DEFINITION FOR RESTAURANT SUPPER CLUB; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," TO

BY AMENDING ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.5, ENTITLED "SPECIALIZED USE REGULATIONS," BY AMENDING AND EXPANDING SECTION 7.5.5.4, ENTITLED "ENTERTAINMENT ESTABLISHMENTS," BY REORGANIZING THE SECTION, ESTABLISHING DETAILED REQUIREMENTS FOR LOCATION BY ZONING DISTRICT AND BASED UPON OCCUPATIONAL CONTENT AND HOURS OF OPERATON, REQUIREMENTS FOR TYPES OF ENTERTAINMENT USES AS MAIN PERMITTED AND ACCESSORY USES, STANDRDS FOR NON-CONFORMING USES, MINIMUM DISTANCE SEPARATION REQUIREMENTS AND THE DELETION OF SECTION 7.5.5.7; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the Mayor and City Commission desire to amend and enhance the current requirements in the City Code pertaining to entertainment venues; and

**WHEREAS**, establishments providing entertainment, if not properly regulated, can become a nuisance and negatively impact adjacent residential properties, the impacts of which can be difficult to control; and

**WHEREAS**, entertainment establishments can negatively impact the character of neighborhoods and quality of life for surrounding residents and businesses; and

**WHEREAS**, stronger requirements and additional Planning Board review for entertainment venues will promote the general health, safety and welfare of the residents of the City; 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 1 of the Miami Beach Resiliency Code, entitled “General Provisions,” Article II, entitled “Definitions,” is hereby amended as follows:

**CHAPTER 1  
GENERAL PROVISIONS**

\* \* \*

**ARTICLE II. – DEFINITIONS**

\* \* \*

**SECTION 1.2.2. – USE DEFINITIONS**

\* \* \*

**1.2.2.4 Commercial**

\* \* \*

**Restaurant Supper Club** means a commercial establishment where food and drinks may be purchased by the public and which conducts the business of serving of food to be consumed on the premises, whose principal business is the preparation, serving, and selling of food, to the customer for consumed [consuming] on the premises. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant supper club use. Additionally, the following shall apply:

a. The establishment shall be licensed as a restaurant and shall obtain all required restaurant licenses from the State and meet all requirements of the health department specific to restaurants.

b. The restaurant shall include a full kitchen, including the following minimum equipment requirements:

1. Cook top and oven.
2. A hood exhaust system along with a fire system connected to the hood.
3. Dish washing apparatus, including a 3-compartment sink.
4. A walk-in refrigerator.
5. Grease trap interceptor (if required).

c. The establishment shall have minimum annual food sales of 60%.

**SECTION 2.** Chapter 7 of the Resiliency Code, entitled “Zoning Districts and Regulations,” is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. DISTRICT REGULATIONS**

\* \* \*

**Section 7.2.5. RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY**

\* \* \*

**Section 7.2.5.2 Uses (RM-2)**

\* \* \*

**b. Supplemental Conditional Uses Regulations (RM-2)**

The supplemental conditional uses are as follows:

\* \* \*

5. *Washington Avenue*. In addition to the conditional uses specified in section 7.2.5.2, and notwithstanding the provisions of the prohibited uses in section 7.2.5.2, the following regulations shall apply to properties that front Washington Avenue between 6th Street and 7th Street, including those properties between 6th Street and 7th Street that have frontage on Pennsylvania Avenue (MAP EXHIBIT-5):

A. Restaurants, cafes and/or eating and drinking establishments, which include entertainment, as an accessory use to a hotel shall require conditional use approval. This may include establishments that qualify as a neighborhood impact establishment, subject to all applicable approvals under the neighborhood impact establishment requirements and provided that any sound associated with ~~outdoor~~ entertainment shall be limited to a volume that does not interfere with normal conversation (i.e. at an ambient level).

B. Outdoor bar counters shall require conditional use approval, with hours of operation to be determined by the planning board.

\* \* \*

**c. Supplemental Accessory Uses Regulations (RM-2)**

The supplemental accessory uses are as follows:

1. The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in section 7.5.4.13
2. Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 in General Ordinances.
3. Notwithstanding the foregoing, a property that had a legal conforming use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.
4. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

**Section 7.2.6. RM-2 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY**

\* \* \*

**Section 7.2.6.2 Uses (RM-3)**

\* \* \*

Supplemental Accessory uses Regulations (RM-3)

The supplemental accessory uses are as follows:

1. Those uses permitted in section 7.5.4.13.
2. Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 in General Ordinances.



3. Accessory outdoor bar counters, pursuant to the regulations set forth in chapter 6 in General Ordinances, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is located on a property that is abutting a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

4. Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent (20%) of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

5. RM-3 properties within the "West Avenue Corridor"(MAP EXHIBIT-1) may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a Legal Conforming Use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.

6. Kennels shall only be for animals belonging to building residents only and would not be a general boarding facility for people who do not reside in the building.

7. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

### **Section 7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY**

\* \* \*

#### **Section 7.2.11.2 Uses (CD-2)**

\* \* \*

##### **a. Supplemental Main Permitted Uses Regulations (CD-2)**

The supplemental main permitted uses are as follows:

1. Apartment hotels, hotels, hostels, and suite hotels (pursuant to section 7.5.4.5).
2. Alcoholic beverages establishments pursuant to the regulations set forth in chapter 6 of the General Ordinances.
3. Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in section 7.2.11.2.e:
  - A. Alton Road corridor. Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road. (MAP EXHIBIT-1).

B. Sunset Harbour neighborhood. The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south. (MAP EXHIBIT-2).

4. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*  
\* \* \*

**Section 7.2.12. CD-3 COMMERCIAL, HIGH INTENSITY**

\* \* \*  
\* \* \*

**Section 7.2.12.2 Uses (CD-3)**

**a. Supplemental Main Permitted Uses Regulations (CD-3)**

The supplemental main permitted uses are as follows:

1. Apartment Hotels, Hotels, Hostels and Suite hotels (Pursuant to section 7.5.4.5).
2. Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 in General Ordinances. ~~and~~
3. For those lots fronting that portion of Lincoln Road which is closed to traffic (MAP EXHIBIT-1), office uses may be located in a mezzanine or, when located on the ground floor, shall be set back at least 75 feet from the storefront.
4. In addition to the main permitted uses listed in section 7.2.12.2.a, on properties located south of 17th Street, between Lenox Avenue and Meridian Avenue, and properties with a lot line adjoining Lincoln Road, from Collins Avenue to Alton Road, (MAP EXHIBIT-2):
  - A. Dance halls (as defined in section 1.2.2) licensed as alcoholic beverage establishments shall only operate as restaurant supper clubs ~~restaurants with full kitchens and serving full meals~~. Additionally, such dance halls, shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. In addition to the main permitted uses listed in section 7.2.12.2.a, the following uses shall be permitted above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road:
  - A. Artisanal retail for on-site sales only;
  - B. Production studios;
  - C. Furniture sale establishments larger than 45,000 SF; and
  - D. Major cultural institutions.

6. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

7.2.14 NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)

\* \* \*

7.2.14.2 Uses (TC-1, TC-2)

\* \* \*

a. Supplemental Main Permitted Uses Regulation (TC-1, TC-2)

The supplemental main permitted uses are as follows:

- 1. Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6;
- 2. The ground story frontage along 71st Street and Collins Avenue shall be governed by section 7.2.14.4. The provisions of chapter 6 concerning distance separation for consumption of alcoholic beverages onpremises in restaurants shall not apply to this district.
- 3. Kennels are only allowed in the TC-1 District.
- 4. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

7.2.14.6 Town Center-Central Core (TC-C) District

\* \* \*

b. Uses (TC-C)

\* \* \*

2. Supplemental Use Regulations (TC-C)

A. The following supplemental regulations shall apply to specific uses in the TC-C district:

\* \* \*

VII. The following requirements shall apply to indoor entertainment establishments and outdoor and open air entertainment establishments:

- 1. Indoor entertainment establishments shall be required to install a double door vestibule at all access points, except for emergency exits.

2. Indoor entertainment shall cease operations no later than 5:00 a.m. and commence entertainment no earlier than 9:00 a.m.

3. Open air entertainment shall cease operations no later than 11:00 p.m. on Sunday through Thursday, and 12:00 a.m. on Friday and Saturday; operations shall commence no earlier than 9:00 a.m. on weekdays and 10:00 a.m. on weekends; however, the planning board may establish stricter requirements.

4. There shall be a maximum of ten alcoholic beverage establishments that are not also operating as a restaurant or entertainment establishment permitted within this zoning district. Credits for entertainment establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the entertainment establishment is not built or ceases operations, the credits shall become available to new applicants. Any entertainment establishment permitted in the area of the TC-C district, after November 7, 2017, shall be counted towards the maximum limit established herein.

5. Entertainment establishments shall also be restaurant supper clubs ~~restaurants with full kitchens~~. Such restaurant supper clubs ~~restaurants~~ shall be open and able to serve food at a minimum between the hours of 10:00 a.m. and 2:00 p.m. on days in which the entertainment establishment will be open and additionally during hours in which entertainment occurs and/or alcohol is sold.

6. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

**Section 7.2.13. MXE MIXED USE ENTERTAINMENT**

\* \* \*

**Section 7.2.13.2 Uses (MXE)**

\* \* \*

**c. Supplemental Accessory Uses Regulations (MXE)**

The supplemental accessory uses are as follows:

1. Those uses permitted in section 7.5.4.13
2. Uses that serve alcoholic beverages are also subject to the regulations set forth in chapter 6 in General Ordinances.
3. Accessory outdoor bar counters, pursuant to the regulations set forth in chapter 6 in General Ordinances, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is located on a property that is abutting a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
4. Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the restriction on the hours of operation, set forth in section 7.2.13.2.c.1., provided the accessory outdoor bar counter is located in the rear yard

and set back 20 percent (20%) of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

5. Accessory uses shall be subject to the supplemental accessory use regulations in section 7.2.13.2.d.
6. Entertainment uses shall be in accordance with section 7.5.5.4.

\* \* \*

## ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS

\* \* \*

### 7.5.5 SPECIALIZED USE REGULATIONS

\* \* \*

#### 7.5.5.4 ENTERTAINMENT ESTABLISHMENTS

**a. Locations and minimum requirements.** Unless otherwise provided, entertainment, including, but not limited to, outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall or after-hours dance hall shall only be permitted within the following designated areas of the city and in accordance with the corresponding requirements for such areas.

1. RM-1 District:

- i. Entertainment, including, but not limited to, outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall or after-hours dance hall shall not be permitted in the RM-1 district, unless otherwise noted herein.
- ii. For properties located in the Collins Waterfront Historic District, which are designated as a Local Historic Site, dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as a conditional use as part of a hall for hire, in accordance with section 7.2.4.2.b.1.
- iii. For properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, accessory indoor, outdoor and open air entertainment establishments consisting of ambient performances only, may only be permitted as a conditional use, in accordance with section 7.2.4.2.b.3.

2. RM-2 District:

- i. Outdoor and open-air entertainment, regardless of occupational content, shall require conditional use approval and may only be permitted as an accessory use to a hotel, if a hotel use is permitted.
- ii. Indoor entertainment shall only be permitted as an accessory use to a hotel, if a hotel use is permitted, and only as part of a restaurant supper club, unless otherwise noted herein.
- iii. Indoor entertainment, regardless of occupational content, shall require conditional use approval.

- iv. The occupational content for a venue with entertainment shall not exceed 300 persons, unless otherwise noted herein.
- v. Existing religious institutions located on properties in the Museum Historic Preservation District, which contain a contributing structure, entertainment establishments may only be permitted as a conditional use as part of a hall for hire, in accordance with section 7.2.5.2.b.3.
- vi. For eligible properties located in the Collins Park Arts District Overlay, accessory indoor, and outdoor entertainment establishments may only be permitted as a conditional use, in accordance with section 7.3.4.
- vii. For eligible properties located in the FAENA District Overlay, A place of assembly may provide dancing associated with an event, in accordance with section 7.3.5.

3. RM-3 Districts:

- i. Outdoor and open-air entertainment, regardless of occupational content, shall require conditional use approval.
- ii. Indoor entertainment shall only be permitted as an accessory use to a hotel, if a hotel use is permitted, and only as part of a restaurant supper club or as part of an indoor venue that does not serve alcohol past 2:00 a.m.
- iii. Indoor entertainment, regardless of occupational content, shall require conditional use approval.

4. CD-2, CD-3, T-CC, TC-1, TC-2 and MXE Districts:

- i. Outdoor and open-air entertainment, regardless of occupational content, shall require conditional use approval.
- ii. Indoor entertainment shall be permitted as part of a restaurant supper club or as part of an indoor venue that does not serve alcohol past 2:00 a.m.
- iii. Indoor entertainment, located within an establishment having an occupational content exceeding 125 persons, shall require conditional use approval.
- iv. For eligible properties located in the Collins Park Arts District Overlay, accessory outdoor entertainment establishments may only be permitted as a conditional use, in accordance with section 7.3.4.
- v. For eligible properties located in the Ocean Terrace Overlay, accessory outdoor entertainment establishments and open air entertainment establishments may only be permitted as a conditional use, in accordance with section 7.3.6.

5. CCC and GU districts.

Entertainment, including, but not limited to, indoor entertainment, outdoor entertainment establishment, open air entertainment establishment, dance hall or after-hours dance hall shall be subject to the approval of the City Commission.

6. All other districts.

Unless expressly listed herein, entertainment, including, but not limited to, indoor entertainment, outdoor entertainment establishment, open air entertainment establishment, dance hall or after-hours dance hall shall not be permitted.

7. Nonconforming entertainment establishments.

Legally established entertainment venues, which may or may not have an active conditional use permit (CUP), including, but not limited to, outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall or after-hours dance hall, may continue to operate in accordance with all other applicable regulations of the city code, as well as the requirements of a current CUP, if applicable. However, any such establishment shall not be permitted to be enlarged, relocated or expanded, in any way (and no CUP may be modified in such a manner as to permit an enlargement or expansion), and any such establishment shall be subject to all applicable regulations set forth in chapter 2, article VII of these land development regulations.

**b. Planning Board Review guidelines.**

1. In reviewing an application for an outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall or after-hours dance hall, the planning board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Section 2.5.2:
  - A. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.
  - B. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.
  - C. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.
  - D. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
  - E. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
  - F. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
  - G. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
  - H. Proximity of proposed establishment to residential uses.
  - I. Cumulative effect of proposed establishment and adjacent pre-existing uses.

~~Note: For purposes of this section, "full kitchens" shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchens must contain grease trap interceptors, and meet all applicable city, county and state codes.~~

**c. Appeal of a determination regarding outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, dance hall or an after-hours dance hall.**

When it is alleged that there is an error made by an administrative official in the enforcement of these land development regulations with regard to the determination of the use of a property

as an outdoor entertainment establishment, open air entertainment, neighborhood impact establishment, or after-hours dance hall, such appeal shall be to the zoning board of adjustment pursuant to chapter 2, article IX of these Land Development Regulations

**d. Patron age restriction and hours of operation for after-hours dance halls.**

After-hours dance halls may not admit patrons under the age of 21 and may only operate between the hours of 10:00 p.m. Friday to 8:00 a.m. Saturday, from 10:00 p.m. Saturday to 8:00 a.m. Sunday, and from 10:00 p.m. on any day preceding a national holiday to 8:00 a.m. on the national holiday.

**e. Minimum distance separation requirements.**

**1. Minimum distance separation.**

- A. The minimum distance separation between entertainment establishments, including, but not limited to, outdoor entertainment establishment, open air entertainment establishment, dance hall or after-hours dance hall, which are licensed to sell alcoholic beverages and not also operating as restaurant supper clubs, shall be 300 feet.
- B. The minimum distance separation between dance halls not licensed to sell alcoholic beverages shall be 300 feet.

**2. Determination of minimum distance separation.**

- A. For purposes of determining the minimum distance separation, the requirement shall be determined by measuring a straight line between the principal means of entrance of each use.
- B. When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning and zoning director that the minimum distance separation has been met.

**f. Variances. Variances from any of the requirements of this section 7.5.5.4 shall be prohibited.**

\* \* \*

**7.5.5.7 DANCE HALLS**

**b. Generally.**

**1. Minimum distance separation.**

- A. ~~As per subsection 6-4(a)(9) of the General Ordinances, the minimum distance separation between dance halls licensed to sell alcoholic beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet.~~
- B. ~~The minimum distance separation between dance halls not licensed to sell alcoholic beverages shall be 300 feet.~~

**2. Determination of minimum distance separation.**

- A. ~~For purposes of determining the minimum distance separation, the requirement shall be determined by measuring a straight line between the principal means of entrance of each use.~~
- B. ~~When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning and zoning director that the minimum distance separation has been met.~~



~~3. *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 2.8.1 et seq.~~

**SECTION 3. REPEALER.**

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

**SECTION 4. 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 relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: September 11, 2024

Second Reading: October 30, 2024

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

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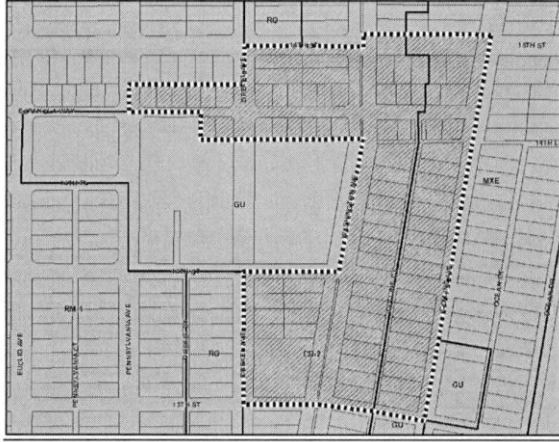
## Sec. 6-4. Location and use restrictions.

- (a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcohol beverages for consumption:
- (1) *Educational facilities.* No alcohol beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina.
  - (2) *Places of worship.* No alcohol beverage shall be sold or offered for consumption in an alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.
  - (3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 1,500 feet. There shall be no variances from this distance separation requirement.
  - (4) *Motion picture theaters.* No alcohol beverages shall be sold or offered for consumption in any motion picture theater, or in any room opening directly or indirectly into or in connection with any motion picture theater, except alcohol beverages may be served in motion picture theaters (i) of at least 15,000 square feet in total floor area, (ii) containing at least 300 permanent auditorium seats, and (iii) which are located in CD-3 commercial, high intensity districts. Additionally, alcohol beverages may be sold or offered for consumption in outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, and article IV, division 2 of this chapter. Notwithstanding chapter 142, article 5, division 6 of the city Code, an indoor motion picture theater in which the sale and consumption of alcohol beverages is permitted shall not be considered a neighborhood impact establishment. Motion picture theaters shall not be permitted to operate between the hours of 3:00 a.m. and 8:00 a.m., except that motion picture theaters may apply for up to three special event permits from the city per calendar year to operate during such hours. This section shall not relieve any person, entity or establishment from the restrictions contained in chapter 6, article II or the land development regulations of the city Code.

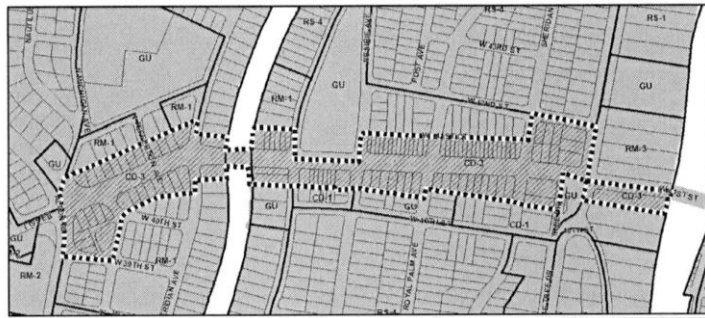
Any approval granted pursuant to this section shall also be subject to the following restrictions:

- i. The sale of alcohol beverages for consumption off the premises is strictly prohibited.
- ii. A minor control plan, setting forth conditions regarding hours of operation and alcohol sales, alcohol service and monitoring procedures, food service, and staff training, must be approved by the city manager or designee prior to the issuance of a license for alcohol sales or consumption.
- iii. Designated alcohol beverage consumption areas, including concession and cafe areas, and those specific auditoriums in which alcohol beverages may be served and consumed, must be clearly designated as such and separated from the remainder of the theater by a barrier or other physical demarcation. All alcohol beverages must be served from within the designated alcohol beverage consumption areas, and no alcohol beverages may be consumed or carried beyond the boundary limits of the designated alcohol beverage consumption areas. Access to the designated alcohol beverage consumption areas is restricted to patrons who can present a valid identification for inspection demonstrating they are 21 years of age or older. The restrictions in this paragraph shall not apply to outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, and article IV, division 2 of this chapter.

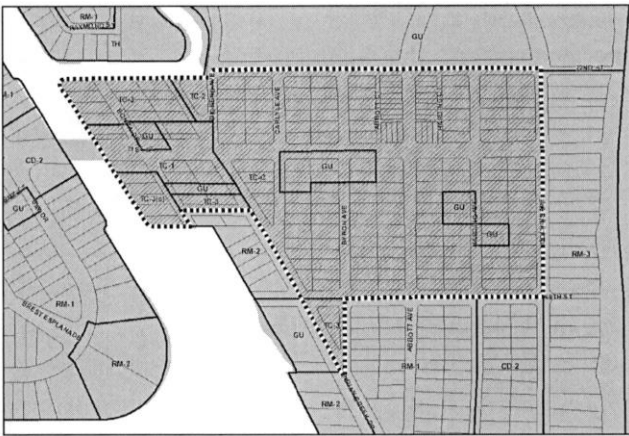
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- iv. There may be special customer promotions that combine purchase of a motion picture theater ticket with purchase of food and an alcohol beverage. No "happy hour" type of reduced price alcohol beverage promotion shall be allowed.
  - v. Motion picture theaters selling alcohol beverages, shall obtain the requisite state license for sales and consumption of such beverages.
  - vi. Motion picture theaters selling alcoholic beverages as defined in section 102-306 shall collect and remit resort taxes to the city for alcohol sales as required under section 102-306.
- (5) *Filling station.* No liquor as defined by F.S. § 568.01, shall be sold or offered for consumption on or off the premises of any filling station.
- (6) *Curb service sales.* No alcohol beverages shall be sold or served to persons in a vehicle of any kind or from an exterior counter or any type of walk-up window. All sales are to be from the interior of the structure.
- (7) *Off-premises consumption.* All sales of alcohol beverages for consumption off the premises shall be in a sealed container.
- (8) *Bottle clubs.* There shall be no bottle clubs within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning or place of worship.
- (9) *Dance halls.* The minimum distance separation between dance halls licensed to sell alcohol beverages, and not also operating as restaurant supper clubs ~~restaurants with full kitchens and serving full meals~~, shall be 300 feet.
- (10) *Entertainment establishments.* The minimum distance separation between entertainment establishments licensed to sell alcohol beverages, and not also operating as restaurant supper clubs ~~restaurants with full kitchens and serving full meals~~, shall be 300 feet. The provisions of this paragraph shall not apply to outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310.
- (11) *Cultural specialty districts.* Notwithstanding the foregoing, within the cultural specialty districts identified in this subsection, the following regulations shall apply to alcoholic beverage establishments also operating as restaurants with full kitchens:
- i. The following areas shall be designated as cultural specialty districts:
    - a. *Espanola Way and Washington Avenue Area.* All parcels with a CD-2 or MXE zoning designation located between Collins Avenue on the east, 13th Street on the south, Pennsylvania Avenue on the west, and 15th Street on the north, as depicted in the map below:



- b. *41st Street Corridor*. All parcels with a CD-3 zoning designation that have a property line abutting 41st Street, as depicted in the map below:



- c. *North Beach Town Center*. All parcels with a TC-C, TC-1, TC-2, TC-3, TC-3(c), or GU zoning designation, as depicted in the map below:



- ii. Distance separation requirements from educational facilities and places of worship set forth in this section 6-4 shall not apply to alcoholic beverage establishments operating as a restaurant with a full kitchen.
- iii. An alcoholic beverage establishment operating as a restaurant with a full kitchen shall serve full meals during hours in which alcoholic beverages are sold.

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- iv. If the distance separation exemption is from an educational facility, during the respective educational facility's school hours, alcohol shall only be served with meals.
  - v. There shall be no package sales of alcoholic beverages.
  - vi. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk, in excellent and clean condition, free of all refuse, at all times.
  - vii. A violation of this subsection (a)(11) shall be subject to the penalties and enforcement provisions set forth in section 6-3(9).
- (b) *Determination of minimum distance separation.*
- (1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcohol beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcohol beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.
  - (2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning director that the minimum distance separation has been met.
- (c) *Variations.* Unless otherwise prohibited under the Land Development Regulations of the City Code (Resiliency Code), variances to the provisions of this section may be granted pursuant to the procedures in Chapter 2 of the Land Development Regulations of the City Code (Resiliency Code) section 118-351 et seq., except that no variances may be granted on the provisions of [subsection] 6-4(a)(4) concerning the sale or consumption of alcohol beverages in motion picture theaters.
- (d) Notwithstanding any other provision in this division, the sale or offering of alcoholic beverages for consumption on the premises of alcoholic beverage establishments on properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, shall be exempt from all applicable minimum distance separation requirements in this division.

(Ord. No. 89-2665, § 12-1D, E, eff. 10-1-89; Ord. No. 99-3224, § 1, 12-15-99; Ord. No. 2000-3225-A, § 1, 1-12-00; Ord. No. 2003-3403, § 2, 3-19-03; Ord. No. 2014-3861, § 1, 5-21-14; Ord. No. 2016-4004, § 1, 3-9-16; Ord. No. 2017-4106, § 1, 6-7-17; Ord. No. 2019-4317, § 1, 10-30-19; Ord. No. 2020-4358, § 1, 9-16-20; Ord. No. 2020-4376, § 3, 11-18-20; Ord. No. 2022-4463, § 1, 1-20-22)

Cross reference(s)—Zoning districts and regulations, ch. 142.

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 4 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS CURRENT INCENTIVES FOR AVERAGE UNIT SIZE REQUIREMENTS IN RESIDENTIAL APARTMENT UNITS**

### **HISTORY:**

On March 5, 2024, the Land Use and Sustainability Committee (LUSC) discussed hotel related items. At the request of Commissioner Alex Fernandez, as well as Commissioner Tanya K. Bhatt and Joseph Magazine, the LUSC recommended that the City Commission refer a separate discussion item to the LUSC regarding the current average unit size requirement for residential apartment units. On April 3, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission referred the subject discussion item (C4 E) to the LUSC.

Under the Land Development Regulations of the City Code (LDRs), the minimum unit size requirement for residential apartment units (non-workforce or affordable units) is 550 square feet per unit. Additionally, the average unit size for such units within a zoning district that permits the short-term rental of apartment units (STRs) is 800 square feet. For zoning districts that prohibit STRs, there is no average unit size requirement.

These minimum and average unit size requirements are applicable in all zoning districts that allow residential apartments, including residential multi-family (RM and RPS), commercial (CD and CPS), as well as mixed-use (MXE) districts. As noted in the attached referral memo, the item sponsor would like the LUSC to discuss the average unit size requirements for residential apartments and whether any amendments may be warranted.

The item was deferred at the May 1, 2024 LUSC meeting.

### **ANALYSIS:**

When the current Resiliency Code was adopted by the City Commission on February 1, 2023, the requirement for an average unit size in residential apartment units was amended. Specifically, zoning districts that currently prohibit STRs, including the RM-1, R-PS1, R-PS2, RO and CD-1 districts, no longer have an average unit size requirement.

To ensure that the elimination of an average unit size requirement did not result in an increase in STR's, the existing average unit size requirement remains in place for those zoning districts that currently permit STRs. However, a property owner can forgo the average unit size limits within

such districts if they voluntarily proffer not to have any STR's. The following is the adopted text that effectuates this requirement:

*Voluntary average unit size incentive program. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the applicable average unit size requirements set forth in the underlying district, subject to the following conditions:*

*a. Density. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.*

*b. Minimum Unit Size. This incentive shall not be construed to permit any units that is smaller than the minimum allowable unit size for the type of unit being proposed.*

*c. Covenant. To be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.*

The above noted exception for average unit size incentivizes non-transient residential uses in zoning districts that currently permit STRs. From a practical standpoint, the districts that currently prohibit STRs are not likely to see a significant increase in density under the current standard of not having an average unit size requirement, as the maximum intensity and density of these districts are smaller.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission, if applicable.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

Description	Type
REF C4E	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: April 3, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE -  
DISCUSS CURRENT INCENTIVES FOR AVERAGE UNIT SIZE  
REQUIREMENTS IN RESIDENTIAL APARTMENT UNITS.

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### **BACKGROUND/HISTORY**

On March 5, 2024, the Land Use and Sustainability Committee (LUSC) discussed hotel related items. At the request of Commissioner Alex Fernandez, as well as Commissioner Tanya K. Bhatt and Joseph Magazine, the LUSC recommended that the City Commission refer a separate discussion item to the LUSC regarding the current requirements for average unit size in residential apartment units.

### **LOBBYIST DISCLOSURE**

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

When the current Resiliency Code was adopted by the City Commission on February 1, 2023, the requirement for a minimum average unit size in residential apartment units was amended. The minimum unit size for residential apartment units (non-workforce or affordable units) is 550 square feet per unit. Additionally, the average unit size for all such units within a zoning district that permits short term rentals is 800 square feet. These requirements are applicable in all zoning districts that allow residential apartments, including residential multi-family (RM and RPS), commercial (CD and CPS), as well as mixed-use (MXE) districts.

To ensure that the elimination of an average unit size requirement did not result in an increase in short term rentals (STR), the existing average unit size requirement remained in place for those districts that do not prohibit STR's. However, a property owner can forgo the average unit size limits if they voluntarily proffer not to have any STR's. The following is the adopted text that effectuates this requirement:



Voluntary average unit size incentive program. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the applicable average unit size requirements set forth in the underlying district, subject to the following conditions:

a. *Density*. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.

b. *Minimum Unit Size*. This incentive shall not be construed to permit any units that is smaller than the minimum allowable unit size for the type of unit being proposed.

c. *Covenant*. To be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.

The item sponsor would like to discuss this section of the Code and whether any additional amendment may be warranted.

**SUPPORTING SURVEY DATA**

N/A

**FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Commissioner Alex Fernandez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 5 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS POTENTIAL INCENTIVES TO CONVERT CO-LIVING AND TRANSIENT UNITS TO APARTMENTS IN THE NORTH BEACH TCC DISTRICT**

### **HISTORY:**

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to co-living unit regulations (C4 T) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. Commissioners Tanya K. Bhatt and Joseph Magazine were co-sponsors of the proposal.

On February 26, 2024, the LUSC discussed the item and recommended the Planning Board transmit an ordinance removing co-living units on Washington Avenue and reducing the co-living unit cap in North Beach to the City Commission with a favorable recommendation. On April 25, 2024, the Planning Board transmitted this ordinance to the City Commission with a favorable recommendation.

At the February 26, 2024 meeting, the LUSC, at the request of Commissioners Alex Fernandez and Tanya K. Bhatt, also recommended that the City Commission refer a separate discussion item to the LUSC to discuss potential incentives to convert existing co-living and transient units to apartments in the North Beach TC-C District.

On March 13, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the subject discussion item (C4 K) to the Land Use and Sustainability Committee (LUSC). Commissioner Tanya K. Bhatt is the co-sponsor of the item.

### **ANALYSIS:**

Co-living units, which were introduced pursuant to the creation of the North Beach Town Center Central Core District (TC-C) in 2018, are defined as follows:

Co-living shall mean a small multi-family residential dwelling unit that includes sanitary facilities and provides access to kitchen facilities; however, such facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

The following is a summary of co-living units in the North Beach TC-C district that have obtained a building permit process number as of October 1, 2023:

<u>Project Address</u>	<u>Co-Living Units</u>
7118-7114 Collins Avenue	168
7125-7145 Carlyle Avenue	121
6970 Collins Avenue	20
409 71st Street	139
6973 Indian Creek Drive	81
<b>Total Units Proposed</b>	<b>529</b>

Co-living units in the TC-C district are only permitted for projects that obtained a building permit process number by October 1, 2023. As such no additional co-living units, beyond the 529 units noted above, can be authorized and if any of the permits for the above noted projects become inactive or expire, the associated co-living units would expire and could not be re-activated.

Although no additional co-living units beyond the 529 units currently permitted would be allowed in the TC-C district, the LUSC recommended that a separate discussion take place regarding potential incentives to convert these units, as well as other types of transient units, to permanent residential units.

Because co-living units are unique in terms of square footage and function, converting them to traditional residential apartments could be challenging. In this regard, since this housing type is still under construction and in permitting, the Administration believes that a more long-term evaluation of their success would be in order. Also, since the short-term rental of apartment units is permitted in the TC-C district, the conversion of such units to residential apartment may not address concerns with transient rentals.

Co-living units were introduced to provide more attainable housing options, particularly in the North Beach area, as more residential units are needed to activate the town center. One option the LUSC may want to consider is allowing additional co-living units in the district, provided such units are not rented on a transient basis. Another option would be to consider allowing any of the 529 currently permitted co-living units that may become inactive or expire, to be reactivated if the owner voluntarily proffers to prohibit the short-term rental of the reactivated units. This would also provide for a long-term residential use.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission, if applicable.

**Applicable Area**

North Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

**Description**

**Type**

REF C4K

Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Alina T. Hudak, City Manager  
DATE: March 13, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE -  
DISCUSS POTENTIAL INCENTIVES TO CONVERT CO-LIVING AND  
TRANSIENT UNITS TO APARTMENTS IN THE NORTH BEACH TCC  
DISTRICT

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### **RECOMMENDATION**

The Administration recommends that the City Commission refer the discussion item to the Land Use and Sustainability Committee (LUSC).

### **BACKGROUND/HISTORY**

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to co-living unit regulations (C4 T) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. Commissioners Tanya K. Bhatt and Joseph Magazine were co-sponsors of the proposal.

On February 26, 2024, the LUSC discussed the item and recommended the Planning Board transmit an ordinance removing co-living units on Washington Avenue and reducing the co-living unit cap in North Beach to the City Commission with a favorable recommendation. The LUSC, at the request of Commissioners Alex Fernandez and Tanya K. Bhatt, also recommended that the City Commission refer a separate discussion item to the LUSC to discuss potential incentives to convert existing co-living and transient units to apartments in the North Beach TC-C District.

### **ANALYSIS**

Co-living units, which were introduced pursuant to the creation of the North Beach Town Center Central Core District (TC-C) in 2018, are defined as follows:

Co-living shall mean a small multi-family residential dwelling unit that includes sanitary facilities and provides access to kitchen facilities; however, such facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

The following is a summary of co-living units in the North Beach TC-C district that have obtained a building permit process number as of October 1, 2023:

<u>Project Address</u>	<u>Co-Living Units</u>
7118-7114 Collins Avenue	168
7125-7145 Carlyle Avenue	121
6970 Collins Avenue	20
409 71st Street	139
6973 Indian Creek Drive	81

Total Units Proposed            529 (of a maximum 550)

Co-living units in the TC-C district are only permitted for projects that obtained a building permit process number by October 1, 2023. As such no additional co-living units, beyond 529, can be authorized and if any of the permits for the above noted projects become inactive or expire, the associated co-living units would expire and could not be re-activated.

Although no additional co-living units beyond the 529 units currently permitted would be allowed in the TC-C district, the LUSC recommended that a separate discussion take place regarding potential incentives to convert these units, as well as other types of transient units, to permanent residential units.

**SUPPORTING SURVEY DATA**

Expand Residential Housing Opportunities

**FINANCIAL INFORMATION**

No Fiscal Impact Expected

**CONCLUSION**

Pursuant to the recommendation of the LUSC, the Administration recommends that the City Commission refer the discussion item to the LUSC.

**Applicable Area**

North Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Planning

**Sponsor**

Commissioner Alex Fernandez and Commissioner Tanya K. Bhatt

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 6 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: REVIEW AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO AMEND THE HOTEL APPROVAL PROCESS**

### **HISTORY:**

On December 13, 2023, at the request of Commissioner Joseph Magazine, the Mayor and City Commission referred a discussion regarding the hotel approval process, pursuant to item R9 G, to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Alex Fernandez and Kristen Rosen Gonzalez were co-sponsors of the item.

On March 5, 2024, the LUSC combined and discussed the item with other hotel related items referred by the City Commission on December 13, 2023 (C4 O and C4 S) and took the following actions:

1. Continue the discussion pertaining to the regulation of future hotels to May 1, 2024 for the Administration to explore different options for City Commission approval of future hotels, where permitted.
2. Recommend that the City Commission refer an ordinance amendment to the Planning Board to prohibit hotels in the R-PS3, R-PS4, C-PS2, CD-3 (41st Street only), TC-C, TC-1, TC-2 and TC-3 zoning districts. Prior to the City Commission considering a referral item, feedback on the proposal shall be obtained from 41st Street stakeholders, the North Beach Community Redevelopment Agency (Advisory Committee) and the Washington Avenue Business Improvement District (BID). This referral is anticipated to be discussed at the May 15, 2024 City Commission meeting.
3. Recommend that the City Commission refer a separate discussion item to the LUSC pertaining to amending the average unit size requirements for residential buildings. On April 3, 2024, the City Commission referred this discussion item to the LUSC.

The item was deferred at the May 1, 2024 LUSC meeting.

### **ANALYSIS:**

Currently, any new hotel development consisting of ground up construction or additions to existing structures, requires the review and approval of the Design Review Board (DRB) or Historic Preservation Board (HPB). In those instances where a separate conditional use permit (CUP)

may be required, Planning Board approval would also be needed.

In accordance with the request of the LUSC at the March 5, 2024 meeting, the following are some potential options to amend the process for approving new hotel uses, including the conversion of existing residential and/or commercial uses to hotel use:

**Option 1 - City Commission approval of all hotel projects.**

Under this option, Chapter 2, Article VII of the Land Development Regulations of the City Code (LDRs) would need to be amended to add hotel to the Commission Warrant process. Specifically, section 2.7.1.2 would be created as follows:

**2.7.1.2 HOTEL APPROVAL**

*All new hotel development, including, but not limited to, new construction and the conversion of existing commercial spaces and/or apartment units to hotel, suite hotel or hostel, where permitted as an allowable use, shall require a warrant from the city commission.*

*a. The warrant shall be granted by resolution of the city commission, and an affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to approve such resolution. The procedure for granting a warrant shall require all of the following:*

*1. A public hearing approval by the design review board or historic preservation board, as applicable, as well as the planning board, if required, according to the applicable criteria and notice requirements set forth in the land development regulations, which approval shall be conditioned on the subsequent approval of the application by the city commission; and*

*2. A public hearing by the commission after the design review board or historic preservation board approval, as applicable, as well as the planning board, if required, and noticed in accordance with the notice requirements of the design review board or historic preservation board.*

*b. In reviewing an application for a commission warrant for hotel use, the commission shall consider the following criteria:*

*1. Whether the proposed warrant is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.*

*2. Whether the proposed warrant would create an isolated development unrelated to the adjacent neighborhood.*

*3. Whether the proposed warrant is out of scale with the needs of the neighborhood or the city.*

*4. Whether the proposed warrant will adversely influence living conditions in the neighborhood.*

*5. Whether the proposed warrant will seriously reduce light and air to adjacent areas.*

*6. Whether the proposed warrant is consistent with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.*

**Option 2 - City Commission approval of threshold hotel projects.**

This option would maintain the current review process of either DRB or HPB, as well as the Planning Board if a CUP is required. However, for hotel projects that exceed certain thresholds, final approval from the City Commission would be required, in accordance with the aforementioned warrant process. The following are some initial thresholds for consideration:

1. New hotel construction exceeding 20,000 square feet.

2. New hotel construction exceeding 50 hotel units.



3. The conversion of more than 25 existing residential apartments or more than 5,000 square feet of office or commercial space within a single development site to hotel, suite hotel or hostel.

4. Any new hotel development, including, but not limited to, the expansion of existing buildings and/or the conversion of existing commercial or office space, or residential apartments, to hotel, suite hotel or hostel, and located within a residential district.

If there is consensus on these, or other options, a separate referral to the Planning Board, by the City Commission, to amend the LDRs would be required.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
REF C4S	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Joseph Magazine  
DATE: December 13, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE – REVIEW ZONING DISTRICT REGULATIONS WHERE HOTEL DEVELOPMENT IS PERMITTED (INCLUDING ANY DISTRICTS WHERE HOTELS ARE INCENTIVIZED) AND DISCUSS WHETHER AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS ARE APPROPRIATE TO LIMIT FUTURE HOTEL OR TRANSIENT DEVELOPMENT AND INCENTIVIZE LONG-TERM RESIDENTIAL DEVELOPMENT.

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### **ANALYSIS**

Please place the above item on the December 13, 2023 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee (“LUSC”).

In recent years, a number of new hotels have been approved/constructed throughout the City. The City is an international tourist destination, and our hotels form an integral part of our economy. However, the proliferation of new hotels, if not controlled, can negatively impact residents’ quality of life and impact housing availability and affordability.

I would like the LUSC to conduct a review of zoning districts where hotels are permitted or incentivized, and discuss whether amendments to the Land Development Regulations are appropriate. These amendments could include incentives for residential or mixed-use development, as well as limits on new hotel development. As part of this discussion, I request that the Administration present an overview of current regulations and recommend possible changes where appropriate, with a view toward incentivizing more long-term residential, and less transient development.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Commissioner Joseph Magazine

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 7 **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager

DATE: June 10, 2024

**TITLE: REVIEW AND CONSIDER REPEALING THE 0.5 FAR INCENTIVE FOR HOTEL DEVELOPMENT IN THE CD-2, COMMERCIAL MEDIUM INTENSITY DISTRICT**

### **HISTORY:**

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred the subject discussion item (C4 N) to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez are co-sponsors of the proposal. On March 5, 2024, the LUSC discussed the item and recommended the following:

1. The City Commission refer an ordinance amendment to the Planning Board to repeal the 0.5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the North Beach CD-2 districts on Normandy Isle and along Collins Avenue. On April 3, 2024, the City Commission referred the ordinance to the Planning Board. The Planning Board is scheduled to review the Ordinance Amendment on May 28, 2024.
2. Continue the discussion pertaining to the 0.5 FAR bonus for hotels located in the CD-2 district along Washington Avenue to June 10, 2024 for the following information to be provided:
  - a. A summary of all current hotel uses incentives, in all zoning districts.
  - b. Input from the Washington Avenue BID.
  - c. Input from the Planning Board.

Pursuant to Section 7.2.11.3 of the Land Development Regulations of the City Code (LDRs), the maximum floor area ratio (FAR) in the CD-2, commercial medium intensity, zoning district is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0.

As noted in the attached referral memo, the item sponsor has requested that the LUSC review and consider whether to repeal the 0.5 FAR incentive for hotels in the CD-2 district, to limit the proliferation of hotels and incentivize more residential development (by retaining the 0.5 FAR incentive for residential projects). The sponsor has also indicated that the intent of this referral is to focus on the CD-2 zoning district along Alton Road.

### **ANALYSIS:**

At the direction of the LUSC on March 5, 2024, the Administration made presentations to the

Planning Board and Washington Avenue Business Improvement District (BID), to obtain feedback on the proposed elimination of the 0.5 FAR bonus for hotel uses in the CD-2 district. The following is a summary of the feedback received from these bodies:

#### Planning Board

On March 26, 2024, city staff presented the proposal to the Planning Board. The Board discussed the proposal and requested additional information, such as input from the Washington Avenue BID. Some members of the Board indicated support for the proposal, and there was no opposition, but the Planning Board concluded more information would be needed before a recommendation could be provided.

#### Washington Avenue BID

On April 11, 2024, city staff presented the proposal to the Washington Avenue Business BID. The members of the BID were not supportive of a roll back of the 0.5 FAR bonus for hotels in the CD-2 district along Washington Avenue. However, the members were all supportive of incentives for increasing and promoting residential development along Washington Avenue.

