

# MIAMI BEACH

Land Use and Development Committee Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 7, 2018 - 3:00 PM

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## LAND USE AND DEVELOPMENT COMMITTEE MEETING AGENDA COMMISSION CHAMBERS 1700 CONVENTION CENTER DRIVE 3RD FL.

Wednesday, February 7, 2018, 3:00 PM

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### DISCUSSION ITEMS

1. DISCUSSION: A. NORTH BEACH MASTER PLAN RECOMMENDATIONS FOR THE TOWN CENTER (TC) ZONING DISTRICTS. B. PROPOSED FLOOR AREA RATIO ("FAR") INCREASE FOR THE TOWN CENTER ZONING DISTRICTS  
  

**Commissioner Ricky Arriola**  
**December 13, 2017 Item C4 AA**
2. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY  
  

**Vice-Mayor John Elizabeth Aleman**  
**December 13, 2017 Item R5 R**
3. DISCUSSION REGARDING AN ORDINANCE RELATING TO ADMINISTRATIVE REVIEW OF BALCONIES TO ENSURE COMPLIANCE WITH THE FLORIDA LIFE SAFETY CODE.  
  

**Vice-Mayor John Elizabeth Aleman**  
**December 13, 2017 C4 Z**
4. PROPOSED ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS IN THE RS DISTRICTS FOR NON-AIRCONDITIONED SPACE BELOW THE FIRST HABITABLE LEVEL OF SINGLE FAMILY HOMES.  
  

**Commissioner John Elizabeth Aleman**  
**July 26, 2017, Item C4 F (Continued from the December 11, 2017 LUDC Meeting)**

### VERBAL REPORTS

5. DISCUSSION TO SET POLICY DIRECTION FOR PRIVATELY OWNED SEAWALLS AND DOCKS ADJACENT TO CITY-OWNED PUBLIC SUBMERGED LAND.  
  

**COMMISSIONER JOHN ELIZABETH ALEMAN**  
**JANUARY 17, 2018 ITEM C4 O**
  6. DISCUSSION REGARDING A COMPREHENSIVE PLAN FOR RIDE SHARE LOCATIONS CITYWIDE.  
  

**City Commission**  
**January 17, 2018 Item R5 C**
  7. DISCUSSION REGARDING A PROPOSAL TO BUILD A PUBLIC BAYWALK FROM 10TH TO 12TH STREETS AND A PUBLIC MARINA.  
  

**Vice-Mayor Ricky Arriola**  
**July 26, 2017 Item C4 N**  
**Item Withdrawn**
-

Item 1.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

**TITLE: DISCUSSION: A. NORTH BEACH MASTER PLAN RECOMMENDATIONS FOR THE TOWN CENTER (TC) ZONING DISTRICTS. B. PROPOSED FLOOR AREA RATIO ("FAR") INCREASE FOR THE TOWN CENTER ZONING DISTRICTS.**

**HISTORY:**

On December 13, 2017, at the request of Commissioner Ricky Arriola, a discussion pertaining to the recent voter approval of an increase in FAR (to 3.5) for the Town Center district was referred to the Land Use and Development Committee (Item C4AA).

A similar discussion pertaining to the North Beach Master Plan recommendations for the Town Center (TC) zoning districts, which is also currently pending before the Land Use Committee, was continued at the June 14, 2017 LUDC meeting to the January 2018 LUDC. The January LUDC was moved to February 7, 2018, due to scheduling conflicts.

As both of these items are similar in content, they have been combined for purposes of discussion before the Land Use and Development Committee. Attached, for informational purposes, is a summary of the legislative and master plan discussion history for this item.

**Analysis**

**BACKGROUND**

On November 7, 2017 the voters of the City of Miami Beach approved an increase in FAR to 3.5 for the area of the TC district bounded by 69<sup>th</sup> Street on the south, Collins Avenue on the east, 72<sup>nd</sup> Street on the north and Indian Creek Drive/Dickens Avenue on the west. Attached is a copy of Resolution 2017-29961, which approved and authorized the ballot question, and a copy of the approved Voters Guide. The boundaries approved for an FAR increase, as noted on the attached aerial map, include properties with the following zoning districts:

- TC-1 (previous maximum FAR of 2.25 – 2.75);
- TC-2 (previous maximum FAR of 1.50 – 2.00);
- TC-3 (previous maximum FAR of 1.25).