The following is a summary of hotel use incentives in all zoning districts:

#### Hotel Parking Requirements:

Citywide, the minimum off-street parking requirement is one (1) parking space per hotel unit. The following are exceptions to this requirement:

- Existing structures in historic districts: No parking requirement; this does not apply to additions or new construction.
- Convention Center Hotel: For structures of less than 250 units, one space per unit; for structures with 250—499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit.
- Hotels Located in the Civic and Convention Center District: 0.4 space per hotel unit.
- Oceanfront lots zoned RM-3 in the architectural district, between 15th Street and 23rd Street, containing a contributing structure, where the main or primary use is a hotel: There shall be no parking requirement for new construction containing hotel units where the total number of hotel units is not increased from the existing business tax receipt (BTR).
- Properties located within a local historic district or National Register Historic District where there is new floor area for hotel rooms that is associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013: 5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.
- Properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue: No off-street parking requirement for hotel units.
- Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east: 0.5 spaces per unit, up to a maximum of 100 units and 1

space per unit for all units in excess of 100 units.

- CD-2 and MXE Properties in the Harding Townsite Historic District in North Beach: 0.5 spaces per hotel unit and no parking requirement if the hotel use is located within 1,500 feet of a parking garage or transit stop.
- Properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site (International Inn Site): 0.5 spaces per unit.
- Properties located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district, and which are limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, and no entertainment or special events: 0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total.
- Alton Road (CD-1, CD-2 and CD-3) from 5th Street to Dade Boulevard: 1 space per two hotel units.
- Washington Avenue from 5th Street to 17th Street: No parking requirement.
- Museum Park / Collins Park (17th Street to 23rd Street, between Washington and Collins): No parking requirement.
- TC-C District: No parking requirement.

#### Hotel Unit Size Requirements

Citywide, the following apply to the minimum unit size for hotel units:

- 15% of hotel units within a site can be between 300 and 335 square feet. 85% of hotel units must be a minimum of 335 square feet.
- For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for these hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.
- Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings: 200 square feet.

The following are exceptions to these requirements:

RM-2 District:

- For hotel structures located within the Collins Park District generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north,

and 17th Street on the south: 200 square feet.

#### RM-3 District:

- Oceanfront lots with a lot area greater than 100,000 square feet have a maximum FAR of 3.0 and additional FAR is permitted for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.

#### CD-2 District:

- For hotel structures located within the Collins Park District generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south: 200 square feet.

- For a property formerly zoned HD the minimum hotel unit size is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.

- For properties on Washington Avenue from 5th Street to 16th Street for new hotel construction or conversion to hotel use, the minimum hotel room unit size may be 175 square feet, provided that:

1. A minimum of 20 percent (20%) of the gross floor area of the hotel consists of hotel amenity space that is physically connected to and directly accessed from the hotel. Hotel amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel. Bars and restaurants shall count no more than 50 percent (50%) of the total hotel amenity space requirements.

2. Windows shall be required in all hotel rooms and shall be of dimensions that allow adequate natural lighting, as determined by the historic preservation board.

#### CD-3 District:

- For hotel structures located within the Collins Park District generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south: 200 square feet.

- For new hotel units within attached or detached additions to contributing buildings on the north side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5 percent (5%) of the total floor area dedicated to amenity space: 200 square feet.

#### TC-C District:

- Hotel units: 300 square feet.

- Micro-hotel units: 175 square feet, provided that a minimum of 20% of the gross floor area of the building consists of amenity space that is physically connected to and directly accessed from the micro-hotel units without the need to exit the parcel.

#### Other Hotel Use Incentives

- In the RM-3 district, south of 53rd Street, oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter until 5:00 a.m., if such hours do not conflict with specific outdoor sales cut off times provided elsewhere, including a CUP, and provided the

accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent (20%) of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

- In the RM-3 district, oceanfront lots with a lot area greater than 100,000 square feet have a maximum FAR of 3.0 and additional FAR is permitted for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- In the CD-3 district, lots on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with a minimum lot area of 30,000 square feet, and which contain a contributing building and an attached addition providing a minimum of 100 hotel units, where the addition is set back at least 75 feet from the Lincoln Road property line and has a street side setback of no less than 25 feet, the maximum building height is 75 feet.
- In the C-PS1 district, the maximum building height is 40 feet; however, hotels may have a maximum building height of 75 feet.
- In the C-PS2 district, the maximum building height is 50 feet; however, hotels may have a maximum building height of 75 feet.
- In the CCC district, the maximum building height is 100 feet; however, hotels may have a maximum building height of 150 feet.
- In the convention hotel overlay (east side of Collins Avenue from approximately 15th Street to 16th Street), convention hotel development located in the MXE district shall have a maximum floor area ratio of 3.50. For the remainder of the overlay, the FAR is determined by lot size, with a maximum FAR of 4.25 for lots greater than 75,000 square feet.
- In the Ocean Terrace overlay, for main use hotel buildings on greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace, the maximum building height is 125 feet.
- For lots fronting Lincoln Road, multistory rooftop addition, for hotel uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue and Lenox Avenue, in accordance with the following provisions:
  1. For properties on the north side of Lincoln Road, a multistory rooftop addition shall be set back at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. Additionally, the multistory addition may be cantilevered over a contributing building.
  2. For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be set back at least 65 feet from Lincoln Road.
  3. The portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to the review and approval of the public works department.
  4. Participation in the public benefits program, pursuant to section 7.2.12.4.a, shall be required in order for a hotel project to avail itself of a multistory rooftop addition.
  5. There shall be a limit of 500 hotel units for hotel projects including a multistory rooftop addition



that are constructed between Pennsylvania Avenue and Lenox Avenue.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

Description	Type
REF C4 N	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: December 13, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - REVIEW AND CONSIDER REPEALING THE 0.5 FAR INCENTIVE FOR HOTEL DEVELOPMENT IN THE CD-2, COMMERCIAL MEDIUM INTENSITY DISTRICT.

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### **RECOMMENDATION**

Please place the above item on the December 13, 2023 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

The maximum FAR in the CD-2 commercial medium intensity district is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0. See Section 7.2.11.3 of the Resiliency Code.

In recent years, a number of new hotels have been approved/constructed throughout the City. In order to limit the proliferation of hotels and incentivize more residential development (by retaining the 0.5 FAR incentive for residential projects), I would like the LUSC to review and consider whether to repeal the 0.5 FAR incentive for hotels in the CD-2 district.

Earlier this year, the Florida Legislature adopted SB 718, which preempts the City from calling a referendum on a land development regulation. If, in the future, the City Commission identifies a specific area where hotel development should be incentivized once again, the City Commission has the legislative authority to adopt an FAR incentive by Ordinance (subject, of course, to the heightened review process that the Commission will be considering on First Reading).

### **SUPPORTING SURVEY DATA**

na

### **FINANCIAL INFORMATION**

na

### **Applicable Area**

Citywide

**Is this a "Residents Right"**

**Does this item utilize G.O.**

**to Know" item, pursuant to  
City Code Section 2-14?**

Yes

**Bond Funds?**

No

**Legislative Tracking**

Commissioner Alex Fernandez

Item 8  
**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: REVIEW THE CITY'S CURRENT MAXIMUM DEVELOPMENT CAPACITY FOR WATER, SEWER, ELECTRICAL AND OTHER UTILITIES AND PUBLIC FACILITIES, AND HOW TO BETTER USE UPDATED MODELING AND DATA FOR PROJECTED FUTURE DEMAND TO INFORM CITY'S PLANNING AND LEGISLATIVE EFFORTS RELATING TO DEVELOPMENT**

**HISTORY:**

On December 13, 2023, at the request of Mayor Steven Meiner, the City Commission referred the subject discussion item (C4 R) to the Land Use and Sustainability Committee (LUSC). Commissioner Tanya K. Bhatt is the co-sponsor of the item.

On February 26, 2024, the LUSC continued the item to the May 1, 2024 meeting. The item was deferred at the May 1, 2024 LUSC meeting.

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss the maximum infrastructure capacity in the City for water, sewer, electrical and other utilities, and public facilities, and how the City could better use modeling or updated data relating to projected future utility demand in connection with project approvals and legislative efforts relating to development.

**ANALYSIS:**

Provisions for infrastructure for new development are guided by the requirements for concurrency in Chapter 163 of the Florida Statutes, specifically Section 163.3180, entitled "Concurrency." This section requires that local governments adopt level of service (LOS) standards for specific types of infrastructure, and mandates when that infrastructure needs to be available to serve new development. The section also provides for the following regarding sanitary sewer, water supplies, and potable water facilities:

*Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*

The statute does not mandate LOS standards for electricity or gas, as those are generally provided by private entities that maintain their own requirements.

The statute requires that the LOS standards be adopted in the local government comprehensive plan and be implemented through the Land Development Regulations of the City Code (LDRs). The City of Miami Beach's 2040 Comprehensive Plan provides several policies that require coordination with the Miami-Dade County Water and Sewer Department (WASD). These policies were most recently updated on January 20, 2022, as part of the state-mandated update to the Water Supply Plan, which entailed coordination with WASD and the South Florida Water Management District. The City's Comprehensive Plan contains the following policies related to provisions for infrastructure:

***POLICY RLU 1.2.7 WATER SUPPLY***

*The City, through the land development regulations will coordinate the land uses and future land use changes with the availability of water supplies and water supply facilities*

availability of water supplies and water supply facilities.

#### **POLICYRLU 3.1.2**

*Land Development Regulations pertaining to concurrency management shall be amended to reflect Ch. 163.3180, Florida Statutes and this policy. No development permit shall be issued unless the applicable Mobility Fees and public facilities necessitated by the project (in order to meet level of service standards specified in the Policies of the, Recreation, Public Schools and Infrastructure Elements, and the Water Supply Plan) will be in place concurrent with the impacts of the pursuant to the regulations established in the Land Development Regulations. The requirement that no development permit shall be issued unless applicable mobility fees are paid, and public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately.*

#### **POLICYRLU 3.3.2**

*Requests for development orders or permits shall be coordinated, as appropriate, with Miami-Dade County, Miami-Dade County Public Schools, special districts, the Regional Planning Council, the Water Management District and state and federal agencies. Special emphasis shall be placed on conformance with the Biscayne Bay Aquatic Preserve Management Plan and by achieving Biscayne Bay Shoreline Development Review Committee review of 100 percent of applicable projects.*

#### **POLICYHE 1.1.7**

*Maintain the potable water, sanitary sewer, storm sewer, transportation, solid waste, and recreation facilities above the level of service standards established in the City's comprehensive plan in all areas of the City so that there will be no restrictions due to inadequate infrastructure or public facilities on the location of housing for workforce, low and moderate income families or any other category of housing.*

#### **POLICYHE 1.2.5**

*Maintain the potable water, sanitary sewer, storm sewer, transportation, solid waste and recreation facilities above the level of service standards established in the Infrastructure Element of the City's Comprehensive Plan in all areas of the City so that there will be no restrictions due to inadequate infrastructure or public facilities on the location of housing for workforce, very low, to moderate income families, manufactured housing or any other category of housing.*

#### **GOAL INF 1: PROVISION OF INFRASTRUCTURE**

*Provide for potable water, sanitary sewer, drainage and solid waste facilities which meet the City's needs in a manner which promotes the public health, sanitation, environmental protection, operational efficiency, and beneficial land uses and redevelopment patterns.*

#### **OBJECTIVE INF 1.1: PRIORITIES**

*The City will continue to provide potable water supply, sanitary sewage disposal, solid waste disposal and drainage services to meet both existing and projected needs as identified in this plan through coordination and implementation of those projects listed in the Capital Improvements Element. All improvements for replacement, expansion or increase in capacity of facilities shall conform with the adopted policies of this Plan including level of service standards for the facilities.*

*POLICY INF 1.1.1 Continue to participate with Miami-Dade County WASD through program cooperation with the Virginia Key Wastewater plant, the Hialeah/Preston Water Treatment Plant and the Resource Recovery Plant and continue to accept wastewater from municipalities north of the City of Miami Beach.*

*POLICY INF 1.1.2 Continue to monitor established guidelines for private collectors of solid waste and recycling; continue to provide for policing, servicing and collecting of oversized wastes.*

*POLICY INF 1.1.3 The potable water network is an interconnected, countywide system, therefore, the City will cooperate with MDWASD to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists. The City will prepare and submit a Water Conservation Plan to the County at the same time as the City submits the updated 10-Year Water Supply Facilities Work Plan.*

#### **OBJECTIVE INF 1.2: INFRASTRUCTURE REPLACEMENT**

*Potable water supply, sanitary sewage disposal, and solid waste disposal services shall continue to be planned and provided in conformance with the Resilient Land Use and Development Element of the comprehensive plan.*

*POLICY INF 1.2.1 Continue to plan and provide infrastructure to serve redevelopment activities, including infill projects, as directed by the City Commission.*

*POLICY INF 1.2.3 Continue the on-going program to repair and replace existing water, sewer and storm sewer lines through the utilization of bond funds Community Development Block Grant funds and other available funding sources, particularly obsolete and undersized water lines.*

**OBJECTIVE INF 1.5: LEVEL OF SERVICE STANDARDS**

*The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction.*

**POLICY INF 1.5.1**

*The following City-wide Level of Service Standards shall be used as the basis for determining the availability of facility capacity for residential uses; the systems shall be able to provide/accommodate at least the minimums specified:*

<i>Facility/Service Area</i>	<i>Level of Service Standard</i>
<i>Sanitary Sewer Facilities</i>	<i>Sewage Generation Standard 140 Average gallons per capita per day</i>
<i>Solid Waste Facilities</i>	<i>Solid Waste Generation Standard 1.275 tons per capita per year</i>

*Drainage Facilities                      Design Storm Standard*  
  
*per Storm Water Master Plan as updated from time to time.*

*Potable Water Facilities Water Consumption Standard*  
*156 Average gallons per capita per day*

*The average gallons per capita rate applies to the year-round standard, while the peak gallons per capita rate applies to the City during peak tourist period due to the significant seasonal influx of temporary residents. The City uses a multiplier of 1.2, which gives a 20% increase in population to estimate required services and facilities.*

*The following City-wide Level of Service Standards shall be used as the basis for determining the availability of facility capacity for non-residential uses; the systems shall be able to provide/accommodate at least the minimums specified:*

<i>Hotel:</i>	<i>75 gallons per day per room</i>
	<i>Office:            0.084 gallons per day per square foot</i>
<i>Retail:</i>	<i>0.18 gallons per day per square foot</i>
	<i>Industrial:       0.084 gallons per day per square foot</i>
<i>Restaurant:</i>	<i>65 gallons per day per seat</i>
<i>School:</i>	<i>12 gallons per day per student</i>

The concurrency standards identified in the Comprehensive Plan are implemented via Chapter 3 of the Resiliency Code, entitled "Concurrency Management and Mobility Fees." This chapter provides for reviews of level of service as part of the Building permit process as follows:

**3.1.3 Concurrency mitigation and mobility fee review**

*Concurrency mitigation review and mobility fee calculations shall be provided upon filing a request with the applicable review department. Notwithstanding the foregoing, the provisions of this chapter shall not be construed to restrict applicable review departments other than departments of the City of Miami Beach from establishing alternative review procedures. Applicable review departments for developments in the city shall include the following:*

- a. Potable water: Miami Dade County and Miami Beach Public Works Department, as applicable.*
- b. Sanitary sewer: Miami Dade County and Miami Beach Public Works Department, as applicable.*
- c. Solid waste: Miami Beach Public Works Department.*
- d. Stormwater: Miami Beach Public Works Department*

- d. Stormwater: Miami Beach Public Works Department.
- e. Recreation and open space: Miami Beach Planning Department.
- f. Mobility fees: Miami Beach Planning Department.
- g. Public schools: Miami Dade County Public Schools.

**PUBLIC WORKS UPDATE**

**Background**

Public infrastructure serves as the backbone of a well-run municipality, and typically, as infrastructure ages and the needs of the growing city expand, existing infrastructure requires rehabilitation and upgrades. Such is the case with the City’s water and sewer utility.

Recognizing the increasing need to strategically invest in the water and sewer utility, the Public Works Department retained Hazen and Sawyer in 2018 to develop Water and Sewer Master Plans that included developing city-wide hydraulic models and a capital improvement plan that prioritized projects over a 25-year planning period with a focus on executing the first five (5) years as critical needs. The capital plan included both rehabilitation projects and capacity projects and was adopted by the Mayor and City Commission via Resolution No. 2020-31211 on March 18, 2020.

The Water and Sewer Master Plans are intended to be updated every 5 years to address the following:

- (1) Update and recalibrate hydraulic models.
- (2) Update the capital improvement plan with the City’s completed projects and new priorities.
- (3) Update population projections for the next 25 years consistent with industry standards; (4) Update the next five-year critical needs plan for projects to be implemented immediately.

The Public Works Department has submitted budget enhancement requests for the funds to update the City’s Water and Sewer Master Plans as part of the FY 2025 budget process.

**Analysis**

The city receives potable water from Miami-Dade County through 4 connection points at the main causeways. The city also transmits sanitary sewer to Miami-Dade County’s treatment facilities via a force main under Government Cut. The city’s redevelopment and population growth is ultimately limited by the County’s ability to provide potable water to the city and by the County’s capacity to treat sanitary sewer received from the city. However, the city is already significantly built out, and therefore has limited opportunities for significant population growth.

***Population Forecasting and Future Water and Sewer Demands***

The City’s Water and Sewer Master Plans calculate future water and sewer demands based on population forecasts for residents and transient population of employees and guests. Population within the City is forecasted conservatively in the 2019 Master Plans based on the following table:

<b>Population Forecasts</b>			
<b>Category</b>	<b>Increase</b>	<b>Source</b>	<b>Planning Period Applied</b>
Resident Growth	Linearly Increased	Miami-Dade County’s published forecasts by Traffic Analysis Zone	2018-2045
Employee Growth	Linearly Increased and linearly extrapolated	Miami-Dade County’s published forecasts for employee population	2018-2045
Hotel Guests	3.7%	Greater Miami Convention and Visitors Bureau, historical growth records	2018-2023 Allows for hotel room availability increases – (development)
Hotel Guests	1.5%	Selected to represent an 80% increase over 27 years, to be conservative	2024-2045 Allows for hotel room availability increases (development)
*Population forecast factors includes typical redevelopment.			

Population forecasts are then translated to water and sewer demands based on historical average water consumption rates. The calculated water and sewer demands are average daily demand flows calculated over the 25-year planning period. Multipliers are applied to the average daily water and sewer demands to represent maximum daily demand and peak flow demands based on County and State Standards. These demand sets are evaluated within the hydraulic models to run scenarios that assist in evaluating the City’s infrastructure.

**Infrastructure Evaluations**

The City’s water and sewer infrastructure is evaluated in several ways. For water infrastructure the criteria considered includes physical condition, age of infrastructure, pressure, velocity, unit head loss, available fire flow, potable water age, flow capacity, and booster pump station pumping capacity. For sanitary sewer infrastructure the criteria considered includes physical condition, age of infrastructure, infiltration and inflow, pump station wet well water level exceedances, pump station runtime, and pipe capacity.

Any locations in the City’s infrastructure that does not meet level of service criteria is then prioritized based on the consequence of failure and the probability of failure to create the capital improvement plan. Some of the level of service criteria used to evaluate the system is listed in the table below.

<b>Infrastructure</b>	<b>Condition</b>	<b>Evaluation Category</b>	<b>Acceptable Evaluation Criteria</b>
<b>Potable Water</b>	Flow Requirements	Pressure	35 psi - 80 psi
<b>Potable Water</b>	Fire Flow	Residual Pressure	20 psi or greater
<b>Potable Water</b>	Fire Flow	Available Flow based on Land Use Classification	Varies
<b>Potable Water</b>	Water Age	Hours	72 hours
<b>Sanitary Sewer</b>	Pump Run Times	Hours per pump	10 hours
<b>Sanitary Sewer</b>	Force Main	Unit Head Losses	Less than 10 ft per 1,000 ft
This list of criteria is not all inclusive			

**Future Evaluations**

The city-wide sewer hydraulic model focuses on the pumping system and force main system and did not originally incorporate any of the gravity collection system. The city’s gravity sewer infrastructure is an older system that is installed at shallow depths and at flatter slopes and does not meet current design standards. The city’s current Master Plan recommends rehabilitation and/or replacement of the gravity system in segments, and the city has been addressing the recommendations by neighborhood via Neighborhood Improvement Projects.

It is not recommended to add the entire gravity sewer to the model via the proposed 2024-2025 Master Plan update because this effort would indicate that much of the infrastructure has met its design life as it may be undersized and likely needs to be replaced. This is already recognized in the city’s current strategy. Additionally, the gravity sewer system is being added to the hydraulic model on an as needed basis for private developments, Public Works projects, as well as Building permits. In most new and re-development permits, the adjacent gravity system will need to be replaced, upsized, and/or brought up to latest standards.

Scenarios in the hydraulic model that maximize the City’s population density to analyze all infrastructure would require additional modeling evaluations. The additional evaluations would require direction from the city on allowable floor to area ratios, allowable maximum redevelopment building heights, expected future land uses of existing vacant parcels and redeveloped parcels, expected tourism, etc. A demand set would be calculated based on this information and the City’s infrastructure evaluated in the hydraulic model. The results of the evaluation may identify very long-term capacity issues that the City would need to address prior to allowing regional areas to redevelop to a specific demand.

**Financial Impact**

The Public Works Department has submitted budget requests in the amount of \$500,000 to update the Water and Sewer Master Plans in Fiscal Year 2025. If the gravity system is added to the hydraulic model to complete targeted improvements and to provide additional modeling scenarios to evaluate long-term capacity issues, an additional \$500,000 would be required. This would be a total financial impact of \$1,000,000 for the updates to the Water and Sewer Master Plans and hydraulic models.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide an applicable recommendation to the City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Departments**



Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
D REF C4R	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Steven Meiner  
DATE: December 13, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO REVIEW THE CITY'S CURRENT MAXIMUM DEVELOPMENT CAPACITY FOR WATER, SEWER, ELECTRICAL AND OTHER UTILITIES AND PUBLIC FACILITIES, AND HOW TO BETTER USE UPDATED MODELING AND DATA FOR PROJECTED FUTURE DEMAND TO INFORM CITY'S PLANNING AND LEGISLATIVE EFFORTS RELATING TO DEVELOPMENT.

---

### ANALYSIS

Please place a discussion to the Land Use and Sustainability Committee ("LUSC") to discuss the maximum infrastructure capacity in the City for water, sewer, electrical and other utilities and public facilities, and how the City could better use modeling or updated data relating to projected future utility demand in connection with project approvals and legislative efforts relating to development.

New development places a strain on existing utility infrastructure. I would like for the Committee to discuss how to better use hydraulic models for water or wastewater to understand existing and future capacity issues. For example, as part of planning for any future development, we need to ensure the availability of water for fire protection and the capacity of gravity and pumped wastewater systems at all times. In addition, we should review existing sewer overflows and maintenance issues, and take these issues into account when new development is being considered.

In many instances, Developers have the ability to pay impact fees to cover the estimated costs of the impacts of new development, but the utility infrastructure takes many years to be upgraded. Delays in the implementation of projects, and the various disruptions associated with upgrading infrastructure, further add to the strain on residents in connection with new development. I would like for the Committee to consider how we could place these issues at the forefront of the City's planning and legislative efforts relating to development, for the benefit of our residents.

### SUPPORTING SURVEY DATA

N/A

**FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Mayor Steven Meiner

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## Item 9. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS AUTHORIZING LIMITED DIRECTIONAL SIGNAGE ON LINCOLN ROAD, SUBJECT TO STRICT SIZE AND DESIGN CRITERIA, TO INFORM PEDESTRIANS ON LINCOLN ROAD REGARDING RETAIL AND RESTAURANT BUSINESSES LOCATED ON SIDE STREETS, IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT AND BUSINESS RETENTION IN PARTS OF THE LINCOLN ROAD RETAIL DISTRICT THAT RECEIVE LESS PEDESTRIAN TRAFFIC.**

### **HISTORY:**

On May 15, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred the item (C4 AL) to the Land Use and Sustainability Committee (LUSC).

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss and consider a proposal for limited directional signage on Lincoln Road, to advise the public regarding retail and restaurant businesses located on side streets off Lincoln Road. As part of this item, the sponsor has also requested information on whether any code amendments would be necessary to permit such signage in the Lincoln Road right-of-way.

### **ANALYSIS:**

Pursuant to Chapter 6 of the Land Development Regulations of the City Code (LDRs), specifically section 6.1.5 pertaining to signs in the public right of way, any sign erected, posted, or constructed in the public right of way is subject to the review and approval of the Public Works Department. Additionally, all signs in the public right of way must meet the minimum applicable requirements set forth in Chapter 6 of the LDRs.

To create a provision for advertising signs on Lincoln Road, with the limited purpose of providing identification for businesses on side streets, section 6.1.4, pertaining to exempt signs, as well as section 6.1.6, regarding prohibited signs, of the LDRs, would need to be amended. In this regard, unless otherwise permitted elsewhere in the City Code, general advertising signs are prohibited in the city, including within public rights-of-way. Currently the only general advertising permitted on Lincoln Road is within approved directory signs.

As it pertains to the size, location and design of any future right-of-way signs on Lincoln Road, if

the proposal should move forward, it might be worthwhile to consider engaging the design consultant for the Lincoln Road project, James Corner Field Operations, to develop a standard for such signs. Depending on the scope of the work involved, this may have budget implications.

Finally, if the code should be amended to allow identification and advertising signs for side street businesses off Lincoln Road, the approval of the historic preservation board would be required for such signs. If there is consensus on the above, or other options, any amendment to the LDRs would need to be referred to the Planning Board by the City Commission.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
REF C4 AL	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner David Suarez  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE JUNE 10, 2024 LAND USE AND SUSTAINABILITY COMMITTEE MEETING – DISCUSS AUTHORIZING LIMITED DIRECTIONAL SIGNAGE ON LINCOLN ROAD, SUBJECT TO STRICT SIZE AND DESIGN CRITERIA, TO INFORM PEDESTRIANS ON LINCOLN ROAD REGARDING RETAIL AND RESTAURANT BUSINESSES LOCATED ON SIDE STREETS, IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT AND BUSINESS RETENTION IN PARTS OF THE LINCOLN ROAD RETAIL DISTRICT THAT RECEIVE LESS PEDESTRIAN TRAFFIC.

### **BACKGROUND/HISTORY**

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, including a principal engaged in lobbying? No.
2. If so, please specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above item on the May 15, 2024 City Commission meeting agenda as a referral to the June 10, 2024 Land Use and Sustainability Committee (“LUSC”) meeting.

I would like the LUSC to consider authorizing limited directional signage on Lincoln Road, to advise the public regarding retail and restaurant businesses located on side streets off of Lincoln Road, which receive less pedestrian traffic. Any signs would need to meet strict size and design criteria, in recognition of the historic character of Lincoln Road and to limit visual pollution. As part of this item, I would like the Administration and City Attorney’s Office to address whether any Code amendments would be necessary to permit such signage in the Lincoln Road right-of-way.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

South Beach

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

### **Does this item utilize G.O. Bond Funds?**

No

### **Strategic Connection**

Non-Applicable

### **Legislative Tracking**

Commissioner David Suarez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 10. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: EXPLORE ZONING INCENTIVES AND IDENTIFY APPROPRIATE ZONING DISTRICTS TO ENCOURAGE THE DEVELOPMENT OF SCHOOLS AND OTHER EDUCATIONAL FACILITIES.**

### **HISTORY:**

On April 3, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission referred the subject discussion item (C4 F) to the Land Use and Sustainability Committee (LUSC).

As noted in the attached referral memo, the item sponsor would like the LUSC to consider potential zoning incentives to encourage the development of schools and other educational facilities. As part of this discussion, the sponsor has requested that the Planning Department provide recommendations on possible incentives and appropriate zoning districts where educational facilities would be beneficial and compatible with existing neighborhoods.

The item was deferred at the May 1, 2024 LUSC meeting.

### **ANALYSIS:**

Currently, schools and education uses are permitted as a conditional use in all multi-family and commercial districts within the City. As such, at this point, there does not appear to be a need to modify the zoning regulations in terms of permitted locations for schools and education uses, as the approval is discretionary.

The following are some potential land use and zoning incentives for new schools and education uses:

- A streamlined review process for building permit.
- A reduction in city application and impact fees.
- Modifying minimum off-street parking requirements to better reflect the operation and program of a school or education use.
- Allowing the Design Review Board or Historic Preservation Board, as applicable, to grant limited

waivers for building height, setbacks, and minimum open space requirements, for school and education uses.

- Reducing fees for the conversion of on-street parking spaces to loading and drop off areas during specified times of the day.

In addition to the above, additional incentives that could be explored include the following:

- Discounted employee parking and free student parking in city lots and garages.
- The use of city recreation and field space, including an opportunity to provide for free or heavily discounted access to city park facilities, which is already the case for many existing schools within the City..

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission, if applicable.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

**Description**

REF C4F

**Type**

Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: April 3, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE -  
EXPLORE ZONING INCENTIVES AND IDENTIFY APPROPRIATE ZONING  
DISTRICTS TO ENCOURAGE THE DEVELOPMENT OF SCHOOLS AND  
OTHER EDUCATIONAL FACILITIES.

---

### **BACKGROUND/HISTORY**

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above item on the April 3, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

I would like the LUSC to consider adopting zoning incentives to encourage the development of schools and other educational facilities. As part of this discussion, I would like Planning Department staff to present and provide recommendations on possible incentives and appropriate zoning districts where educational facilities would be beneficial and compatible with existing neighborhoods.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Commissioner Alex Fernandez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 11.

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

TITLE: **DISCUSS PROPOSED COLLINS CANAL HISTORIC DESIGNATION**

### **HISTORY:**

On April 12, 2022, the Historic Preservation Board passed a motion (7-0), directing the Planning Department to prepare a Preliminary Evaluation and Recommendation Report relative to the possible historic designation of Collins Canal as an individual historic structure. On November 8, 2022, the Historic Preservation Board reviewed a Preliminary Evaluation and Recommendation Report relative to the possible designation of Collins Canal and directed staff to prepare a formal Designation Report.

Pursuant to section 118-591(b) of the City Code, on November 9, 2022 the City Commission was advised of the action of the HPB via Letter to Commission (LTC) No. 471-2022. On June 13, 2023, the Historic Preservation Board transmitted the attached Designation Report, pertaining to the proposed Collins Canal Historic Structure, to the Planning Board and City Commission with a favorable recommendation.

On January 30, 2024, the Planning Board held a public hearing and transmitted the proposed designation ordinance to the City Commission with a favorable recommendation (5-0). On February 21, 2024 the City Commission approved the ordinance at First Reading and scheduled Second Reading for April 3, 2024.

On April 3, 2024, the City Commission referred the proposed designation ordinance to the Land Use and Sustainability Committee for additional input and discussion. The item was deferred at the May 1, 2024 LUSC meeting. Second Reading of the ordinance is expected to be set for July 24, 2024.

### **ANALYSIS:**

The process of historic structure designation is delineated in section 2.13.9 of the Land Development Regulations of the City Code. The following is a summary of the designation process:

Step One: A request for designation is made either by the City Commission, the Historic Preservation Board, other agencies and organizations as listed in the Land Development Regulations of the City Code, or the property owners involved. Proposals for designation shall

include a completed application form available from the Planning Department.

Step Two: The Planning Department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted.

The designation report is a historical and architectural analysis of the proposed district or site. The report:

- 1) describes the historic, architectural and/or archeological significance of the property or subject area proposed for Historical Site or District designation;
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of proposed Developments affecting the designated Site or District; and
- 3) will serve as an attachment to the Land Development Regulations of the City Code.

Step Four: The City Commission is notified of the Board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare a designation report, the City Commission may, by a five-sevenths (5/7ths) vote, deny or modify the proposed request for designation.

Step Five: The designation report is presented to the Historic Preservation Board at a public hearing. If the Board determines that the proposed site or district satisfies the requirements for designation as set forth in the Land Development Regulations of the City Code, the Board transmits a recommendation in favor of designation to the Planning Board and City Commission.

Step Six: The Planning Board will hold a public hearing on the proposed designation, and shall consider the proposed historic designation as an amendment to the Land Development Regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Seven: The City Commission may adopt an amendment to the Land Development Regulations of the City Code by a five-sevenths (5/7ths) majority vote, which thereby designates the Historic Preservation Site or Historic District after one (1) public hearing for a parcel of land less than ten (10) contiguous acres or after two (2) public hearings for a parcel of land that is more than ten (10) contiguous acres.

Based on the analysis and considerations outlined in the attached Collins Canal Historic Designation Report, the Administration is supportive of the proposed ordinance amendment.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the proposed ordinance and designation report, and provide a recommendation to the City Commission.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

**Description**

- ▣ Designation Report - Collins Canal
- ▣ ORDINANCE

**Type**

- Memo
- Ordinance

# **COLLINS CANAL HISTORIC STRUCTURE DESIGNATION REPORT**



*Photograph view of palms on Collins Canal, 1931*

**PREPARED BY**

**CITY OF MIAMI BEACH PLANNING DEPARTMENT**

**FEBRUARY 21, 2024**

**CITY OF MIAMI BEACH**  
**HISTORIC STRUCTURE DESIGNATION REPORT**  
**COLLINS CANAL**

**PREPARED BY**

City of Miami Beach Planning Department

**MIAMI BEACH CITY COMMISSION**

Steven Meiner, Mayor

Commissioners:

Kristen Rosen Gonzalez

Laura Dominguez

Alex J. Fernandez

Tanya K. Bhatt

David Suarez

Joseph Magazine

Alina T. Hudak, City Manager

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**CITY OF MIAMI BEACH**  
**HISTORIC STRUCTURE DESIGNATION REPORT**  
**COLLINS CANAL**

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## I. REQUEST

On April 12, 2022, the Historic Preservation Board passed a motion (7-0), directing the Planning Department to prepare a Preliminary Evaluation and Recommendation Report relative to the possible historic designation of Collins Canal as an individual historic structure.

On November 8, 2022, the Historic Preservation Board reviewed a Preliminary Evaluation and Recommendation Report relative to the possible designation of Collins Canal and directed staff to prepare a Formal Designation Report.

Pursuant to section 118-591(b) of the City Code, on November 9, 2022 the City Commission was advised of the action of the Historic Preservation Board via LTC 471-2022.

On June 13, 2023, the HPB transmitted the attached designation report, pertaining to the proposed Collins Canal Historic Structure, to the Planning Board and City Commission with a favorable recommendation.

On January 30, 2024, the Planning Board transmitted the attached designation report, pertaining to the proposed Collins Canal Historic Structure, to the City Commission with a favorable recommendation.

## II. DESIGNATION PROCESS

The process of historic designation is delineated in section 2.13.9 of the Miami Beach Resiliency Code and outlined below:

Step One: A request for designation is made either by the City Commission, the Historic Preservation Board, other agencies and organizations as listed in the land development regulations, or the property owners involved. Proposals for designation shall include a completed application form available from the Planning Department.

Step Two: The Planning Department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted. The designation report is an historical and architectural analysis of the proposed district or site. The report:

- 1) describes the historic, architectural and/or archeological significance of the property or subject area proposed for Historical Site or District designation;
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of proposed Developments affecting the designated Site or District; and
- 3) will serve as an attachment to the land development regulations.

Step Four: The City Commission is notified of the Board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare a designation report, the City Commission may, by a five-sevenths vote, deny or modify the proposed request for designation.

Step Five: The designation report is presented to the Historic Preservation Board at a public hearing. If the Board determines that the proposed site or district satisfies the requirements for designation as set forth in the land development regulations, the Board transmits a recommendation in favor of designation to the Planning Board and City Commission.

Step Six: The Planning Board will hold a public hearing on the proposed designation and shall consider the proposed historic designation as an amendment to the land development regulations and, subsequently, transmit its recommendation to the City Commission.

Step Seven: The City Commission may adopt an amendment to the land development regulations by a five-sevenths majority vote, which thereby designates the Historic Preservation Site, Structure or District after one public hearing for a parcel of land less than ten contiguous acres or after two public hearings for a parcel of land that is more than ten contiguous acres.

### **III. RELATION TO ORDINANCE CRITERIA**

1. In accordance with section 2.13.9(b) of the Miami Beach Resiliency Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
  - i. The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one of the following criteria:
    1. Association with events that have made a significant contribution to the history of the city, the county, state or nation.
    2. Association with the lives of persons significant in the city's past history.
    3. Embody the distinctive characteristics of a historical period, architectural or design style or method of construction.

4. Possesses high artistic values.
  5. Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage.
  6. Have yielded or are likely to yield information important in pre-history or history.
  7. Be listed in the National Register of Historic Places.
  8. Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
- ii. A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
  - iii. The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in section 7.1.2.4 of the Miami Beach Resiliency Code.
2. The proposed Collins Canal Historic Structure is eligible for historic designation as it complies with the criteria as specified in section 2.13.9(b) of the Miami Beach Resiliency Code outlined above. Staff finds that the proposed Collins Canal Historic Structure possesses integrity of location, setting, feeling and association.
    - i. Additionally, the proposed Historic Structure complies with the following criteria specified in section 2.13.9(b) of the Miami Beach Resiliency Code outlined above:
      1. Association with events that have made a significant contribution to the history of the city, the county, state or nation.  
**Satisfied.**  
*The Collins Canal, completed in 1912, is the oldest surviving manmade structure in the City of Miami Beach and is associated with the initial development period of City as agricultural farmland. The dredging and opening of the Collins Canal and the construction and opening of the Collins Bridge across Biscayne Bay made the island conveniently accessible to mainland Miami and paved the way for Miami Beach's subsequent development as a unique oceanfront resort that significantly benefitted greater Miami and the County, State and Nation.*
      2. Association with the lives of persons significant in the city's past history.  
**Satisfied.**

*The construction of Collins Canal was part of John Stiles Collins' (1837-1928) agricultural project that began over a century ago. The Collins Canal, Collins Avenue, Collins Park and the John S. Collins Memorial Library (now the Bass Museum of Art) were all named for this visionary Miami Beach pioneer.*

7. Be listed in the National Register of Historic Places.

**Partially Satisfied.**

*A portion of the Collins Canal is located within the Collins Waterfront Architectural District, listed on the National Register of Historic Places on November 15, 2011.*

- ii. A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

**Satisfied.**

The original alignment of the Collins Canal has been maintained since its construction in 1912.

- iii. The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, historic districts comply with the sea level rise and resiliency review criteria in section 7.1.2.4 of the Miami Beach Resiliency Code.

Criteria for ordinances, resolutions, or recommendations:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

The unified sea level rise projection for Southeast Florida updated in 2019 projects the anticipated range of sea level rise from 2000 to 2120. The projection highlights three planning horizons:

Short term: by 2040, sea level is projected to rise 10 to 17 inches above 2000 mean sea level.

Medium term: by 2070, sea level is projected to rise 21 to 54 inches above 2000 mean sea level.

Long term: by 2120, sea level is projected to rise 40 to 136 inches above 2000 mean sea level.

The upland areas immediately adjacent to the Collins Canal are especially 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 complements near, mid-term and long-term efforts to increase the resiliency of the City with respect to sea-level rise. The canal provides for alternative transportation means within the City and serves as an important recreational corridor. Modifications to upland properties in close proximity to the canal will likely be necessary to further the City's resiliency initiatives.

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

The proposal is compatible with the City's efforts to increase the resiliency of the City with respect to sea-level rise.

#### **IV. DESCRIPTION OF BOUNDARIES**

The boundaries of the proposed Collins Canal Historic Structure include the portion of the Collins Canal (excluding seawalls or similar structures and bridges) from Biscayne Bay on the west to Lake Pancoast on the east. (MAP 1)

#### **V. PRESENT OWNERS**

The present owner of the canal is the City of Miami Beach.

#### **VI. PRESENT USE**

Canal/waterway.

#### **VII. PRESENT ZONING**

Not Applicable.

#### **VIII. HISTORICAL BACKGROUND**

Miami Beach was originally part of the 65-mile coastal tract that was planted with coconuts in a commercial project by New Jersey investors Henry Lum, Elnathan Field, and Ezra Osborn. Lum purchased from the government the oceanfront land from today's 11<sup>th</sup> Street to Fisher Island in Miami Beach. Field and Osborn bought from the government the coastal land that extended from the Lum property north to Jupiter and south to Key Biscayne. Together Lum, Field, and Osborn acquired all the coastal land, with minor breaks, between Key Biscayne and Jupiter by early 1883.<sup>1</sup>

During the course of three years, over 300,000 coconuts were shipped in from the Caribbean and cast ashore to be planted by a mobile work crew. The first camp site for the coconut planting operations was located in the area of today's Lummus Park. The planters had sown 38,000 coconuts by the fall of 1883, and the camp moved south to Key Biscayne. The subsequent camp sites were located at the Biscayne House of Refuge, just south of today's 72<sup>nd</sup> Street, and then the Ft.

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<sup>1</sup> Howard Kleinberg, Miami Beach (Miami, Florida: Centennial Press, 1994), pp. 10-14.

Lauderdale House of Refuge about nine miles south of the Hillsboro Inlet. By the third year of work, they had planted 334,000 coconuts of the originally proposed 450,000, and the company's finances were virtually exhausted. It was at this point that John Collins, a Quaker and a horticulturalist from New Jersey, was advised of the project. He advanced \$5,000 to his friend Field so that the work could proceed. The coconut planting project was unsuccessful, but it was the first major effort to commercialize Miami Beach.<sup>2</sup>

In 1896, Collins traveled to Miami to investigate the failed coconut planting project. After examining the Field and Osborn property, he still saw agricultural promise in the coastal tract. Collins bought Osborn's share of the property and became partners with Field in 1907. They established a farm west of Indian Creek roughly between present day 30<sup>th</sup> Street and 46<sup>th</sup> Street.<sup>3</sup> It was located 1,000 feet west of the ocean and was a mile long and about 700 feet wide. The land clearing for the farm eventually covered 160 acres.



*Photograph of the Collins farm, ca. 1908*

Farm buildings were constructed on the western shore of Indian Creek at today's 41<sup>st</sup> Street. Collins planted 2,945 avocado trees in the summer of 1907 and 1908. In 1909, Collins bought Fields' interest and became sole owner of the land from what is now 14<sup>th</sup> Street to just south of 69<sup>th</sup> Street between the Atlantic Ocean and Biscayne Bay. In addition to avocado trees, Collins planted potatoes, bananas, and mango trees. By 1913, Collins' farm occupied a full 300 acres, 200 of

<sup>2</sup> Ruby Leach Carson, "Forty Years of Miami Beach," *Tequesta*, volume XV, 1955, pp. 6-7.

<sup>3</sup> Biscayne Engineering Company, Miami Beach Improvement Company, "Plat of the Ocean Front Property," 11 December 1912, sheets 1 and 2.

which were planted with avocado trees. At its peak, there were a total of 10,000 avocado and mango trees growing in the farm's orchard.<sup>4</sup>

"At first it appeared [Collins'] efforts with avocados would parallel the failure of earlier coconut plantings. In the case of avocados, the wind sweeping in off the ocean across the narrow strip and Indian Creek and into his orchards was damaging the crop."<sup>5</sup> "To protect the young grove from the wind, Collins planted the twin lanes of Australian pine trees which later became Pinetree Drive."<sup>6</sup>



*Photograph of the Collins' farm (left), Collins Canal (lower left) & Lake Pancoast (right), 1914*

Collins was joined in Florida by his sons Arthur, Lester, and Irving Collins, and his daughter Katherine and her husband, Thomas J. Pancoast. On June 3, 1912, the family formed the Miami Beach Improvement Company.<sup>7</sup> This appears to be the first official use of the term "Miami Beach", even before the town was incorporated (Miami Beach was incorporated as a town on March 26, 1915, and later as a city on May 1, 1917). The company platted some of their land holdings for sale and also planned two other ambitious projects: a canal linking Indian Creek to Biscayne Bay and a 2.5-mile-long wooden bridge across the bay.

<sup>4</sup> Charles Edgar Nash, The Magic of Miami Beach (Philadelphia: David McKay Company, 1938), pp.86-89 and 107.

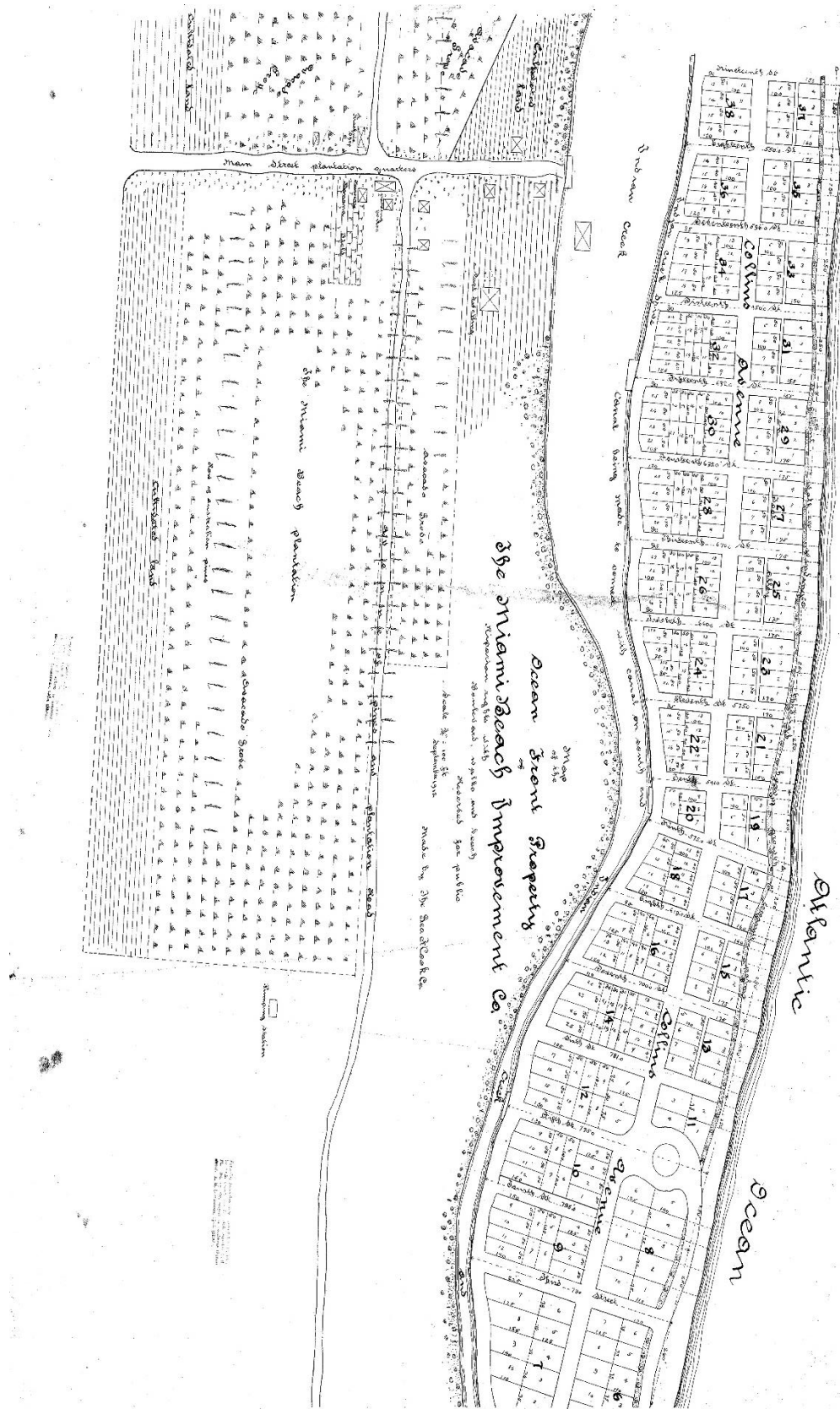
<sup>5</sup> Kleinberg, p. 24.

<sup>6</sup> Carson, p. 8.

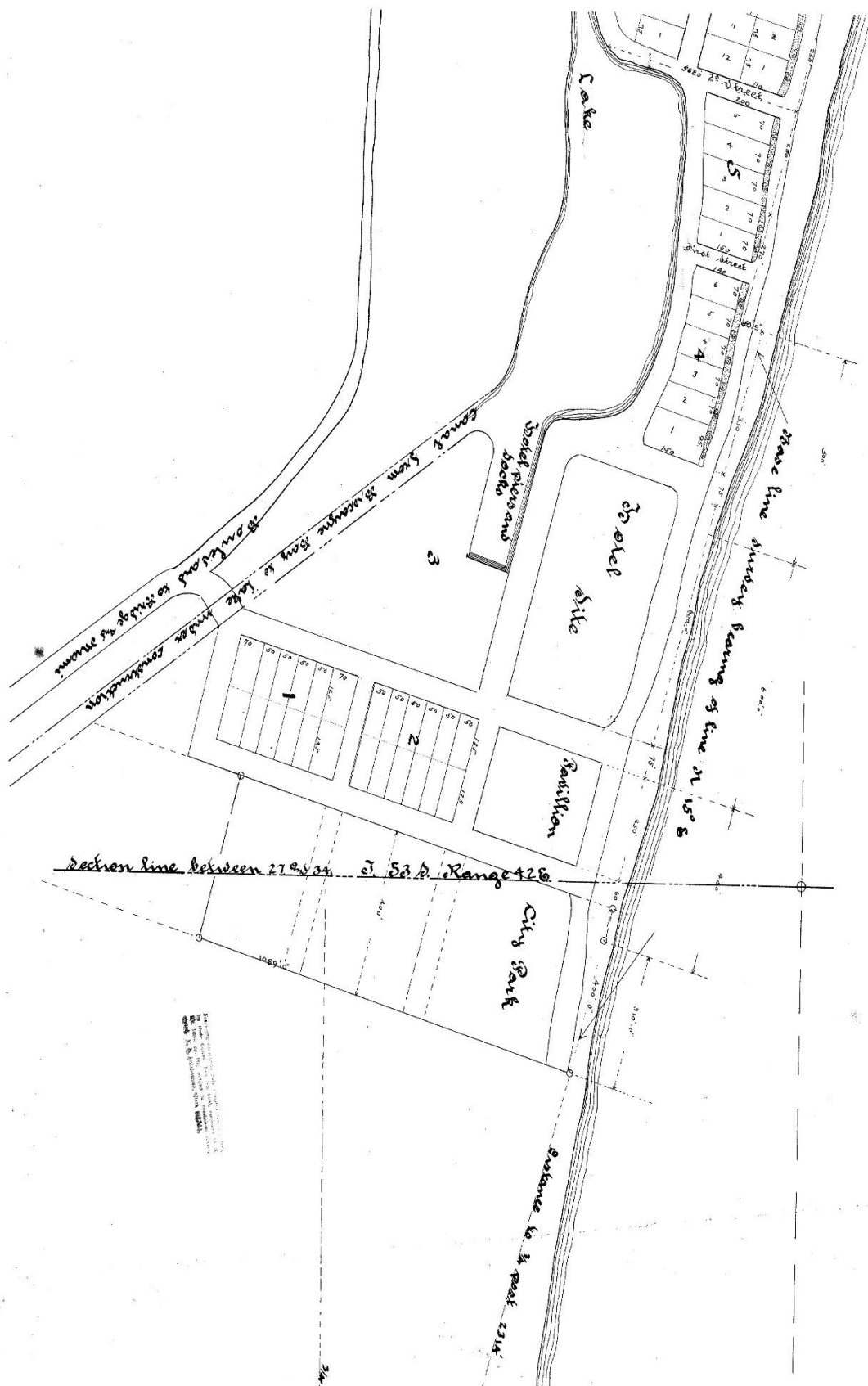
<sup>7</sup> Carson, p. 9.



The railroad that Henry Flagler brought to Miami in 1896 opened the market for Collins' agricultural crops but transporting the crops from the Beach to the trains in Miami was a tedious process. The produce was carried overland to the western edge of the barrier island where it was then barged up a seven-mile loop around the shallows of Biscayne Bay to Miami. In 1911, Collins decided to build the Beach's first canal from Indian Creek to Biscayne Bay to move the crops more easily to market by eliminating the overland route. The canal was cut from a grass-covered pond on the southern edge of Indian Creek (Lake Pancoast), southwest to Biscayne Bay. The arduous task of clearing the land and subsequent work was performed by a mostly black workforce, many from the Bahamas and southern states.



Miami Beach Improvement Company Subdivision, 1912 (Collins farm depicted on the right side)



Miami Beach Improvement Company Subdivision, 1912 (canal noted as under construction)

On July 6, 1912, the following article appeared in the Miami Herald giving great insight into the scale of Collins' plans for Miami Beach, including the nearly completed canal:

**THE GREAT IMPROVEMENTS NOW BEING MADE AT COLLINS' RANCH,  
ACROSS BAY**

***Besides making one of the greatest citrus fruit plantations in the world, a resort—a miniature Coney Island will be provided—blocks and lots laid out, big hotel to be built, canals cut and bridge across bay to be built—the work now under way and that contemplated.***

*John S. Collins, of Moorestown, New Jersey, though just about as much at home in Miami, builded better than he knew when he acquired title to some 1,600 acres of land on the peninsula east of the city over two decades ago. Twenty years would seem a long time to wait, ordinarily, before starting to improve a bit of real estate such as that, but Mr. Collins was in no hurry. The investment, it is safe to assume, did not represent such a tremendous amount, bought at the time it was, the taxes were small and it was not until four years ago a start was made on what it is now proposed to make the show place of all show places in Dade county.*

*Mr. Collins is one of the largest fruit growers and exporters in the United States, having thousands of acres in peaches and other small fruits in Georgia and New Jersey, and eventually his fame in that direction will be extended to include the tropical fruits now so scarce in the northern markets—avocadoes, mangoes and grapefruit.*

***Much Interest Manifested.***

*Interest in the Collins ranch has been revived greatly within the last few months by reason of its close association with the bridge that is to be built across the bay, starting from a point about a mile above the city limits. All the holdings formerly standing in the name of J. S. Collins have been transferred to the Miami Beach Improvement Company, which company is also to be the builder of the bridge referred to.*

*Four years ago the work of improving the tract was begun, it being under charge of Charles Spier, now general manager of the company, and since that time operations have gone on more or less without interruption, 300 acres at present being clear and under cultivation. Each year a certain number of avocadoes and mangoes have been planted until now there are 9,000 Trapp and Pollack avocadoes and 300 Mulgoba mangoes growing, varying from one to four years of age. Last season quite a quantity of the ground was devoted to potatoes, which yielded a total of 17 cars of 400 crate each. In the ocean side of the tract, for more than a mile, are cocoanuts planted at regular intervals.*

***Cutting Canals.***

*When it was decided to improve the property, but before thoughts of a bridge across Biscayne Bay had been dreamed of, Mr. Collins concluded a short cut to the ocean beach would be necessary before the proposition could be made as attractive as it should be.*

Securing a dredge, a channel was first made from a point out in the bay a quarter of a mile off, just missing the south end of Bull's island [Belle Isle] and ending where the canal proper begins.

The canal, it was intended, should cut directly across the peninsula to a small lake at the head of what is known as Indian Creek, though slough would be a better name for it. The work progressed slowly and another dredge was added to the little fleet, the latter being set to work dredging out a narrow and shallow channel in the creek a short distance below the lake.

### **Machines Near Together.**

These two machines are now within a few hundred yards of each other and by September 15<sup>th</sup>, according to the estimate of Thomas J. Pancoast, secretary and treasurer of the company, they will have met, and the public will be invited to inspect one of the neatest propositions to be found in the entire county.

With a width of thirty feet on top and a depth of approximately six to eight feet, almost all of the pleasure craft will be enabled to reach the elaborate resort it is proposed to establish. One of the dredges is at work on the canal and is a mile inland. Within less than a hundred [...] is made with the head of the small lake. A suction dredge is to follow in the wake of the former, cleaning out the bottom and adding to its depth. Just at present the dredge in the canal is crossing a reef of coquina rock, about two feet of which is blasted out.

### **To Start on Bridge.**

According to Mr. Pancoast, work is to be begun on the bridge across the bay immediately. The eastern end of it will first strike land on Bull's Island, which is crossed, and then comes a couple of small spans and the peninsula is reached directly at the mouth of the canal now being dug. Fifty feet back from the north bank of the canal has been cleared and for a mile the boulevard that is to be a continuation of the bridge follows that bank, then crosses the canal and in a couple of hundred yards inscribes a circle around a plot that has been set aside for a big hotel.

Space has also been allotted for a pavilion and, in fact, if the expressed intentions of the management are carried out, a miniature Coney Island will arise from what but a short time ago was a tangled mass of mangrove and palmetto. Still another drive planned is a beach boulevard that shall follow the shore line for over a mile and be a model of its kind.

### **Lots to Be Sold.**

Though primarily intended as a big fruit ranch, Mr. Collins has decided the proposition offers too many advantages to be kept from the public, and has laid out lots facing the beach boulevard. These are being improved as rapidly as possible and by fall will be ready to be offered to the public.

Yesterday a number of the business and professional men of Miami made a trip to the Collins property as guests of Mr. Pancoast. Included in the number was George B. Cellon,

*who has been labeled the "Burbank of Florida" for his success in budding and in-arching avocados and mangoes, and he it was who predicted with the present rate of increase of the acreage of tropical fruits now being carried on by Mr. Collins, in the course of five years he would have the most valuable and greatest income producing orchard of its side to be found anywhere in the world.*<sup>8</sup>

The completion of the Canal not only afforded transportation of Collins' agricultural produce, but also allowed landfill and building materials to be brought by barge into the center of the island. As the canal was nearing its completion in 1912, Collins began construction of a 2.5-mile-long wooden bridge across Biscayne Bay from the mainland to Belle Isle, terminating at the outlet of the Collins Canal. Construction of the bridge totally depleted Collins' funds when it was a half-mile short of completion. The bridge was finished in 1913 with the financial aid of Carl Fisher in exchange for 200 acres of land. The fill from Collins Canal was used to create Dade Boulevard<sup>9</sup> making the last connection from the mainland to Collins' newly platted subdivision along the ocean. The completion of the bridge was a major turning point in the history of the future city. The bridge allowed for easy access to the barrier island from the mainland resulting in almost immediate development. The short-lived bridge was replaced with the Venetian Causeway after only seven years of use as part of the construction of the Venetian Islands.

Today, the approximately 1.2-mile-long canal is primarily used for recreation and is crossed by 7 vehicular bridges and 2 pedestrian bridges. The Collins Canal, completed in 1912, survives as the oldest manmade structure in Miami Beach and serves as a reminder of the extraordinary history of the City and the contributions of John S. Collins and his family. While much can be said of the Collins family's visionary plan, the successful completion of the canal is due in large part to the primarily black and immigrant workforce.

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<sup>8</sup> "The Great Improvements Now Being Made at Collins' Ranch, Across Bay", Miami Herald, July 6, 1912.

<sup>9</sup> Kleinberg, pp.24-25.

**IX. HISTORICAL PHOTOGRAPHS**



*Photograph of Collins Canal at Meridian Avenue, 1913*



*Photograph of Collins Canal looking east from Alton Road, 1916*



*Aerial photograph of Miami Beach and Collins Canal, 1917*

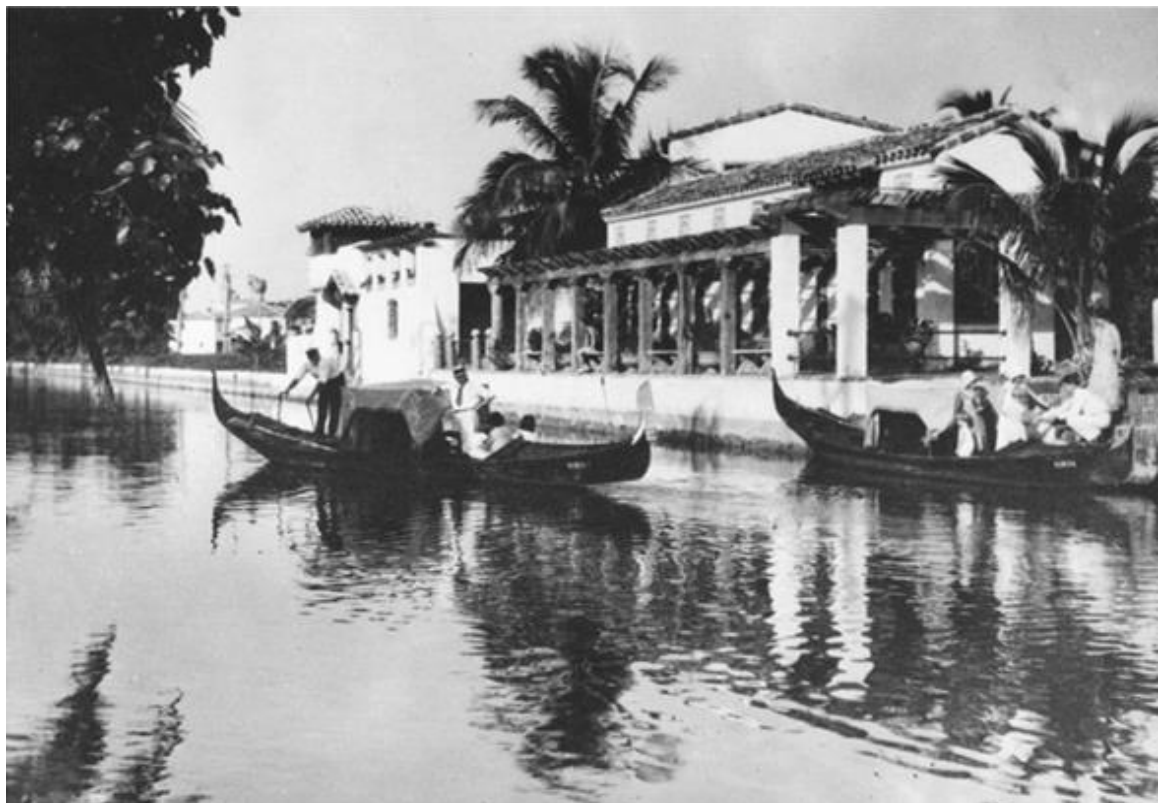


*Aerial photograph of Collins Canal at 23<sup>rd</sup> Street, 1918*





*Photograph of Collins Canal, Belle Isle and the Collins Bridge, 1920*



*Photograph of Collins Canal with the Hubbell residence (1818 Michigan Avenue), 1930*



*Close up of Collins Canal, 1931*



*Photograph of Jack Dunn Boat Company (1740 Alton Road) and Collins Canal, 1938*





## **XII. PLANNING DEPARTMENT RECOMMENDATIONS**

1. **Criteria for Designation:** The Planning Department finds the proposed Collins Canal Historic Structure to be in compliance with the Criteria for Designation listed in Section 2.13.9(b) of the Miami Beach Resiliency Code.
2. **Site Boundaries:** The Planning Department recommends that the boundaries of the historic site consist of the Collins Canal waterway from Biscayne Bay to Lake Pancoast. **(MAP 1)**
3. **Areas Subject to Review:** The Planning Department recommends that the areas subject to review shall include the canal and shall exclude the seawalls or similar structures and bridges.
4. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon compatibility of the physical alteration or improvement with surrounding properties and where deemed applicable in substantial compliance with the following:
  - a. The Secretary of the Interior's Standards for Rehabilitation.
  - b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the City Commission.
  - c. All additional criteria as listed under Sections 2.13.7(d)(ii)(2), 2.13.7(d)(ii)(3) and 7.1.2.4(a)(i) of the Miami Beach Resiliency Code.
  - d. City of Miami Beach Design Guidelines as adopted by the Joint Design Review/Historic Preservation Board on October 12, 1993, amended June 7, 1994, as may be revised from time to time.

**XIII. CURRENT PHOTOGRAPHS**



*Collins Canal at Biscayne Bay (looking east)*



*Collins Canal at Lincoln Court Pedestrian Bridge (looking west)*



*Collins Canal at Lincoln Court Pedestrian Bridge (looking east)*



*Collins Canal at Alton Road (looking west)*



*Collins Canal at Michigan Avenue (looking east)*



*Collins Canal at Meridian Avenue (looking west)*





*Collins Canal at Washington Avenue (looking west)*



*Collins Canal at the Carl Fisher Clubhouse (looking west)*



*Collins Canal at 23<sup>rd</sup> Street (looking east)*



*Collins Canal (right) at Lake Pancoast Pedestrian Bridge (looking east)*

Collins Canal Historic Site Designation

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 2 OF THE RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XIII, ENTITLED "HISTORIC PRESERVATION," SECTION 2.13.9, ENTITLED "HISTORIC DESIGNATION," AT SUBSECTION (e)(i), ENTITLED "HISTORIC PRESERVATION SITES (HPS)," BY DESIGNATING THE COLLINS CANAL LOCATED BETWEEN BISCAYNE BAY AND LAKE PANCOAST AS AN HISTORIC SITE TO BE KNOWN AS "COLLINS CANAL," AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE COLLINS CANAL AS AN HISTORIC SITE; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, on June 13, 2023, the Historic Preservation Board held a public hearing and transmitted a favorable recommendation (5 to 0, with 2 members absent) for the designation of the Collins Canal Local Historic Site to the Planning Board and City Commission; and

**WHEREAS**, on January 31, 2024, the Planning Board held a public hearing and transmitted a favorable recommendation (5 to 0) for the designation of the Collins Canal Local Historic Site to the City Commission; and

**WHEREAS**, the Planning Department has recommended in favor of this amendment to the Land Development Regulations of the City Code; and

**WHEREAS**, these recommendations of approval for the designation of Collins Canal as an Historic Site were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A"; 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. DESIGNATION OF COLLINS CANAL AS AN HISTORIC SITE.**

That the Collins Canal (excluding seawalls or similar structures and bridges) from Biscayne Bay on the west to Lake Pancoast on the east as described herein, is hereby designated as an Historic Site of the City of Miami Beach and shall be known as "Collins Canal". That the Designation Report attached hereto as Appendix "A" is hereby adopted.

**SECTION 2. AMENDMENT OF SUBSECTION 2.13.9(e)(i).**

That Subsection (i), entitled "Historic preservation sites (HPS)," of Section 2.13.9, entitled "Historic Designation," of Article XIII, entitled "Historic Preservation," of Chapter 2, entitled "Administration and Review Procedures," of the Land Development Regulations of the City Code is hereby amended to read as follows:

**Section 2.13.9. Historic Designation.**

\* \* \*

(e) Historic preservation sites and districts include:

(i) Historic preservation sites (HPS).

\* \* \*

18. HPS-18: Collins Canal: The portion of the Collins Canal, from water's edge to water's edge excluding seawalls and similar structures and bridges, between Biscayne Bay on the west and Lake Pancoast on the east.

**SECTION 3. 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 4. REPEALER.**

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

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**


\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: February 21, 2024  
Second Reading: April 3, 2024

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

\_\_\_\_\_  
Steven Meiner  
Mayor

APPROVED AS TO  
FORM AND LANGUAGE  
AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK Date 2-12-24

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 12. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS AN INITIATIVE TO PILOT A DECIBEL SYSTEM FOR NOISE ENFORCEMENT, INCLUDING THE INSTALLATION OF NOISE METERS IN THE ENTERTAINMENT DISTRICT.**

### **HISTORY:**

On March 13, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission referred the subject discussion item (C4 L) to the Land Use and Sustainability Committee (LUSC). On May 1, 2024, the LUSC discussed the item and continued it to the June 10, 2024, LUSC meeting, with the following direction:

1. The Administration shall research the decibel codes utilized in New York City, Philadelphia, Pennsylvania, and Paris, France.
2. The Administration will request the participation of the city sound consultant at the June 10, 2024, LUSC meeting to further discuss the previous pilot proposal from March 1, 2023.

In 2023, the LUSC discussed a decibel-based noise standard pilot program, which included the study of stationary sound level meters at elevated locations on utility poles. However, no recommendations were made.

As noted in the attached referral memo, the item sponsor would like the LUSC to discuss a decibel system of enforcement, rather than the current reasonable noise standard, including the use of noise meters to augment enforcement measures for establishments generating unwanted noise and to pilot an initiative to allow for code enforcement officers to use decibel readers.

### **ANALYSIS:**

The current standard used for determining noise infractions (unreasonably loud, excessive, unnecessary, or unusual noise) is objective and has withstood judicial scrutiny.<sup>1</sup> The existing standard is also less likely to result in a successful legal challenge than a decibel-based system.

A pilot program that requires entertainment establishments to place a decibel reader within the confines of the establishment may be feasible. However, depending upon the requirements established regarding the location of the readers, and the transmittal of information generated by the reader, there could be issues with First and Fourth Amendment rights. Such a program would need to be carefully crafted, and ideally agreed to by the establishment owners.

*1. While the overall standard has withstood judicial scrutiny, the Eleventh Judicial Circuit of Florida's Appellate Division recently ruled that a single clause ("or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto") is unconstitutionally vague. The City's challenge to that ruling is currently pending.*

## **SUMMARY**

One of the challenges with a decibel-based system is factoring in those variables outside the control of the establishment generating the noise, such as weather, temperature, and background noise. Ultimately, the true test as to whether music and other noise generated by a particular establishment is unreasonably loud when audibly perceived from an affected property is just that – the impact experienced at a particular residential property or residential units. In this regard, a decibel-based system would, potentially, mandate a fixed decibel level that would either be codified by Ordinance or in a development order. Even if that decibel level were not exceeded, the sound or music could, potentially, still be unreasonably loud within an adjacent residential area due to other, unforeseen factors. In these instances, the City would have no recourse other than to either modify an Ordinance or request that the Planning Board modify a conditional use permit (CUP).

If endorsed by the LUSC, a future pilot decibel program would require the approval of the full City Commission. Additionally, as this would be an expenditure that was not budgeted for FY 2024, the proposal would likely need to be prioritized as part of the FY 2025 budget process.

For informational purposes, attached is a study proposal prepared by Arpeggio, LLC ("Arpeggio") regarding a potential scope of work for a decibel-based noise standard pilot program. This study proposal was provided to the LUSC in April 2023, as part of a similar discussion, and includes a potential scope for a noise pilot program covering the properties fronting Washington Avenue and Collins Avenue between 8th Street and 10th Street.

The scope includes mapping existing noise that could be used as a baseline for the purpose of creating a future decibel-based noise ordinance. The scope also included the following primary tasks for the "Noise Pilot Program":

- Identifying potential locations for deployment of stationary sound level meters. It is presumed that a number of these may be installed at elevated locations on utility poles (with applicable approval).
- Perform a site noise survey within the geographic limits of the study area to establish typical sound levels. All equipment would be time-synchronized to allow for correlation of data between the sites.
- Using sound level data collected on site to develop noise heat maps of the area utilizing the commercial SoundPLAN program.
- Preparation of a report summarizing findings, including maps and photographs, SoundPLAN heat maps, graphs, and tables to fully describe the sonic environment over the course of our survey. The report would also include general comments with respect to noise ordinance development.
- A "Business Owner Opt-in Option". For businesses that provide authorization, the Consultant would work with the venue's house sound system and typical music program to generate sound in the interior of the venue. The Consultant would simultaneously take sound measurements in the interior and

exterior of the venue. This would be used to determine an average interior sound level that will yield exterior sound at or below a specific target level. If this option is utilized, the consultant would prepare recommendations for sound level meters that could be distributed to local business owners to monitor sound emissions and provide instructions. The scope also included additional optional services, such as drafting a potential noise ordinance.

Arpeggio provided the scope proposal in March 2023, and at that time included a base fee of \$110,300 for the Noise Pilot Program with additional costs for optional elements. Should the LUSC recommend, and the Mayor and City Commission vote in favor of implementing this program, the cost proposal would likely be refreshed, and the services would need to be competitively procured. As funding for the study has not been identified, budgeted, or appropriated, funding would need to be prioritized as part of the Fiscal Year 2025 Budget process.

### **UPDATE - June 10, 2024 LUSC**

At the request of the LUSC, the Administration has confirmed the participation of the city sound consultant at the June 10, 2024, LUSC meeting to further discuss the previous pilot proposal from March 1, 2023. Additionally, the Administration researched the noise codes for Philadelphia, Pennsylvania, New York City, and Paris, France. The following is a summary for each city.

#### **Philadelphia, Pennsylvania**

Section 10-403 of the Philadelphia City Code contains the following provisions related to allowable sound, which include decibel levels:

##### *§ 10-403. Prohibited Conduct.*

*(1) Sound Near Protected Facilities. No person shall create or cause, or permit the creation of, sound that exceeds 3 decibels above background level measured at the property boundary of any hospital, nursing home, house of worship, courthouse, school, library or day care facility. This provision shall apply, notwithstanding the potential applicability of a less restrictive standard in this Chapter.*

*(2) Sound From Residential Properties. No person shall create or cause, or permit the creation of, sound originating from a residential property audible at a distance greater than one hundred feet from the property boundary or that exceeds 3 decibels above background level measured beyond the property boundary except for the following:*

*(a) the operation of lawn maintenance equipment between the hours of 8 a.m. and 8 p.m., provided the equipment is functioning within manufacturer's specifications and with sound-reducing equipment in use and in proper operating condition;*

*(b) sound originating from an air conditioning or refrigeration unit or system; sound from such a source shall not exceed:*

*(.1) 5 decibels above background level measured at the property boundary of the nearest occupied residential property;*

*(.2) 10 decibels above background level measured at the property boundary of the nearest occupied non-residential property;*

*(c) sound from animals, to which the restrictions of subsection (6) apply; and*

*(d) the unamplified human voice.*

*(3) Sound From Non-Residential Properties. No person shall create or cause, or permit the creation of, sound originating from a property used for a non-residential purpose that exceeds:*

*(a) 5 decibels above background level measured at the property boundary of the nearest occupied residential property; or*

*(b) 10 decibels above background level measured at the property boundary of the nearest occupied*

*non- residential property.*

### **New York City**

Attached are the New York City noise code, as well as a published guide to the noise code. Between 10:00 p.m. and 7:00 a.m., music from bars and restaurants may not exceed 42 decibels when measured from inside nearby residences and may not exceed 7 decibels over the surrounding area sound level when measured on a public street 15 or more feet away from source.

### **Paris, France**

No information regarding noise control for venues was available, but the city has implemented sensors to control noise from vehicles, including scooters, motorcycles and cars. Attached is an article from the New York Times providing additional information on the Paris noise control efforts.

### **CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission, if applicable.

### **Applicable Area**

Not Applicable

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

### **Does this item utilize G.O. Bond Funds?**

No

### **Departments**

Planning

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ REF C4L	Memo
▢ Arpeggio Proposal - 2023	Memo
▢ Paris Noise Program	Other
▢ NYC Noise Code	Other
▢ NYC Noise Guidelines	Other



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: March 13, 2024

SUBJECT: REFERRAL TO LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS AN INITIATIVE TO PILOT A DECIBEL SYSTEM FOR NOISE ENFORCEMENT, INCLUDING THE INSTALLATION OF NOISE METERS, IN THE ENTERTAINMENT DISTRICT.

---

### **BACKGROUND/HISTORY**

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to Conditional Use Permit (CUP) applications for Neighborhood Impact Establishments (C4 P) to the Land Use and Sustainability Committee (LUSC). Commissioner Tanya K. Bhatt was the co-sponsor of the proposal. On February 26, 2024, the LUSC discussed the item and recommended that mandatory progress reports requirements be implemented for future Neighborhood Impact Establishments (NIE) and that the City Commission refer an amendment to the Land Development Regulations of the City Code (LDR's) to the Planning Board to effectuate this requirement. It is anticipated that the referral ordinance will be considered separately as part of the April 3, 2024 City Commission consent agenda.

Additionally on February 26, 2024, the LUSC, at the request of Commissioners Alex Fernandez and Tanya K. Bhatt, recommended that the City Commission refer a separate discussion item to the LUSC to discuss an initiative to pilot a decibel system for noise enforcement, including the installation of noise meters, in the entertainment district.

### **ANALYSIS**

In 2023, the LUSC discussed a decibel-based noise standard pilot program, which included the study of stationary sound level meters at elevated locations on utility poles. However, no recommendations were made. The purpose of this referral is to explore a decibel system of enforcement, rather than the current reasonable noise standard, including the use of noise meters to augment enforcement measures for establishments generating unwanted noise and to pilot an initiative to allow for code enforcement officers to use decibel readers.

### **SUPPORTING SURVEY DATA**

**FINANCIAL INFORMATION**

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Commissioner Alex Fernandez



Arpeggio  
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Atlanta, Georgia 30345  
(404) 277-6528 (DIRECT)  
(404) 417-0100 (Main)  
JEhner@ArpeggioLLC.com

March 1, 2023

Mr. Rogelio A. Madan, AICP  
Development and Resiliency Officer  
Miami Beach Planning Department  
1700 Convention Center Drive  
Miami Beach, Florida 33139

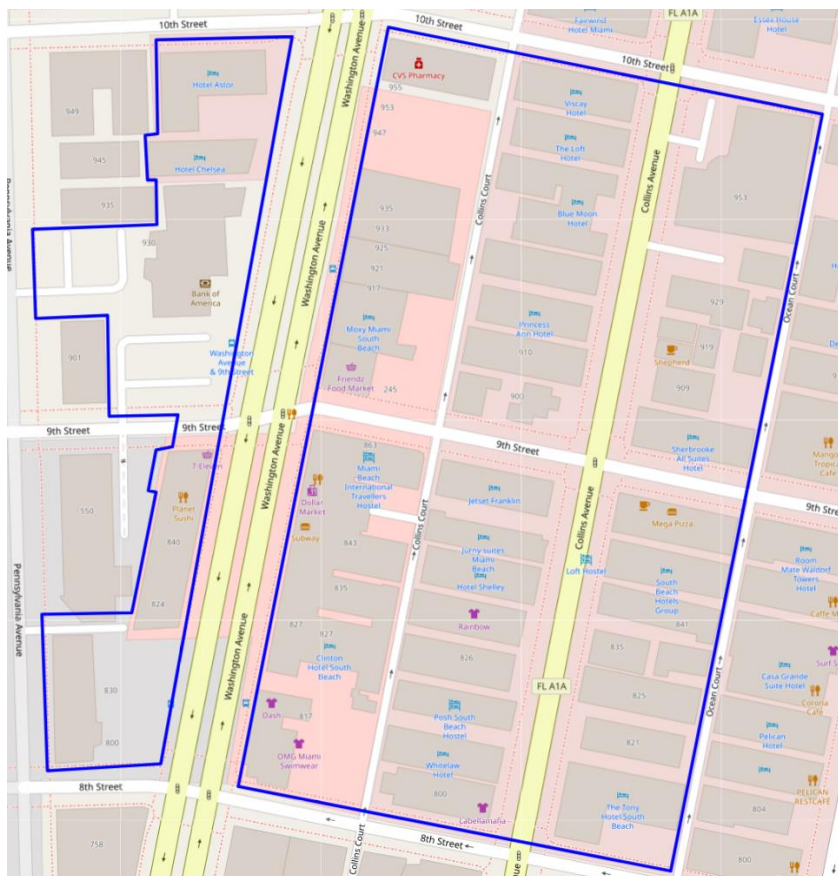
Re: City of Miami Beach Noise Pilot Program

Dear Mr. Madan:

Arpeggio offers consulting services to the Miami Beach Planning Department (Client/you) as outlined herein on the above referenced Project.

1. Description of Project scope:

We shall provide acoustic consulting services related to a noise pilot program for the City of Miami Beach with the intent to assess current sound levels within a specific area of the city (shown below) to evaluate the feasibility of a potential quantitative (i.e., decibel-based) noise ordinance.



2. Description of services included in our fee:

Noise Pilot Program-Base

- 2.1 We shall attend up to four virtual meetings with city representatives and other stakeholders to discuss the framework of our study, coordinate logistics, and discuss our findings.
- 2.2 A member of Arpeggio will conduct an initial visit to Miami Beach to identify potential locations for deployment of stationary sound level meters. It is presumed that a number of these may be installed at elevated locations on utility poles. Our visit is intended to identify such locations so that permission can be secured and logistics can be coordinated before actual deployment.
- 2.3 We shall visit Miami Beach to perform a site noise survey within the geographic limits shown above to establish typical sound levels. Our survey will be 30 days/nights in length and will include the deployment of stationary, unattended logging sound level meters at predetermined locations. Up to three Arpeggio representatives will be on site for three days to install the meters and roam throughout the area performing measurements and identifying and manually logging the prominent sources. Up to three Arpeggio representatives will return after 30 days to retrieve the meters. All equipment will be time-synchronized to allow for correlation of data between the sites.
- 2.4 Using sound level data collected on site, we will develop noise heat maps of the area utilizing the commercial SoundPLAN program. Our modeling will incorporate topography and buildings and will generate color-coded contours keyed to sound levels (in A-weighted or C-weighted decibels, as appropriate) measured on site.
- 2.5 We shall prepare a report summarizing our findings. Our report shall include maps and photographs, SoundPLAN heat maps, graphs, and tables to fully describe the sonic environment over the course of our survey. Our report shall also include our general comments with respect to noise ordinance development.

Noise Pilot Program-Survey Attendance Option

- 2.6 Arpeggio representatives shall attend the survey for one or more four-day periods to roam the area and perform measurements, identifying and manually logging prominent sources.

Business Owner Opt-In Option

- 2.7 Optionally, we will perform venue inside-to-outside sound transmission characterizations for venues that you have recruited. The measurements shall entail using the venue's house sound system and typical music program to generate sound interior to the venue. We will perform measurements at reference positions inside and outside of the venue. We will process the measurements to determine an average interior level, with appropriate spectral considerations, that will reliably yield an exterior level at or below a target level. It is understood that this exercise would take place during our survey visit.
- 2.8 We shall develop recommendations for sound level meters the City can procure to distribute to interested local business owners to monitor sound emissions from their own facilities and will provide instructions on the chosen equipment's operation.

3. Description of services not included in our fee but available for additional compensation:

- 3.1 Drafting of a proposed or revised noise ordinance.
- 3.2 Changes in the scope of the Project with regards to schedule, size, or complexity.
- 3.3 IT/telecom, physical security, or audiovisual system design services.

- 3.4 Additional trips beyond those outlined herein for the purpose of attending meetings or visiting the Project site or any locations other than the Project site.
  - 3.5 Services to investigate existing conditions beyond those outlined herein.
  - 3.6 Verification of information furnished by the Client, their consultants, or other interested third parties acting at the direction of the Client.
  - 3.7 Cost estimating except as described herein.
4. Description of Client's responsibilities:
- 4.1 You shall provide us complete information and documentation necessary to support our activities on this Project including established criteria, constraints, and special requirements influencing our work.
  - 4.2 You shall secure permission for us to be on any public or private property for purposes of performing our site noise survey and shall provide assistance and equipment necessary to install stationary sound monitoring equipment.
  - 4.3 You shall consult with us on matters concerning proposed changes which may affect our work as early as feasible.
5. Description of compensation:
- 5.1 For services described herein, you agree to pay as follows:
    - 5.1.1 For services related to the Noise Pilot Program-Base, as described in Sections 2.1 through 2.5, we shall be paid \$110,300, which includes expenses.
    - 5.1.2 For services related to the Noise Pilot Program-Survey Attendance Option, as described in Section 2.6, we shall be paid \$18,200 per visit, which includes expenses.
    - 5.1.3 For services related to the Business Owner Opt-In Option, as described in Sections 2.7 through 2.8, we shall be paid \$2,200 per venue, which includes expenses.
    - 5.1.4 Additional services shall be billed on an hourly basis plus expenses.
  - 5.2 Hourly rates shall be billed on the following basis:
 

Principal	\$200
Principal - Litigation*	\$450
Project Consultant	\$140
Designer	\$110
Senior Technician	\$ 75
Technician	\$ 50

\* Activities directly related to litigation, including deposition or trial preparation, expert witness testimony, response to subpoenas, etc.
  - 5.3 You shall reimburse us for costs plus 10% for expenses related to additional services. These expenses include, but are not limited to: transportation; subsistence and out-of-pocket expenses incurred during travel; drawing and document reproduction; shipping charges; expended materials for field and laboratory investigations; and rental equipment. At our discretion, we may rent non-commercial air transportation, with associated chargeable cost basis not to exceed regular business class air transportation. Company or personal cars: applicable IRS vehicle mileage rate.
  - 5.4 The fee excludes applicable sales taxes, if any.

- 5.5 In the event of termination of this Project or this Agreement, we shall be paid for all work performed and expenses incurred as of the date of termination.
- 5.6 Payment for all services and expenses described in this Agreement shall be made on a basis commensurate with the progress of the Project and as invoiced by us. Payment in full is due within 35 days of the invoice date. Invoices which are unpaid after 35 days from the invoice date are subject to a late payment charge of 1.5% per month plus related attorney's fees and collection expenses. A fee of 3% of the invoice total shall be applied if paying with credit card.
- 5.7 Travel time is charged at the applicable hourly rate as stated in Section 5.2.
- 5.8 The Client is responsible, after notification, for payment of time charges, attorney's fees and other expenses resulting from a required response to subpoenas or court orders issued by any party in conjunction with Client related work. Charges are based on billing rates in effect at the time of our response.
- 5.9 Billing rates may be increased annually. Client will be notified in writing 30 days in advance of any increase in billing rates.
- 5.10 Payment of our fee is not contingent upon payment to you by another party.

6. Description of miscellaneous provisions:

6.1 We currently maintain the limits of insurance listed below. The cost of additional coverage requested by the Client, if any, will be borne by the Client.

Commercial Liability	\$2,000,000 per occurrence/ \$4,000,000 aggregate
Automobile Liability	\$2,000,000 combined single limit each accident
Umbrella Liability	\$2,000,000 per occurrence/ \$2,000,000 aggregate
Professional Liability	\$2,000,000 per claim/ \$2,000,000 aggregate
Workers' Compensation/ Employers' Liability	\$1,000,000 each accident/ \$1,000,000 policy limit

- 6.2 We shall exercise the degree of skill and care expected by generally accepted professional standards. No warranties, expressed or implied, are made with respect to our performance, unless agreed to in writing. We are not a guarantor of the project to which our services are directed, and our responsibility is limited to work performed for the Client. Sealing of documents, such as with a Professional Engineering seal, is excluded.
- 6.3 We shall not be responsible for the acts, omissions, or performance of the Client, other consultants, contractors, or other persons involved in this Project or for construction means, methods, techniques, sequences, or procedures and thus make no claims pertaining to the performance of the final construction or product.
- 6.4 The Client hereby agrees that the total of our liability (including without limitation, by reason of negligence, warranty and strict liability) arising out of or in connection with services shall not exceed the fees actually paid for services. This limitation of liability shall continue in full force and effect during, as well as after, the completion or termination of our employment for services. Neither party shall have any duty to defend the other party.
- 6.5 The Client further agrees to fully indemnify and hold harmless us and our employees for any and all claims, losses, costs, attorney's fees, expenses, awards, actions, judgments or other liabilities of whatever type, including any negligence of ours arising out of or in connection with our employment for and performance of services.