Pursuant to the approved ballot question, the maximum FAR for all zoning districts within the specified boundaries has been permitted by the voters to be increased to 3.5. In order to effectuate the proposed FAR increase, a separate enabling ordinance was referred to the Planning Board by the City Commission on January 17, 2018.

**PLANNING ANALYSIS**

The December 13, 2017 City Commission referral was to develop a comprehensive planning strategy for the Town Center area approved for an FAR increase. As a starting point for such a strategy, staff recommends that the following elements be discussed, to potentially be included in a draft ordinance:

1. The creation of an **overlay district** for the boundaries approved for a 3.5 FAR.

2. Strategic increases in maximum allowable building **height** in order to better accommodate the new 3.5 FAR. At a minimum, maximum building height will need to be increased in TC-2 (current maximum height of 50') and TC-3 (current maximum height of 45') districts. See attached map showing existing zoning districts and corresponding height limits.

3. In conjunction with increases in height, modified **setback** regulations should be explored, as follows:

- For properties along 69th street, which have adjoining RM-1(max height: 50') and CD-2 (max height: 50') districts to the south.
- For the properties along Indian Creek Drive, which have adjoining RM-1(max height: 50'), RM-2(max height: 60') and TC-3(max height: 45') districts to the west, should be explored.
- Additional tower side setbacks and /or tower separation requirements for development sites along 72nd Street. In order to prevent a continuous wall and potential shading of what could be a park north of 72nd Street.

4. **Allowable uses** within the overlay should be discussed, in order to address existing, lower scale / less intense uses to the south (along 69th Street) and west (along Indian Creek Drive). This may include modifications to the conditional uses allowed in TC-3, especially in areas adjoining RM-1 (low density residential district).

5. All existing **zoning district categories** (TC-1, 2, 3 & 3c) should be looked at holistically throughout the entire overlay, with particular emphasis on existing properties that cross zoning district boundaries (e.g. abutting parcels that currently have TC-1 and TC-3 classifications). This could include the re-zoning of certain parcels, as well as further modifications to allowable and conditional uses. See attached map illustrating the existing land uses within the overlay area.

6. **Lot aggregation** requirements, in addition to potential increases in maximum building heights, should be explored, in order to ensure that the increased FAR, particularly within existing TC-2 and TC-3 areas, is appropriately distributed. Additionally, as noted in the attached map illustrating parcel ownership, including combined parcel ownership, there may be an opportunity to strategically aggregate properties.

7. A review of **off-street parking** requirements for all uses within the overlay should be conducted, including the impact of transit, ride share and non-vehicular modes of transportation, as well as a revised mix of uses, on off-street parking storage.

8. Standards and requirements for **street trees and sidewalk canopy** that would be applicable to the entire overlay.

Additionally, the LUDC should consider the issues in the North Beach Master Plan: walkability, safe streets, partnerships, mobility, affordable housing and, generally, quality of life.

## **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide policy direction. If there is consensus on the issues proposed herein, it is further recommended that the Administration be directed to draft an overlay Ordinance for review and consideration by the Land Use Committee at the March meeting.

## **ATTACHMENTS:**

Description	Type
□ Legislative and Master Plan History	Memo

▢	Aerial Map	Memo
▢	Current Zoning and Maximum Heights	Memo
▢	Existing Land Uses	Memo
▢	Ownership Map	Memo
▢	TC 3.5 FAR - Ballot Reso	Memo
▢	TC 3.5 - Voters Guide	Memo



## **North Beach Town Center – Master Plan History**

On October 19, 2016, the City Commission approved the North Beach Master Plan that was prepared by Dover Kohl and Partners. The North Beach Master Plan recommended several changes to the zoning regulations for the North Beach Town Center (TC-1) District related to height and FAR, as noted hereto:

1. Consider increasing the height limit for properties within the Town Center. To begin with, height should be increased to 125 feet; this will allow a slender tower. Keeping the height lower will yield “boxy” buildings that block out a large portion of the sky as opposed to a smaller vertical portion of the sky.
2. As an alternative to height as measured in feet, consider changing the height requirement as measured in the number of stories. A height limit measured in feet may penalize a developer who wants to provide luxury units with a higher floor to ceiling height. Other communities such as Miami and Miami-Dade County have ordinances that define a story as no taller than 14 feet and then there is cap in the number of stories. If a building has a floor taller than that, it counts as two stories. Most codes that regulate height in this manner allow at least one story to have a higher floor to ceiling height to accommodate retail spaces on the ground floor.
3. Change the restrictions to enable larger buildings in the Town Center. Since FAR is used as a massing limit that does not describe building form in any way, most communities that want more control over the form of future growth remove it as a criteria and use only limitations in height accompanied by setbacks on the ground, and vertical setbacks on upper floors. Based on the heights shown in the ‘North Beach: Town Centre District Intensity Increase Study’ conducted by Shulman + Associates in 2014, the community should consider using parameters based on this study. Heights could be increased to 12 stories maximum along 71<sup>st</sup> Street. If FAR must remain as a criteria in the zoning ordinance, then it should be increased to 3.5. A regulatory change of this kind will require a referendum.
4. If the community is increasing the FAR, then at the same time the boundaries of the zones: TC-1, TC-2, and TC-3 could be combined into one ‘Town Center (TC)’ district.

The primary difference between these zones is a variation in FAR and height limits, yet almost all of the other rules are the same, irrespective of a property’s TC designation. Given that some of the boundaries are very close together, simplifying the design parameters will save time for both applicants and the City. If the community still feels that there should be some variation in height based on geographic location, then a separate regulating map can be created to identify height limits within the combined Town Center District.

5. Consider standardizing FAR limits for all lot sizes. In Sec. 142-737. (a), “Development Regulations”, of City’s Code of Ordinances, Chapter 142, Zoning Districts, Division 20, there is a table that specifies FAR limits. In TC-1, the FAR varies based on lot size. This is a system that rewards those who have aggregated multiple parcels and penalizes the small lot owner. If changes to the heights are modified, then this table will need to be adjusted accordingly. And, if the TC zones are consolidated, the table could be collapsed into a paragraph of text or into a smaller table.
6. Consider using a TDR program to transfer surplus air rights from historic properties to the Town Center. This will require a revision to the City’s existing code of Ordinances, Sec. 118-222, “Transfer of Development Rights”, to list the Town Center as a receiving district.

7. The City could consider attaching requirements for the use of a Transfer of Development Rights program. For instance, the City can create an inclusionary zoning mechanism that would require a developer to allocate a certain percentage of units at below market-rate in exchange for the additional FAR, so as to increase the supply of affordable housing. This is one example of how a transfer of development rights might work; there are several other options. It is recommended that the exact system for implementing a transfer of development rights is studied further, in order to incorporate the system into local ordinances.
8. The City could use a Historic Preservation Fund to sell bonus FAR to developers, and use those funds to fund grants to property owners to help restore historic elements of their buildings or help adapt the structures for SLR.

On September 14, 2016, the City adopted an amendment to the Land Development Regulations, increasing maximum building height for the TC-1 district to 125'. This action implemented the first recommendation regarding the modification to height for the TC-1 district. The second recommendation is listed as an alternative to the first recommendation and is not being recommended at this time. The remaining recommendations (3 through 8) are related to an increase in FAR of the Town Center area that required approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter.

#### **North Beach Town Center – Legislative History**

On January 18, 2017, the Land Use and Development Committee requested that a separate discussion item be placed on the February 15, 2017 Committee agenda regarding regulations for the Town Center area, as recommended in the North Beach Master Plan. On February 15, 2017 the Land Use Committee discussed the item and continued it to April 19, 2017. Additionally, the Land Use Committee recommended that the North Beach Steering Committee discuss the item and address the following:

- Revisit the original 2014 Town Center FAR Analysis by Allan Shulman;
- Discuss the appropriate manner for establishing a valuation of FAR units;
- Further discuss the potential for an FAR pool administered by a trust fund and grant committee.

On April 6, 2017, the North Beach Master Plan Steering Committee discussed the item and recommended that the following:

1. Adopt the setback proposals from the 2014 Allan Shulman Massing Study.
2. Between Dickens and Abbott Avenues, expand the TC-1 zoning district boundaries north to 72<sup>nd</sup> Street to replace the existing TC-3(c) district boundaries (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).
3. Between Carlyle Avenue / Indian Creek Drive and Harding Avenue, expand the TC-1 zoning district boundaries south to 69th street to replace the existing TC-3 and TC-3(c) boundaries. As part of this TC-1 expansion, include a minimum required setback from