- 6.6 In no event shall we be liable (including without limitation, by reason of negligence, warranty and strict liability) for any special, indirect or consequential damages, including without limitation, loss of profits or revenue, loss of full or partial use of any equipment or facility, cost of capital, loss of goodwill, claims of customers or creditors, or similar damages.
- 6.7 The Client shall allow Arpeggio to reference this work, including project name/description, photos/renderings, construction cost, Owner name, and Client name, for marketing purposes.
- 6.8 The Client shall not transfer, subject, or assign the rights under or interest in this Agreement (including but not limited to payments that are due or that may be due) to any other party without the prior written consent of Arpeggio.
- 6.9 We may reasonably rely upon information supplied by the Client, its contractors, or its consultants, or information available from generally accepted reputable sources, without independent verification.
- 6.10 We retain ownership of all intellectual property which we produced as part of this Project including without limitation letters, reports, drawings, specifications, test data, software and notes. These documents or parts thereof may not be reproduced in advertisements, brochures, sales material, or publicly posted in written or electronic format including Internet websites or online data hosting or "cloud storage" services, nor used by the Client in any other project or for any purpose other than the purpose for which they were prepared, nor by third parties, without our written permission. Conclusions by us that are based on test results are limited to the specific conditions for which the tests were performed.
- 6.11 Field work shall be performed only under conditions deemed safe by us. Charges may be made for safety or security measures required by hazardous job conditions.
- 6.12 Should either party fail substantially to perform in accordance with this Agreement, the other party may terminate this Agreement upon not less than seven days' written notice. Regardless of fault, we shall be paid in accordance with this Agreement and commensurate with the progress of the Project. We shall have no liability for delay or damage caused by such termination or suspension of services.
- 6.13 This Agreement is valid only if signed and returned within 60 days of the date hereof.
- 6.14 This proposal and all language herein are the intellectual property of Arpeggio and shall not be shared with any third party without the written consent of Arpeggio.
- 6.15 This Agreement shall be governed by Georgia law and the proper venue for any litigation regarding this Agreement shall be the Superior Court of DeKalb County, Georgia.

7. Severability:

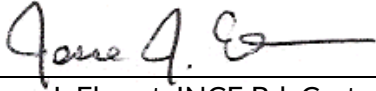
- 7.1 The provisions of this Agreement shall apply to the full extent permitted by law. If any provision of this Agreement shall be held or deemed to be or shall in fact be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions contained herein or render the same invalid, inoperative or unenforceable to any extent whatsoever.

We appreciate the opportunity to perform these services for you. If you find the above to your satisfaction, please execute this proposal below and return a copy to us. This document will then form the basis of our Agreement.

Sincerely,

Arpeggio

Miami Beach Planning Department



\_\_\_\_\_  
Jesse J. Ehnert, INCE Bd. Cert.  
Principal

\_\_\_\_\_  
Accepted by

Date: March 1, 2023

Date: \_\_\_\_\_



# *With Sensors on Streets, France Takes Aim at ‘Noise From Hell’*

The French authorities are installing “sound radars” in some cities to detect and photograph vehicles making excessive noise, which they say is a public health hazard.



Traffic on the Champs-Élysées in Paris. Residents say that motorcycles and modified scooters are among the worst offenders when it comes to noise. Credit...Ludovic Marin/Agence France-Presse — Getty Images

By [Emma Bubola](#)

Feb. 21, 2022

When France introduced speed cameras 20 years ago, it drastically reduced the number of car accidents and [helped save tens of thousands of lives](#). Now the government is taking aim at another scourge: the earsplitting noise that has been a fact of life for residents of French cities.

New sensors, or “sound radars,” were placed in seven cities last week as an experiment. The sensors can detect and take pictures of vehicles making excessive noise, a problem that officials say has gotten worse in recent years. The hope is to eventually set a noise-pollution limit and fine those motorists exceeding it.

“If the mayor didn’t buy a radar, we would have bought one ourselves,” said Raphael Bianchi, who lives in the Place de la Bastille in Paris. He said his 1-year-old son was constantly awakened by motorcycles roaring outside their apartment: “It’s unbearable — it’s a constant acoustic aggression.”

The initiative follows a mounting intolerance by the French to street noises, particularly motorcycles and souped-up scooters. According to a study by Bruitparif, a state-backed center that monitors noise in the Paris area, a modified scooter crossing Paris at night can wake as many as 10,000 people.

The center has developed a sensor that is being tested in Paris. At the end of the testing period, in 2023, the city plans to start handing out fines of 135 euros, about \$150, to vehicles that break noise-level rules.

The sensor project is part of a broader plan by the city of Paris to tackle noise, which health officials say is a real health risk.

“Noise reduces the life expectancy of Parisians by nine months,” said David Belliard, a deputy mayor in Paris, citing [studies](#) carried out by a regional health agency and Bruitparif. “It’s a matter of public health.”

Other measures include lowering the speed limit and planting forests along Paris’s often clogged ring road. Dan Lert, a deputy mayor in charge of the plan, said that the authorities also wanted to ask emergency vehicles to turn down their sirens at night.



A “sound radar” on a pole in Paris. The authorities hope to eventually fine drivers exceeding noise-pollution limits. Credit...Noemie Olive/Reuters

Mr. Lert said the initiative was also a way to fight inequality, given that most housing projects are built next to loud thoroughfares. “People who live in social housing are the most exposed to noise,” he said.

After air pollution, noise is the second biggest environmental factor causing health problems, the World Health Organization said in a 2011 [report](#), increasing the risk of cardiovascular disorders and high blood pressure.

Fanny Mietlicki, the director of Bruitparif, said the toll taken by loud streets could also be measured financially, in a loss of productivity caused by disturbed sleep and in the devaluation of property along busy streets. The total cost for France, she estimated, was 147 billion euros per year.

Calls to limit noise in cities intensified after the pandemic lockdown, Ms. Mietlicki said.

“People rediscovered calm,” she said. “They could hear birds sing in the city.”

One group called Ras Le Scoot, or Enough with the Scooter, is lobbying against loud motorized scooters and motorcycles. The group said it welcomed the new noise sensors, but said vehicles would just take different routes to avoid them, and they would not stop people from modifying engines to make them louder.

“Toxic masculinity,” said Franck-Olivier Torro, a spokesman for the association, describing the practice.

Yves Ferraro of the Federation of Angry Bikers, a group that protects the rights of motorcycle users, said that “most bikers are well behaved,” but he admitted that there were some who liked to “make a noise from hell” by revving their engines at stop lights. He said that repressing and punishing such behavior was not the way to go.

“If there was some dialogue and education, I think things would go much better,” he said.

Sébastien Kuperberg, who lives on the fourth floor of an elegant building in the east of Paris above an intersection, was skeptical about that approach. When the traffic light downstairs turns green, he said, “We just can’t have a conversation.”

He added that he cannot listen to music, the radio, or TV with his window open, and even when they are closed, the sound of motorcycles accelerating wakes him up at least once a night.

Mr. Kuperberg, who is moving out of his apartment in two weeks largely because of the noise, was happy about the new noise sensors but said the move should be considered just a first step. “I am for the total ban from Paris” of motorcycles, he said. “I just can’t bear to see them anymore.

# A GUIDE TO NEW YORK CITY'S NOISE CODE

UNDERSTANDING THE MOST COMMON SOURCES OF  
NOISE IN THE CITY





## NEW YORK CITY NOISE CODE

The New York City Noise Code balances the important reputation of New York as a vibrant, world-class city that never sleeps, with the needs of those who live in, work in, and visit the city. In 2007 the City updated the Noise Code for the first time in 30 years to reflect the changing landscape and advances in acoustic technology.

Simply put, the Noise Code was created to reduce:

“The making, creation or maintenance of excessive and unreasonable and prohibited noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city.”

In order to enforce this objective, the New York City Department of Environmental Protection (DEP) and the New York City Police Department (NYPD) share duties based on the type of noise complaint. To report a noise complaint, call 311 and they will direct your grievance to the appropriate agency. For example, the NYPD handles “neighbor to neighbor” noise complaints.

This booklet is designed to provide an overview of the Noise Code and some of the most common sounds of the city. For more detailed information about noise in the city and the law itself, please visit: [www.nyc.gov/dep](http://www.nyc.gov/dep) and follow DEP at [www.facebook.com/nycwater](https://www.facebook.com/nycwater). In addition, for educational modules relating to noise please visit: [www.nyc.gov/dep/sound-education](http://www.nyc.gov/dep/sound-education).

## SOUND MEASUREMENTS

### Overview

The decibel (dB) is the universal unit of sound measurement and is measured with a meter that registers sound pressure and displays these readings on a sound level scale. Decibels are a logarithmic unit, which means that a noise measuring 30 decibels is actually two times louder than a noise registering at 20 decibels.

One challenge of measuring sound in the city is that there is a high level of ambient sound, or background noise in an area. For example, Times Square has high ambient sound levels, making it harder to distinguish the source of a sound. The same sound in a residential neighborhood may be easier to measure because there is less ambient sound.

## Sounds of the City

Sound levels vary depending on one's distance from the noise source. Below are some frequently heard sounds and their approximate decibel levels at common distances from the noise source. When designated as "dB(A)," as seen below, the measurement is weighted in the "A" scale to simulate human hearing.

Whisper .....	30 dB(A)
Normal Conversation/Laughter .....	50 – 65 dB(A)
Vacuum Cleaner at 10 feet .....	70 dB(A)
Washing Machine/Dishwasher .....	78 dB(A)
Midtown Manhattan Traffic Noise .....	70 – 85 dB(A)
Motorcycle .....	88 dB(A)
Lawnmower .....	85 – 90 dB(A)
Train .....	100 dB(A)
Jackhammer/Power Saw .....	110 dB(A)
Thunderclap .....	120 dB(A)
Stereo/Boom Box .....	110 – 120 dB(A)
Nearby Jet Takeoff .....	130 dB(A)

## CONSTRUCTION NOISE

### Overview

New York City is involved in a constant process of renovation and new construction. To limit construction noise, the Noise Code mandates that all construction be conducted in accordance with noise mitigation plans that address the specific location, type of work, and timing of a project. The Code also sets standards for noise levels created by handling containers and construction material on public streets, and ways to lessen the noise from each type of construction

equipment. For example, jackhammers must be outfitted with noise-reducing mufflers and/or have portable street barriers to reduce the sound impact on the area. The Noise Code also defines the hours when construction may occur.



## Highlights

### **Noise Mitigation Plans**

- Contractors must develop a noise mitigation plan prior to the start of work.
- Every construction site must have a noise mitigation plan on location.
- If noise complaints are received, an inspector will ensure the contractor has posted the plan and that it is being followed. This will determine whether or not the plan needs modification.
- When construction activity is planned near locations such as schools, hospitals and houses of worship, the party responsible for construction is expected to design their noise mitigation plan to be sensitive to its neighbors.

### **Containers and Construction Materials**

- Noise that exceeds the ambient sounds level by more than 10 decibels as measured from 15 feet from the source as measured from inside any property or on a public street is prohibited.
- Sounds that occur abruptly for a short duration, called impulsive sounds, are restricted.
- A reduction of only five decibels usually makes a noticeable difference to most complainants.

### **Construction Hours**

- Construction may occur between 7:00 am and 6:00 pm on weekdays.
- Alterations or repairs to existing one- or two-family, owner-occupied dwellings, or convents or rectories, may be performed on Saturdays and Sundays between 10:00 am and 4:00 pm if the dwelling is located more than 300 feet from a house of worship.
- Work may take place after hours and on weekends only with express authorization from the Departments of Buildings and Transportation. A noise mitigation plan must be in place before any authorization is granted.
- Emergency work necessary for public safety, or work that cannot be performed during normal work hours, may occur after hours or on weekends. For example, water main or gas line repairs may require construction activity outside the normal hours of construction.



## ANIMAL NOISES

### Overview

Owning a pet in New York requires increased responsibility to ensure that pets are not disruptive. The Noise Code holds pet owners accountable for their animals' noises, and owners must do their best to limit noises so that their pets do not disturb their neighbors.

Animal noises such as barking may indicate distress, danger, or an emergency situation, the Noise Code is designed to be flexible, and first complaints of excessive animal noise may lead to education. Information about reducing or better-controlling noise from an animal is mailed to the pet owner's residence. When complaints persist, further action can be taken.

### Highlights

Animal noise that is unreasonable and plainly audible from within nearby residential property may call for enforcement action if the noise occurs:

- After 7:00 am and before 10:00 pm for a continuous period of 10 minutes or more
- After 10:00 pm and before 7:00 am for a continuous period of five minutes or more

## FOOD VENDING VEHICLES

### Overview

Ice cream trucks traveling on city streets are a summer tradition, but their repetitious jingles can create a community nuisance and disrupt nearby residents. Because enforcement can be difficult as trucks travel from neighborhood to neighborhood, DEP works with the Department of Consumer Affairs, which licenses vendors, to remind drivers of their responsibilities under the Noise Code.

### Highlights

- The Noise Code prohibits the playing of jingles while any type of food vending vehicle is stationary. Vehicles may only play jingles while they are in motion.

## AIR CONDITIONERS & CIRCULATION DEVICES

### Overview

Poorly maintained air conditioners can generate unnecessary, disruptive noise. Commercial and industrial air conditioners can be particularly noisy due to their size and location on rooftops near residential buildings. The Noise Code restricts the decibel levels created by air conditioners and other types of circulation devices.

### Highlights

#### **Restrictions:**

- A single circulating device may not produce noise levels in excess of 42 decibels, as measured three feet from the noise source at an open door or window of a nearby residence.
- To account for the cooling needs of new construction or shifting building populations, the Noise Code limits buildings with multiple devices to a cumulative noise level of 45 decibels, as measured per the above standard.

Qualified inspectors may need to take several readings before enforcement can be deemed necessary.

## MUSIC FROM BARS & RESTAURANTS

### Overview

New York's world-renowned entertainment industry provides billions of dollars in revenue to the city's economy. The Noise Code attempts to balance this vital economic necessity with residential quality-of-life concerns through a flexible and responsive process.

While DEP will often respond to residential complaints and schedule an inspection appointment to take meter readings, NYPD is more readily equipped to respond to complaints in a timely manner due to its existing presence in local communities. All non-emergency noise complaints should still be directed to 311.

The best way to reduce noise disturbances is to encourage businesses to change any offending operational practices. Getting an offending business to come into compliance can be a challenge because compliance may include physically changing a business's operation or modifying sound equipment.

As an incentive for commercial noise violations to achieve compliance, the Commissioner may recommend to the Environmental Control Board that no penalty be imposed for a first offense if the business certifies that it has corrected the condition and provides satisfactory and verifiable evidence of the correction. If the offending condition is not remedied, multiple violations may result in penalties or sealing of the sound equipment.

### Highlights

- Commercial establishments that play music must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed:
  - 42 decibels as measured from inside nearby residences, AND
  - 7 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am
- Sometimes residents are disturbed by pervasive bass sounds that resonate and can be felt physically by a person.
  - Bass sounds measurements are weighted in the “C” scale and may not exceed 6 dB(C) above the ambient sound if the ambient sound is greater than 62 dB(C).

## REFUSE COLLECTION VEHICLES

### Overview

Though the collection of refuse is critical to the health and safety of city residents, noise from this process can be disruptive to local communities. To limit such disruptions, the Noise Code sets a more enforceable standard in order to reduce unreasonable noise coming from refuse collection vehicles.

### Highlights

- Maximum sound levels may not exceed 80 decibels when measured at a distance of 35 feet or more from the compacting unit of the vehicle when it is not engaged in compacting a load of refuse. AND
- Maximum sound levels may not exceed 80 decibels between the hours of 11:00 pm and 7:00 am within 50 feet of a residential property when measured at a distance of 35 feet or more from the vehicle when the compactor is engaged.

## MOTOR VEHICLES & MOTORCYCLES

### Overview

Each day more than one million vehicles move through New York City's streets. The Noise Code addresses noise coming from vehicles, including motorcycles, and defines excessive sound.

### Highlights

- The Noise Code prohibits excessive sound from the muffler or exhaust of motor vehicles operating on a public right-of-way where the speed limit is 35 mph or less.
- Excessive sound is:
  - Plainly audible at a distance of 150 feet or more from vehicles of less than 10,000 lbs. (cars); and
  - Plainly audible at a distance of 200 feet or more from vehicles of more than 10,000 lbs., (trucks); and
  - Plainly audible at a distance of 200 feet from a motorcycle.
- The use of vehicle horns is illegal, except as a warning in situations of imminent danger.
- Residents may request an evaluation to determine if a "No Honking" street sign would help.

## COMMON COURTESY

### Overview

A majority of the city's noise complaints are reported as "noise from neighbor." By taking the few simple steps below, you can help create a more livable atmosphere for your community.

- Be sensitive to your neighbor's space and remember that one person's ceiling is another person's floor; try to keep noisy and disruptive activities to a minimum.
- Keep cell phone conversations to a minimum in public spaces, especially in confined areas like public transit.
- Keep equipment levels down. Televisions, stereos, musical instruments should be used at a reasonable volume, to avoid disturbing neighbors, especially at night and in the early morning.
- Use power tools at appropriate times. Do as much as possible to stifle their noise and check specific regulations for their use.

## Highlights

- The Noise Code specifically restricts the volume of car stereos in the public right-of-way.
- Certain machines, such as lawn mowers and leaf blowers, may only be used between 8:00 am and 7:00 pm (or until sunset, whichever occurs later) on weekdays; and between 9:00 am and 6:00 pm on holidays and weekends.

To report a noise complaint, call 311. For more detailed information about noise in the city and the law itself, please visit: [www.nyc.gov/dep](http://www.nyc.gov/dep) and follow DEP at [www.facebook.com/nycwater](https://www.facebook.com/nycwater).



## The New York City Noise Code is award-winning!

Check out some of our awards:

1. 2010 Safe-in-Sound Award
2. 2009 ACEC Award for Engineering Excellence
3. 2007 Noise Pollution Clearing House Award



**Government Information  
and Services for NYC**



**Environmental  
Protection**

New York City Department of Environmental Protection  
Bureau of Environmental Compliance  
59-17 Junction Blvd., 11th Fl., Flushing, NY 11373



## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: CONSIDER THE CREATION OF A NEW CAPITAL PROJECT TO INSTALL FLOATING WALKWAYS AND/OR THE ACQUISITION OF THE OUTLOT AT 2811 INDIAN CREEK DRIVE TO COMPLETE THE INDIAN CREEK PEDESTRIAN PATHWAY.**

### **HISTORY:**

At its March 13, 2024 meeting, the City Commission approved a dual referral (Item C4 I) to the Finance and Economic Resiliency Committee (FERC) and the Land Use and Sustainability Committee (LUSC) to consider the creation of a new capital project to install floating walkways and/or the acquisition of the parcel directly west of Indian Creek Drive and owned by the property located at 2811 Indian Creek Drive to complete the Indian Creek pedestrian pathway. The item was anticipated to be heard at the May 1, 2024 LUSC meeting but was deferred. The item is now tentatively scheduled to be heard at the June 10, 2024 LUSC meeting.

The referral references a March 18, 2020 City Commission Resolution (Resolution No. 2020-31210), approving one (1) of two (2) concept plans prepared by landscape architect Craven Thompson & Associates, Inc. ("Craven Thompson"), based on community feedback, to restore landscape removed during the construction of the seawall that extends from 24<sup>th</sup> Street to 41<sup>st</sup> Street on the east side of the Indian Creek Canal/Waterway (i.e., on the west side of Indian Creek Drive).

The approved concept plan provided connectivity for pedestrians between three (3) anchor points: (1) 41<sup>st</sup> Street; (2) the pedestrian bridge at 28<sup>th</sup> Street; and (3) the south end overlooking Lake Pancoast. The plan proposed varied layers of landscaping between the anchor points and the connectivity, to buffer the barrier wall, to screen and open some views, and plant large shade trees at the road intersections with Indian Creek Drive ("ICD") to limit traffic related light pollution into the residential neighborhoods.

As part of the Resolution, the Mayor and City Commission directed the Administration to work with Craven Thompson to increase the pathway and landscaping in as many areas as possible. Construction of the Pathway in its current iteration was completed in 2023.

As the City did not own the parcels along the west side of ICD, Craven Thompson created pedestrian starts/stops at certain pinch points where the pathway would otherwise end. There are



crosswalks at these pinch points to enable pedestrians who wish to walk along the west side of ICD to cross over to the east side temporarily, until the next crosswalk that can connect them back to the Pathway. This is less than ideal as pedestrians are forced to cross ICD and cross back several times to get from 26<sup>th</sup> Street to 41<sup>st</sup> Street.

The Mid Beach Neighborhood Association (MBNA) has requested that the City consider the installation of floating walkways connecting the pinch points along ICD to allow for a continuous pathway from 26<sup>th</sup> Street to 41<sup>st</sup> Street. The installation of floating walkways would not only provide a practical solution for pedestrians traveling north or south along ICD in Mid Beach but would also allow residents and visitors the ability to experience the City's natural beauty in a more intimate way. The City Attorney's Office would have to review the City's property rights with respect to the pertinent outlots located along the pathway for the floating walkway to see if any additional consents would be required with respect to any applicable third-party property interests.

As noted in the referral item, sponsoring Commissioner Alex Fernández wished to discuss the possibility of acquiring the parcel directly west of Indian Creek Drive and owned by the property located at 2811 Indian Creek Drive (the "Parcel"). To head southbound safely, a pedestrian who crosses the 28<sup>th</sup> Street pedestrian bridge over Indian Creek must walk north to the crosswalk at 29<sup>th</sup> Street, then use the sidewalk on the east side of Indian Creek Drive to head south. The acquisition of this parcel would be a better solution than a floating walkway at this location.

The City has previously reached out to the property owner of the Parcel during the design phase to either obtain a perpetual easement or acquire the Parcel. Both options were rejected which required the City to modify the design that, as described above, requires a pedestrian crossing the 28<sup>th</sup> Street pedestrian bridge to walk north to 29<sup>th</sup> Street to cross and use the sidewalk on the east side of Indian Creek Drive.

At its May 24, 2024 meeting, FERC members heard the item for the first time and made a motion to 1) proceed to the City Commission with a favorable recommendation to have the City Attorney work with the Administration to begin an eminent domain process and or be able to negotiate an access easement and to return to Commission with the action; 2) return to the City Commission with a favorable recommendation to prioritize during the 2025 budget process, a new capital project of installing a floating walkway as part of the Indian Creek pedestrian pathway.

## **ANALYSIS:**

### **Permitting Requirements:**

[Section 24-48](#) of the Miami-Dade County Code requires that a Miami-Dade County Class I Permit be obtained from the Division of Environmental Resources Management (DERM) prior to performing any work in, on, over or upon tidal waters or coastal wetlands of Miami-Dade County or of any of the municipalities located within Miami-Dade County.

A DERM Class I Permit is utilized to manage impacts from construction on coastal wetlands and tidal waters. Through this process, projects are reviewed to identify potential environmental and other impacts. Before the permit is issued, Miami-Dade County may require modification of the project to eliminate avoidable impacts and to minimize other impacts. Compensation (mitigation) is required for unavoidable impacts as part of the permit.

Other permits may be needed before work can begin. The following is a list of other agencies that may have jurisdiction over these Class I projects (their involvement will depend upon the location,

nature, type, and size of the project):

- South Florida Water Management District (SFWMD)
- Florida Department of Environmental Protection (FDEP)
- U.S. Army Corps of Engineers (USACOE)

The processing time may vary from project to project due to design, site conditions or project complexity. We anticipate that due to the various agencies involved that permitting will take a minimum of 6 to 12 months. Most short form permits are valid for 2 years from the date of issuance. If additional time is necessary to perform the work, the permit may be extended in 2 or 3-year increments provided the total time period of the extensions granted does not exceed 10 years.

**Bridge Design:**

An acceptable floating walkway design would need to be established, and the City would need to hire a consultant to design the floating walkway (currently unfunded). The cost of the project would be determined by the size/scope of the project, materials utilized and environmental mitigation costs. Design costs are anticipated to be in the range of \$200K to \$400K depending on the structural complexity of the design and construction costs will most likely exceed \$2M. There will also be a recurring cost for maintaining the floating walkway, which is also unfunded.

**Acquisition of the Property Located at 2811 Indian Creek Drive:**

The City would need to inquire through the owner of the property should the property owner be interested in selling based on property appraisal. As a point of reference, the Parcel is listed for sale with a listing price of \$2,499,000.00, and according to the Zillow.com webpage, the Parcel has been on the market for 451 days. Pursuant to the Zillow website, the Parcel has a lot size of approximately 2,450 square feet and contains a house which has approximately 2,553 square feet of living area, containing 6 bedrooms and 5 baths. The Miami-Dade Property Appraiser’s Office lists the fair market value for the Parcel for 2023 as \$1,113,867.00; however, the Property Appraiser’s Office valuation is historically below the fair market value for the properties sold in the community

**CONCLUSION:**

The following update is presented to the members of the Land Use and Sustainability Committee for discussion and further direction.

**Applicable Area**

Middle Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Public Works

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ 2811 Indian Creek Drive Parcel Information	Other
☐ Commission Referral to Land Use	Other





Liking this home?  
Sign in to save homes you like and improve your recommendations.

See all 7 photos

\$2,499,000

2811 Indian Creek Dr, Miami Beach, FL 33140

6 beds

5 baths

2,553 sqft

Est.: \$16,003/mo Get pre-qualified

Single Family Residence, Residential

Built in 1932

4,450 sqft lot

Zestimate®

\$979/sqft

\$-- HOA

### What's special

Triplex - Duplex - Single Family property located 1/2 block from beach with private waterfront property for dock or water access. Located near the booming fauna neighborhood . Lots of shopping , restaurants , bars and very secluded. Property has 2 private parking spaces and a yard. One of the only properties of this type. Located in front of a pedestrian bridge that allows you to walk and have easy access to the west part of Miami Beach.

Show more

451 days on Zillow | 676 views | 13 saves

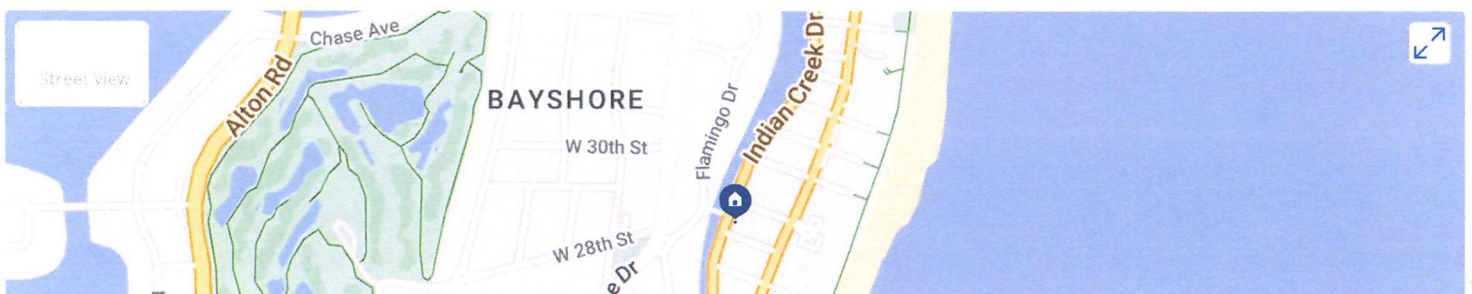
Zillow last checked: 3 hours ago

Listing updated: January 24, 2024 at 08:07am

Also listed on MIAMI

Listed by: Alan Wasserstein 786-703-1729, Realty Hub

Source: MIAMI, MLS#: A11335653 Originating MLS: A-Miami Association of REALTORS





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On: 04/26/2024

### PROPERTY INFORMATION

<b>Folio</b>	02-3226-001-0990
<b>Property Address</b>	2811 INDIAN CREEK DR MIAMI BEACH, FL 33140-4706
<b>Owner</b>	WATERCUP 2811 LLC
<b>Mailing Address</b>	5901 NW 151 ST 126 MIAMI LAKES, FL 33014
<b>Primary Zone</b>	4000 MULTI-FAMILY - 63-100 U/A
<b>Primary Land Use</b>	0802 MULTIFAMILY 2-9 UNITS : 2 LIVING UNITS
<b>Beds / Baths /Half</b>	6 / 4 / 0
<b>Floors</b>	2
<b>Living Units</b>	2
<b>Actual Area</b>	2,903 Sq.Ft
<b>Living Area</b>	2,553 Sq.Ft
<b>Adjusted Area</b>	2,480 Sq.Ft
<b>Lot Size</b>	4,450 Sq.Ft
<b>Year Built</b>	1932



### ASSESSMENT INFORMATION

Year	2023	2022	2021
<b>Land Value</b>	\$884,500	\$884,500	\$884,500
<b>Building Value</b>	\$229,152	\$229,152	\$172,608
<b>Extra Feature Value</b>	\$215	\$218	\$220
<b>Market Value</b>	\$1,113,867	\$1,113,870	\$1,057,328
<b>Assessed Value</b>	\$1,113,867	\$1,113,870	\$1,057,328

### BENEFITS INFORMATION

Benefit	Type	2023	2022	2021
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

### SHORT LEGAL DESCRIPTION

M B IMPROVEMENT CO SUB PB 5-7  
 NW70FT LOT 11 & TR OPP SAME  
 FACING INDIAN CREEK BLK 10  
 LOT SIZE IRREGULAR  
 OR 17176-3791 0496 1

### TAXABLE VALUE INFORMATION

Year	2023	2022	2021
<b>COUNTY</b>			
<b>Exemption Value</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$1,113,867	\$1,113,870	\$1,057,328
<b>SCHOOL BOARD</b>			
<b>Exemption Value</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$1,113,867	\$1,113,870	\$1,057,328
<b>CITY</b>			
<b>Exemption Value</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$1,113,867	\$1,113,870	\$1,057,328
<b>REGIONAL</b>			
<b>Exemption Value</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$1,113,867	\$1,113,870	\$1,057,328

### SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description
04/05/2016	\$1,450,000	30031-0373	Qual by exam of deed
12/22/2009	\$100	27148-1270	Affiliated parties
04/01/1996	\$185,000	17176-3791	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: March 13, 2024

SUBJECT: DUAL REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AND THE LAND USE AND SUSTAINABILITY COMMITTEE TO CONSIDER THE CREATION OF A NEW CAPITAL PROJECT TO INSTALL FLOATING WALKWAYS AND/OR THE ACQUISITION OF THE OUTLOT AT 2811 INDIAN CREEK DRIVE TO COMPLETE THE INDIAN CREEK PEDESTRIAN PATHWAY.

### **RECOMMENDATION**

Please place on the March 13, 2024 agenda a dual referral to the Finance and Economic Resiliency Committee (“FERC”) and the Land Use and Sustainability Committee (“LUSC,” and together with FERC, the “Committees”) to discuss the possible creation of a new capital project to install floating walkways to complete the Indian Creek Pedestrian Pathway (the “Pathway”).

At its March 18, 2020 meeting, the City Commission adopted Resolution 2020-31210, approving one of two concept plans prepared by landscape architect Craven Thompson & Associates, Inc. (“Craven Thompson”), based on community feedback, to restore landscape removed during the construction of the seawall that extends from 24<sup>th</sup> Street to 41<sup>st</sup> Street on the east side of Indian Creek (i.e., on the west side of Indian Creek Drive). The approved concept plan provided for connectivity for pedestrians between three anchor points: (1) 41<sup>st</sup> Street, (2) the pedestrian bridge at 28<sup>th</sup> Street and (3) the south end overlooking Lake Pancoast. The plan proposed varied layers of landscaping between the anchor points and the connectivity, to buffer the barrier wall, to screen and open some views, and plant large shade trees at the road intersections with Indian Creek Drive to limit traffic related light pollution into the residential neighborhoods. The Commission further directed the Administration to work with Craven Thompson to increase the pathway and landscaping in as many areas as possible. Construction of the Pathway in its current iteration is expected to be completed in March 2023.

Because of the City does not currently own all parcels along the west side of Indian Creek Drive (“ICD”), Craven Thompson necessarily created pedestrian starts/stops at certain pinch points where the Pathway would otherwise end. There are crosswalks at these Pinch Points to enable pedestrians who wish to walk along the west side of ICD to cross over to the east side temporarily, until the next crosswalk that can connect them back to the Pathway. This is less than ideal as pedestrians are forced to cross ICD and cross back several times to get from 26<sup>th</sup> Street to 41<sup>st</sup> Street.

The Mid Beach Neighborhood Association (the “MBNA”) has requested that the City consider the installation of floating walkways connecting the Pinch Points along ICD to allow for a continuous Pathway from 26<sup>th</sup> Street to 41<sup>st</sup> Street. The installation of floating walkways would not only provide a practical solution for pedestrians traveling north or south along ICD in Mid Beach, but would also allow residents and visitors the ability to experience the City’s natural beauty in a more intimate way.

I would also like to discuss with my colleagues the possibility of acquiring the outlot for the property located at 2811 Indian Creek Drive. To head southbound safely, a pedestrian who crosses the 28<sup>th</sup> Street pedestrian bridge over Indian Creek must walk north to the crosswalk at 29<sup>th</sup> Street, then use the sidewalk on the east side of Indian Creek Drive to head south. The acquisition of this outlot could be a better solution than a floating walkway at this particular point.

The appropriate representative(s) from the Public Works Department, the Environment and Sustainability Department and Finance should be prepared to address this matter before the Committee.

### **SUPPORTING SURVEY DATA**

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### **FINANCIAL INFORMATION**

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#### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Legislative Tracking**

Commissioner Alex Fernandez

**ATTACHMENTS:**

**Description**

▢ [Memo](#)

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 14.

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

TITLE: **REVIEW THE FUTURE LAND USE MAP CLASSIFICATION FOR PRIDE PARK**

### **HISTORY:**

On March 13, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the subject discussion item (C4 K) to the Land Use and Sustainability Committee (LUSC).

As noted in the attached referral memo, to ensure that the future planning, use, and character of Pride Park remains true to the promise of it being a useable public greenspace, the item sponsor would like the LUSC to review Pride Park's designation on the Future Land Use Map (FLUM), and consider whether Pride Park should be re-classified to a different category in the Comprehensive Plan more consistent with park uses such, as Recreation and Open Space (ROS).

The item was deferred at the May 1, 2024 LUSC meeting.

### **ANALYSIS:**

Pride Park is currently classified as "PF-CCC" (Public Facilities) on the City's FLUM. The purpose of this designation is to provide development opportunities for existing convention center and facilities necessary to support the convention center.

Although open space, the area of Pride Park remains under the Civic and Convention Center (CCC) zoning classification, which allows the land area to be utilized for purposes of establishing a larger unified site that includes City Hall, the Convention Center and future hotel, the Holocaust Memorial and the Botanical Gardens. By having a larger overall site, there are benefits in terms of potential future expansion of the convention center, as well as the ability to meet minimum off-street parking requirements within the public garages on the larger site. For example, as a single development site, the minimum parking requirement for adjacent facilities may be satisfied within those garages and parking facilities located in the CCC district, due to inclusion within the larger unified site. Re-classifying the park area to a designation other than PF-CCC could complicate the ability to use the underlying land area for future zoning purposes and could require future minimum parking requirements to be satisfied within the portion of the site being developed or modified.

One potential option to ensure the continued use of Pride Park as open space would be to



establish minimum open space and park requirements within the CCC district. While this would require amendments to the CCC regulations, as well as the underlying future land use designation, they would serve the purpose of ensuring continued use of Pride Park as open space. Additionally, a higher threshold could be established for any future amendment to these minimum open space regulations, such as a minimum 6/7th City Commission approval.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission, if applicable.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**Strategic Connection**

Neighborhoods - Evolve parks and green spaces to meet the changing needs of the community.

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
REF C4M	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: March 13, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE -  
REVIEW FUTURE LAND USE MAP CLASSIFICATION FOR PRIDE PARK.

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### **RECOMMENDATION**

Please place the above referral on the March 13, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee (“LUSC”).

Pride Park is currently classified as “PF-CCC” (Public Facilities) on the City’s Future Land Use Map (“FLUM”). The purpose of this designation is to provide development opportunities for existing convention center and facilities necessary to support the convention center.

To ensure that the future planning, use, and character of Pride Park remains true to the promise of it being a useable public greenspace, I would like the LUSC to review Pride Park’s designation on the FLUM, and consider whether Pride Park should be re-classified to a different category in the Comprehensive Plan more consistent with park uses such, as “ROS” (Recreation and Open Space Waterways). This would grant Pride Park the same designation and intended uses under the City’s Comprehensive Plan as other parks managed by the City’s Parks Department including: Flamingo Park, South Pointe Park, Collins Park, Marjorie Stoneman Douglas Park, Lummus Park, Collins Park, Bayshore Park, the Miami Beach Golf Club, Polo Park, Muss Park, Pinetree Park, Fisher Park, Belle Isle Park, Maurice Gibb Memorial Park, Stillwater Park, North Beach Oceanside Park, among others. This would officially grant Pride Park a designation appropriate for park use.

As part of this discussion, I’d like the Planning Department to advise whether this change would impact current and/or future development anywhere on the City Hall/Convention Center campus and how those impacts could be mitigated.

### **SUPPORTING SURVEY DATA**

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### **FINANCIAL INFORMATION**

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### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Commissioner Alex Fernandez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 15.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD**

**HISTORY:**

On March 13, 2024, at the request of Commissioner Joseph Magazine, the Mayor and City Commission (City Commission) referred a discussion regarding potential alternatives to the Live Local Act approval process, pursuant to item R9 AR, to the Land Use and Sustainability Committee (LUSC). As noted in the attached discussion memo from the March 13, 2024 City Commission meeting, the sponsor would like to discuss possible parameters for property owners to present creative development proposals to the City, as an alternative to invoking the preemptions in the Live Local Act. The purpose would be to encourage long-term, non-transient residential development (including workforce housing) that is more compatible with the surrounding neighborhood than what would otherwise be available under the Live Local Act.

The item was anticipated to be heard at the May 1, 2024 LUSC meeting but was deferred.

**ANALYSIS:**

Due to State preemptions associated with the Live Local Act, the City is somewhat limited in terms of controlling eligible projects. Regarding potential options that could be a tangible alternative to utilizing the provisions of the Live Local Act, the following might be attractive to developers:

1. Establish a Commission waiver provision to exceed maximum building height limits, up to a certain maximum overall height. To obtain such a waiver, in lieu of utilizing the provisions of the Live Local Act, a developer would agree to voluntarily design a project in a manner consistent with the established scale, character and context of the surrounding area.
2. The City Commission could create a separate warrant process for floor area ratio (FAR) bonuses that would be applicable to non-transient residential housing. This would allow the

Commission to approve FAR bonuses on a specific, case by case basis, without having to increase FAR within a district.

Both of these options, as well as others the LUSC may discuss, could be attractive to developers, as they would not be bound by the minimum thresholds for workforce and affordable housing under the provisions of the Live Local Act. If there is consensus on these, or other options, a separate referral to the Planning Board, by the City Commission, to amend the Land Development Regulations of the City Code (LDRs) would be required.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> REF R9 AR	Memo
<input type="checkbox"/> Brochure Centennial	Other
<input type="checkbox"/> Collins Canal	Other
<input type="checkbox"/> Historical Canal Views	Other

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Joseph Magazine  
DATE: March 13, 2024

SUBJECT: DISCUSS/TAKE ACTION – DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

---

### **BACKGROUND/HISTORY**

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above discussion item on the March 13, 2024 City Commission meeting agenda. The Live Local Act preempts the City in many respects, including as to maximum height and floor area ratio ("FAR"), for qualifying projects. I would like the City Commission to discuss possible parameters for property owners to present creative development proposals to the City, as an alternative to invoking the preemptions in the Live Local Act. The purpose would be to encourage long-term, non-transient residential development (including workforce housing) that is more compatible with the surrounding neighborhood than what would otherwise be available under the Live Local Act.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Legislative Tracking**

Commissioner Joseph Magazine

# HERBERT HOFER

Poster Artist for the Collins Canal Centennial Celebration.



Poster Artist for the Collins Canal Centennial Celebration, is world-traveled and world-famous for his distinctive style of painting which he calls "modern primitives." A native of Austria with a background in architecture and interior design, he has made Miami Beach his home since 1988, and loves the color and light of South Florida. See more of his wonderful artwork at his website, [www.herberthofer.com](http://www.herberthofer.com)



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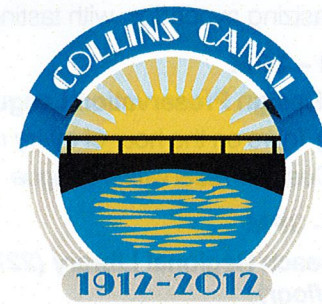
Gale south beach

JMH DEVELOPMENT

VINTRO HOTELS

W

Collins Park Hotel



**CENTENNIAL CELEBRATION**  
 NOVEMBER 3RD, 2012  
**MIAMI BEACH**



# CELEBRATION EVENTS

## At the Bandshell,

2100 Washington Ave., Miami Beach

\*Other venues listed with address next to specific events

### 10AM – 5:30PM

#### At the Bandshell

- Food trucks & vendors
- *Coast Guard Auxiliary / Sea Partners Program* on boating safety & care of the environment

- *Children's Table*: crafts & games, by *Miami Children's Museum*

### 10AM – NOON

#### Miami Beach Botanical Garden,

Convention Center Drive (one block west of the Bandshell)

- *Chris Robbins* of *Miami Fruit & Spice Park* teaches "Backyard Citrus & Tropical Fruit," emphasizing avocados, with tastings!

### 11AM – 3PM

#### Miami Design Preservation League booth

Walking Tours on the hour of every hour by the *Miami Design Preservation League*

### 11AM – 3PM

#### Miami Beach Regional Library (227 22nd St., second floor)

Video Gaming for Teens

### 2PM

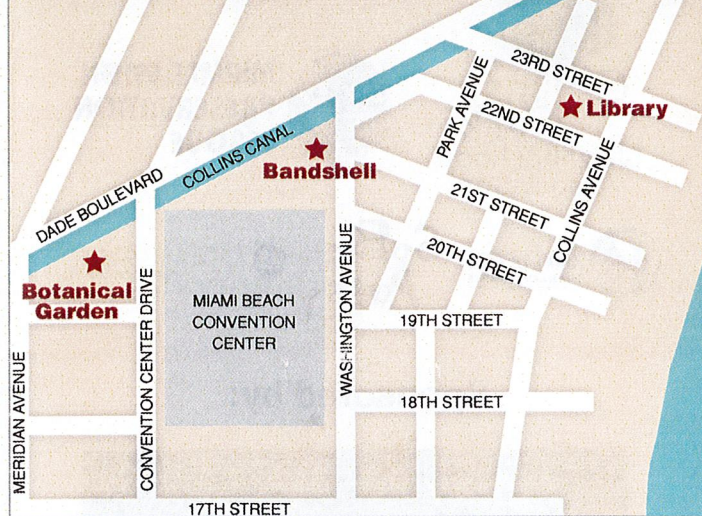
#### Miami Beach Regional Library

A visit by *John Collins*

### 3PM

#### Miami Beach Regional Library

Storytelling for toddlers



### 4PM

#### Official Ceremony:

- Miami Beach High School Bands
- Remembering John Collins
- City Proclamation & Birthday Cake with *Commissioner Jorge Exposito*
- Musical Finale by *SoBe Arts Chamber Ensemble*:
  - *Carson Kievman*, artistic director
  - *Robert Chumbley*, conductor

*Collins Canal Historic Exhibit on display through Nov. 14 at the Miami Beach Regional Library*

# 100 YEARS AGO...

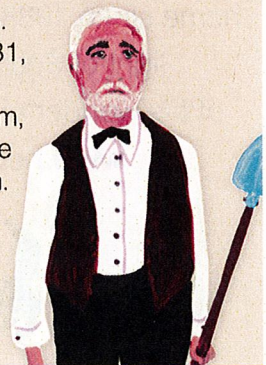
It's 1912. Arizona and New Mexico become States, the Boston Red Sox win the World Series, and Woodrow Wilson wins the Presidency.

The City of Miami had been founded in 1896, but on the nearby oceanfront now known as Miami Beach there is still no town, no bridge, nor even a hotel. It is only accessible by boat, and ferry service brings adventurous beachgoers from Miami to what is now South Point.

Farther to the north, John S. Collins, 74, a Quaker farmer from New Jersey, is raising avocados and mangos on his land west of Indian Creek. In November he completes the dredging of a 1¼-mile canal, carved through the mangrove jungle, that connects Indian Creek to Biscayne Bay and serves to transport his crops to the port and railroad in Miami. It still remains as the oldest man-made structure within Miami Beach.

The canal also allows building materials to be brought into the beach, and resort development soon takes off. In 1913, with the help of Carl G. Fisher, Collins completes a 2½-mile bridge across the Bay, the first connection of the beach to the mainland and the longest wooden bridge in the world at the time. (In the 1920s, it would be replaced by the Venetian Causeway and its man-made islands.)

Collins and his family, including son-in-law Thomas Pancoast, form the Miami Beach Improvement Company in 1912, and join with other developers to charter the Town of Miami Beach in 1915. Collins lives until 1928. In 1931, the City's first public library building, now the Bass Museum, is dedicated to Collins "in love and respect for this friendly man. Miami Beach is a monument to his vision and courage."



# Collins Canal

Daniel Sommer

March 25, 2012

[Sommerhs1@aol.com](mailto:Sommerhs1@aol.com)

(305) 450-3006

The Collins Canal is a man-made canal that links Biscayne Bay, on the west, to Lake Pancoast, on the east, that is south of Dade Boulevard, and was built by John S. Collins in 1912. It is considered the oldest, still existing, built structure in the city of Miami Beach, and celebrates its centennial this year. John Collins planned the canal for the purposes of allowing easy transportation from his avocado farm to Biscayne Bay, and to provide a scenic backdrop for his real estate holdings, especially his hotel site on 23<sup>rd</sup> site.

A timeline of the Collins Canal follows:

. canal under construction:

earliest citation - 7/6/1912 MH

other citations - 7/10/1912 MDM, 7/11/1912 MH, 8/31/1912 MH

. canal completed, earliest citation - 11/21/1912 MH

. canal used, earliest citation - 12/5/1912 MH

. canal named "Collins Canal", 2/25/1913 MH

. Miami Dade Plat Book:

earliest citation, unnamed - 12/11/1912 [2/47]

earliest citation, named "Collins Canal" – 6/1915 [5/7]

Citations that detail the building of the canal can be found in the following sources:

## 1. Miami Dade Plat Book:

. Plat book 2, page 47, dated 12/11/1912, the earliest plat filed by John Collins, has the canal platted. It is not named but identified as "Canal from Biscayne Bay to Lake", and the land description section mentions "the canal recently dredged extending from said lake to Biscayne Bay".

. Plat book 5, page 7, dated June 1915, had the canal named as the "Collins Canal".

## 2. "The Miracle of Miami Beach", J. N. Lummus, 1940:

In this book, in the section where Lummus discusses the construction of Collins Avenue, he mentions "It took ten men one week to cut a right-of-way from where Mr. Collins was having the canal dug to South Beach."

3. "Forty Years of Miami Beach", Ruby Leach Carson, *Tequesta: The Journal of the Historical Association of Southern Florida*, Volume 1, number 15, 1955:

"Anyway, my grandfather was "agriculturally minded," said Arthur Pancoast. "He wanted to make a go of farming developments on cleared swamp land first. Then that ocean strip not suited to farming he thought could be available for a city later. He did not think of starting a city development until he needed a canal for solution of his farm transportation problems. Then he knew a canal would help in both developments." – Page 7

"He [Thomas Pancoast] arrived in 1911 and helped Collins direct the work on his canal. It was dug from what is now Lake Pancoast, to Biscayne Bay, and quickly became one of the most beautiful features of Miami Beach. It still retains his name. Both Collins and Pancoast realized at this time that the canal would not only provide a quick way to get his avocados to market, but also would help open up an area which would soon be in demand for residences. If homes were to be built, then a bridge for vehicles would be needed." – Page 9

"In 1914 T. J. Pancoast built a mansion on the edge of the deepened wading pool which connected Collins Canal with Indian Creek, and which had been named Lake Pancoast." – Page 11

"By July of 1924, the first coconut tree was planted on the Nautilus grounds and the road building was proceeding. The rock for this was hauled from the mainland on barges. They were floated up Collins Canal to the bantam line railroad which the Fisher interests were using." – Page 17

4. "Miami Beach: A History", Howard Kleinberg, 1994

"Collins also had ideas about transportation. Taking his crop over to the railroad in Miami was a tedious process. It first had to be hauled overland to the western edge of the beach, then barged up the east side of the bay, across the northern portion and then down the west side of Miami, a distance of seven miles. It was the overland route Collins first sought to eliminate. He decided, in 1911, that he needed to build a canal from Indian Creek to Biscayne Bay, which would allow him to barge his avocados directly to the city. To avoid the shallow and still reptile-infested Crocodile Hole to the north, Collins cut his canal from a grass-covered pond on the southern edge of Indian Creek southwest to the bay, the spoil bank becoming today's Dade Boulevard."

5. Miami Daily Metropolis, 7/10/1912, "Free Gift of Ten Acres on the Ocean Offered Miami City as a Public Park by Ocean Beach Improvement Company":

This article discusses the donation of land by John Collins to the city, for what is now called Collins Park. It has numerous mentions of the canal.

. "Location convenient of access via bridge or canal."

. "the tract he [John Collins] offers the city for park purposes is near the head of Indian creek, the location being convenient of access either via canal or the new bridge which the company is now arranging to build across the bay."

. "the [bridges'] real terminal being at the mouth of the canal which is now being dug. The canal will traverse the entire peninsula, giving water front to those inland . . .

Considerable clearing has already been made back from the canal and it is the purpose of the company to build a large hotel."

. "people availing themselves of the advantage of the park will have the same access to the bridge and canal as would owners of private property"

6. Miami Herald:

. 7/6/1912, "The Great Improvements Now Being Made at Collins' Ranch, Across Bay"

"Mr. Collins concluded a short cut to the ocean beach would be necessary . . . Securing a dredge, a channel was first made from a point out in the bay a quarter of a mile off . . . and ending where the canal proper begins. The canal, it was intended, should cut directly across the peninsula to a small lake at the head of what is known as Indian creek . . . another dredge was added to the little fleet . . . These two machines are now within a few hundred yards of each other and by September 15<sup>th</sup>, according to the estimate of Thomas J. Pancoast . . . they will have met"

. 7/11/1912, "Cite for Park Is Tendered the City Free"

"The location is stated to be easy of access both via the canal and the proposed new bridge."

. 8/31/1912, "Thomas J. Pancoast Returns to Miami to Make His Home"

"Things have gone along very well on the canals also, although there has been some delay on the main canal ...there being only about 800 feet yet to excavate to the head of Indian Creek. Dredge No. 2 is still at work widening, deepening and straightening out Indian creek, and as soon as the connection is made both machines will engage in digging out a basin at the head of creek, which is to be made a pivotal point for the social life of that entire section"

6. Miami Herald (Continued)

. 11/21/1912, "Dredging of Canal to the Head of Indian Creek Has Been Finished"

"The dredging of the canal from Biscayne bay at a point where the Collins bridge touches the peninsula to the head of Indian creek, which is to give access by boat to the Collins property, was completed a few days ago, and one can now go by water across the peninsula to within 150 yards of the ocean."

. 12/5/1912, "County Commissioners Viewed the Proposed Beach Boulevard"

"After crossing the bay the party viewed the eastern terminus of the bridge, . . . afterward proceeding up the canal to the basin at the head of Indian creek."

. 2/25/1913, "Will Have Regular Service to Indian Creek"

"The launch Virginian will leave from the Twelfth street pier . . . for the head of Indian creek via the Collins canal."

# DREDGING OF CANAL TO THE HEAD OF INDIAN CREEK HAS BEEN FINISHED

## And Now A Basin For The Anchorage Of Yachts Is Being Made

VARIOUS CAUSES, MOSTLY HEAVY WEATHER, RESPONSIBLE FOR THE DELAY IN COMPLETING COLLINS BRIDGE—BUILDING OF THE STEEL DRAW BRIDGE IS NOW PROGRESSING RAPIDLY.

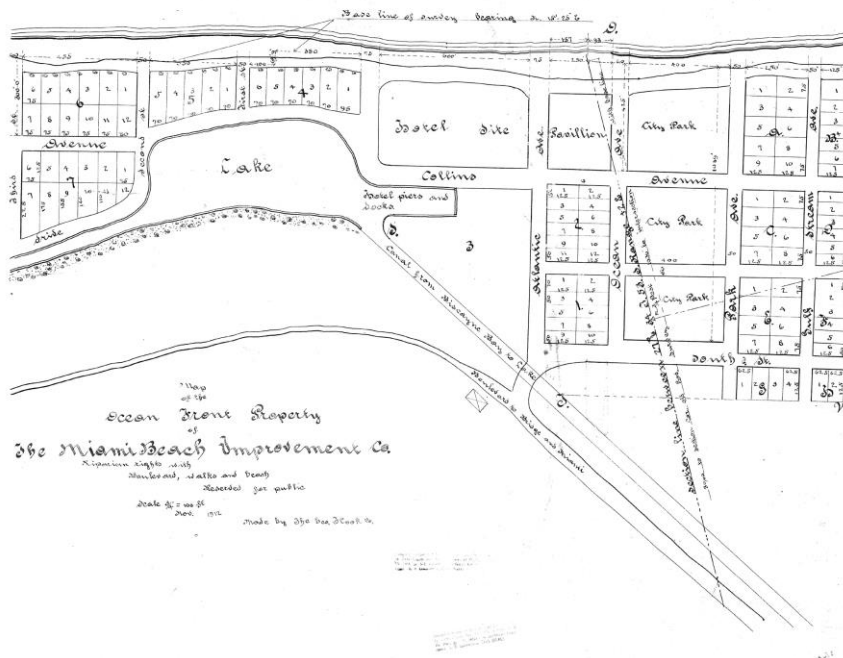
The dredging of the canal from Biscayne bay at a point where the Collins bridge touches the peninsula to the head of Indian creek, which is to give access by boat to the Collins property, was completed a few days ago, and one can now go by water across the peninsula to within less than 150 yards of the ocean. Some time previous, the channel in Indian creek was finished, and both dredges are now engaged in digging out the basin at the head of the creek, lying back of the hotel site and adjoining the new city park recently donated to Miami by Mr. Collins.

The basin is really a miniature lake that is being deepened to furnish anchorage for the pleasure boats when they run across from the city to visit the park or remain for any other purpose. Without it motor boats could not approach the dock that is to be built, nor would there be any place where they could tie up without interrupting navigation. While the main portion of the dredging is completed for the time being, it is the intention of Mr. Collins to continue the work until the entire lake has been deepened and the channel widened out in the creek to its full width. The present basin is being made 100 feet wide and 200 feet long.

Various causes have occasioned more or less delay in driving the piles in the gap yet to be closed in the bridge being built across the bay. Heavy weather has had much to do with the comparatively slow progress, the stiff breeze making it all but impossible at times to hold the pile driver in position. Then the barges have been impressed on two occasions to be used as lighters. But in spite of all of that, Engineer Conklin has kept his work ahead of the schedule, and if nothing unforeseen should happen, the big structure will be completed well within the time specified in the contract.

The building of the steel draw bridge is rapidly being accomplished by the sub-contractor and the parts will be on the ground ready to be assembled long before the bridge is open to traffic. The most tedious work in the building of the draw will be in the making of the concrete pier upon which the bridge will revolve. That once in position, the putting together of the bridge will occupy comparatively little time.

Miami Herald, 11/21/1912



**Shows all men by these streets**

That the Miami Beach Improvement Company...

Memorandum at a special meeting of the directors of the Miami Beach Improvement Company...

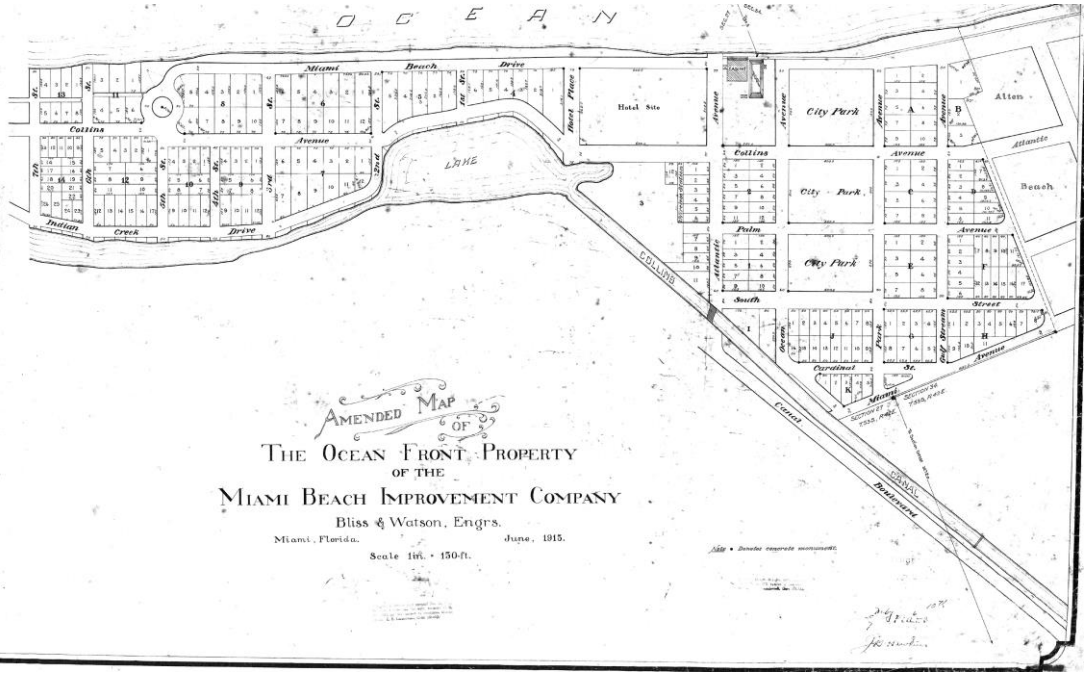
As the Board of Directors of the Miami Beach Improvement Company...

That the Board of Directors of the Miami Beach Improvement Company...

Resolved in favour of the Board of Directors...

*J. R. Johnson*  
 J. R. Johnson  
 Secretary

Dated at Miami, Fla., this 10th day of June, 1915.  
 J. R. Johnson, Secretary



**AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY.**  
 Bliss & Watson, Engrs.  
 Miami, Florida. June, 1915.  
 Scale 1/8" = 150 ft.

Miami Dade Plat Book 2/47 (top) & 5/7 (bottom)

# FREE GIFT OF TEN ACRES ON THE OCEAN OFFERED MIAMI CITY AS A PUBLIC PARK BY OCEAN BEACH IMPROVEMENT COMPANY

John S. Collins, President of the Company, Makes the Offer by  
Telegraph to Secretary Ward of the Board of Trade,  
Detailed Information Coming by Mail

## PROPOSED PARK HAS FRONTAGE OF 400 FEET ON THE OCEAN

RIPIARIAN RIGHTS ALSO GO WITH THE OFFER—CITY HAS FOR  
YEARS ENDEAVORED TO SECURE PUBLIC PARK WITH  
BEACH. ORDINANCE NOW PENDING IN THE CITY COUNCIL  
PROVIDES FOR \$40,000 FOR PARK AND DOCK PURPOSES—  
PROPOSED PARK IS IN IDEAL LOCATION AND OF EASY AC-  
CESS FROM CITY.

+++++  
The Miami Beach Improve-  
ment company offers a free gift  
to the city of Miami of ten  
acres of land containing four  
hundred feet of ocean front  
with riparian rights, located  
near the head of Indian creek,  
for city park purposes. Loca-  
tion convenient of access via  
bridge of canal. More definite  
information follows by mail.  
JOHN S. COLLINS.

Offering to the city a tract of land  
on the ocean beach, the tract contain-  
ing ten acres with four hundred feet  
of ocean front with riparian rights,  
the Ocean Beach Improvement com-  
pany through its president, John S.  
Collins, in the above telegram to Sec-  
retary Ward of the Board of Trade,  
would generously provide Miami  
with a public park and playground.  
The telegram was received this  
morning, but no action has as yet  
been taken by the Board of Trade or  
the city council. Mr. Ward saying  
that probably nothing would be done  
until the promised letter from Mr.  
Collins containing more detailed in-  
formation is received.

The offer of the Ocean Beach Im-  
provement company comes unsolicit-  
ed, as far as it is known, and this  
makes it all the more appreciated,  
the secretary of the board of trade  
making the statement that the entire  
populace ought to feel more than  
grateful to Mr. Collins for his gener-  
ous gift, and that the gift ought  
to be accepted without question. The  
city has for some time considered  
the feasibility of buying land on the  
beach for park purposes, but in the  
offer of the Collins property as a  
free gift it is now believed that there  
will be no necessity of supplement-  
ing this with a purchase.

### Fine Location for Park.

According to the telegram from  
Mr. Collins, the tract he offers the  
city for park purposes is near the  
head of Indian creek, the location  
being convenient of access either via  
canal or the new bridge which the

company is now arranging to build  
across the bay. The bridge will be  
built across the bay opposite the  
northern part of the city, the ap-  
proach on this side being near the  
"Garden of Eden" while the ocean  
terminal will be on the Collins prop-  
erty. The eastern end will first  
strike land on Bull's Island. The is-  
land will be crossed by a good rock  
road way and a couple of spans will  
connect it with the peninsula, the  
real terminal being at the mouth of  
the canal which is now being dug.

The canal will traverse the entire  
peninsula, giving water front to  
those inland as well as parties who  
might build cottages on the bay or  
ocean front. Considerable clearing  
has already been made back from  
the canal and it is the purpose of the  
company to build a large hotel, pavil-  
ion and other buildings here.

The new park will be adjacent to  
this valuable property, and people  
availing themselves of the advantage  
of the park will have the same access  
to the bridge and canal as would  
owners of private property in the vi-  
cinity.

### City Has Long Wanted Park

Miami has for years wanted such  
a park as is now offered by Mr. Col-  
lins of the Ocean Beach Improvement  
company. An effort was made to  
get a bathing beach near the govern-  
ment cut south of "Fairlyland" but  
this fell through and the city today  
has no public park or bathing beach-  
es. At the last meeting of the city  
council an offer was made the munic-  
ipality to sell 25 acres on the penin-  
sula to the city for \$16,500, but the  
proposition was laid on the table for  
future consideration, the city not  
having the money with which to buy  
lands for park purposes.

There is now pending before the  
city council a bond ordinance provid-  
ing for the issuance of bonds in  
the sum of \$140,000, \$40,000 to  
be known as park and dock bonds.  
This ordinance has passed its first  
two readings and will come up for  
final reading and passage at the next  
regular meeting of the council.

When the ordinance was intro-  
duced it was generally understood.  
(Continued on Page 4).



# THE GREAT IMPROVEMENTS NOW BEING MADE AT COLLINS' RANCH, ACROSS BAY

BESIDES MAKING ONE OF THE GREATEST CITRUS FRUIT PLANTATIONS IN THE WORLD, A RESORT—A MINIATURE CONEY ISLAND WILL BE PROVIDED—BLOCKS AND LOTS LAID OUT, BIG HOTEL TO BE BUILT, CANALS CUT AND BRIDGE ACROSS BAY TO BE BUILT—THE WORK NOW UNDER WAY AND THAT CONTEMPLATED.

John S. Collins, of Moorestown, New Jersey, though just about as much at home in Miami, builded better than he knew when he acquired title to some 1,600 acres of land on the peninsula east of the city over two decades ago. Twenty years would seem a long time to wait, ordinarily, before starting to improve a bit of real estate such as that, but Mr. Collins was in no hurry. The investment, it is safe to assume, did not represent such a tremendous amount, bought at the time it was, the taxes were small and it was not until four years ago a start was made on what it is now proposed to make the show place of all show places in Dade county.

Mr. Collins is one of the largest fruit growers and exporters in the United States, having thousands of acres in peaches and other small fruits in Georgia and New Jersey, and eventually his fame in that direction will be extended to include the tropical fruits now so scarce in northern markets—avocadoes, man-

goes and grapefruit.

## Much Interest Manifested.

Interest in the Collins ranch has been revived greatly within the last few months by reason of its close association with the bridge that is to be built across the bay, starting from a point about a mile above the city limits. All the holdings formerly standing in the name of J. S. Collins have been transferred to the Miami Beach Improvement Company, which company is also to be the builder of the bridge referred to.

Four years ago the work of improving the tract was begun, it being under charge of Charles Spier, now general manager of the company, and since that time operations have gone on more or less without interruption, 300 acres at present being clear and under cultivation. Each year a certain number of avocadoes and mangoes have been planted until now there are 9,000 Trapp and Pollack avocadoes and 300 Mulgoba mangoes growing, varying from one to four years of age. Last season quite a quantity of the ground was devoted to potatoes, which yielded a total of 17 cars of 400 crates each. On the ocean side of the tract, for more than a mile, are cocoanuts planted at regular intervals.

## Cutting Canals.

When it was decided to improve the property, but before thoughts of a bridge across Biscayne bay had been dreamed of, Mr. Collins concluded a short cut to the ocean beach would be necessary before the proposition could be made as attractive as it should be. Securing a dredge, a channel was first made from a point out in the bay a quarter of a mile off, just missing the south end of Bull's island, and ending where the canal proper begins.

The canal, it was intended, should cut directly across the peninsula to a small lake at the head of what is known as Indian creek, though slough would be a better name for it. The work progressed slowly and another dredge was added to the little fleet, the latter being set to work dredging out a narrow and shallow channel in the creek a short distance below the lake.

## Machines Near Together.

These two machines are now within a few hundred yards of each other and by September 15th, according to the estimate of Thomas J. Pancoast, secretary and treasurer of the company, they will have met, and the public will be invited to inspect one of the neatest propositions to be found in the entire county.

With a width of thirty feet on top and a depth approximating six to eight feet, almost all of the pleasure craft will be enabled to reach the elaborate resort it is proposed to es-

## GREAT IMPROVEMENTS NOW BEING MADE

(From Page One)

is made with the head of the small lake. A suction dredge is to follow in the wake of the former, cleaning out the bottom and adding to its depth. Just at present the dredge in the canal is crossing a reef of coquina rock, about two feet of which is blasted out.

## To Start on Bridge.

According to Mr. Pancoast, work is to be begun on the bridge across the bay immediately. The eastern end of it will first strike land on Bull's island, which is crossed, and then comes a couple of small spans and the peninsula is reached directly at the mouth of the canal now being dug. Fifty feet back from the north bank of the canal has been cleared and for a mile the boulevard that is to be a continuation of the bridge follows that bank, then crosses the canal and in a couple of hundred yards inscribes a circle around a plot that has been set aside for a big hotel.

Space has also been allotted for a pavilion and, in fact, if the expressed intentions of the management are carried out, a miniature Coney Island will arise from what but a short time ago was a tangled mass of mangrove and palmetto. Still another drive planned is a beach boulevard that shall follow the shore line for over a mile and be a model of its kind.

## Lots to Be Sold.

Though primarily intended as a big fruit ranch, Mr. Collins has decided the proposition offers too many advantages to be kept from the public, and has laid out four tiers of blocks containing 415 lots facing the beach boulevard. These are being improved as rapidly as possible and by fall will be ready to be offered to the public.

Yesterday a number of the business and professional men of Miami made a trip to the Collins property as guests of Mr. Pancoast. Included in the number was George B. Celson, who has been labeled the "Burbank of Florida" for his success in budding and in-arching avocadoes and mangoes, and he it was who predicted with the present rate of increase of the acreage of tropical fruits now being carried on by Mr. Collins, in the course of five years he would have the most valuable and greatest income producing orchard of its size to be found anywhere in the world.

# SITE FOR PARK IS TENDERED THE CITY FREE

JOHN S. COLLINS WILL DONATE  
SUCH A SITE ON THE  
OCEAN FRONT.

WILL BE ACCESSIBLE  
BY PROPOSED BRIDGE

OFFER IS WIRED THROUGH  
SECRETARY OF BOARD OF  
TRADE, STATING THAT LET-  
TER IS FOLLOWING GIVING  
DETAILS OF THE PROPOSED  
GIFT—IS AT PROPOSED NEW  
RESORT.

With \$40,000 on hand, should the bond issue carry upon being submitted to the tax payers, and an acceptable site comprising ten acres donated to the city, it is more than likely within a year from date Miami will possess a public playground and bathing resort that will be a credit to the city and a monument to the generosity of the man who will have made such a thin-possible.

John S. Collins is a man who never does things by halves. Over twenty years ago he became impressed with the possibilities of this section of Florida, before Miami even had use for swaddling clothes, and he acquired several thousand acres along the keys and narrow peninsulas that are more or less scattered from one end of the east coast to the other.

Of late years he has concluded the time was ripe to make some of his holdings productive and he has expended over \$150,000 in improving a portion of the 1,600 acres owned just across the bay from the city. Three hundred acres have been cleared and planted to fruit trees, which it is intended will be the model place of its

(Continued on Page Four)

## SITE FOR PARK IS TENDERED CITY FREE (From Page One)

kind in the state. Adjoining that plat and lying between it and the ocean he has caused to be laid out over 400 lots that are shortly to be offered the public as building sites for summer cottages.

Now, to make this summer bungalow addition doubly attractive, he has made the city an offer of ten acres for park purposes, the tract costing nothing except the price of recording the deed. The offer came yesterday in a wire to Secretary Ward, of the Board of Trade, the message stating the Miami Beach Improvement Company would be glad to make a free gift to the city of ten acres of land containing 400 feet of ocean frontage with riparian rights located near the head of Indian creek, such to be used as city park purposes. The location is stated to be easy of access both via the canal and the proposed new bridge.

The wire was signed by John S. Collins, who is president of the company making the offer, and it is stated further that more definite information was following by mail. "Those who enjoy Mr. Collins' confidence do not believe he will impose any condition hard to carry out. He will naturally want the city to clear the land and make it into a sure enough park within a reasonable length of time, and he will doubtless require some surety that the city will be responsible for its upkeep and proper maintenance, but beyond that it is thought nothing more will be asked.

Should the bond issue be carried, the sum that is to be devoted to parks and public playgrounds—\$40,000—will be more than ample to defray the cost of making the Collins park into a model of its kind. Bathing pavilions and all sorts of amusements for both young and old can be provided, and Miami will have a resort to which her people can go and enjoy themselves twelve months in the year.

# COUNTY COMMISSIONERS VIEWED THE PROPOSED BEACH BOULEVARD

AND WITHOUT COMMITTING THEMSELVES IT IS BELIEVED THE BOARD WILL MEET THE COLLINS PEOPLE AND OTHERS HALF WAY IN THE OFFER TO ASSIST IN CONSTRUCTING THE PROPOSED HIGHWAY.

Without committing themselves officially to the proposition, it is believed the board of county commissioners will meet the Collins people and those of the Ocean Beach Investment Company half way in the offer of the realty owners mentioned in the matter of the construction of a boulevard from the end of the Collins bridge to the ocean side, and thence south to a point almost to the site of the present pavilion, and the decision to that effect is thought to have been arrived at yesterday as a result of a personal inspection of the proposed route.

All parties interested got together in the early afternoon, making the run across the bay in Mr. Collins' boat. Representing the Collins' interest were Mr. Collins in person and Mr. Pancoast; those of the Ocean Beach Company included J. E. Lummus, J. N. Lummus, J. A. McDonald, Z. T. Merritt and John Gramling, and all the members of the board of commissioners were on hand with the exception of Mr. Hinson, and there was also L. R. Railey, attorney of the board.

After crossing the bay the party viewed the eastern terminus of the bridge, which is to be the starting point of the proposed boulevard, afterward proceeding up the canal to the basin at the head of Indian creek, adjacent to the Collins townsite property. Disembarking there, the launch was sent back and around to the dock of the Ocean Beach Realty Company, the party tramping over the route of the road up the beach

almost to the bathing pavilion. After crossing the canal the road will traverse Atlantic avenue to Collins avenue, and thence run parallel with the beach about 500 feet back from the water's edge straight up to and through the property of the Ocean Beach Company, touching the park recently donated to the city by Mr. Collins as a playground.

From casual conversation had at the time, the members of the board would appear to be favorable to the proposition and it is not unlikely definite action will be taken at their next meeting. What is desired is a sixty foot roadway, fully rocked and rolled, from the terminus of the bridge to the northern line of the property of the Ocean Beach Company, from which point the plat of the townsite calls for an eighty foot boulevard.

The length of the road will be approximately three miles, and one-half of the cost of the same is to be defrayed by the property owners, who also agree to make any fills that may be necessary at their own expense. The Collins people will also put in at their expense the draw bridge that is to span the canal a short distance this side of the basin. There will be little or no grading to be done, and the work will in no ways be expensive. Should the road be constructed it will afford not only a beautiful drive via the Collins bridge, but will give easy access by automobile or any other kind of a vehicle to the ocean beach and the new casino being built by the Ocean Beach Amusement Company.

Miami Herald, 7/11/1912

Miami Herald, 12/5/1912

# THOMAS J. PANCOAST RETURNS TO MIAMI TO MAKE HIS HOME

Is Representative of John S. Collins, Builder of Resort Across the Bay

AND HE COMES WITH MANY PLANS FOR FUTURE DEVELOPMENT OF RESORT.

Piling for Bridge Are Now Out 1,750 Feet From West Shore, and 500 Feet From East Shore—Will Be Finished Within the Contract Period—Work Across Bay.

Thomas J. Pancoast, personal representative of John S. Collins, the New Jersey capitalist, donor of a ten-acre park site to the city, builder of the bridge across the bay and pioneer in the transformation of the peninsula wilderness into a paradise, returned to Miami yesterday morning, and one of his first utterances after greeting old friends was that he was here to stay, that his family would join him in a week or so and Miami was to be his future home for good and all time.

"It was hard to leave a place where one had spent twenty-four years of their life, to feel that you were pulling up for good, but our interests are becoming so extensive and will be of so much consequence in the near future I decided to make the change. Mrs. Pancoast and our youngest son will join me as soon as I can arrange for the accommodation, and with the completion of the bridge we will build a home of our own across the bay. Our oldest son is a senior at Swarthmore, and the second will attend a private school, both remaining in the north for the present."

Yesterday Mr. Pancoast was closeted with his attorneys the most of the forenoon, but in the afternoon he in company with C. D. Bowen, J. I. Conklin and George P. Cook made a trip of inspection, first of the progress being made on the bridge and later of the dredging operations.

"I found the building of the bridge," said Mr. Pancoast, "to have progressed fully as well as could be expected and there seems little doubt of it being finished some time before the expiration of the contract period. On this side the piling is now out 1,750 feet and would have been much farther had not the contractors run out of piling of sufficient length. Instead of the shortage causing a delay, however, the force and the piledriver were shifted over to the Ball's island end of the long span and 500 feet have been run out from that side. Next week the outfit will be back on this side as five carloads of the long piling are here, or will be by Monday."

"Things have gone along very well on the canal also, although there has been some delay on the main canal owing to silt and muck either having sloughed off the banks or not sufficient depth having been attained in the first place. It is being cleaned out now and as soon as finished the dredge will move to the head of the canal and resume digging, there being only about 800 feet yet to excavate to the head of Indian creek."

"Dredge No. 2 is still at work widening, deepening and straightening out Indian creek, and as soon as the connection is made both machines will engage in digging out a basin at the head of the creek, which is to be made the pivotal point for the future social life of that entire section. A suction dredge is also to be put on the main canal which will pump up sand and throw it on the north bank as a foundation for the boulevard that is to follow."

Regarding the plans for the immediate future, Mr. Pancoast said all energies were to be directed to completing the bridge as soon as possible in order to make their property more accessible than at present. After that will come the completion of the boulevard that is to extend from the east end of the bridge across the peninsula to the hotel site and ocean beach which will enable automobiles to make the run to the beach in ten minutes or less.

Following the completion of the bridge and boulevard will be taken up the perfecting of the plan of the building lots, putting the ground in shape for immediate occupancy and the laying out and construction of the roads that are to intersect the tract. A force of twenty to thirty men has been at work all summer clearing the land and making it ready for home seekers. The main boulevard will be built to the southern line of the Collins holdings where a connection will be made with a similar highway extending south as far as the present pavilion.

"We have many plans for the fu-

(Continued on Page Eight)

## THOMAS J. PANCOAST RETURNS TO MIAMI TO MAKE HIS HOME

(Continued from Page One)

ture," continued Mr. Pancoast, "but it will take time to work them out. Our engineer, Mr. Conklin, has been so busy with the bridge he could find time for nothing else, but it is going along so nicely now and he has a good assistant so he will be able to devote a little attention to other matters, and one of the first will be the locating of the ten acres Mr. Collins has given the city for park purposes. Mr. Collins as usual will arrive about the latter part of November for the season."

### WILL HAVE REGULAR SERVICE TO INDIAN CREEK

The launch Virginian will leave at 9 o'clock in the morning from the Twelfth street pier on Mondays, Wednesdays and Fridays for the head of Indian creek via the Collins canal.

The service will be maintained indefinitely for the benefit of those interested in the property of the Miami Beach Investment Company, which recently auctioned off one hundred of its choicest lots.



Collins Canal With Fish Strike, Gleason Waite Romer



The Scene Today (2012)



Gondolas in the Collins Canal in front of the Hubbel residence - Miami Beach, Florida, 1930



The Scene Today (2012)

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 16. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

### **TITLE: CONSIDER ADOPTING A BUILDING ENERGY BENCHMARKING ORDINANCE FOR GREENHOUSE GAS EMISSIONS**

#### **HISTORY:**

On January 25, 2024, the Sustainability Committee adopted a unanimous motion, urging the City to adopt an ordinance that would mandate the benchmarking of energy consumption and greenhouse gas emissions for existing buildings above a certain size threshold.

On February 21, 2024, the Mayor and Commission referred a discussion (C4 I) to the Land Use and Sustainability Committee to consider adopting a building energy benchmarking ordinance. This item was sponsored by Commissioner Laura Dominguez.

On March 19, 2024, the Land Use and Sustainability Committee discussed adopting a building energy benchmarking ordinance item and directed staff to explore incentives and a policy framework for energy benchmarking.

#### **ANALYSIS:**

Energy and water benchmarking is the practice of assessing and analyzing the energy and water use of a building and then comparing it to the building's past performance, similar buildings, or modeled simulations of a reference building at a certain standard. Benchmarking a building's energy use over time provides a mechanism for comparing energy use and related emissions, identifying opportunities for energy conservation improvements, and measuring performance of building upgrades. Energy benchmarking is an important strategy for measuring and tracking the energy performance of the largest buildings in a city. For building owners and property managers, benchmarking allows them to understand their energy usage and water consumption and makes it easier to identify inefficiencies and opportunities to reduce costs.

The City of Miami Beach has already taken steps to reduce energy consumption and greenhouse emissions. In addition to compiling an annual greenhouse gas (GHG) emissions inventory, which provides a breakdown of the GHG emissions community-wide and from government operations, the City has implemented several projects to reduce GHG emissions for municipal operations and adopted policies to mitigate the effects of climate change community wide. The City's efforts have focused on the sectors which are the greatest contributors of GHG emissions: energy consumption in buildings, transportation, and solid waste.

The Environment & Sustainability Department is currently working on the City’s first Climate Action Plan (CAP). The goal of the CAP is to prioritize actions in these three sectors to reduce GHG emissions community-wide, in order to reach the City’s emissions reduction goal of net-zero GHG emissions by 2050 which the City Commission unanimously adopted on April 21, 2021 through Resolution No. 2021-31664. One of the proposed actions in the draft CAP that has been identified as high priority is a building energy benchmarking policy. An energy and water benchmarking ordinance was identified as a high priority action due to its high GHG emissions reduction potential, additional co-benefits including cost savings, and low complexity for implementation.

The City of Miami Beach currently tracks electricity consumption of all City buildings, street lighting, and other electric utility accounts through EnergyCAP, an electric utility management platform. EnergyCAP is a repository of all electric utility bill data and provides features for tracking, analyzing, reporting, managing and archiving energy use. The platform helps to identify savings and issues, such as bill anomalies and changes in usage. The electricity data captured through EnergyCAP would support the energy benchmarking of municipal buildings.

Benchmarking Policies

Local and state governments have established benchmarking and disclosure policies as a tool to reduce greenhouse gas emissions and improve the energy efficiency of buildings that make up a majority of the whole building footprint in their communities. Most benchmarking ordinances are mandatory and some include a voluntary period before full implementation. In addition, some municipalities have launched voluntary programs to encourage energy and water benchmarking.

Benchmarking policies include the following essential components: annual benchmarking requirement, disclosure requirement, and enforcement. Policies may also include periodic re-tuning and/or retro-commissioning requirements. Re-tuning, or retro-commissioning, is the process of restoring and maximizing the efficiency of a building by auditing and tuning up all its major components, including heating, ventilation, and air conditioning (HVAC) systems, lighting systems, the building envelope, and central plant, if applicable. Benchmarking policies require buildings that meet certain thresholds to comply with all requirements. These thresholds are defined using building characteristics including building use types and building square footage. For example, some benchmarking ordinances require all buildings over a certain area to benchmark their energy and water consumption while other policies only require commercial, residential and/or public properties over a certain area to benchmark.

An analysis of building square footage has already been conducted. The following data of buildings in Miami Beach was analyzed and provided by Miami-Dade County based on their 2019 study of buildings throughout the county. Their analysis found that buildings 20,000 square feet and larger comprised only two percent of the total number of buildings but accounted for 43 percent of the total floor space across all buildings in Miami-Dade County. A third-party analysis by Autocase showed that the estimated electricity, natural gas, and water savings from a policy implemented at that threshold would provide significant positive outcomes at the building and overall community levels.

Miami Beach Building Analysis

Phase	Size threshold	Building count	Square footage

1	200,000 square feet or larger	152	99,349,547
2	Between 200,000 and 100,000 square feet	82	11,640,523
3	Between 100,000 and 50,000 square feet	157	10,517,245
4	Between 50,000 and 20,000 square feet	481	14,687,212
	<b>Total</b>	<b>872</b>	<b>136,194,528</b>

The study found that there were 872 buildings in Miami Beach that are 20,000 square feet or larger. The following provides a breakdown by building type.

Main category	Subcategory	Building count	Square footage
<b>Total</b>		<b>872</b>	<b>136,194,528</b>
Multifamily (condo)		469	90,028,053
Hotel or motel		139	15,035,983
Commercial		125	6,344,095
Institutional		69	18,881,191
	<i>Municipality</i>	36	15,388,868
	<i>Hospital</i>	5	1,906,752
	<i>Board of instructions</i>	7	502,065
	<i>Religious</i>	11	400,900
	<i>Educational/scientific</i>	6	411,772
	<i>County</i>	1	25,565
Office		33	2,440,461
Transportation/utility		14	560,014
Vacant		9	248,748
Park/Conservation		8	318,872
Industrial		6	193,667

More than 50% of the buildings that are 20,000 square feet or larger are multifamily buildings. The next largest share of buildings is hotels at 16% and then commercial buildings at 14%.

The building stock in Miami Beach totals about 238,452,014 square feet. Based on the 2022 greenhouse gas (GHG) emissions inventory, the emissions due to energy consumption in buildings and the built environment was 707,995 metric tons of carbon dioxide equivalents (MT CO<sub>2</sub>e). It can be estimated that buildings in Miami Beach emitted about 0.003 MT CO<sub>2</sub>e per square foot on average, annually. The U.S. Environmental Protection Agency (EPA) found an average annual energy savings of 2.4% in an analysis of benchmarked buildings. Therefore, a benchmarking requirement for buildings above 20,000 square feet could reduce emissions by 9,705 MT CO<sub>2</sub>e citywide. For perspective, that is equivalent to 62.2 acres of U.S. forests preserved in one year.

Mandatory Benchmarking Program Summary



The City of Miami Beach has always been on the leading edge of sustainability and has the opportunity to join other leaders in the country, and two cities in Florida (Orlando and Miami), to implement a benchmarking policy. Becoming an early adopter of a benchmarking policy would also benefit buildings in Miami Beach by providing time before any regional requirements are implemented to learn how to benchmark and comply. The City of Miami is the only neighboring municipality that has implemented an energy and water benchmarking policy and could provide a framework for the implementation of a similar policy. In June 2021, the City of Miami adopted a building energy and water consumption benchmarking and retuning ordinance. To streamline regional requirements and facilitate compliance for building owners and property managers, a mandatory policy should reflect regional benchmarking requirements.

The City of Miami's benchmarking ordinance requires commercial and multifamily buildings 20,000 square feet and above to benchmark their electricity, natural gas, and water consumption every year. The City of Miami imposes fines of \$250 per day for a first-time offense or \$500 per day for a repeat violation of their ordinance. Their ordinance went into effect in a phased approach, as follows:

- Buildings 100,000 square feet or larger: initial compliance required by June 30, 2022
- Buildings between 50,000 and 99,999 square feet: initial compliance required by June 30, 2023
- Buildings between 20,000 and 49,999 square feet: initial compliance required by June 30, 2024

In the City of Miami, the implementation of their benchmarking ordinance requires one full staff person to manage this program and one part-time staff person to support. The City of Miami procured Touchstone IQ as the energy and water benchmarking solutions provider, which provides the software platform for the data processing and tracking, along with support for a help desk. The cost of the software program was an estimated \$500,000 and includes technical support for building owners and managers. We requested a proposal from Touchstone IQ, based on 800 buildings, to receive an estimated cost for the benchmarking software and help center management. The initial year would also include set-up fees and cost about \$186,000 to \$216,500, depending on the add-on options selected. This estimated cost is based on the number of buildings in the city that are 20,000 square feet and above. This threshold can be adjusted, as needed, and this estimated cost may shift accordingly.

To support the implementation of an energy and water benchmarking ordinance, a nominal fee of \$125 could be charged for processing of the benchmarking data submissions. Based on the number of buildings in the city that are 20,000 square feet and above, about 800 buildings would need to benchmark. The nominal fee of \$125 paid by 800 buildings totals \$100,000 collected to help cover the cost of the software required to process and track the benchmarking data. This type of fee structure could be customized to the needs of the City. For example, the City could cover the cost the first year and have participants cover that fee for ensuing years. Another example would be to require commercial properties above a certain size to benchmark in the first year while providing an incentive for voluntary participation for other property types, and then charge a nominal fee and require benchmarking for all properties in subsequent years.

Touchstone IQ is a platform focused on energy regulatory compliance and has specific modules for governments to execute benchmarking policies end-to-end. As part of the services they deliver for the City of Miami, Touchstone IQ provides a help center support to answer emails and requests from building users, offer customer service training and tools, and provide one-on-one appointment tools. The cost for these services depends on the number of buildings that would

need to comply with a given benchmarking ordinance, along with the licensing fee for the software and any additional add-on features. Touchstone IQ also tracks non-compliance along with other information about buildings that must comply with their ordinance.

Compliance mechanisms and strategies can be crafted to best suit the building stock characteristics and community needs. The structure for enforcing benchmarking requirements can be tailored to the type of buildings, with one structure for commercial properties and one structure for residential properties. Some municipalities issue a one-time fine while other municipalities issue an accruing fine until a building owner complies. For example, the City of Atlanta (GA) imposes a \$1,000 fine each year of non-compliance. The City of Chicago issues a \$100 fine for the first violation and \$25 per day for continued non-compliance. The City of Boulder (CO) imposes a fine of \$0.0025 per square foot up to \$1,000 per day of non-compliance.

Some municipalities utilize other tools for enforcement that are not fee-based. The State of New Jersey (NJ) makes compliance with benchmarking a prerequisite for participation in any of the NJ Board of Public Utility programs, as well as utility energy efficiency programs. The City of Minneapolis, MN may consider failure to comply within 45 days of written notice a good cause for the denial, suspension, revocation, or refusal to issue a rental license, certificate of commercial building registration, or business license. The City of Pittsburgh, PA publicly lists covered buildings that do not comply on the city website as being non-compliant. Some municipalities even enforce through harsher penalties such as Kansas City, MO which may proceed with a civil suit. One option that can be explored is having different enforcement structures for different types of buildings, such as having fines for commercial buildings and an alternative enforcement mechanism for residential buildings.