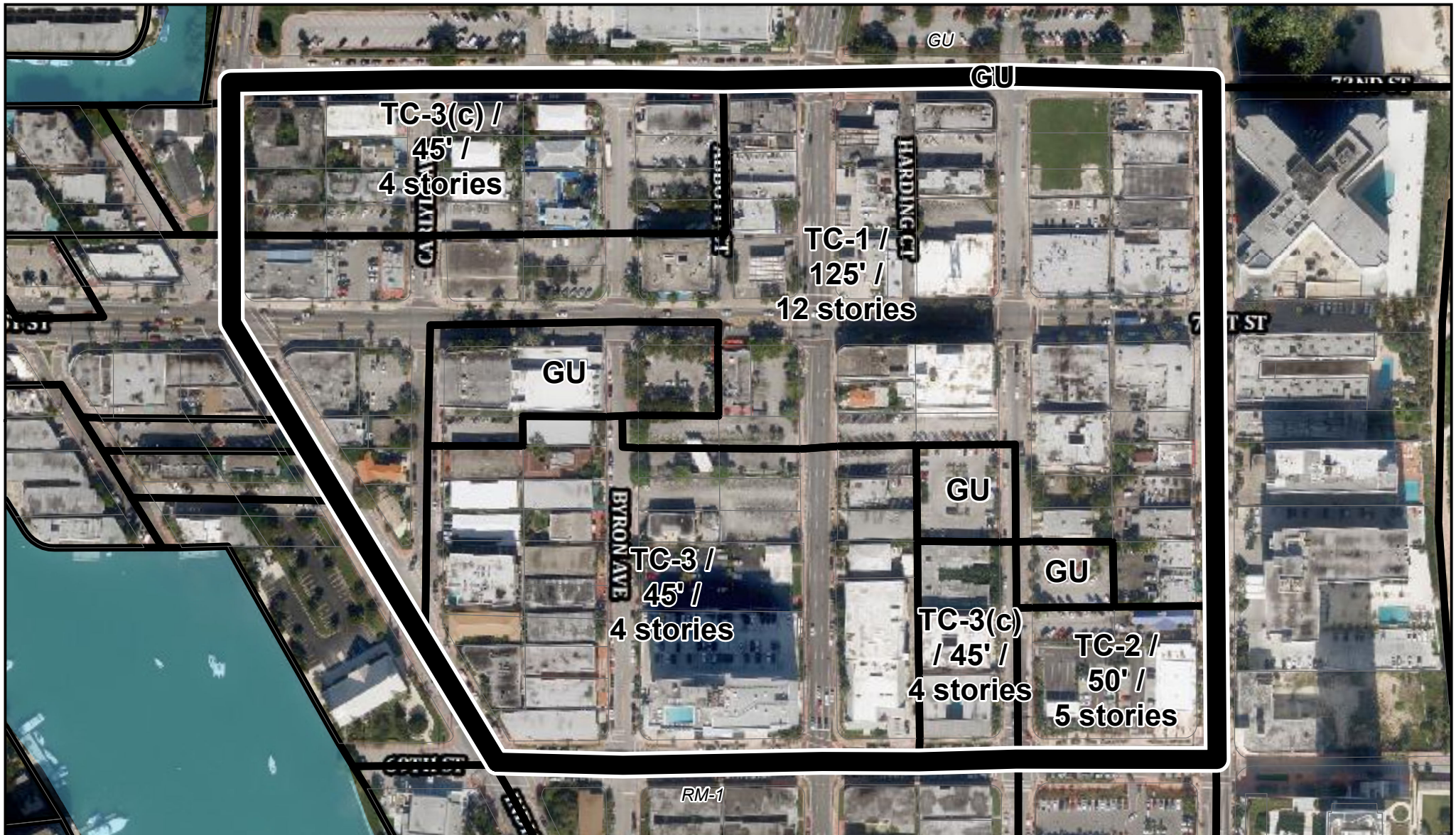
69th street of at least 50' for building height in excess of 4 stories / 45' (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).

4. The City should use a Historic Preservation Fund to sell bonus FAR to developers, and use those funds to fund grants to property owners to help restore historic elements of their buildings or help adapt the structures for SLR (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).
5. The maximum FAR for any proposed increase within a particular district should be 3.5, with added FAR as a bonus (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).

On April 19, 2017 the Land Use Committee discussed the item and continued it to a date certain of May 10, 2017. On May 10, 2017 the item was continued to a date certain of June 14, 2017. On June 14, 2017 the Land Use Committee and continued the item to January 2018, in order to allow time for a potential, future ballot question on FAR to be considered.