One important factor for the success of a benchmarking policy is ensuring data quality. This includes the availability of whole building data and ensuring that data that is submitted is accurate. A platform, such as Touchstone IQ, would be necessary to ensure data quality and flag data points that are outliers. Such a platform would also be beneficial to facilitate the process of requesting whole building data. The City's electric utility, Florida Power and Light (FPL) does not currently provide whole building data to building owners but it has established a pilot program for properties in the City of Miami that must comply with the benchmarking requirement. A similar arrangement would be required for buildings in Miami Beach.

A draft benchmarking ordinance, as requested by the Committee, is included at Attachment A.

#### Voluntary Program Summary

There are some examples of local governments that have implemented voluntary benchmarking programs, including Miami-Dade County, FL; New Orleans, LA; British Columbia, CA; and Rochester, Roseville, and St. Paul, MN. These programs rely on incentives to encourage buildings to benchmark their energy and water consumption. Although incentives are offered, the compliance rate for voluntary programs is typically low. Low participation leads to less useful data since a limited number of data points are collected. This decreases the overall success of a benchmarking program because of the constrained analysis to determine the efficacy of GHG reduction achieved through the benchmarking program.

Common incentives provided through voluntary benchmarking programs include:

- Virtual workshops that cover topics such as energy efficiency, water efficiency, and no- and low-cost upgrades.

- Technical assistance from experts including help with benchmarking utilizing the Energy Star Portfolio Manager platform.
- Peer-to-peer networking which provides the opportunity for participants to learn about successes and lessons learned from other participating buildings.
- Prizes for select buildings such as a building energy and water audit.

Another option is for the City of Miami Beach is to promote an existing voluntary program. Miami-Dade County has an existing voluntary program, Building Energy 305 (BE305), so the City of Miami Beach could promote this existing program and provide additional resources to participating buildings throughout the city.

Miami-Dade County's BE305 Challenge focuses on improving building performance and reducing operational costs for large buildings. Incentives include free trainings, educational opportunities from industry experts, peer-to-peer networking, public recognition, and the opportunity to win free building energy and water audits. There is an annual awards ceremony to recognize participants. There are currently 146 buildings representing 37.8 million square feet of floor space in 14 municipalities and the Unincorporated Municipal Service Area (UMSA) participating in the program. A total of 12 buildings in Miami Beach have signed up for the BE305 Challenge, including two (2) municipal buildings.

Interested buildings can register for the BE305 Challenge by completing the interest form found on the [BE305 Information Hub](#). Information requested include building owner contact information, building size, building age, and type of large equipment used. Once a participant has registered their building(s), they can participate in workshops and receive technical assistance to benchmark their building(s). Participants that complete energy and water benchmarking for their registered building(s) share that data with Miami-Dade County through Energy Star Portfolio Manager and are then eligible to win one of the building energy and water assessments. At the end of each cohort, participants are invited to an award ceremony to celebrate the accomplishments of the cohort.

Feedback was provided by a Miami Beach BE305 participant that the technical assistance received through the program was the most beneficial part of the program. The participant's condo building in Miami Beach took advantage of available rebates such as: updating water fixtures with rebates from Miami-Dade County and receiving an irrigation system audit through the UF/IFAS program. In addition, the participant's building was one of the selected buildings to receive an energy and water assessment. An energy and water assessment is a comprehensive inspection, survey and analysis of energy and water consumption of a building.

Miami-Dade County estimates \$100,000 for technical assistance for its BE305 Challenge program to provide two (2) to three (3) trainings and eight (8) building energy and water assessments for each cohort. Participating buildings throughout the county are eligible to win one of the limited building energy and water assessments each cohort cycle.

Potential incentives for buildings in Miami Beach to benchmark their energy and water use include prioritizing funding to provide technical assistance to assist with benchmarking, prioritizing funding to provide energy and water assessments, providing technical assistance to help buildings apply for existing rebate programs and other incentives, showcasing buildings that are benchmarking on the City website, and providing a discount for City fees.

### Incentives Research

The Committee has requested staff to explore a reduction in cost incentive, for example through Business Tax Receipt (BTR) savings. The City of Miami Beach currently has 1,329 multi-family residential buildings registered with a BTR. The City currently generates approximately \$140,000 annually from apartment building BTR tax revenues. A reduction of 5% in our BTR taxes for the 643 apartment buildings, would result in a credit of \$7,000 in total for these multi-family residential dwellings. The City generates approximately \$162,000 from annual Fire Fees billed on BTR renewals. A reduction of 5% in our Fire Fees for condominiums and apartment buildings would result in a credit of \$8,100 in total for these multi-family residential dwellings. These savings are minimal and may not be the best incentive for participation in a benchmarking program.

The success of voluntary benchmarking programs depends on participation from interested buildings. Based on feedback from other municipalities and a participant in BE305, the largest incentive for buildings to participate is the availability of beneficial technical assistance. Mandatory policies have a greater impact across a community because buildings are required to benchmark so the data captured represents a more significant portion of the entire building stock. Furthermore, mandatory policies that are implemented, managed, and tracked through platforms such as Touchstone IQ receive the highest rates of compliance and provide cities with the most accurate data to gather a better understanding of energy and water use throughout their building stock.

While Miami-Dade County's BE305 Challenge is a voluntary program, the County is working on developing a benchmarking ordinance which would require buildings 20,000 square feet and larger to benchmark their electricity, natural gas, and water consumption every year. This ordinance would apply to all municipalities in addition to unincorporated areas. There is no timeline for when the County's ordinance would be adopted, but the City of Miami Beach could become a regional leader and early adopter by implementing a benchmarking ordinance. In addition, this would benefit buildings in Miami Beach by providing time before a countywide ordinance is implemented to learn how to benchmark and comply. Further considerations such as a grace period with no enforcement could equip buildings in Miami Beach to comply with future requirements.

**CONCLUSION:**

This information is presented to the members of the Land Use and Sustainability Committee for discussion. To create an effective and successful benchmarking program with both environmental and economic advantages for the City of Miami Beach and the property owner and management community, the prioritization of resources are required. The Administration recommends funding the software required for buildings to participate in the program and a position to launch and manage the program. If the Committee concurs, next steps include a motion to the full City Commission for funding prioritization within the budget process.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Environment & Sustainability

**Strategic Connection**

Environment & Infrastructure - Reduce greenhouse gas emissions and heat.

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ Referral Memo from 2.21.24 Commission	Memo
☐ Draft Benchmarking Ordinance	Other

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Laura Dominguez  
DATE: February 21, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO CONSIDER ADOPTING A BUILDING ENERGY BENCHMARKING ORDINANCE FOR GREENHOUSE GAS EMISSIONS.

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### **ANALYSIS**

Please place on the February 21, 2024 agenda a referral to the Land Use and Sustainability Committee to consider adopting a Building Energy Benchmarking Ordinance for greenhouse gas emissions.

At its January 25, 2024 meeting, the City's advisory Sustainability Committee adopted a unanimous motion, urging the City to adopt an ordinance that would mandate the benchmarking of energy consumption and greenhouse gas emissions for existing buildings above a certain size threshold within the City. This benchmarking process would involve collecting and analyzing data on energy usage and emissions, providing valuable insights into the performance of buildings and identifying opportunities for improvement. The collected data would provide the groundwork for the implementation of enforcement mechanisms in the future, such as mandatory energy efficiency upgrades or emissions reduction targets.

Buildings are a significant source of greenhouse gas emissions and energy consumption, making them a crucial focal point for sustainability initiatives. By adopting a Building Energy Benchmarking Ordinance, the City has an opportunity to demonstrate leadership in sustainability and take meaningful steps towards reducing our carbon footprint.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

No

No

**Legislative Tracking**

Commissioner Laura Dominguez

**ATTACHMENTS:**

**Description**

- ▣ Sustainability Committee Motion

# City of Miami Beach Sustainability Committee

## Members

Isaiah Mosley • Michael DeFilippi • Johann Moore • Maria J Algarra • Sophie Ringel • Katie Luddy

TO: Honorable Mayor Steven Meiner and Members of the City Commission  
FROM: Isaiah Mosley, Sustainability Committee Chair  
DATE: January 26, 2024  
SUBJECT: Sustainability Committee Motions

Dear Honorable Mayor and City Commission,

The Sustainability Committee met on January 25, 2024 and passed the motions below:

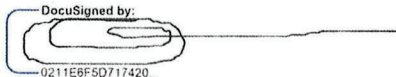
The Sustainability Committee recommends that the Mayor and City Commission request that the waste hauler contractor that is selected for the franchise agreement contract with the City doubles the funding that is currently provided for environmentally focused non-profit community organizations. In addition, the Sustainability Committee recommends that the City identify other funding opportunities through state or federal agencies to apply for grants for community organizations focused in sustainability and climate change work.

**Motion passed:** 5 - 0.

The Sustainability Committee urges the Mayor and City Commission to adopt an ordinance which would benchmark greenhouse gas emissions and energy consumption (with an eye to source carbon reduction) of existing buildings above a set threshold across the city to collect data, in advance of implementing an enforcement mechanism that requires the reduction of energy consumption.

**Motion passed** by acclamation.

Sincerely,

DocuSigned by:  
  
0211EBF5D717420

Isaiah Mosley  
Chair, Sustainability Committee



## **BUILDING ENERGY AND WATER CONSUMPTION BENCHMARKING**

Sec. XX-XX. Building Energy and Water Consumption Benchmarking Ordinance ("Ordinance").

Intent. This Article shall be known and may be cited as the City of Miami Beach's ("City") Building Energy and Water Consumption Benchmarking Ordinance and is intended to allow a data-based approach to analyze future energy needs, improve future usages, eliminate waste, and reduce costs.

Sec. XX-XX. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated in this Section:

*Aggregated, Whole-Building Data* means energy or water data that has been summed for an entire property, which may include a single occupant or a group of separately metered tenants.

*Base Building Systems* mean the systems or subsystems of a building that use or distribute energy, water, impact energy, and/or water consumption, including, but not limited to the building's envelope as well as its HVAC systems, conveying systems, electrical and lighting systems, on-site generation systems, domestic hot water systems, water distribution systems, plumbing fixtures and other water-using equipment, and landscape irrigation systems and water features, including fountains and excluding systems or subsystems that operate industrial applications or processes or any systems or subsystems in a multifamily residential building appurtenant only to the specific dwelling unit for which the occupant of that unit bears responsibility for its maintenance and such usage is measured by a meter or submeter.

*Benchmark* means to input and submit the total energy and water consumed for a property for the previous calendar year and other descriptive information for such property as required by the Benchmarking Tool. Total energy and water consumption shall not include separately metered uses that are not integral to building operations as determined by the Director.

*Benchmarking Submission* means a subset of information input into the Benchmarking Tool and Benchmarking information generated by the

*Benchmarking Tool* as determined by the Director. Benchmarking Tool means the U.S. Environmental Protection Agency's ("EPA") ENERGY STAR® Portfolio Manager, or any additional or alternative tool adopted by the Director, used to track and assess the energy and water use of certain properties relative to similar properties.

*Covered Private Property* means a property, other than a covered City property, or any property owned or operated by Miami-Dade County, the State of Florida, or the Federal government with a building or buildings that exceed 20,000 square feet of Gross Floor Area.

*Covered Public Property* means a property with a building or buildings that exceed 20,000 square feet of Gross Floor Area and is owned, leased, or managed by the City and where the City regularly pays all or part of the annual energy and/or water bills.

*Covered Property* means any Covered Public Property or Covered Private Property except for any property with a single-family home or duplex, a solely residential multi-family building of five (5) units or less, or any building with an industrial use per designated Standard Industrial Classification (SIC) codes 20 through 39.

**This draft ordinance is for discussion purposes only.**

*Department* means the City's XX Department. Director means the Director of the City's XX Department or designee.

*Energy* means electricity, natural gas, steam, or other product sold by a utility to a customer of a property or renewable on-site electricity generation for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses as recorded in the Benchmarking Tool.

*ENERGY STAR® Score* means the 1-100 numeric rating generated by the ENERGY STAR® Portfolio Manager tool as a measurement of a building's energy efficiency.

*ENERGY STAR® Portfolio Manager* means the tool developed and maintained by the EPA to track and assess the relative energy performance of buildings.

*Financial Hardship* (of a property) means that a property:

1. Had arrears of property taxes or special assessments that resulted in the issuance of a tax certificate against the property within the prior two (2) years;
2. Has a court appointed receiver in control of the asset due to financial distress;
3. Is owned by a financial institution through default by the borrower;
4. Has been acquired by a deed in lieu of foreclosure; or
5. Has a senior mortgage subject to a notice of default.

*Gross Floor Area* means Floor Area as defined in Article XX, Section XX of Ordinance No. XX of the City of Miami Beach, Florida, as amended.

*Shared Benchmarking Information* means information generated by the Benchmarking Tool and descriptive information about the physical property and its operational characteristics, which is shared with the public. The information, as defined by the ENERGY STAR® Portfolio Manager glossary, includes, but is not limited to, descriptive information such as the property's address, primary use, Gross Floor Area, number of floors, number of years the property has been ENERGY STAR® Certified, and the last approval date, if applicable, as well as energy-related output information such as site and source energy use intensity, weather normalized site and source energy use intensity, the ENERGY STAR® score, where available, total annual greenhouse gas emissions, monthly energy use by fuel type, indoor water use and water use intensity (consumption per gross square foot), outdoor water use (where available), total water use, the property's ENERGY STAR® Water Score, where available, and any other general comments required to explain said ENERGY STAR® Scores.

*System or Subsystem* means a building assembly made up of various components that serve a specific function including but not limited to exterior walls, windows, doors, roofs, ceilings, floors, lighting, piping, ductwork, insulation, Heating, Ventilation, and Air Conditioning ("HVAC") system equipment or components, electrical appliances, and plumbing appliances.

*Utility* means an entity that distributes and/or sells natural gas, electric, water, or thermal energy services for buildings.

Sec. XX-XX. Applicability. This Ordinance shall apply to all new and existing Covered Properties in accordance with the initial compliance timetable set forth in Sec. XX-XX of the City Code so long as the Benchmarking Tool as selected by the Director remains free to use by members of the general public.

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Sec. XX-XX. Procedures. The owner of each Covered Property shall collect and enter data for the previous calendar year into the Benchmarking Tool. Unless otherwise defined in this Ordinance, the owner of each Covered Property shall input all data into the Benchmarking Tool in a manner that conforms to latest guidance provided by the EPA for use of the Benchmarking Tool. Whole-building utility data for the property's energy water and energy use shall be compiled using one or more of the following methods:

- (a) Obtaining Aggregated, Whole-Building Data from a utility company;
- (b) Collecting data from all tenants for nonresidential properties; or
- (c) Reading a master meter.

If the owner of a Covered Property does not otherwise have access to whole-building energy and water data, such property owner shall request Aggregated, Whole-Building Data from each utility that provides energy or water service to the property and that has made aggregated utility data available to owners before the reporting date of that calendar year. When a Utility does not provide whole-building energy or water data, the owner of a Covered nonresidential property shall request energy and water data from tenants or occupants.

Each non-residential tenant located in a Covered Property shall, within thirty (30) days of a request by the owner and in a form to be determined by the Director, provide all information that cannot otherwise be acquired by the owner and that is needed by the owner to comply with the requirements of this Ordinance.

When the owner of a Covered Property receives notice that a nonresidential tenant intends to vacate a space within such property and the Utilities do not provide Aggregated, Whole-Building Data, the owner shall request information relating to such tenant's energy and water use for any period of occupancy relevant to the owner's obligation to Benchmark.

When a Covered Property changes ownership, the previous owner shall provide the new owner with all information needed to Benchmark for the period during which the previous owner was in possession of the property.

Sec. XX-XX. Duty to Report Benchmarking.

For every Covered Property subject to this Chapter, the owner shall annually submit to the Director an energy and water Benchmarking report in an electronic format as established by the Director by the date specified in Sec. XX-XX of the City Code.

The information included in the annual Energy and Water Benchmarking Report shall include, at a minimum, the Shared Benchmarking Information for the previous calendar year.

The owner of each Covered Property shall enter data into the Benchmarking Tool such that that the energy and water Benchmarking report shall be based on an assessment in the Benchmarking Tool of the aggregated total energy and water consumed by the whole property for the entire calendar year being reported.

Before submitting a Benchmarking Submission, the owner shall run all automated data quality checker functions available within the Benchmarking Tool and shall verify that all data has been accurately entered into the Benchmarking Tool. In order for the Benchmarking report to be considered in compliance with this Ordinance, the owner shall correct all missing or incorrect

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information as identified by the Benchmarking Tool prior to submitting the Benchmarking report to the Director.

Where the current owner learns that any information reported as part of the Benchmarking Submission is inaccurate or incomplete, the owner shall amend the information so reported within the Benchmarking Tool and shall provide the Director with an updated Benchmarking Submission within thirty (30) days of learning of the inaccuracy.

**Sec. XX-XX. Benchmarking Requirements.**

(a) The owner of a Covered Property shall ensure that for each such property, a Benchmarking report is generated, completed, and submitted to the Director annually.

(b) The Benchmarking reports for each Covered Property shall be due by the dates as defined in the following table. Subsequent Benchmarking reports for each Covered Property shall be due by [TBD] of each year thereafter.

<b>Size (Gross Floor Area)</b>	<b>Initial Compliance Required by:</b>
Buildings 100,000 square feet or larger	<i>TBD</i>
Buildings between 50,000 and 99,999 square feet	<i>TBD</i>
Buildings between 20,000 and 49,999 square feet	<i>TBD</i>

**Sec. XX-XX. Benchmarking Exemptions.**

(a) Benchmarking is not required for a Covered Public Property for the current reporting year if the owner submits documentation with the Director establishing that the property has met one of the following conditions:

1. The property does not have a Certificate of Occupancy or Temporary Certificate of Occupancy for all 12 months of the calendar year being Benchmarked;
2. A demolition permit for the entire building was issued for the calendar year being Benchmarked, provided that demolition work has commenced and legal occupancy was no longer possible prior to end of that year;
3. The property did not receive energy or water services for the entire calendar year to be Benchmarked; or
4. The Covered Property had average physical occupancy of less than fifty percent (50%) throughout the calendar year for which Benchmarking is required.

(b) Benchmarking is not required for a Covered Private Property for the current reporting year if an owner submits documentation with the Director, in such form and with such evidence as required by the Director, establishing that the property has met one of the following conditions:

1. It meets any of the exemptions defined for a Covered Public Property;
2. The Director determines that due to special circumstances unique to the applicant's facility and not based on a condition caused by actions of the

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applicant, strict compliance with provisions of this Ordinance would cause undue hardship or would not be in the public's interest;

3. The owner notifies the Director that the property is under Financial Hardship and provides proof of the same; or

4. The Covered Property may be exempted from electricity Benchmarking if more than fifty percent (50%) of Gross Floor Area is used for residential purposes and:

i. The property is not master metered or the owner does not have access to master meters or other means to obtain whole-building electricity data; and

ii. The serving electric utility does not provide data aggregation services or access to whole-building utility data. Once such services are available from the Utility as determined by the Director, such properties will no longer be exempt from Benchmarking requirements and shall file initial Benchmarking reports in the first required reporting year following such data availability.

(c) Any entity or owner requesting an exemption from Benchmarking shall submit an Annual Benchmarking Exemption Request form to the Director by [TBD] in the year for which the exemption is being requested. Any exemption granted will be limited to the Benchmarking Submission for which the request was made and does not extend to past or future submittals.

(d) For each reporting year in which an owner files a request for an exemption, the Director shall determine whether that exemption is approved. Appeal of a determination that a property is not exempt shall be made within XX (XX) days of such determination to a review committee comprised of XX. The review committee, acting by majority vote, shall either affirm the Director's denial or reverse his/her denial and grant the requested exemption.

Sec. XX-XX. Sharing of Data.

(a) The Director shall make available on a publicly accessible website the Shared Benchmarking Information as defined in Sec. XX-XX for the previous Calendar Year for each Covered Property.

(b) The Shared Benchmarking Information for each Covered Property shall be made available to the public beginning one (1) year after each such property is first required to submit a Benchmarking report.

(c) The Director will determine if any Benchmarking shared summary data shall be excluded from publishing because it is not in the public interest.

(d) The City may provide non-anonymized data from Benchmarking submissions to any Utility serving a Covered Property or to any federal, State, County, or City-managed Energy efficiency program, provided that the data will be used only for purposes of targeting incentives provided through energy and water efficiency programs and provided that the City has first obtained the Covered Property owner's written or

**This draft ordinance is for discussion purposes only.**

electronic permission to share the data with the Utility or energy efficiency program. Where the property owner's permission can be granted electronically through acceptance of a default option, the City shall provide a clearly delineated option for owners of Covered Properties to choose to opt out of granting this permission.

- (e) The City may disclose any data from Benchmarking Submissions to a third party for academic or other non-commercial research purposes provided that such data is anonymized.
- (f) All third parties receiving data from Benchmarking submissions shall sign a non-disclosure agreement with the City stipulating terms for acceptable use of the data, including assurances that such data shall not be disclosed to other entities, before receiving such data.

**Sec. XX-XX. Annual Report and Analysis.**

(a) The Director shall make available on a publicly accessible website and update annually the following information:

1. No later than [TBD], a report on the Benchmarking of all available Covered Properties, including an assessment of accuracy and issues affecting accuracy, summary energy and water consumption statistics, trends observed, and an assessment of changes across the portfolio over time; and
2. No later than [TBD], a report on the Benchmarking of all available Covered Properties, including an assessment of compliance rates, an assessment of accuracy and issues affecting accuracy, summary energy and water consumption statistics, trends observed, and an assessment of changes across the portfolio over time.

(b) Nothing in this Ordinance shall prevent the Director from including all such information in a combined annual energy and water efficiency report covering the progress of all the City's energy and water efficiency ordinances and programs.

**Sec. XX-XX. Enforcement.**

- (a) It shall be unlawful for any entity or person to fail to comply with the requirements of this Ordinance or misrepresent any material fact in a document required to be prepared or shared by this Ordinance.
- (b) If the Director determines that a property owner has failed to report Benchmarking information as required under this Ordinance or the owner has submitted incomplete or false Benchmarking information, the Director may refer the owner for enforcement as set forth in Chapter X, Article X of the City Code, titled "XX," and may be brought for further proceedings before the Code Enforcement Board. A property owner in violation of this Article may be fined \$XX.00 per day for a first-time offense or \$XX.00 per day for a repeat violation of this Article. The City may also avail itself of any other legal remedy available and the use of one enforcement option shall not preclude the use of another.

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

**Item 17.**  
**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS POTENTIALLY REQUIRING COMMERCIAL CHARTER VESSEL OPERATORS TO PROVIDE SANITATION/PUMP-OUT LOGS EVIDENCING COMPLIANCE WITH APPLICABLE SANITATION LAWS.**

**HISTORY:**

At the February 21, 2024 City Commission meeting, at the request of Commissioner Tanya K. Bhatt and later co-sponsored by Commissioner Kristen Rosen Gonzalez, the Mayor and City Commission approved a referral (C4 J) to the Land Use and Sustainability Committee (“LUSC”) to discuss potentially requiring commercial charter vessel operators and houseboats to provide sanitation/pump-out logs evidencing compliance with applicable sanitation laws.

The item was heard at the May 1, 2024 LUSC meeting with direction for staff to prepare an item to bring back to the Committee for further consideration.

**ANALYSIS:**

Biscayne Bay, an aquatic preserve, lies adjacent to the City of Miami Beach and provides many environmental, recreational and economic benefits to the city and its residents. Biscayne Bay supports a variety of coastal and benthic habitats including mangroves, wetlands, corals, and seagrass beds that assist in improving water quality by absorbing excess nutrients. However, due to habitat decline, higher runoff levels from sea level rise, king tides, pollution, etc., the water quality in Biscayne Bay has degraded.

In 2017, Biscayne Bay was declared an Impaired Waterbody by the State due to nutrient parameters, specifically chlorophyll-a. Vessel pump-out log requirements may be a tool for the City to promote transparency, accountability, and responsible environmental stewardship in maritime operations, thereby helping to prevent further deterioration of water quality. In general, preventing sewage from entering Biscayne Bay is important for the health of the ecosystem.

Pursuant to Florida Statute 327.60(4)(a), the City may only enact and enforce regulations that require owners or operators of vessels or floating structures (subject to the marine sanitation requirements of Florida Statute 327.53) to provide proof of proper sewage disposal by means of an approved sewage pump-out service, approved sewage pump-out facility, or approved waste reception facility when anchored or moored for more than 10 consecutive days within the following areas:

1. Marked boundaries of a permitted mooring field under the jurisdiction of the local government;
2. No-discharge zones as published in Volume 53, No. 13 of the Federal Register, page 1678 (1988); Volume 64, No. 164 of the Federal Register, pages 46390-46391 (1999); and Volume 67, No. 98 of the Federal Register, pages 35735-35743 (2002); or
3. No-discharge zones established pursuant to 40 C.F.R. s. 1700.10.

Ordinances adopted under this section must first be reviewed and approved by the Florida Fish and Wildlife Conservation Commission (“FWC”).

None of the above presently apply in the City of Miami Beach. Nonetheless, pursuant to Florida Statute 327.60(4)(d), the City may enact and enforce sewage pump-out requirements for live-aboard vessels, floating structures, and commercial vessels (excluding commercial fishing vessels), within any areas of the City’s jurisdiction.

Additionally, regarding live-aboard vessels and houseboats, Florida Statute 327.53(8) requires the owner or operator of a live-aboard vessel or houseboat that is equipped with a marine sanitation device to maintain a record of the date of each pump-out of the marine sanitation device, and the location of the pump-out station or waste reception facility. Also, each record must be maintained for 1 year after the date of the pump-out. As previously discussed, this requirement does not apply to marine compost toilets that process and manage human waste using marine compost toilet technologies that comply with United States Coast Guard (“USCG”) requirements.

Understanding that Police and Code Compliance officers cannot board vessels without cause, possible options for consideration could include:

- Requiring charter vessel operators to provide an annual “affidavit” of compliance with sanitation pump-out laws as part of their annual local Business Tax Receipts (“BTR”) renewal process;
- Requiring annual affidavits evidencing compliance with applicable sanitation laws to be reviewed by the Marine & Waterfront Protection Authority (“MWPA”) as part of their governance of charter BTR renewal reviews, a process which already includes review of unruly operators with multiple violations; and
- Providing an annual report of compliance with affidavit requirement to the USCG for enforcement review and action.

Affidavit requirements could be similar to what the City currently does with the “Hotel Employee Panic Button” program where hotel and hostel employees must submit an affidavit with their annual BTR renewal stating that they are in compliance with the program’s requirements.

It should be noted that the City’s Code Compliance Department would face challenges with effectively enforcing any audit or review of vessel pump-out log requirements because of statutory and Federal regulations that prescribe these functions to the USCG. Code Compliance is not authorized to board vessels in the enforcement of City of Miami Beach Code of Laws and Ordinances. Currently, BTR and Business on Public Property with respect to vessels are enforced from docks and land — not by boarding vessels.

The topic is also slated to be addressed at the June 5, 2024 Public Safety and Neighborhood



Quality of Life Committee as part of discussions regarding the review of Monroe County's free mobile pump-out service for vessels program as well as in upcoming discussions regarding the implementation of a mooring field.

**CONCLUSION:**

To better regulate sanitary practices by both commercial and private vessels and prevent deterioration of water quality, the Administration continues to explore the implementation of various vessel-related initiatives to include a mooring field and a local pump-out service program. Discussions regarding the requirement of sanitation logs through the BTR application/renewal for vessels will be included as part of this investigative process and assessed with the potential implementation of related initiatives.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Police/Code Compliance

**Strategic Connection**

Neighborhoods - Prevent and solve crime for residents and visitors.

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> C4 J - Commercial Charters Sanitation Logs - February 21, 2024	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
 FROM: Commissioner Tanya K. Bhatt  
 DATE: February 21, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS POTENTIALLY REQUIRING COMMERCIAL CHARTER VESSEL OPERATORS TO PROVIDE SANITATION/PUMP-OUT LOGS EVIDENCING COMPLIANCE WITH APPLICABLE SANITATION LAWS.

### **BACKGROUND/HISTORY**

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place on the February 21, 2024 agenda a referral to the Land Use and Sustainability Committee to discuss the potential implementation of a requirement that, as part of the annual BTR process, all commercial charter vessel operators be required to provide their logbooks and/or other records evidencing proper sanitation pump-out service (or other U.S.C.G.-approved methods/devices) utilization between individual trips/charters of the vessel at both private and public marinas. I would also like to discuss the option of requiring houseboats to meet the same requirements. The ability for spot-checks of both vessels and logs should also be discussed at this time.

I request that appropriate staff from the Marine Patrol and Environment and Sustainability Department be on hand and prepared to discuss the range of appropriate tools for boats to use, if pump-outs aren't the only practice, and feasibility of these concepts.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Commissioner Tanya K. Bhatt

### **Sponsor**

Co-sponsored by Vice-Mayor Kristen Rosen Gonzalez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## Item 18. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSSION REGARDING RECOMMENDATIONS FOR A POTENTIAL COMPOSTING PROGRAM**

### **HISTORY:**

On March 19, 2024, the Land Use and Sustainability Committee discussed item 7 and provided recommendations for the expansion of the City's community composting program; directing City staff to explore four (4) options:

1. Community program to provide small-scale in-home food waste processing equipment;
2. Compost program at City Hall;
3. Additional locations around the city for compost drop-offs; and
4. Explore incorporating composting into the new waste hauler agreement.

On February 21, 2024, the Mayor and Commission referred a discussion item (C4 L) to the Land Use and Sustainability Committee to discuss recommendations for a potential composting program. This item is sponsored by Mayor Steven Meiner.

### **ANALYSIS:**

Miami-Dade County, like many other communities, does not have authorized large-scale public composting facilities. Small-scale community programs have become an integral part of the reduction of food waste and greenhouse gas emissions. The City of Miami Beach has two successful composting hubs located at the North Beach Compost Hub (85<sup>th</sup> St and Collins Ave) and the Miami Beach Botanical Garden (MBBG). The City is currently in the process of creating a Mid Beach hub in the parking lot at 4000 Chase Avenue. The hubs are managed by the MBBG, which has been a great partner in expanding community composting.

Composting turns organic waste into a rich, soil-enhancing amendment by layering nitrogen-rich "greens" and carbon-rich "browns" and keeping them moist and aerated, allowing microorganisms to break down the material. Diverting food scrap waste into a regenerative system can improve the health of the soil and provide multiple community benefits through a closed-loop system.

The Environment & Sustainability Department is currently working on the City's first Climate Action Plan (CAP). The goal of the CAP is to prioritize actions to reduce GHG emissions community-wide, to reach the City's emissions reduction goal of net-zero GHG emissions by 2050. One of the proposed actions of the CAP is to compost 25% of organic waste that is currently landfilled.

Expanding the City’s community composting program has the potential to enhance the City’s sustainability efforts by reducing waste sent to landfills, lowering greenhouse gas emissions, and creating nutrient-rich soil amendments for local gardening and landscaping projects. The success of existing initiatives, such as the composting hubs and workshops in collaboration with the MBBG, as well as the distribution of free compost bins by the Surfrider Foundation through their Miami Beach Rising Above grant project, highlights a growing interest and participation among residents.

**Options**

The following information contains research, recommendations, and cost estimates for the four options directed by the Committee. The options range from in-place processing equipment to a broader expansion of compost hubs. It is notable that working with the Miami Beach Botanical Gardens may incur the cost of part-time compost manager for options two (2) and three (3).

**Option 1: Small-Scale Food Waste Processing Equipment Program**

The first option directed by the Committee would launch a pilot program to provide a select number of residents with small-scale food waste processing equipment for their home kitchens. These devices reduce the volume and weight of waste. Although the initial cost for the devices may be prohibitive for many households, a bulk purchase, rebate, or subsidized cost program could encourage adoption. This equipment could also be attractive to residents who live in multi-family units without access to sufficient space for backyard composting.

There is also the possibility of using the equipment as a component within the other scenarios, which are presented throughout this memorandum. The equipment could prove to be an appropriate tool to test in-home compost collection.

This innovative technology would require thorough planning, community engagement, and training to ensure successful implementation. Market research was conducted and, after researching various equipment options, devices like Mill and Reencle are examples reviewed due to their larger capacity, ease of use, and experience with municipal partnerships.

Mill has developed a food recycler that turns food waste into shelf-stable grounds by dehydrating and grinding it. It’s important to note that Mill does not produce finished compost and that the end product would need to be integrated into a full compost system, whether through Mill’s collection program or by working with the MBBG. Mill has previous experiences working with municipalities.

The Reencle composter decomposes food waste through its proprietary microorganism, ReencleMicrobe, a supplemental compost starter that is added to the device to decompose food waste and produce finished compost, unlike Mill. Reencle has experience partnering with large organizations, such as Crespi High School in Los Angeles, California.

If the pilot program involves 200 participants using the Mill or Reencle food waste processor as examples through market research, taking into account bulk discounts, the cost estimate is as follows:

<b>Brand</b>	<b>Price/Unit</b>	<b>Lower Bound Cost</b>	<b>Upper Bound Cost</b>
Mill	\$650 - \$850	\$130,000	\$170,000
Reencle	\$280 - \$350	\$56,000	\$70,000

The City could work to negotiate discounts or rebates such as \$100 per unit, with 20 'giveaways' to generate interest and participation. Note that the City's competitive procurement process would need to be followed, and this information is being presented as market research only. While the Committee asked that staff investigate bulk purchasing and distribution, this is not a service that the City currently has capacity to provide.

Depending on the type of equipment purchased, the product would be dehydrated food waste or finished compost. If the product is dehydrated food waste, it would be transferred to a Compost Hub for processing. MBBG recommends testing of the materials to ensure the final product meets nutrient standards and enhances soil quality, which has an added cost of \$6,400 - \$15,220.

### **Option 2: Compost Program at City Hall**

A drop-off bin system at City Hall offers an option for organic waste collection that is accessible for City staff to dispose of compostable materials. Smaller bins would be placed in shared locations throughout City Hall in high volume foot traffic areas that are accessible for the pickup team. Additional considerations would be coordinated with Facilities and Fleet Management Department. Potential bin locations could include the employee lounge on the first floor of City Hall or the outside breezeway where employees have lunch and is easily accessed. The material would be picked up from the small bins and would then be transferred to a large final bin.

There are two ways to achieve this:

#### **(A) City Hall food waste transported to Miami Beach Botanical Garden Compost Hub**

The collected material can be taken to a Compost Hub for processing into compost in partnership with Miami Beach Botanical Garden (MBBG). MBBG recommends two pickups per week; however City or janitorial staff would need to transfer the compost to the Garden. Funding would be required to cover labor and material costs. With the support of the MMBG, the pilot composting program at City Hall would require about \$15,000 - \$20,000 in the first year. This would include the cost of building new stalls at the MBBG for increased processing capacity. Additionally, MBBG advised they may need to hire an additional compost manager to work on processing, programming, administrative tasks, and chemical analysis for an annual cost of \$31,000. The overall cost estimate for the first year is \$46,000 - \$51,000.

#### **(B): City Hall food waste placed in on-site small or medium-scale processing equipment**

Another option is to install small or medium-scale food waste processing equipment at City Hall. This equipment yields an odorless, shelf-stable product that reduces the need for frequent transportation. Depending on the type of equipment purchased, the product would be dehydrated food waste or finished compost. If the product is dehydrated food waste, it would be transferred to a Compost Hub for processing. MBBG recommends testing of the materials to ensure the final product meets nutrient standards and enhances soil quality. In lieu of the small-scale equipment previously discussed, a larger dehydrator can be acquired to increase the capacity for collecting food waste. The estimates are: small equipment \$840 - \$4,250 for three (3) to five (5) bins; or a larger dehydrator is \$20,000 - \$56,000; and the cost for testing is \$6,400 - \$15,220. The overall cost range estimate is: \$7,240 - \$71,220.

### **Option 3: Expanding Drop-Off Locations**

The Environment and Sustainability Department, with the support of partner departments, is

developing a Compost Hub that will serve the Mid-Beach community, similar to the ones at North Beach and the Miami Beach Botanical Garden (MBBG). The hub is planned for the center of the parking lot at 4000 Chase Ave. Once this location is complete, the three areas of the City will be served: North Beach, Mid Beach, and South Beach. One way to increase participation with composting is to increase the number of drop-off locations.

There are two ways to achieve this:

(A): Mini-Hubs

One way is to create mini hubs where organic waste can be processed into compost. These would be smaller than the main compost hubs, which would serve as the “flagship” hubs with smaller offshoots. However, though the mini hubs are smaller, there is not a significant cost savings from the implementation of a main compost hub, since four (4) full-size compost stacks would still be required as the minimum. There are several considerations to examine when selecting a location, including accommodating for a minimum area of 200-square feet to house the four (4) stacks. Locations would need to be coordinated with the Parks and Recreation Department and acceptable to the neighboring residents. Funding would be required to cover labor and material costs. With the MBBG’s support, the buildout of mini hubs cost estimate is \$71,000 – \$73,000 for the first year, which would increase depending on the number of hubs built. The subsequent annual operational cost would be \$63,000. The facilitation and administration of additional compost hub locations may necessitate MBBG hiring an additional part-time compost manager, and the facilitation and administration may require additional support from MBBG administration. Estimates include: Buildout per mini hub: \$10,000 - \$12,000; annual salary for manager: \$31,000; garden facilitation and administration: \$30,000; Education and outreach events: \$2,000 per event. The overall cost estimate for the first year is: \$73,000 - \$81,000.

(B) Youth and Recreation Center Food Waste Processing Equipment

Another option would be to install small or medium-scale food waste processing equipment in youth centers. Youth centers are already community hubs and a natural point for educating youth and their families about responsible waste management and composting. Families would have a convenient location to drop off food waste which can then be processed. Depending on the type of equipment purchased, the end product would be dehydrated food waste or finished compost. The following locations have been identified as possible locations for food waste dehydrators: Flamingo Park PAL Gym, Scott Rakow and North Shore Youth Center. Funding would be required for the purchase of equipment and to pay for labor. Each of the three (3) youth centers could have between three (3) to five (5) pieces of equipment with a total cost ranging from \$2,520 to \$12,750. It is important to conduct tests on the dehydrated material to ensure safety of the compost. A larger dehydrator can be acquired to increase the capacity for collecting food waste. The larger dehydrator must possess a minimum capacity of approximately 150 gallons per week, which is comparable to the stacks present at the North Beach Compost Hub. Estimates include: Cost of small equipment: \$840 - \$4,250 for three (3) to five (5) bins; or cost of large dehydrator: \$20,000 - \$56,000; and cost for testing: \$6,400 - \$15,220. The overall cost estimate per youth center is: \$7,240 - \$71,220. For all three youth centers, the overall cost estimate is \$21,720 - \$213,660.

**Scenario 4: Incorporating Composting into Waste Hauler Agreements**

The Public Works Department has explored the feasibility of including compost services as part of the new waste hauler contract negotiations. However, since there are no authorized industrial composting facilities in Miami-Dade County, this poses challenges as the City of Miami Beach

does not have the available land or zoning to create a large-scale composting operation. Miami-Dade County is currently working on a long-term Zero Waste Master Plan that will include short-, medium-, and long-term planning for the disposition of Miami-Dade County's waste stream. It will identify solutions to meet the Miami-Dade County's solid waste needs. This project seeks to identify measures and paths towards implementation of programming and needed infrastructure to reduce waste and improve and increase recycling and organics processing in a manner that is consistent with State laws and regulations.

**CONCLUSION:**

The options presented support the reduction of food waste, increase community interest in composting and reduce greenhouse gas emissions through the creation of nutrient-rich soil amendment. The Administration recommends that the program begin as a pilot program. For option 1) Residents: staff can work with vendors to see if there could be a discount for homeowners and offer a rebate of \$100. This option would have an estimated cost of \$35,000. For option 2) City Hall: equipment can be purchased and deployed to encourage staff participation and to become more familiar with the compost process. This option would have an estimated cost of \$19,000 for small-scale equipment and \$71,000 for medium-scale equipment. For option 3) Youth and recreation centers: the City can purchase small- and medium-scale equipment which would allow the testing of the different use cases for this equipment and community participation for a cost estimate of \$28,000 for small-scale equipment and \$183,000 for medium-scale equipment. Based on market research, the overall cost estimate is \$82,000 if using small-scale equipment and \$289,000 if using medium-scale equipment. Note that the use of small-scale equipment has less processing capacity than the medium-scale equipment. The options are presented for the Committee's review, consideration, and potential forwarding to the City Commission for approval to be prioritized in the FY 2025 budget process.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Environment and Sustainability

**Strategic Connection**

Environment & Infrastructure - Work regionally and nationally to protect Biscayne Bay water quality and to maintain a healthy dune and beach system.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Referral Memo from 2.21.24 Commission	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Steven Meiner  
DATE: February 21, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS RECOMMENDATIONS FOR A POTENTIAL COMPOSTING PROGRAM.

---

### **RECOMMENDATION**

Please place on the February 21, 2024 agenda a referral to the Land Use and Sustainability Committee to discuss, and make recommendations to the City Commission, regarding a potential composting program in the City of Miami Beach.

The proposed composting program, the details of which are set forth in the accompanying attachment, aims to initiate composting practices within our municipal operations, starting with City Hall, and subsequently scaling up to offer composting services to families within our community. The program will provide participating entities with a composting container, which will be serviced on a weekly basis. After a period of six months, participants will have the option to either receive compost back for personal use, or donate the compost to a local community garden, thereby fostering local food production and sustainability.

The potential incorporation of composting into our City's sustainability initiatives will align with our commitment to environmental responsibility and community resilience.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

Not Applicable

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No



**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Mayor Steven Meiner

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

**Item 19.**  
**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Ricardo J. Dopico, City Attorney

DATE: June 10, 2024

**TITLE: DISCUSS THE NEW SHORT-TERM RENTAL LAW PASSED IN NEW YORK CITY, KNOWN AS "LOCAL LAW 18". (MEMORANDUM UPDATED TO INCLUDE A SUMMARY OF FLORIDA SB 280, PERTAINING TO SHORT-TERM RENTALS, WHICH WAS ADOPTED DURING THE 2024 STATE LEGISLATIVE SESSION).**

**ANALYSIS:**

See attached Memorandum

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Office of the City Attorney

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ Memorandum	Memo
☐ Exhibit A - SB 280	Memo

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Ricardo J. Dopico, City Attorney 

DATE: May 1, 2024

SUBJECT: **DISCUSS THE NEW SHORT-TERM RENTAL LAW PASSED IN NEW YORK CITY, KNOWN AS “LOCAL LAW 18”**

**(Memorandum updated to include a summary of Florida SB 280, pertaining to short-term rentals, which was adopted during the 2024 State Legislative Session)**

### HISTORY

On September 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred the subject discussion item (C4 Q) to the Land Use and Sustainability Committee (LUSC). On March 19, 2024, the LUSC discussed this item and requested that the City Attorney’s Office provide an update at the May 1, 2024 meeting relating to CS/SB 280, pertaining to Vacation Rentals, which was approved by the Florida legislature during the 2024 State Legislative Session but has not yet been signed into law.

The City’s authority to regulate short-term rentals is constrained by existing Florida law, which preempts the City from prohibiting or regulating the duration or frequency of vacation rentals (except for ordinances adopted on or before June 1, 2011). See Sec. 509.032(7)(b), Florida Statutes. This Memorandum is focused on Florida SB 280, which further preempts several provisions in the City Code by establishing exclusive requirements on the registration of vacation rentals.

### BACKGROUND AND SUMMARY OF SB 280

SB 280 (the “Bill”) was approved by the Florida House of Representatives on March 6, 2024 and approved by the Senate the very next day. Once the Bill is presented to Governor Ron DeSantis, the Governor will have 15 days to sign or veto the Bill. The Bill has an effective date of January 1, 2025.

The Bill primarily amends Chapter 509 of the Florida Statutes, on vacation rentals and vacation rental advertising platforms. The Bill preempts the licensing of vacation rentals and regulation of advertising platforms to the State’s Division of Hotels and Restaurants (the “Division”). To facilitate compliance with the requirements of the Bill, the Bill requires the Division to create and maintain a vacation rental information system.

To the extent that the Bill allows for local registration programs, the Bill requires that local governments notify the Division of any enforcement action taken pursuant to the Bill (including suspensions and revocations) through the new vacation rental information system.

A “vacation rental” is defined under State law as a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests.

An “advertising platform” is defined under State law as a person, which may be an individual or a corporation, who electronically advertises a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

## **ANALYSIS**

### **Licensing of Vacation Rentals**

The Bill almost entirely preempts the City’s ordinances on the registration and inspection of vacation rentals. The Bill only exempts local vacation rental registration ordinances that were originally enacted before January 1, 2016. The City’s registration/inspection requirements were adopted in 2018 and are therefore not exempt from the Bill.

The Bill leaves intact a 2011 statute which preempts the City from prohibiting or regulating the duration or frequency of vacation rentals (except for ordinances adopted on or before June 1, 2011).

Consistent with this Bill’s preemption, licensing authority for vacation rentals rests with the Division. A local government may implement a local vacation rental registration program, but the program may only require the operator of a vacation rental to do the following:

1. Submit identifying information about the owner and operator of the vacation rental;
2. Provide proof of a division-issued vacation rental license;
3. Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
4. Update required information on a continuing basis;
5. Pay in full all recorded municipal or county code liens;
6. Designate and maintain a responsible person to respond to complaints and emergencies by telephone at a provided telephone number 24 hours a day, 7 days a week; and
7. State the maximum occupancy for the vacation rental which does not exceed either two persons per bedroom, plus an additional two persons in one common area; or more than two persons per bedroom if there is at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater. **Note: Miami Beach City Code Section 102-386 establishes the maximum occupancy for short-term rentals at a maximum of two (2) persons per bedroom (excluding children under 2 years of age). If signed into law, the Bill would preempt the stricter requirement in the City Code.**

A local government may charge a reasonable fee for processing vacation rental registrations and for conducting inspections for compliance with the Florida Building Code and Florida Fire Prevention Code. Additionally, the Bill outlines specific procedures that local governments must follow when suspending or revoking vacation rentals.

If the Bill is signed into law, several provisions in Section 102-386 of the City Code would be preempted. The City would have authority to enforce the 7 above requirements, but must conform the City's enforcement provisions with the suspension/revocation procedure set forth in the Bill.

### **Vacation Rental Advertising Platforms**

The Bill entirely preempts the City's ordinances on vacation rental advertising platforms. Section 509.032(7)(e) is amended to read "[t]he regulation of advertising platforms is preempted to the state."

The Bill requires advertising platforms to make use of the State's vacation rental information system, to meet the State's requirements. Advertising platforms are required to display the vacation rental license number, along with its unique identifier, and if applicable, the local registration number for each property advertised on their platform. Commencing on July 1, 2026, platforms must remove any advertisement or listing within 15 business days after being notified that the license or local registration has been suspended, revoked, or not renewed, or if it fails to display a valid vacation rental license number or local registration number.

Additionally, these platforms must quarterly provide to the Division (via the new system) a list of all vacation rentals advertised in Florida, including the URL for each advertisement, along with the vacation rental license number and, if applicable, the local registration number.

Failure to comply with these requirements may result in fines imposed by the Division, not exceeding \$1,000 per offense.

If the Bill is signed into law, advertising platforms would be regulated exclusively by the State, and any local ordinances would be entirely preempted on these matters.

### **CONCLUSION**

If SB 280 is signed into law by the Governor, a number of the City's requirements on the registration and licensing of short-term rentals would be preempted.

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1  
2 An act relating to vacation rentals; amending s.  
3 212.03, F.S.; requiring advertising platforms or  
4 operators listing a vacation rental with an  
5 advertising platform to collect and remit specified  
6 taxes for certain vacation rental transactions;  
7 reordering and amending s. 509.013, F.S.; defining the  
8 term "advertising platform"; making technical changes;  
9 amending s. 509.032, F.S.; adding licensing to the  
10 regulated activities of public lodging establishments  
11 and public food service establishments which are  
12 preempted to the state; providing applicability;  
13 revising an exception to the prohibition against  
14 certain local regulation of vacation rentals;  
15 providing applicability; preempting the regulation of  
16 advertising platforms to the state; authorizing the  
17 adoption of local laws, ordinances, or regulations  
18 that require the registration of vacation rentals;  
19 authorizing local governments to adopt vacation rental  
20 registration programs and impose fines for failure to  
21 register; requiring a local government to prepare a  
22 business impact estimate under certain circumstances;  
23 authorizing local governments to charge a reasonable  
24 fee for processing registration applications;  
25 authorizing local laws, ordinances, or regulations to  
26 require annual renewal of a registration and to charge  
27 a reasonable fee for such renewal; providing that a  
28 change in ownership may require a new application for  
29 registration; authorizing local governments to charge

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30 a reasonable fee to inspect a vacation rental for a  
31 specified purpose; specifying requirements and  
32 procedures for, and limitations on, local vacation  
33 rental registration programs; authorizing local  
34 governments to fine vacation rental operators under  
35 certain circumstances; specifying procedures related  
36 to the imposition of fines; providing applicability  
37 relating to certain money judgment provisions;  
38 requiring local governments to issue a written notice  
39 of violation under certain circumstances; requiring  
40 the code enforcement board or special magistrate to  
41 make certain recommendations under specified  
42 circumstances; authorizing local governments to  
43 suspend a vacation rental registration for specified  
44 periods of time; prohibiting local governments from  
45 suspending a vacation rental registration for  
46 violations that are not directly related to the  
47 vacation rental premises; requiring local governments  
48 to provide notice of registration suspension, within a  
49 specified timeframe, to vacation rental operators and  
50 the Division of Hotels and Restaurants of the  
51 Department of Business and Professional Regulation;  
52 providing requirements for such notice; requiring, by  
53 a certain date, local governments to use the vacation  
54 rental information system to provide such notice to  
55 the division; providing that local governments may  
56 revoke or refuse to renew a vacation rental  
57 registration under certain circumstances; requiring  
58 local governments to provide notice of revocation of

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59 or refusal to renew a vacation rental registration to  
60 vacation rental operators and the division within a  
61 specified timeframe; requiring, by a certain date,  
62 local governments to use the vacation rental  
63 information system to provide such notice to the  
64 division; providing that vacation rental operators may  
65 appeal a denial, suspension, or revocation of, or a  
66 refusal to renew, the registration of a vacation  
67 rental; providing procedures for such appeal;  
68 providing construction; amending s. 509.241, F.S.;  
69 authorizing the division to issue temporary licenses  
70 upon receipt of vacation rental license applications  
71 while such applications are pending; providing for  
72 permanency of such licenses upon final agency action;  
73 requiring that a license issued by the division be  
74 conspicuously displayed to the public inside the  
75 licensed establishment; requiring that a vacation  
76 rental's registration number, if applicable, be  
77 conspicuously displayed inside the vacation rental in  
78 a specified location; requiring the division to assign  
79 a unique identifier on each vacation rental license  
80 which identifies each individual vacation rental  
81 dwelling or unit; creating s. 509.243, F.S.; requiring  
82 advertising platforms to require that persons placing  
83 advertisements or listings for vacation rentals  
84 include certain information in the advertisements or  
85 listings and attest to certain information; requiring  
86 advertising platforms to display certain information;  
87 requiring, as of a specified date, advertising



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88 platforms to remove from public view an advertisement  
89 or a listing under certain circumstances and provide  
90 certain information to the division; requiring the  
91 division, upon request, to share certain reports and  
92 records with the Department of Revenue, local tax  
93 authorities, and local governments; providing that  
94 such records may be used for auditing and enforcement  
95 purposes; requiring advertising platforms or operators  
96 listing a vacation rental with an advertising platform  
97 to collect and remit specified taxes for certain  
98 transactions; authorizing the division to issue and  
99 deliver a notice to cease and desist for certain  
100 violations; providing that such notice does not  
101 constitute agency action for which certain hearings  
102 may be sought; authorizing the division to issue cease  
103 and desist notices in certain circumstances; providing  
104 that issuance of such notice does not constitute an  
105 agency action; authorizing the division to file  
106 certain proceedings for the purpose of enforcing a  
107 cease and desist notice; authorizing the division to  
108 collect attorney fees and costs under certain  
109 circumstances; authorizing the division to impose a  
110 fine on advertising platforms for certain violations;  
111 requiring the division to issue written notice of  
112 violations to advertising platforms before commencing  
113 certain legal proceedings; requiring advertising  
114 platforms to adopt an antidiscrimination policy and to  
115 inform their users of the policy's provisions;  
116 providing construction; creating s. 509.244, F.S.;

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117 defining the term "application program interface";  
118 requiring the division, by a specified date, to create  
119 and maintain a certain vacation rental information  
120 system; specifying requirements for the system;  
121 amending s. 509.261, F.S.; authorizing the division to  
122 revoke, refuse to issue or renew, or suspend vacation  
123 rental licenses under certain circumstances; requiring  
124 the division to specify the number of the license  
125 number of the vacation rental dwelling or unit which  
126 has been revoked, not renewed, or suspended; requiring  
127 the division to input such status in the vacation  
128 rental information system; requiring that the  
129 division's vacation rental license suspension run  
130 concurrently with a local vacation rental registration  
131 suspension; amending ss. 159.27, 212.08, 316.1955,  
132 404.056, 477.0135, 509.221, 553.5041, 559.955, 561.20,  
133 705.17, 705.185, 717.1355, and 877.24, F.S.;  
134 conforming cross-references; providing construction;  
135 authorizing the Department of Revenue to adopt  
136 emergency rules; providing requirements and an  
137 expiration date for the emergency rules; providing for  
138 the expiration of such rulemaking authority; providing  
139 an appropriation; providing effective dates.

140

141 Be It Enacted by the Legislature of the State of Florida:

142

143 Section 1. Effective January 1, 2025, subsection (2) of  
144 section 212.03, Florida Statutes, is amended to read:

145 212.03 Transient rentals tax; rate, procedure, enforcement,

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146 exemptions.—

147       (2) (a) The tax provided for in this section is ~~herein shall~~  
148 ~~be~~ in addition to the total amount of the rental, must ~~shall~~ be  
149 charged by the lessor or person receiving the rent in and by  
150 said rental arrangement to the lessee or person paying the  
151 rental, and is ~~shall be~~ due and payable at the time of the  
152 receipt of such rental payment by the lessor or person, as  
153 defined in this chapter, who receives such ~~said~~ rental or  
154 payment. The owner, lessor, or person receiving the rent shall  
155 remit the tax to the department at the times and in the manner  
156 hereinafter provided for dealers to remit taxes under this  
157 chapter. The same duties imposed by this chapter upon dealers in  
158 tangible personal property respecting the collection and  
159 remission of the tax; the making of returns; the keeping of  
160 books, records, and accounts; and the compliance with the rules  
161 and regulations of the department in the administration of this  
162 chapter ~~shall~~ apply to and are ~~be~~ binding upon all persons who  
163 manage or operate hotels, apartment houses, roominghouses,  
164 tourist and trailer camps, and the rental of condominium units,  
165 and to all persons who collect or receive such rents on behalf  
166 of such owner or lessor taxable under this chapter.

167       (b) If a guest uses a payment system on or through an  
168 advertising platform as defined in s. 509.013 to pay for the  
169 rental of a vacation rental located in this state, the  
170 advertising platform, or the operator, as defined in s. 509.013,  
171 listing a vacation rental with an advertising platform, must  
172 collect and remit taxes as provided in this paragraph.

173       1. An advertising platform that owns, operates, or manages  
174 a vacation rental or that is related within the meaning of s.

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175 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of  
176 1986, as amended, to a person who owns, operates, or manages the  
177 vacation rental shall collect and remit all taxes due under this  
178 section and ss. 125.0104, 125.0108, 205.044, 212.0305, and  
179 212.055 which are related to the rental.

180 2. An advertising platform to which subparagraph 1. does  
181 not apply shall collect and remit all taxes due from the owner,  
182 operator, or manager under this section and ss. 125.0104,  
183 125.0108, 205.044, 212.0305, and 212.055 which are related to  
184 the rental. Of the total amount paid by the lessee or rentee,  
185 the amount retained by the advertising platform for reservation  
186 or payment services is not taxable under this section or ss.  
187 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

188  
189 In order to facilitate the remittance of such taxes, the  
190 department and counties that have elected to self-administer the  
191 taxes imposed under chapter 125 shall allow advertising  
192 platforms to register, collect, and remit such taxes.

193 Section 2. Section 509.013, Florida Statutes, is reordered  
194 and amended to read:

195 509.013 Definitions.—As used in this chapter, except as  
196 provided in subsection (14), the term:

197 (1) "Advertising platform" means a person as defined in s.  
198 1.01(3) which:

199 (a) Provides an online application, software, a website, or  
200 a system through which a vacation rental located in this state  
201 is advertised or held out to the public as available to rent for  
202 transient occupancy;

203 (b) Provides or maintains a marketplace for the renting of

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204 a vacation rental for transient occupancy; and

205 (c) Provides a reservation or payment system that  
206 facilitates a transaction for the renting of a vacation rental  
207 for transient occupancy and for which the person collects or  
208 receives, directly or indirectly, a fee in connection with the  
209 reservation or payment service provided for the rental  
210 transaction.

211 (3)~~(1)~~ "Division" means the Division of Hotels and  
212 Restaurants of the Department of Business and Professional  
213 Regulation.

214 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,  
215 lessee, manager, assistant manager, or appointed agent of a  
216 public lodging establishment or public food service  
217 establishment.

218 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,  
219 boarder, or occupant of a public lodging establishment or public  
220 food service establishment.

221 (10) (a)~~(4) (a)~~ "Public lodging establishment" includes a  
222 transient public lodging establishment as defined in  
223 subparagraph 2. ~~subparagraph 1.~~ and a nontransient public  
224 lodging establishment as defined in subparagraph 1 ~~subparagraph~~  
225 ~~2.~~

226 2.1~~.~~ "Transient public lodging establishment" means any  
227 unit, group of units, dwelling, building, or group of buildings  
228 within a single complex of buildings which is rented to guests  
229 more than three times in a calendar year for periods of less  
230 than 30 days or 1 calendar month, whichever is less, or which is  
231 advertised or held out to the public as a place regularly rented  
232 to guests.

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233        1.2. "Nontransient public lodging establishment" means any  
234 unit, group of units, dwelling, building, or group of buildings  
235 within a single complex of buildings which is rented to guests  
236 for periods of at least 30 days or 1 calendar month, whichever  
237 is less, or which is advertised or held out to the public as a  
238 place regularly rented to guests for periods of at least 30 days  
239 or 1 calendar month.

240  
241 License classifications of public lodging establishments, and  
242 the definitions therefor, are as provided ~~set out~~ in s. 509.242.  
243 For the purpose of licensure, the term does not include  
244 condominium common elements as defined in s. 718.103.

245        (b) The following are excluded from the definitions in  
246 paragraph (a):

247        1. Any dormitory or other living or sleeping facility  
248 maintained by a public or private school, college, or university  
249 for the use of students, faculty, or visitors.

250        2. Any facility certified or licensed and regulated by the  
251 Agency for Health Care Administration or the Department of  
252 Children and Families or other similar place regulated under s.  
253 381.0072.

254        3. Any place renting four rental units or less, unless the  
255 rental units are advertised or held out to the public to be  
256 places that are regularly rented to transients.

257        4. Any unit or group of units in a condominium,  
258 cooperative, or timeshare plan and any individually or  
259 collectively owned one-family, two-family, three-family, or  
260 four-family dwelling house or dwelling unit that is rented for  
261 periods of at least 30 days or 1 calendar month, whichever is

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262 less, and that is not advertised or held out to the public as a  
263 place regularly rented for periods of less than 1 calendar  
264 month, provided that no more than four rental units within a  
265 single complex of buildings are available for rent.

266 5. Any migrant labor camp or residential migrant housing  
267 permitted by the Department of Health under ss. 381.008-  
268 381.00895.

269 6. Any establishment inspected by the Department of Health  
270 and regulated by chapter 513.

271 7. A facility operated by a nonprofit which provides Any  
272 ~~nonprofit organization that operates a facility providing~~  
273 housing only to patients, patients' families, and patients'  
274 caregivers and not to the general public.

275 8. Any apartment building inspected by the United States  
276 Department of Housing and Urban Development or other entity  
277 acting on the department's behalf which ~~that~~ is designated  
278 primarily as housing for persons at least 62 years of age. The  
279 division may require the operator of the apartment building to  
280 attest in writing that such building meets the criteria provided  
281 in this subparagraph. The division may adopt rules to implement  
282 this requirement.

283 9. Any roominghouse, boardinghouse, or other living or  
284 sleeping facility that may not be classified as a hotel, motel,  
285 timeshare project, vacation rental, nontransient apartment, bed  
286 and breakfast inn, or transient apartment under s. 509.242.

287 (9) (a) (5) (a) "Public food service establishment" means any  
288 building, vehicle, place, or structure, or any room or division  
289 in a building, vehicle, place, or structure where food is  
290 prepared, served, or sold for immediate consumption on or in the

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291 vicinity of the premises; called for or taken out by customers;  
292 or prepared before ~~prior to~~ being delivered to another location  
293 for consumption. The term includes a culinary education program,  
294 as defined in s. 381.0072(2), which offers, prepares, serves, or  
295 sells food to the general public, regardless of whether it is  
296 inspected by another state agency for compliance with sanitation  
297 standards.

298 (b) The following are excluded from the definition in  
299 paragraph (a):

300 1. Any place maintained and operated by a public or private  
301 school, college, or university:

302 a. For the use of students and faculty; or

303 b. Temporarily, to serve such events as fairs, carnivals,  
304 food contests, cook-offs, and athletic contests.

305 2. Any eating place maintained and operated by a church or  
306 a religious, nonprofit fraternal, or nonprofit civic  
307 organization:

308 a. For the use of members and associates; or

309 b. Temporarily, to serve such events as fairs, carnivals,  
310 food contests, cook-offs, or athletic contests.

311  
312 Upon request by the division, a church or a religious, nonprofit  
313 fraternal, or nonprofit civic organization claiming an exclusion  
314 under this subparagraph must provide the division documentation  
315 of its status as a church or a religious, nonprofit fraternal,  
316 or nonprofit civic organization.

317 3. Any eating place maintained and operated by an  
318 individual or entity at a food contest, cook-off, or a temporary  
319 event lasting from 1 to 3 days which is hosted by a church or a



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320 religious, nonprofit fraternal, or nonprofit civic organization.  
321 Upon request by the division, the event host must provide the  
322 division documentation of its status as a church or a religious,  
323 nonprofit fraternal, or nonprofit civic organization.

324 4. Any eating place located on an airplane, a train, a bus,  
325 or a watercraft that ~~which~~ is a common carrier.

326 5. Any eating place maintained by a facility certified or  
327 licensed and regulated by the Agency for Health Care  
328 Administration or the Department of Children and Families or  
329 other similar place that is regulated under s. 381.0072.

330 6. Any place of business issued a permit or inspected by  
331 the Department of Agriculture and Consumer Services under s.  
332 500.12.

333 7. Any place of business where the food available for  
334 consumption is limited to ice, beverages with or without  
335 garnishment, popcorn, or prepackaged items sold without  
336 additions or preparation.

337 8. Any theater, if the primary use is as a theater and if  
338 patron service is limited to food items customarily served to  
339 the admittees of theaters.

340 9. Any vending machine that dispenses any food or beverages  
341 other than potentially hazardous foods, as defined by division  
342 rule.

343 10. Any vending machine that dispenses potentially  
344 hazardous food and which is located in a facility regulated  
345 under s. 381.0072.

346 11. Any research and development test kitchen limited to  
347 the use of employees and which is not open to the general  
348 public.

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349           (2)~~(6)~~ "Director" means the Director of the Division of  
350 Hotels and Restaurants of the Department of Business and  
351 Professional Regulation.

352           (11)~~(7)~~ "Single complex of buildings" means all buildings  
353 or structures that are owned, managed, controlled, or operated  
354 under one business name and are situated on the same tract or  
355 plot of land that is not separated by a public street or  
356 highway.

357           (12)~~(8)~~ "Temporary food service event" means any event of  
358 30 days or less in duration where food is prepared, served, or  
359 sold to the general public.

360           (13)~~(9)~~ "Theme park or entertainment complex" means a  
361 complex comprised of at least 25 contiguous acres owned and  
362 controlled by the same business entity and which contains  
363 permanent exhibitions and a variety of recreational activities  
364 and has a minimum of 1 million visitors annually.

365           (14)~~(10)~~ "Third-party provider" means, for purposes of s.  
366 509.049, any provider of an approved food safety training  
367 program that provides training or such a training program to a  
368 public food service establishment that is not under common  
369 ownership or control with the provider.

370           (16)~~(11)~~ "Transient establishment" means any public lodging  
371 establishment that is rented or leased to guests by an operator  
372 whose intention is that such guests' occupancy will be  
373 temporary.

374           (17)~~(12)~~ "Transient occupancy" means occupancy when it is  
375 the intention of the parties that the occupancy will be  
376 temporary. There is a rebuttable presumption that, when the  
377 dwelling unit occupied is not the sole residence of the guest,

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378 the occupancy is transient.

379 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

380 (6)~~(14)~~ "Nontransient establishment" means any public  
381 lodging establishment that is rented or leased to guests by an  
382 operator whose intention is that the dwelling unit occupied will  
383 be the sole residence of the guest.

384 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is  
385 the intention of the parties that the occupancy will not be  
386 temporary. There is a rebuttable presumption that, when the  
387 dwelling unit occupied is the sole residence of the guest, the  
388 occupancy is nontransient.

389 (5)~~(16)~~ "Nontransient" means a guest in nontransient  
390 occupancy.

391 Section 3. Paragraph (c) of subsection (3) and subsection  
392 (7) of section 509.032, Florida Statutes, are amended, and  
393 subsection (8) is added to that section, to read:

394 509.032 Duties.—

395 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
396 EVENTS.—The division shall:

397 (c) Administer a public notification process for temporary  
398 food service events and distribute educational materials that  
399 address safe food storage, preparation, and service procedures.

400 1. Sponsors of temporary food service events shall notify  
401 the division not less than 3 days before the scheduled event of  
402 the type of food service proposed, the time and location of the  
403 event, a complete list of food service vendors participating in  
404 the event, the number of individual food service facilities each  
405 vendor will operate at the event, and the identification number  
406 of each food service vendor's current license as a public food

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407 service establishment or temporary food service event licensee.  
408 Notification may be completed orally, by telephone, in person,  
409 or in writing. A public food service establishment or food  
410 service vendor may not use this notification process to  
411 circumvent the license requirements of this chapter.

412 2. The division shall keep a record of all notifications  
413 received for proposed temporary food service events and shall  
414 provide appropriate educational materials to the event sponsors  
415 and notify the event sponsors of the availability of the food-  
416 recovery brochure developed under s. 595.420.

417 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~  
418 ~~509.013(5)(b)~~, a public food service establishment or other food  
419 service vendor must obtain one of the following classes of  
420 license from the division: an individual license, for a fee of  
421 no more than \$105, for each temporary food service event in  
422 which it participates; or an annual license, for a fee of no  
423 more than \$1,000, which ~~that~~ entitles the licensee to  
424 participate in an unlimited number of food service events during  
425 the license period. The division shall establish license fees,  
426 by rule, and may limit the number of food service facilities a  
427 licensee may operate at a particular temporary food service  
428 event under a single license.

429 b. Public food service establishments holding current  
430 licenses from the division may operate under the regulations of  
431 such a license at temporary food service events.

432 (7) PREEMPTION AUTHORITY.—

433 (a) The regulation of public lodging establishments and  
434 public food service establishments, including, but not limited  
435 to, sanitation standards, licensing, inspections, training and

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436 testing of personnel, and matters related to the nutritional  
437 content and marketing of foods offered in such establishments,  
438 is preempted to the state. This paragraph does not preempt the  
439 authority of a local government or local enforcement district to  
440 conduct inspections of public lodging and public food service  
441 establishments for compliance with the Florida Building Code and  
442 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
443 633.206.

444 (b) A local law, ordinance, or regulation may not prohibit  
445 vacation rentals or regulate the duration or frequency of rental  
446 of vacation rentals. This paragraph and subsection (8) do ~~does~~  
447 not apply to any local law, ordinance, or regulation adopted on  
448 or before June 1, 2011, including such a law, ordinance, or  
449 regulation that is amended to be less restrictive or to comply  
450 with the local registration requirements provided in subsection  
451 (8), or when a law, ordinance, or regulation adopted after June  
452 1, 2011, regulates vacation rentals, if such law, ordinance, or  
453 regulation is less restrictive than a law, ordinance, or  
454 regulation that was in effect on June 1, 2011.

455 (c) Paragraph (b) and subsection (8) do ~~does~~ not apply to  
456 any local law, ordinance, or regulation exclusively relating to  
457 property valuation as a criterion for vacation rental if the  
458 local law, ordinance, or regulation is required to be approved  
459 by the state land planning agency pursuant to an area of  
460 critical state concern designation.

461 (d) Subsection (8) does not apply to any county law,  
462 ordinance, or regulation initially adopted on or before January  
463 1, 2016, that established county registration requirements for  
464 rental of vacation rentals, and any amendments thereto adopted

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465 before January 1, 2024. Such county law, ordinance, or  
466 regulation may not be amended or altered except to be less  
467 restrictive or to adopt registration requirements as provided in  
468 subsection (8).

469 (e) The regulation of advertising platforms is preempted to  
470 the state.

471 (8) LOCAL REGISTRATION OF VACATION RENTALS; SUSPENSION;  
472 REVOCATIONS; FINES.—Notwithstanding paragraph (7) (a), a local  
473 law, ordinance, or regulation may require the registration of  
474 vacation rentals with a local vacation rental registration  
475 program. Local governments may implement a vacation rental  
476 registration program pursuant to this subsection and may impose  
477 a fine for failure to register under the local program. A local  
478 government must prepare a business impact estimate in accordance  
479 with s. 125.66(3) or s. 166.041(4), as applicable, before  
480 implementing a vacation rental registration program.

481 (a) A local government may charge a reasonable fee per unit  
482 for processing a registration application. A local law,  
483 ordinance, or regulation may require annual renewal of a  
484 registration and may charge a reasonable renewal fee per unit  
485 for processing of a registration renewal. However, if there is a  
486 change of ownership, the new owner may be required to submit a  
487 new application for registration. Subsequent to the registration  
488 of a vacation rental, a local government may charge a reasonable  
489 fee to inspect a vacation rental after registration for  
490 compliance with the Florida Building Code and the Florida Fire  
491 Prevention Code, described in ss. 553.80 and 633.206,  
492 respectively.

493 (b) As a condition of registration or renewal of a vacation

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494 rental, a local law, ordinance, or regulation establishing a  
495 local vacation rental registration program may only require the  
496 operator of a vacation rental to do the following:

497 1. Submit identifying information about the owner and the  
498 operator, if applicable, and the subject vacation rental  
499 premises.

500 2. Provide proof of a license with the unique identifier  
501 issued by the division to operate as a vacation rental.

502 3. Obtain all required tax registrations, receipts, or  
503 certificates issued by the Department of Revenue, a county, or a  
504 municipality.

505 4. Update required information as necessary to ensure it is  
506 current.

507 5. Pay in full all recorded municipal or county code liens  
508 against the subject vacation rental premises.

509 6. Designate and maintain at all times a responsible party  
510 who is capable of responding to complaints or emergencies  
511 related to the vacation rental, including being available by  
512 telephone at a provided contact telephone number 24 hours a day,  
513 7 days a week, and receiving legal notice of violations on  
514 behalf of the vacation rental operator.

515 7. State and comply with the maximum overnight occupancy of  
516 the vacation rental which does not exceed either two persons per  
517 bedroom, plus an additional two persons in one common area; or  
518 more than two persons per bedroom if there is at least 50 square  
519 feet per person, plus an additional two persons in one common  
520 area, whichever is greater.

521 (c) Within 15 business days after receiving an application  
522 for registration of a vacation rental, a local government shall

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523 review the application for completeness and accept the  
524 registration of the vacation rental or issue a written notice of  
525 denial.

526 1. The vacation rental operator and the local government  
527 may agree to a reasonable request to extend the timeframes  
528 provided in this paragraph, particularly in the event of a force  
529 majeure or other extraordinary circumstance.

530 2. If a local government fails to accept or deny the  
531 registration within the timeframes provided in this paragraph,  
532 the application is deemed accepted.

533 (d) If a local government denies a registration of a  
534 vacation rental, the local government must give written notice  
535 to the applicant. Such notice may be provided by United States  
536 mail or electronically. The notice must specify with  
537 particularity the factual reasons for the denial and include a  
538 citation to the applicable portions of the ordinance, rule,  
539 statute, or other legal authority for the denial of the  
540 registration. A local government may not prohibit an applicant  
541 from reapplying if the applicant cures the identified  
542 deficiencies.

543 (e)1. Upon acceptance of a vacation rental registration, a  
544 local government shall assign a unique registration number to  
545 the vacation rental unit and provide the registration number or  
546 other indicia of registration to the vacation rental operator in  
547 writing or electronically.

548 2. A local government shall, within 5 days after acceptance  
549 of a vacation rental registration, provide the registration  
550 number to the division.

551 (f)1. A local government may fine a vacation rental



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552 operator up to \$500 if he or she:

553 a. Fails to continue to meet the registration requirements  
554 in paragraph (b); or

555 b. Is operating a vacation rental without registering it  
556 with the local government as a vacation rental.

557 2. Before issuing a fine for a violation of subparagraphs  
558 (b)1.-6., the local government shall issue written notice of  
559 such violation and provide a vacation rental operator 15 days to  
560 cure the violation. If the vacation rental operator has not  
561 cured the violation within the 15 days, the local government may  
562 issue a fine.

563 (g) A certified copy of an order imposing a fine may be  
564 recorded in the public records and thereafter constitutes a lien  
565 against the real property on which the violation occurred. Upon  
566 petition to the circuit court, such order is enforceable in the  
567 same manner as a court judgment by the sheriffs of this state,  
568 including execution and levy against the personal property of  
569 the violator, but such order may not be deemed to be a court  
570 judgment except for enforcement purposes. A fine imposed  
571 pursuant to this subsection will continue to accrue until the  
572 violator comes into compliance or until judgment is rendered in  
573 a suit filed pursuant to this section, whichever occurs first. A  
574 lien arising from a fine imposed pursuant to this subsection  
575 runs in favor of the local government, and the local government  
576 shall execute a satisfaction or release of lien upon full  
577 payment. If such lien remains unpaid 3 months or more after the  
578 filing of the lien, the local government may foreclose on the  
579 lien against the real property on which the violation occurred  
580 or sue to recover a money judgment for the amount of the lien,

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581 plus accrued interest. A lien created pursuant to this part may  
582 not be foreclosed on real property that is a homestead under s.  
583 4, Art. X of the State Constitution. The money judgment  
584 provisions of this section do not apply to real property or  
585 personal property that is covered under s. 4(a), Art. X of the  
586 State Constitution.

587 (h)1. If a code violation related to the vacation rental is  
588 found by the code enforcement board or special magistrate to be  
589 a material violation of a local law, ordinance, or regulation  
590 that does not solely apply to vacation rentals, and the  
591 violation is directly related to the vacation rental premises,  
592 the local government must issue a written notice of such  
593 violation.

594 2. If a code violation related to the vacation rental is  
595 found to be a material violation of a local law, ordinance, or  
596 regulation as described in subparagraph 1., the code enforcement  
597 board or special magistrate must make a recommendation to the  
598 local government as to whether a vacation rental registration  
599 should be suspended.

600 3. The code enforcement board or special magistrate must  
601 recommend the suspension of the vacation rental registration if  
602 there are:

603 a. One or more violations on 5 separate days during a 60-  
604 day period;

605 b. One or more violations on 5 separate days during a 30-  
606 day period; or

607 c. One or more violations after two prior suspensions of  
608 the vacation rental registration.

609 4. If the code enforcement board or special magistrate

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610 recommends suspension of a vacation rental registration, a local  
611 government may suspend such registration for a period of:

612 a. Up to 30 days for one or more violations on 5 separate  
613 days during a 60-day period;

614 b. Up to 60 days for one or more violations on 5 separate  
615 days during a 30-day period; or

616 c. Up to 90 days for one or more violations after two prior  
617 suspensions of a vacation rental registration.

618 5. A local government may not suspend a vacation rental  
619 registration for violations of a local law, ordinance, or  
620 regulation which are not directly related to the vacation rental  
621 premises.

622 6. A local government shall provide notice of the  
623 suspension of a vacation rental registration to the vacation  
624 rental operator and the division within 5 days after the  
625 suspension. The notice must include the start date of the  
626 suspension, which must be at least 21 days after the suspension  
627 notice is sent to the vacation rental operator and the division.

628 Effective January 1, 2026, a local government shall use the  
629 vacation rental information system described in s. 509.244 to  
630 provide notice of the suspension of a vacation rental  
631 registration to the division.

632 (i)1. A local government may revoke or refuse to renew a  
633 vacation rental registration if:

634 a. A vacation rental registration has been suspended three  
635 times pursuant to paragraph (h);

636 b. There is an unsatisfied, recorded municipal lien or  
637 county lien on the real property of the vacation rental.

638 However, the local government shall allow the vacation rental

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639 operator at least 60 days before the revocation of a  
640 registration to satisfy the recorded municipal lien or county  
641 lien; or

642 c. The vacation rental premises and its owner are the  
643 subject of a final order or judgment by a court of competent  
644 jurisdiction lawfully directing the termination of the premises'  
645 use as a vacation rental.

646 2. A local government shall provide notice within 5 days  
647 after the revocation of, or refusal to renew, a vacation rental  
648 registration to the vacation rental operator and the division.  
649 The notice must include the date of revocation or nonrenewal,  
650 which must be at least 21 days after the date such notice is  
651 sent to the vacation rental operator and the division. Effective  
652 January 1, 2026, a local government shall use the vacation  
653 rental information system described in s. 509.244 to provide  
654 notice of the revocation of or refusal to renew a vacation  
655 rental registration to the division.

656 (j) A vacation rental operator may appeal a denial,  
657 suspension, or revocation of a vacation rental registration, or  
658 a refusal to renew such registration, to the circuit court. An  
659 appeal must be filed within 30 days after the issuance of the  
660 denial, suspension, or revocation of, or refusal to renew, the  
661 vacation rental registration. The court may assess and award  
662 reasonable attorney fees and costs and damages to the prevailing  
663 party.

664  
665 This subsection does not prohibit a local government from  
666 establishing a local law, ordinance, or regulation if it is  
667 uniformly applied without regard to whether the residential

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668 property is used as a vacation rental.

669 Section 4. Effective January 1, 2025, subsections (2) and  
670 (3) of section 509.241, Florida Statutes, are amended, and  
671 subsection (5) is added to that section, to read:

672 509.241 Licenses required; exceptions; division online  
673 accounts and transactions.—

674 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
675 a public lodging establishment or a public food service  
676 establishment shall apply for and receive a license from the  
677 division before ~~prior to~~ the commencement of operation. A  
678 condominium association, as defined in s. 718.103, which does  
679 not own any units classified as vacation rentals or timeshare  
680 projects under s. 509.242(1)(c) or (g) is not required to apply  
681 for or receive a public lodging establishment license. Upon  
682 receiving an application for a vacation rental license, the  
683 division may grant a temporary license that authorizes the  
684 vacation rental to begin operation while the application is  
685 pending. The temporary license becomes permanent upon final  
686 agency action regarding the license application that grants the  
687 vacation rental license.

688 (3) DISPLAY OF LICENSE.—~~A~~ Any license issued by the  
689 division must ~~shall~~ be conspicuously displayed to the public  
690 inside in the office or lobby of the licensed establishment.  
691 Public food service establishments that ~~which~~ offer catering  
692 services must ~~shall~~ display their license number on all  
693 advertising for catering services. The vacation rental's local  
694 registration number must, if applicable, be conspicuously  
695 displayed inside the vacation rental inside the unit in a  
696 visible location.

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697       (5) UNIQUE IDENTIFIER.—The division shall assign a unique  
698 identifier on each vacation rental license which identifies each  
699 individual vacation rental dwelling or unit.

700       Section 5. Effective January 1, 2025, section 509.243,  
701 Florida Statutes, is created to read:

702       509.243 Advertising platforms.—

703       (1) An advertising platform shall require that a person who  
704 places an advertisement or a listing of a vacation rental which  
705 offers it for rent do all of the following:

706       (a) Include in the advertisement or listing the vacation  
707 rental license number with the associated unique identifier and,  
708 if applicable, the local registration number.

709       (b) Attest to the best of the person's knowledge that the  
710 vacation rental's license with the associated unique identifier  
711 and, if applicable, its local registration are current and valid  
712 and that all related information is accurately stated in the  
713 advertisement.

714       (2) An advertising platform shall display the vacation  
715 rental license number with the associated unique identifier,  
716 and, if applicable, the local registration number.

717       (3) Effective January 1, 2026, an advertising platform:

718       (a) Shall remove from public view an advertisement or a  
719 listing from its online application, software, website, or  
720 system within 15 business days after notification that a  
721 vacation rental license, or if applicable, a local registration:

722       1. Has been suspended, revoked, or not renewed; or

723       2. Fails to display a valid vacation rental license number  
724 with the associated unique identifier or, if applicable, a local  
725 registration number.

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726 (b) Shall provide to the division on a quarterly basis, in  
727 a manner compatible with the vacation rental information system  
728 described in s. 509.244, a list of all vacation rentals located  
729 in this state which are advertised on its platform. The list  
730 must include the following information:

731 1. The uniform resource locator for the Internet address of  
732 the vacation rental advertisement; and

733 2. The vacation rental license number with the associated  
734 unique identifier, and, if applicable, the local registration  
735 number.

736 (4) If a guest uses a payment system on or through an  
737 advertising platform to pay for the rental of a vacation rental  
738 located in this state, the advertising platform, or the  
739 operator, as defined in s. 509.013, listing a vacation rental  
740 with an advertising platform, must collect and remit all taxes  
741 due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and  
742 212.055 related to the rental as provided in s. 212.03(2)(b).

743 (5) If the division has probable cause to believe that a  
744 person not licensed by the division has violated this chapter or  
745 any rule adopted pursuant thereto, the division may issue and  
746 deliver to such person a notice to cease and desist from the  
747 violation. The issuance of a notice to cease and desist does not  
748 constitute agency action for which a hearing under s. 120.569 or  
749 s. 120.57 may be sought. For the purpose of enforcing a cease  
750 and desist notice, the division may file a proceeding in the  
751 name of the state seeking the issuance of an injunction or a  
752 writ of mandamus against any person who violates any provision  
753 of the notice. If the division is required to seek enforcement  
754 of the notice for a penalty pursuant to s. 120.69, it is

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755 entitled to collect attorney fees and costs, together with any  
756 cost of collection.

757 (6) The division may fine an advertising platform an amount  
758 not to exceed \$1,000 per offense for each violation of this  
759 section or of division rule. For the purposes of this  
760 subsection, the division may regard as a separate offense each  
761 day or portion of a day in which an advertising platform is  
762 operated in violation of this section or rules of the division.  
763 The division shall issue to the advertising platform a written  
764 notice of any violation and provide it 15 days to cure the  
765 violation before commencing any legal proceeding under  
766 subsection (5).

767 (7) An advertising platform shall adopt an  
768 antidiscrimination policy to help prevent discrimination by its  
769 users and shall inform all users that it is illegal to refuse  
770 accommodation to an individual based on race, creed, color, sex,  
771 pregnancy, physical disability, or national origin, as provided  
772 in s. 509.092.

773 (8) This section does not create a private cause of action  
774 against advertising platforms. An advertising platform may not  
775 be held liable for any action that it takes voluntarily and in  
776 good faith in relation to its users in compliance with this  
777 chapter or the advertising platform's terms of service.

778 Section 6. Section 509.244, Florida Statutes, is created to  
779 read:

780 509.244 Vacation rental information system.—

781 (1) As used in this section, the term "application program  
782 interface" means a predefined protocol for reading or writing  
783 data across a network using a file system or a database.



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784       (2) By July 1, 2025, the division shall create and maintain  
785 a vacation rental information system readily accessible through  
786 an application program interface. At a minimum, the system must  
787 do all of the following:

788       (a) Facilitate prompt compliance with this chapter by a  
789 licensee or an advertising platform.

790       (b) Allow advertising platforms to search by vacation  
791 rental license number with the associated unique identifier,  
792 applicable local registration number, and a listing status field  
793 that indicates whether the premises is compliant with applicable  
794 license and registration requirements to allow a platform to  
795 determine whether it may advertise the vacation rental.

796       (c) Allow local government users to notify the division of  
797 a revocation or failure to renew, or the period of suspension  
798 of, a local registration, if applicable.

799       (d) Provide a system interface to allow local governments  
800 and advertising platforms to verify the status of a vacation  
801 rental license and a local registration of a vacation rental, if  
802 applicable.

803       (e) Allow a registered user to subscribe to receive  
804 automated notifications of changes to the license and  
805 registration status of a vacation rental, including any license  
806 revocation, local registration revocation, period of suspension  
807 imposed by the division or local government, or failure to renew  
808 a license or local registration.

809       Section 7. Subsection (11) is added to section 509.261,  
810 Florida Statutes, to read:

811       509.261 Revocation or suspension of licenses; fines;  
812 procedure.—

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813           (11) (a) The division may revoke, refuse to issue or renew,  
814 or suspend for a period of not more than 30 days or the period  
815 of suspension as provided in s. 509.032(8) a license of a  
816 vacation rental for any of the following reasons:

817           1. Operation of the subject premises violates the terms of  
818 an applicable lease or property restriction, including any  
819 property restriction adopted pursuant to chapter 718, chapter  
820 719, or chapter 720, as determined by a final order of a court  
821 of competent jurisdiction or a written decision by an arbitrator  
822 authorized to arbitrate a dispute relating to the subject  
823 premises and a lease or property restriction.

824           2. Local registration of the vacation rental is suspended  
825 or revoked by a local government as provided in s. 509.032(8).

826           3. The vacation rental premises and its owner are the  
827 subject of a final order or judgment lawfully directing the  
828 termination of the premises' use as a vacation rental.

829           (b) The division must specify the license number with the  
830 associated unique identifier of the vacation rental dwelling or  
831 unit which has been revoked, not renewed, or suspended and input  
832 such status in the vacation rental information system described  
833 in s. 509.244.

834           (c) If the division suspends a license for the reason  
835 specified in subparagraph (a)2., the suspension must run  
836 concurrently with the local registration suspension.

837           Section 8. Subsection (12) of section 159.27, Florida  
838 Statutes, is amended to read:

839           159.27 Definitions.—The following words and terms, unless  
840 the context clearly indicates a different meaning, shall have  
841 the following meanings:

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842 (12) "Public lodging or restaurant facility" means property  
843 used for any public lodging establishment as defined in s.  
844 509.242 or public food service establishment as defined in s.  
845 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
846 necessary to, another facility qualifying under this part.