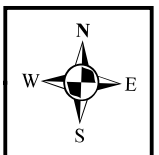
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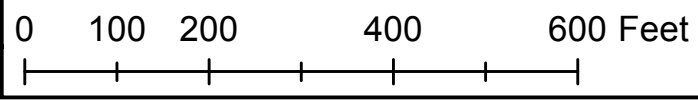
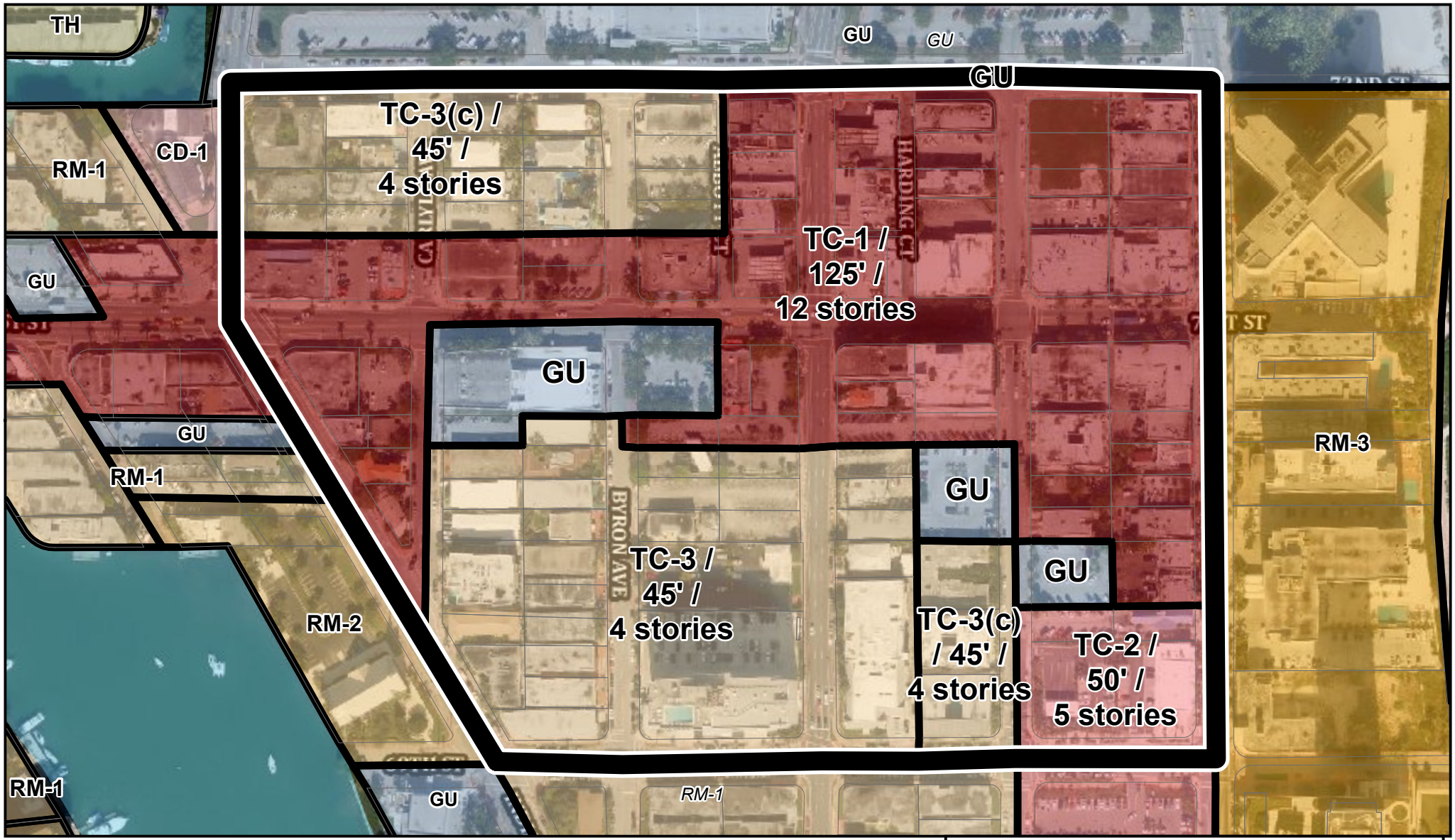





FAR Increase Area  
 Zoning Boundaries  
 Parcels

North Beach  
 FAR Increase Area  
 Aerial





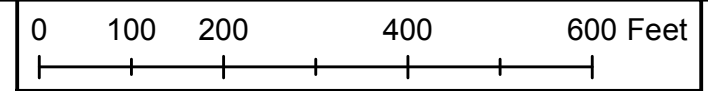
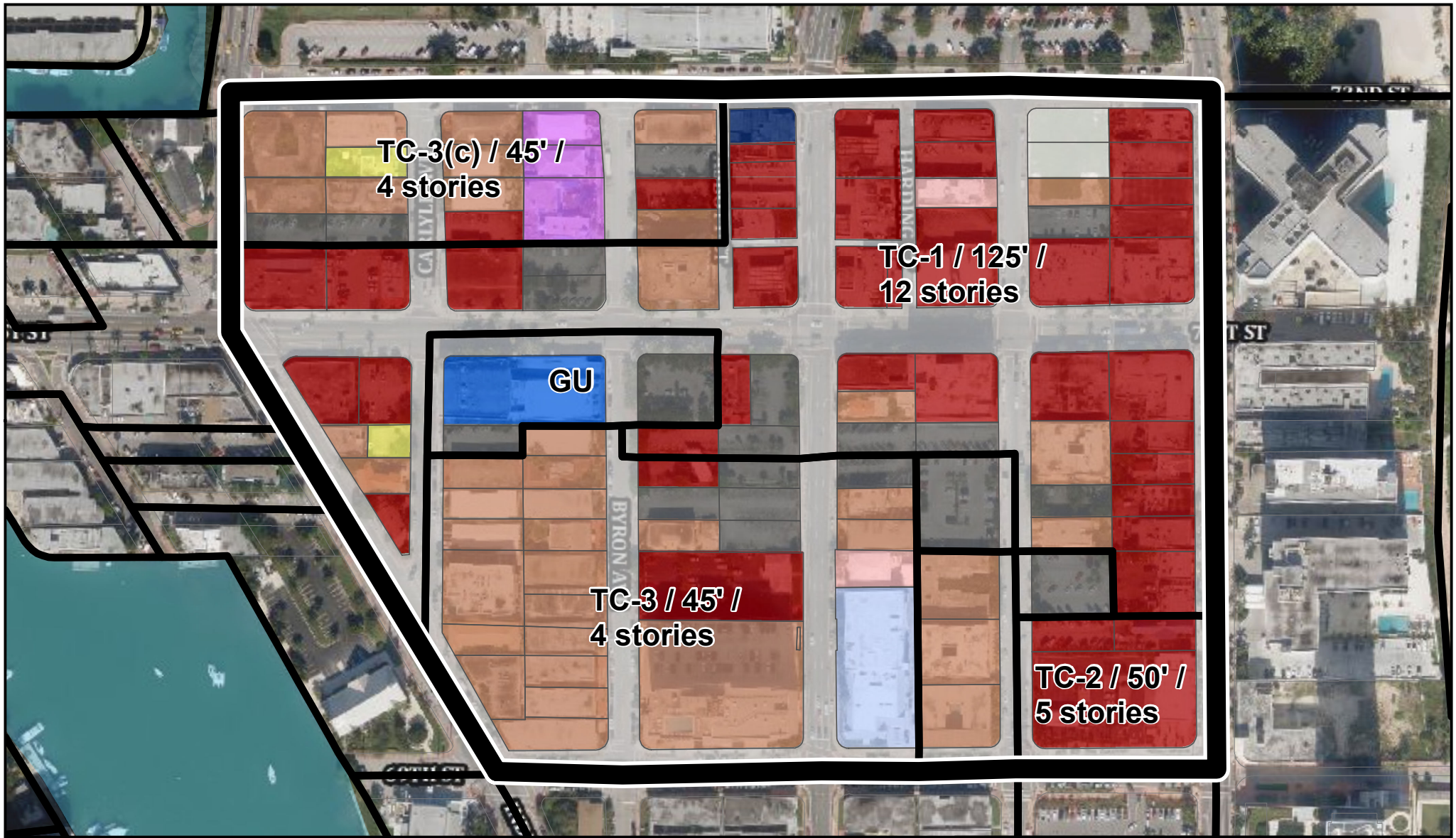