847 Section 9. Paragraph (jj) of subsection (7) of section  
848 212.08, Florida Statutes, is amended to read:

849 212.08 Sales, rental, use, consumption, distribution, and  
850 storage tax; specified exemptions.—The sale at retail, the  
851 rental, the use, the consumption, the distribution, and the  
852 storage to be used or consumed in this state of the following  
853 are hereby specifically exempt from the tax imposed by this  
854 chapter.

855 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
856 entity by this chapter do not inure to any transaction that is  
857 otherwise taxable under this chapter when payment is made by a  
858 representative or employee of the entity by any means,  
859 including, but not limited to, cash, check, or credit card, even  
860 when that representative or employee is subsequently reimbursed  
861 by the entity. In addition, exemptions provided to any entity by  
862 this subsection do not inure to any transaction that is  
863 otherwise taxable under this chapter unless the entity has  
864 obtained a sales tax exemption certificate from the department  
865 or the entity obtains or provides other documentation as  
866 required by the department. Eligible purchases or leases made  
867 with such a certificate must be in strict compliance with this  
868 subsection and departmental rules, and any person who makes an  
869 exempt purchase with a certificate that is not in strict  
870 compliance with this subsection and the rules is liable for and

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871 shall pay the tax. The department may adopt rules to administer  
872 this subsection.

873 (jj) *Complimentary meals.*—Also exempt from the tax imposed  
874 by this chapter are food or drinks that are furnished as part of  
875 a packaged room rate by any person offering for rent or lease  
876 any transient public lodging establishments ~~living~~  
877 ~~accommodations~~ as described in s. 509.013(10) (a) ~~s.~~  
878 ~~509.013(4) (a)~~ which are licensed under part I of chapter 509 and  
879 which are subject to the tax under s. 212.03, if a separate  
880 charge or specific amount for the food or drinks is not shown.  
881 Such food or drinks are considered to be sold at retail as part  
882 of the total charge for the transient living accommodations.  
883 Moreover, the person offering the accommodations is not  
884 considered to be the consumer of items purchased in furnishing  
885 such food or drinks and may purchase those items under  
886 conditions of a sale for resale.

887 Section 10. Paragraph (b) of subsection (4) of section  
888 316.1955, Florida Statutes, is amended to read:

889 316.1955 Enforcement of parking requirements for persons  
890 who have disabilities.—

891 (4)

892 (b) Notwithstanding paragraph (a), a theme park or an  
893 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
894 which provides parking in designated areas for persons who have  
895 disabilities may allow any vehicle that is transporting a person  
896 who has a disability to remain parked in a space reserved for  
897 persons who have disabilities throughout the period the theme  
898 park is open to the public for that day.

899 Section 11. Subsection (5) of section 404.056, Florida

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900 Statutes, is amended to read:

901 404.056 Environmental radiation standards and projects;  
902 certification of persons performing measurement or mitigation  
903 services; mandatory testing; notification on real estate  
904 documents; rules.—

905 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification  
906 shall be provided on at least one document, form, or application  
907 executed at the time of, or before ~~prior to~~, contract for sale  
908 and purchase of any building or execution of a rental agreement  
909 for any building. Such notification must ~~shall~~ contain the  
910 following language:

911  
912 "RADON GAS: Radon is a naturally occurring radioactive gas  
913 that, when it has accumulated in a building in sufficient  
914 quantities, may present health risks to persons who are exposed  
915 to it over time. Levels of radon that exceed federal and state  
916 guidelines have been found in buildings in Florida. Additional  
917 information regarding radon and radon testing may be obtained  
918 from your county health department."

919  
920 The requirements of this subsection do not apply to any  
921 residential transient occupancy, as described in s. 509.013 ~~s.~~  
922 ~~509.013(12)~~, provided that such occupancy is 45 days or less in  
923 duration.

924 Section 12. Subsection (6) of section 477.0135, Florida  
925 Statutes, is amended to read:

926 477.0135 Exemptions.—

927 (6) A license is not required of any individual providing  
928 makeup or special effects services in a theme park or

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929 entertainment complex to an actor, stunt person, musician,  
930 extra, or other talent, or providing makeup or special effects  
931 services to the general public. The term "theme park or  
932 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~  
933 ~~509.013(9)~~.

934 Section 13. Paragraph (b) of subsection (2) of section  
935 509.221, Florida Statutes, is amended to read:

936 509.221 Sanitary regulations.—

937 (2)

938 (b) Within a theme park or entertainment complex as defined  
939 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to  
940 be in the same building as the public food service  
941 establishment, so long as they are reasonably accessible.

942 Section 14. Paragraph (b) of subsection (5) of section  
943 553.5041, Florida Statutes, is amended to read:

944 553.5041 Parking spaces for persons who have disabilities.—

945 (5) Accessible perpendicular and diagonal accessible  
946 parking spaces and loading zones must be designed and located to  
947 conform to ss. 502 and 503 of the standards.

948 (b) If there are multiple entrances or multiple retail  
949 stores, the parking spaces must be dispersed to provide parking  
950 at the nearest accessible entrance. If a theme park or an  
951 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~  
952 provides parking in several lots or areas from which access to  
953 the theme park or entertainment complex is provided, a single  
954 lot or area may be designated for parking by persons who have  
955 disabilities, if the lot or area is located on the shortest  
956 accessible route to an accessible entrance to the theme park or  
957 entertainment complex or to transportation to such an accessible

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958 entrance.

959 Section 15. Paragraph (b) of subsection (5) of section  
960 559.955, Florida Statutes, is amended to read:

961 559.955 Home-based businesses; local government  
962 restrictions.—

963 (5) The application of this section does not supersede:

964 (b) Local laws, ordinances, or regulations related to  
965 transient public lodging establishments, as defined in s.  
966 509.013(10)(a)2. ~~which s. 509.013(4)(a)1., that~~ are not  
967 otherwise preempted under chapter 509.

968 Section 16. Paragraph (d) of subsection (7) of section  
969 561.20, Florida Statutes, is amended to read:

970 561.20 Limitation upon number of licenses issued.—

971 (7)

972 (d) Any corporation, partnership, or individual operating a  
973 club which owns or leases and which maintains any bona fide  
974 beach or cabana club consisting of beach facilities, swimming  
975 pool, locker rooms or bathroom facilities for at least 100  
976 persons, and a public food service establishment as defined in  
977 s. 509.013 ~~s. 509.013(5)(a)~~, comprising in all an area of at  
978 least 5,000 square feet located on a contiguous tract of land of  
979 in excess of 1 acre may be issued a license under s. 565.02(4).  
980 The failure of such club to maintain the facilities shall be a  
981 ground for revocation of the license.

982 Section 17. Subsection (2) of section 705.17, Florida  
983 Statutes, is amended to read:

984 705.17 Exceptions.—

985 (2) Sections 705.1015-705.106 do not apply to any personal  
986 property lost or abandoned on premises located within a theme

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987 park or entertainment complex, as defined in s. 509.013 ~~s.~~  
988 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or  
989 on the premises of a public food service establishment or a  
990 public lodging establishment licensed under part I of chapter  
991 509, if the owner or operator of such premises elects to comply  
992 with s. 705.185.

993 Section 18. Section 705.185, Florida Statutes, is amended  
994 to read:

995 705.185 Disposal of personal property lost or abandoned on  
996 the premises of certain facilities.—When any lost or abandoned  
997 personal property is found on premises located within a theme  
998 park or entertainment complex, as defined in s. 509.013 ~~s.~~  
999 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or  
1000 on the premises of a public food service establishment or a  
1001 public lodging establishment licensed under part I of chapter  
1002 509, if the owner or operator of such premises elects to comply  
1003 with this section, any lost or abandoned property must be  
1004 delivered to such owner or operator, who must take charge of the  
1005 property and make a record of the date such property was found.  
1006 If the property is not claimed by its owner within 30 days after  
1007 it is found, or a longer period of time as may be deemed  
1008 appropriate by the owner or operator of the premises, the owner  
1009 or operator of the premises may not sell and must dispose of the  
1010 property or donate it to a charitable institution that is exempt  
1011 from federal income tax under s. 501(c)(3) of the Internal  
1012 Revenue Code for sale or other disposal as the charitable  
1013 institution deems appropriate. The rightful owner of the  
1014 property may reclaim the property from the owner or operator of  
1015 the premises at any time before the disposal or donation of the



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1016 property in accordance with this section and the established  
1017 policies and procedures of the owner or operator of the  
1018 premises. A charitable institution that accepts an electronic  
1019 device, as defined in s. 815.03(9), access to which is not  
1020 secured by a password or other personal identification  
1021 technology, shall make a reasonable effort to delete all  
1022 personal data from the electronic device before its sale or  
1023 disposal.

1024 Section 19. Section 717.1355, Florida Statutes, is amended  
1025 to read:

1026 717.1355 Theme park and entertainment complex tickets.—This  
1027 chapter does not apply to any tickets for admission to a theme  
1028 park or entertainment complex as defined in s. 509.013 ~~s.~~  
1029 ~~509.013(9)~~, or to any tickets to a permanent exhibition or  
1030 recreational activity within such theme park or entertainment  
1031 complex.

1032 Section 20. Subsection (8) of section 877.24, Florida  
1033 Statutes, is amended to read:

1034 877.24 Nonapplication of s. 877.22.—Section 877.22 does not  
1035 apply to a minor who is:

1036 (8) Attending an organized event held at and sponsored by a  
1037 theme park or entertainment complex as defined in s. 509.013 ~~s.~~  
1038 ~~509.013(9)~~.

1039 Section 21. The application of this act does not supersede  
1040 any current or future declaration or declaration of condominium  
1041 adopted pursuant to chapter 718, Florida Statutes; any  
1042 cooperative document adopted pursuant to chapter 719, Florida  
1043 Statutes; or any declaration or declaration of covenant adopted  
1044 pursuant to chapter 720, Florida Statutes.

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1045           Section 22. (1) The Department of Revenue is authorized,  
1046 and all conditions are deemed to be met, to adopt emergency  
1047 rules pursuant to s. 120.54(4), Florida Statutes, for the  
1048 purpose of implementing the amendments made by this act to s.  
1049 212.03, Florida Statutes, including establishing procedures to  
1050 facilitate the remittance of taxes.

1051           (2) Notwithstanding any other law, emergency rules adopted  
1052 pursuant to subsection (1) are effective for 6 months after  
1053 adoption and may be renewed during the pendency of procedures to  
1054 adopt permanent rules addressing the subject of the emergency  
1055 rules.

1056           (3) This section expires January 1, 2026.

1057           Section 23. For the 2024-2025 fiscal year, the sums of  
1058 \$327,170 in recurring funds and \$53,645 in nonrecurring funds  
1059 from the Hotel and Restaurant Trust Fund, \$645,202 in recurring  
1060 funds from the Administrative Trust Fund, and \$3,295,884 in  
1061 nonrecurring funds from the General Revenue Fund are  
1062 appropriated to the Department of Business and Professional  
1063 Regulation, and nine full-time equivalent positions with a total  
1064 associated salary rate of 513,417 are authorized, for the  
1065 purposes of implementing this act.

1066           Section 24. Except as otherwise expressly provided in this  
1067 act, this act shall take effect July 1, 2024.

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## Item 20. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: AMEND CERTAIN LANDSCAPING REQUIREMENTS IN CHAPTER 126 OF THE CITY CODE RELATING TO PALM TREES, TO PERMIT PALMS TO COUNT TOWARD THE MINIMUM NUMBER OF STREET TREES**

### **HISTORY:**

At the February 1, 2023, Commission meeting, Mayor Steven Meiner, who was a Commissioner at the time of the referral, referred the subject proposal (Item C4 C) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. At the March 1, 2023 LUSC meeting, the item was deferred to April 19, 2023, with no discussion.

On April 19, 2023 the item was deferred to the June 20, 2023 LUSC meeting, at the request of the sponsor with no discussion. On June 20, 2023, the item was deferred to the September 27, 2023 LUSC meeting, at the request of the sponsor with no discussion. On September 27, 2023 the item was deferred to the January 2024 LUSC meeting, with no discussion. While the LUSC was reconstituted on January 31, 2024, no meeting was held in January 2024. On February 26, 2024, the item was deferred to the June 10, 2024 LUSC, with no discussion.

### **BACKGROUND**

As noted in the attached referral memo, the item sponsor has proposed a separate amendment to Chapter 46 of the City Code to provide that an existing palm may be replaced with a new palm at the same location (i.e. "a palm for a palm") with no additional mitigation requirement. The item sponsor has requested that the LUSC discuss and consider a companion amendment to Section 126-6(a) of the Land Development Regulations of the City Code (LDRs) to accommodate the proposed modifications to Chapter 46, as well as address any conflicts with Chapter 126.

While Section 126-6(a) addresses the type and placement of street trees specifically, Chapter 46 deals with the preservation of trees and palms, and requires relocation and mitigation for trees that are removed to maintain and grow the canopy for public and private property.

Currently, Section 126-6(a)(2) allows single trunk palm species with a minimum of ten inches diameter at breast height (DBH) and a minimum of 15 feet of clear or grey wood at time of planting to supplement the required number of street trees. However, this section of the LDRs does not permit palm trees to count toward the required number of street trees.

### **ANALYSIS:**

Attached is a draft text amendment to Section 126-6(a)(2) of the LDRs, which proposes to allow palms to count as required street trees on the basis of one (1) palm per tree, provided such palms meet the following minimum size and spacing requirements:

1. A minimum of ten inches diameter at breast height (DBH).
2. A minimum of 15 feet of clear or grey wood at time of planting.
3. A maximum spacing of 20 feet on center.

As noted in the referral memo, this proposed amendment to Chapter 126 is intended to conform the landscaping requirements in the LDRs to the separate amendment proposed for Chapter 46, which would also allow palms to count toward the minimum number of required street trees.

Attached, for informational purposes, is a fact sheet pertaining to the Miami Beach Tree Preservation Code and Urban Forestry Master Plan. In addition to the information provided in this fact sheet, the following is noted with regard to the proposed ordinance amendment, as well as the importance of maintaining and promoting healthy tree canopy citywide:

- If the City Commission decides to amend the current requirements of Chapter 46 and 126, and allow palms to count as the required number of street trees, the City will still need to meet the minimum requirements of the Miami-Dade County Landscape Code. While Miami-Dade County allows palms as street trees, municipalities within the County have different requirements. For example, Pinecrest does not allow palms at all and other cities restrict the type or number of palms that are allowed.
- Palms as street trees offer less shade for pedestrians and less environmental benefits in comparison to canopy trees that are native and Florida Friendly canopy trees.
- The standard recommendation for tree canopy coverage in cities is 30%. Unfortunately the City of Miami Beach was only at 17% with the last full inventory. Our goal is 22% canopy coverage by 2040 based on planting in 50% of available areas.
- Palms require more maintenance and fertilizer than canopy trees, as well as more frequent upkeep. Excessive or incorrect fertilizer use has been found to lead to algal blooms in Biscayne Bay, our aquatic preserve that is in peril, as fertilizers are carried as run-off into the Bay when it rains. Additionally, canopy trees are usually pruned on a 3-to-4-year cycle, while palms are trimmed 3 to 4 times per year.

It is also important to note that nothing in Chapter 126 precludes specifying palms in landscape designs. In fact, palms are included in most development projects, in addition to the minimum number of street and lot trees. Chapter 126 was substantially rewritten and adopted in 2016 with the express intention of increasing our urban tree canopy citywide. The current regulations further the resiliency and sustainability goals of the City by creating shady and walkable neighborhoods and contributing to stormwater management.

Based upon the foregoing, the Administration does not recommend in favor of the proposed revision to Section 126-6(a), as proposed herein. If the proposed ordinance does move forward, the Administration recommends that the City continue to require the current spacing and height of

taller palms, as well as native and Florida Friendly palms.

**CONCLUSION:**

In view of the foregoing, the Administration recommends that the Land Use and Sustainability Committee discuss and conclude the item and provide an unfavorable recommendation to the Planning Board.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> REF MEMO C4C	Memo
<input type="checkbox"/> DRAFT ORD TEXT	Memo
<input type="checkbox"/> Tree FACT SHEET	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Vice-Mayor Steven Meiner  
DATE: February 1, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD TO AMEND CERTAIN LANDSCAPING REQUIREMENTS IN CHAPTER 126 OF THE CITY CODE RELATING TO PALM TREES, TO PERMIT PALMS TO COUNT TOWARD THE MINIMUM NUMBER OF STREET TREES.

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### **RECOMMENDATION**

On the February 1, 2023 City Commission agenda, I have sponsored an amendment to Chapter 46 of the City Code to provide that an existing palm tree may be replaced with a new palm tree at the same location (i.e. "a palm for a palm") with no additional mitigation requirement.

Please place a dual referral to the Land Use and Sustainability Committee and the Planning Board on the February 1, 2023 agenda to consider this companion agenda item, to amend Chapter Sec. 126-6(a)(1) of the Land Development Regulations, which provides that "[p]alms shall not count towards the required number of street trees."

In order to conform the landscaping requirements in the LDRs to my proposed amendment to the mitigation requirements in Ch. 46, this section would, at a minimum, need to be amended to permit palms to count toward the minimum number of street trees. Otherwise, the removal of a palm tree could trigger a new street tree requirement, and palms could not count toward that requirement.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Vice-Mayor Steven Meiner

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## Sec. 126-6. Minimum standards.

The following standards shall be considered minimum requirements unless otherwise indicated in the land development regulations:

(a) *Trees.*

*Tree size:* All trees except street trees, shall be a minimum of 12 feet high with a minimum crown spread of six feet and have a minimum caliper of two inches at time of planting, except that 30 percent of the tree requirement may be met by native species with a minimum height of ten feet and a minimum caliper of one and a half inches at time of planting.

- (1) *Street tree size and spacing:* Street trees shall be of a species typically grown in Miami Beach which normally mature to a height of at least 20 feet. Street tree plantings shall comply with ADA clearance requirements. Furthermore, street trees shall have a minimum clear trunk of four feet, an overall height of 12 to 14 feet and a minimum caliper of three inches at time of planting and shall be provided along all roadways at a maximum average spacing of 20 feet on center, except as otherwise provided in this ordinance.

The 20-foot average spacing requirement for townhouse or multi-family units shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the environment and sustainability department. Street trees planted along roadways shall be placed consistent with the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide with respect to edge of roadway pavement and/or where unable to locate within the right-of-way within seven feet of the property line on private property.

The city may require an increase the maximum average spacing due to site-specific constraints such as, but not limited to, visibility triangles, signage, utilities, view corridors, or the use of large canopy or diameter trees. However, the total number of required trees for this requirement shall be as per a 20-foot average spacing and any required street trees that cannot be provided along the roadway due to a required increase in the maximum average spacing shall be planted elsewhere on the site, or the applicant shall utilize the tree and shrub compliance options, pursuant to section 126-7.

- (2) *Palms as street trees:* Single trunk palm species with a minimum of ten inches diameter at breast height (DBH) and a minimum of 15 feet of clear or grey wood at time of planting may be planted in addition to the required number of street trees. The maximum spacing of palms as street trees shall be 20 feet on center. ~~Palms shall not count towards the required number of street trees.~~ Palms which meet the requirements of this paragraph shall count as a required street tree on the basis of one (1) palm per tree. The city may require an increase in the maximum spacing due to site-specific constraints, such as, but not limited to, visibility triangles, signage, utilities view corridors, or the use of large canopy or diameter trees.



- 
- (3) *Power lines:* Under high voltage transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the FPL Plant the Right Tree in the Right Place guidelines and illustrations. The maximum spacing of appropriate and allowed tree species planted under power lines shall be 20 feet on center.

The city may require an increase the maximum average spacing due to site-specific constraints, such as, but not limited to, visibility triangles, signage, utilities view corridors, or the use of large canopy or diameter trees. However the total number of required trees for this requirement shall be as per a 20-foot average spacing and any required street trees that cannot be provided along the roadway due to a required increase in the maximum average spacing shall be planted elsewhere on the site, or the applicant shall utilize the tree and shrub compliance options, pursuant to section 126-7.

\* \* \*

Miami Beach Tree Preservation Code  
and Urban Forestry Master Plan

**What is the purpose of the City’s Tree Preservation Ordinance? Why do governments have rules about trees?**

- The City has a healthy Tree Preservation Ordinance that protects our tree canopy now and for future generations. The ordinance protects and preserves canopy trees and palms of mature size which may be impacted by construction, both on public and private property.
- When trees are removed, there’s a loss of canopy, so trees must be replanted to grow the canopy over time. Cities also lose trees from storms, disease, end of useful life, etc. The City ordinance requires “mitigation” in the form of replacement trees lost from development and this is how cities can make sure the canopy can be protected and grow over time.
- Regulations are important for long term community health, safety, sustainability, and economic success.
  - **Fun Facts:**
    - It takes about ten years for most of the species we plant to become established and provide decent shade.
    - Due to our Tree Preservation Permitting Program, we have seen a net increase of 1,750 palms and 5,700 canopy trees planted based on an analysis conducted from October 2018 to 2021.
    - In a recent Miami-Dade County tree inventory, Miami Beach was identified as one of the cities with canopy growth from 2016 to 2020. (Miami-Dade County and American Forests)
    - Extreme heat is an increasingly important resilience priority. Our summers are getting hotter and longer due to climate change and urban development. On average, the Miami area has 51 more days per year with temperatures over 90 degrees Fahrenheit than it did 50 years ago and we’re expected to have the highest increase of dangerously high heat days with a heat index over 100 degrees Fahrenheit of any county in the United States by mid-century.

**Why is it important to have trees on both public and private property?**

- Making the tree canopy solely the responsibility of the government is difficult due to the lack of space—the City needs a partnership with residents since 75% of property is privately owned.
  - **Fun Facts:**
    - 79% of current canopy is on private land, and 14% is on government property.
    - The right of way (ROW) makes up a small percentage of the property on Miami Beach.
    - In addition, City parks need to retain area for recreational use, and have limited space available for new plantings.
    - Some areas, such as North Beach, are both heavily private property and densely urbanized with impervious surfaces. Canopy in these areas requires special placement, help from private property owners, and innovative techniques to allow the tree roots to grow. New development in

## INFORMATIONAL FACT SHEET

Miami Beach Tree Preservation Code  
and Urban Forestry Master Plan

the North Beach Town Center is required to plant larger canopy with appropriate techniques to allow the trees to grow.

**What are the benefits of trees? Why is tree canopy important?**

- Canopy trees absorb heat, provide shade, manage and filter stormwater, sequester CO<sub>2</sub> and help conserve electricity. Trees provide biodiversity and habitat for birds, bees, butterflies, and other wildlife.
  - **Fun Facts:**
    - It has been found that when sitting under a tree, the temperature can be up to 22 degrees cooler and feel up to 35 degrees cooler.
    - Trees are important flood mitigation structures with approximately 20% of annual rainfall retained in the crown. They also increase the infiltration capacity of soils, reducing flooding and erosion of soils.
    - Trees reduce the urban heat island effect, absorb air pollutants such as ozone, CO<sub>2</sub> and other climate gasses.
    - Urban trees are good for physical AND mental health – people are encouraged to walk in urban forests which boosts serotonin levels and heart health.
    - Trees also provide financial benefits. Shade helps people save on utility bills and trees increase property values by about 8%.

**What is the role of the Urban Forestry Division?**

- The Urban Forestry Division oversees both operational services and strategic projects. The Division has a highly certified Urban Forester that provides regulatory supervision through responding to tree abuse complaints, providing guidance, and issuing permits.
- Strategic projects to grow the urban forest include conducting the citywide Geographic Information System Tree Inventory, managing the GO Bond tree reforestation initiative, and advising on the right tree in the right place - the optimal planting species to result in mature trees for corridors and roadways for the City of Miami Beach.

**What is the Urban Forestry Master Plan (UFMP)?**

- The UMFP is a guiding document to help evolve our urban canopy to be more tolerant to climate change, but does not have any regulatory power over the Tree Preservation Ordinance. As a plan, it established a goal to increase the tree canopy from 17% to 22%.
  - Our UFMP has become the benchmark for other plans being developed in South Florida and other parts of the world. The City presented at the first ever international conference of Tree Cities of the World because we created a plan that looks at the approach of sustainably managing an urban forest under the stresses of climate change, and how to create innovative adaptive efforts that will allow for this. As the only US city selected to present at the conference, members from around the world are looking at our plan to help guide them when dealing with similar climate change conditions.
  - The adoption of the UFMP did not result in any regulatory changes regarding how we manage existing trees and palms.

Miami Beach Tree Preservation Code  
and Urban Forestry Master Plan

**Why is a distinction made between canopy trees and palm trees, regarding benefits and disadvantages?**

- The Urban Forestry Master Plan recommends a transition of our palm canopy from 57% to 25% by 2050. By planting more canopy trees, we reduce the overall percentage of palms, without needing the removal of existing palms.
- Keeping the existing palm canopy percentage will leave the City’s landscape vulnerable to future climatic stressors such as extreme heat, flooding and saltwater intrusion, as well as impacts from pest or disease due to the lack of diversity. An overpopulation of palms also reduces the number of planting spots for more beneficial canopy trees.
- Palms tend to be over-pruned which results in “pencil-ing” of the trunk. As a result, palms tend to be weaker and this practice increases drag on the fronds during high wind events, increasing the chance of failure.
- South Florida soils are a mixture of sand, marl (weathered limestone), and Miami Limestone, which is alkaline with a pH hovering at about 8. The limestone does not hold water or nutrients well, and the high pH makes it difficult for plants to get micro-elements they need. These soils are also not conducive for healthy palm growth, and palms require constant fertilizer to stay green in South Florida.
  - **Fun Facts:**
    - Excessive or incorrect fertilizer use has been found to lead to algal blooms in Biscayne Bay, our aquatic preserve that is in peril. When it rains, fertilizers are carried as run-off into the Bay. Improper fertilizer use not only impacts City waterways but can also lead to long-term degradation of the soil.
    - Palms require more frequent upkeep. Canopy trees are usually pruned on a 3-to-4-year cycle, while palms are trimmed 3 to 4 times per year. Coconut palms need their coconuts removed, royal palms need their boots strapped, date palms need their dates either removed or cleaned up once fallen. If not frequently maintained, palms can be dangerous as street trees since their fronds reach a large size and fall with risk of injury to pedestrians, which is why some municipalities do not allow them at all. Treating palm diseases is also very costly, especially preventative treatment for the multitude of diseases affecting palms.

INFORMATIONAL FACT SHEET

Miami Beach Tree Preservation Code  
and Urban Forestry Master Plan

Benefits*	Shade Tree	Palm
	Live Oak, <i>Quercus virginiana</i>	Sabal Palm, <i>Sabal palmetto</i>
Diameter (DBH)	16"	16"
Carbon Dioxide (CO2) Sequestered (Absorbed)	510 pounds/year	2.71 pounds/year
Rainfall Intercepted	725 gallons/year	81 gallons/year
Ozone removed from air	20 ounces/year	1.70 ounces/year
Carbon dioxide stored	3,214 pounds over lifetime	26 pounds over lifetime
Energy Savings (A/C)	60 kWh	26 kWh
Energy Savings Value	\$10.00	\$4.60
Annual Value of Benefits	\$31.00	\$6.48

\*Based on an analysis utilizing the USDA Forest Service's i-Tree MyTree benefits tool ([www.itreetools.org](http://www.itreetools.org)) - v. 2.4.16

Scenario: 3- Year Pruning Cycle	Year 1		Year 2		Year 3	
	Number Tree/Palm	Cost	Number Tree/Palm	Cost	Number Tree/Palm	Cost
Canopy Tree Pruning (3 Year Cycle)	3,950	\$ 629,775	3891	\$ 633,840.50	4,332	\$ 676,919
Palm Pruning (Depending on species)	16,732	\$2,227,680	16732	\$2,227,680.00	16,732	\$ 2,227,680
Tree & Stump Removal	119	\$ 46,900	126	\$ 50,145.00	131	\$ 49,729
Palm & Stump Removal	157	\$ 39,981	156	\$ 40,994.00	154	\$ 40,591
TOTAL	20,958	\$2,944,336	20905	\$2,952,659.50	21,349	\$ 2,994,919

Scenario: 5-Year Pruning Cycle	Year 1		Year 2		Year 3		Year 4		Year 5	
	Number Tree/Palm	Cost	Number Tree/Palm	Cost	Number Tree/Palm	Cost	Number Tree/Palm	Cost	Number Tree/Palm	Cost
Canopy Tree Pruning (3 Year Cycle)	2,370	\$ 377,865	2299	\$ 373,859.00	2,759	\$ 414,182	3,225	\$ 458,376	3,691	\$ 505,428
Palm Pruning (2x or 4x per year depending on species)	16,732	\$2,227,680	16732	\$2,227,680.00	16,732	\$ 2,227,680	16,732	\$ 2,227,680	16,732	\$ 2,227,680
Tree & Stump Removal	119	\$ 46,900	126	\$ 50,145.00	131	\$ 49,729	137	\$ 49,318	143	\$ 48,900
Palm & Stump Removal	157	\$ 39,981	156	\$ 40,994.00	154	\$ 40,591	153	\$ 40,217	154	\$ 40,094
TOTAL	19,378	\$2,692,426	19313	\$2,692,678.00	19,776	\$ 2,732,182	20,247	\$ 2,775,591	20,720	\$ 2,822,102

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

**Item 21.**

## **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSSION - PROPOSED AMENDMENTS TO CHAPTER 46 OF THE CITY CODE PERTAINING TO HERITAGE TREE DESIGNATION**

### **HISTORY:**

On December 8, 2021, at the request of Commissioner Steven Meiner, the City Commission referred the subject discussion (R5 E) to the Land Use and Sustainability Committee (LUSC). The item was first placed on the February 2022 LUSC agenda, and it was continued or deferred at each subsequent agenda up until April 19, 2023.

On April 19, 2023, the item was deferred to the June 20, 2023, LUSC meeting, with no discussion. On June 20, 2023, the item was deferred to the September 27, 2023, LUSC meeting, at the request of the sponsor. On September 27, 2023, the item was deferred to the January 2024 LUSC meeting, with no discussion. While the LUSC was reconstituted on January 31, 2024, no meeting was held in January 2024.

On February 26, 2024, the item was deferred to the March 19, 2024, LUSC meeting. On March 19, 2024 the item was deferred to the June 10, 2024 LUSC meeting.

### **ANALYSIS:**

On December 8, 2021, the City Commission approved, at First Reading, an amendment to Chapter 46 of the City Code pertaining to the removal of trees and palms identified in Landscape Neighborhood Overlays. Attached is the Commission Memo and ordinance from the December 8, 2021, meeting. The ordinance was a companion to an amendment to Chapter 126 of the Land Development Regulations of the City Code, which established the framework for creating Landscape Neighborhood Overlays.

The subject ordinance also proposed to allow palms to be considered for heritage tree designation. Currently certain types of canopy trees are eligible for heritage tree designation due to the nature and intent of heritage tree definition and criteria. The City Commission did not approve the proposal to allow palms to be considered for heritage tree designation and referred this portion of the ordinance to the LUSC for further discussion.

### **Heritage Tree Information**

A heritage tree is designated through Ch. 46-63(1) of the Miami Beach City Code. It is an individual tree (or group of trees) with unique value, which is (are) considered irreplaceable. The major criteria for heritage tree designation are age, rarity, and size. Aesthetic, botanical, ecological and historical value are also considered. The majority of trees that would meet heritage tree specifications are trees found in parks, greenspaces and public properties. In contrast, most palms are a uniform species and are more easily replaceable than canopy trees and ordinarily do

not meet the criteria for heritage trees.

Additional considerations include:

- There is a fiscal impact related to such a designation. Heritage tree recipients are entitled to a \$750 subsidy every four (4) years. Funding is to be used towards pruning and assessments of the designated tree.
- Heritage trees must be preserved during any proposed construction.
- Heritage trees may only be removed after an arborist report is conducted demonstrating that removal is necessary to avoid an immediate peril to life and or property.
- Proposed work must be redesigned in order to preserve heritage trees.
- Relocation is a last resort.
- Designation of palms as heritage trees would require considerable staff or consultant resources as additional reports and inspections are required for each designated tree.

Finally, an unintended consequence of designating palms as heritage trees in the right of way would be further restricting the ability for the City to improve infrastructure such as stormwater and drainage and water and sewer systems. Private property would also have additional restrictions.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation, if applicable, to the City Commission.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Environment & Sustainability

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

Item 22.

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDRS) AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS.**

### **HISTORY:**

On May 15, 2024, at the request of Mayor Steven Meiner, the Mayor and City Commission referred the item (C4 AS) to the Land Use and Sustainability Committee (LUSC).

The 40th Street overlay, which was established in 2010, applies to religious institutions in the Residential Single Family (RS) district that is located on the south side of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east. The overlay allows pedestrian-friendly religious institutional uses, through the conditional use permit process, at eligible properties. The intent of the overlay has been to serve the surrounding residential uses and any future expansion of the district is only permitted by amending the overlay regulations.

As noted in the attached referral memo, the owner of single-family properties within the overlay boundaries, which are currently used as a religious institution, has proposed an expansion of the overlay regulations to accommodate increasing demand, as well as add additional types of related uses, only applicable to religious institutions within the overlay boundaries. The property owner has requested the opportunity to present his proposal to the LUSC and obtain recommendations for the Mayor and City Commission to consider.

### **ANALYSIS:**

Based upon previous discussions with the property owner, the proposal would involve amendments to the Land Development Regulations of the City Code (LDRs) and Comprehensive Plan, including the following:

- The introduction of dormitory and standalone school as main uses;
- A reduction in minimum setbacks and lot coverage;
- An expansion of allowable height exceptions and usable roof area;
- An increase in allowable unit size;



- Modification of minimum parking requirements.

Any amendment to the LDRs and the Comprehensive Plan would need to be referred to the Planning Board by the City Commission. Alternatively, a private application for such amendments could be filed by the property owner.

**CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board.

**Applicable Area**

Middle Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

Description	Type
REF C4 AS	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Steven Meiner  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE (LUSC) - DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR'S) AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS.

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### **BACKGROUND/HISTORY**

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes

If so, specify name of lobbyist(s) and principal(s): Rabbi Shlomo Stilerman

The 40<sup>th</sup> Street overlay, which was established in 2010, applies to religious institutions in the Residential Single Family (RS) district that are located on the south side of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east. The overlay allows pedestrian-friendly religious institutional uses, through the conditional use permit process, at eligible properties. The intent of the overlay has been to serve the surrounding residential uses and any future expansion of the district is only permitted by amending the overlay regulations.

### **ANALYSIS**

An owner of single family properties within the overlay boundaries, which are currently used as a religious institution, has proposed an expansion of the overlay regulations to accommodate increasing demand, as well as add additional types of related uses, only applicable to religious institutions within the overlay boundaries.

The property owner has requested the opportunity to present its proposal at LUSC. Based upon the recommendations of the LUSC, a referral to the Planning Board for amendments to the LDR's and the Comprehensive Plan may be considered by the full City Commission at a future date.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

Middle Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### **Strategic Connection**

Non-Applicable

### **Legislative Tracking**

Mayor Steven Meiner

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

Item 23.

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS/CONSIDER THE POTENTIAL REZONING AND RECLASSIFICATION ON THE FUTURE LAND USE MAP OF CANOPY PARK, AT 701 WEST AVENUE, TO REFLECT THE CITY'S OWNERSHIP AND USE OF THE PROPERTY AS A PARK**

### **HISTORY:**

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and City Commission referred the item (C4 AC) to the Land Use and Sustainability Committee (LUSC) and the Planning Board.

As part of the Development Agreement for the 500 Alton Road project, the developer designed, constructed, and conveyed a 3.0-acre public park to the City of Miami Beach. The park, located at 701 Alton Road, is a municipal park, operated by the City for the benefit of the general public. On August 23, 2022, 82% of the City's voters voted to name the park as "Canopy Park."

As noted in the attached referral memo, the item sponsor is requesting that the LUSC discuss rezoning Canopy Park, as well as reclassifying the future land use designation on the City's future land use map, to better reflect the City's ownership and use of the property as a park. The property is currently classified on the zoning map and future land use map as CD-2 (commercial, medium intensity), which is the zoning and future land use classification at the time of the original development agreement. The item sponsor has proposed reclassifying the park to either "Public Facility: Governmental Uses (PF)" or "Recreation and Open Space Including Waterways (ROS)" on the future land use map, and GU (government use) on the zoning map.

The sponsor has also requested that the Planning Department recommend any related text amendments to the Land Development Regulations of the City Code (LDR) that may be appropriate as a companion to the proposed rezoning and change in future land use designation. Following review by the LUSC, draft Ordinances will be prepared and transmitted to the Planning Board.

### **ANALYSIS:**

When the Canopy Park parcel became City owned, the zoning for the property changed to Government Use (GU). In this regard, section 7.2.1.1.b of the LDRs specifies that all city-owned

properties are zoned GU, although they may not be designated as such on the zoning map.

The future land use designation of the Canopy Park site is still commercial medium intensity and did not automatically convert to another future land use classification. In this regard, the re-classification of the future land use designation of the park to either "Public Facility: Governmental Uses (PF)" or "Recreation and Open Space Including Waterways (ROS)" would be appropriate.

Finally, a companion text amendment to Chapter 2 of the Land Development Regulations of the City Code (LDRs) should be included as part of the proposed re-zoning of the park property, to address the previous movement of applicable floor area within the Alton Gateway overlay. Note that when the development agreement was approved, the entire overlay was zoned CD-2 and RM-2. Since the maximum FAR (2.0) was the same for residential use in both districts, all of the available floor area from the portion of the site that is now a public park was moved to other parts of the site to accommodate the new residential tower and the proposed detached retail structure. The following is draft text for an amendment to the applicable section of Chapter 2 in the LDRs:

#### *2.2.3.4 Unified Development Site*

*a. Where development is proposed on a site that consists of a unified development site, the application shall be accompanied by either a unity of title or covenant in lieu of unity of title, as applicable. A "unified development site" is a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right-of-way. A unified development site does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels. Additionally, the following shall apply to any unified development site:*

*1. All lots need not be in the same zoning district; however: the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district, inclusive of bonus FAR.*

*2. Lots not located in the same zoning districts may be joined together to create a unified development site, and be permitted to aggregate the allowable floor area ratio, provided the entire unified development site, including each separate zoning district, has the same maximum FAR, inclusive of bonus FAR. The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.*

*3. For unified development sites that are subject to the terms of a development agreement with the City of Miami Beach, and contain properties with different zoning classifications, as well as properties located in the Alton Road Gateway Area, as more specifically prescribed in Section 7.2.11.7, the maximum allowable floor area may be distributed within the entirety of the unified development site in accordance with the provisions of the applicable development agreement.*

*4. In the event a future change in zoning district classification modifies the maximum floor area ratio (FAR), inclusive of bonus FAR, for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.*

If there is consensus on the proposed rezoning, change in land use classification and LDR text amendment, ordinances to effectuate these changes can be drafted and presented to the Planning Board.

#### **CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

**Description**

**Type**

▢ REF C4 AC

Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Tanya K. Bhatt  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD – DISCUSS/CONSIDER THE POTENTIAL REZONING AND RECLASSIFICATION ON THE FUTURE LAND USE MAP OF CANOPY PARK, AT 701 WEST AVENUE, TO REFLECT THE CITY’S OWNERSHIP AND USE OF THE PROPERTY AS A PARK.

**BACKGROUND/HISTORY**

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, including a principal engaged in lobbying? No.

2. If so, please specify name of lobbyist(s) and principal(s): N/A

Please place the above item on the May 15, 2024 City Commission as a referral to the Land Use and Sustainability Committee (“LUSC”) and Planning Board.

As part of the Development Agreement for the 500 Alton Road project, the developer designed, constructed, and conveyed a 3.0-acre public park to the City of Miami Beach. The park, located at 701 Alton Road, is a municipal park, operated by the City for the benefit of the general public. On August 23, 2022, 82% of the City’s voters voted to name the park as “Canopy Park.”

**ANALYSIS**

Now that Canopy Park has been constructed and conveyed to the City, I would like the LUSC to discuss rezoning and reclassifying Canopy Park on the City’s Future Land Use Map to better reflect the City’s ownership and use of the property as a park.

The property is currently classified on the zoning map and Future Land Use Map as CD-2. After consulting with the Planning Department, I would propose reclassifying the Park to either “Public Facility: Governmental Uses (PF)” or “Recreation and Open Space Including Waterways (ROS)” on the Future Land Use Map, and GU (government use) on the zoning map. As part of this referral, I ask that the Planning Department advise whether any related text amendments to the Land Development Regulations would be appropriate.

Following review by the LUSC, draft Ordinances will be transmitted to the Planning Board.

**SUPPORTING SURVEY DATA**

N/A

**FINANCIAL INFORMATION**

N/A

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Strategic Connection**

Non-Applicable

**Legislative Tracking**

Commissioner Tanya K. Bhatt

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

**Item 24.**

## **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Rickelle Williams, Interim City Manager

DATE: June 10, 2024

**TITLE: DISCUSS/CONSIDER THE POTENTIAL REZONING OF THE MXE (MIXED USE ENTERTAINMENT) DISTRICT IN NORTH BEACH, ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, TO A DIFFERENT ZONING DISTRICT CLASSIFICATION**

### **HISTORY:**

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and City Commission referred the item (C4 AD) to the Land Use and Sustainability Committee (LUSC) and the Planning Board.

The City's zoning map includes two (2) mixed-use entertainment (MXE) zoning districts – one in South Beach, along Collins Avenue and Ocean Drive; and the other in North Beach, along Ocean Terrace. The MXE designation was created, in part, to incentivize redevelopment, especially for hotel and entertainment uses.

As noted in the attached referral memo, the item sponsor is requesting that the LUSC discuss whether to rezone the MXE district in North Beach to a different zoning district category. The properties to the west of the district are currently zoned CD-2 (commercial, medium intensity district) and to ensure the consistency and compatibility of future development, the item sponsor is proposing to re-zone this district from MXE to CD-2. This change will not result in more intense development than is currently permitted in the subject area.

### **ANALYSIS:**

The redevelopment projects underway along Ocean Terrace would not be impacted by a rezoning from MXE to CD-2. In addition to re-zoning Ocean Terrace, a corresponding change to the future land use designation from the current classification of mixed-use entertainment to CD-2 is also recommended.

If there is consensus on the proposal, draft Ordinances can be prepared and transmitted to the Planning Board.

### **CONCLUSION:**

The Administration recommends that the Land Use and Sustainability Committee discuss the

item and provide a recommendation to the Planning Board.

**Applicable Area**

North Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

**Description**

▢ REF C4 AD

**Type**

Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Tanya K. Bhatt  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD – DISCUSS/CONSIDER THE POTENTIAL REZONING OF THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH BEACH, ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, TO A DIFFERENT ZONING DISTRICT CLASSIFICATION.

### **BACKGROUND/HISTORY**

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, including a principal engaged in lobbying? No.
2. If so, please specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above item on the May 15, 2024 City Commission as a referral to the Land Use and Sustainability Committee (“LUSC”) and Planning Board.

The City’s zoning map includes two mixed-use entertainment (MXE) zoning districts – one in South Beach, along Collins Avenue and Ocean Drive; and the other in North Beach, along Ocean Terrace. The MXE designation was created, in part, to incentivize redevelopment, especially for hotel and entertainment uses. In North Beach’s Ocean Terrace, there already are redevelopment projects underway and therefore no additional incentivization is necessary, especially considering the impact of entertainment types of business establishments on residents’ quality of life. Therefore I would like the LUSC to discuss whether to rezone the MXE district in North Beach to a different zoning district category. The properties to the west of the district are currently zoned CD-2 (commercial, medium intensity district); in order to ensure the consistency and compatibility of future development, I would propose re-zoning this district to CD-2. This change will not result in more intense development than is currently permitted in the subject area.

Following review by the LUSC, a rezoning Ordinance will be transmitted to the Planning Board.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

### **Applicable Area**

North Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### **Strategic Connection**

Non-Applicable

### **Legislative Tracking**

Commissioner Tanya K. Bhatt