 FAR Increase Area  
 Zoning Boundaries  
 Parcels

**North Beach  
FAR Increase Area  
Zoning and Heights**





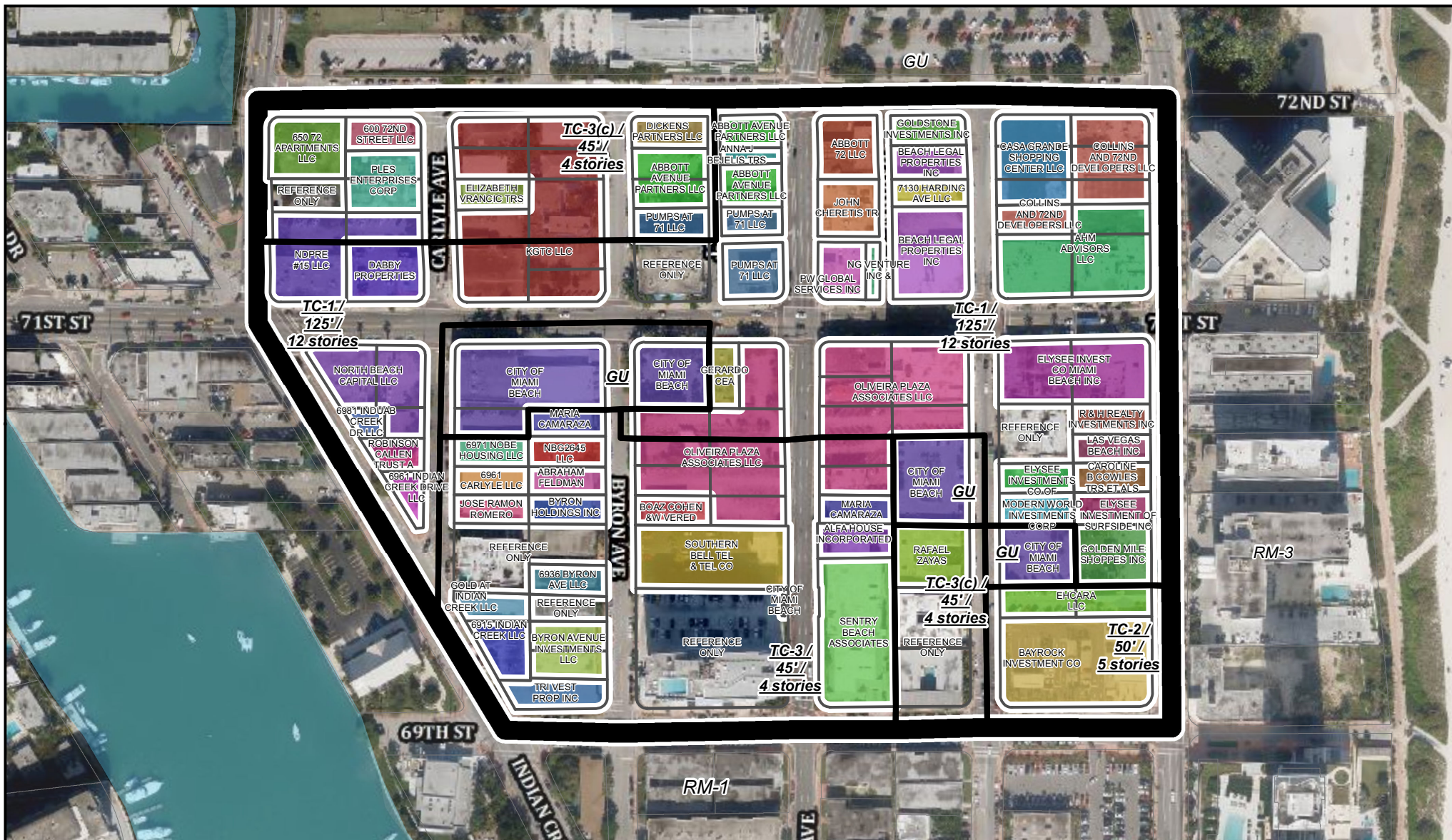


- FAR Increase Area
- Zoning Boundaries
- Parcels
- Existing Land Use Description
- Communications
- Government
- Medical Clinic
- Multifamily Residential
- Commercial
- Parking
- Childcare
- Single Family Residential
- Streets
- Hotel/Motel
- Vacant

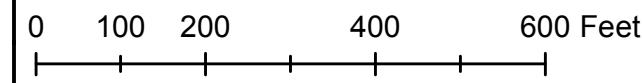
## North Beach FAR Increase Area Existing Land Use





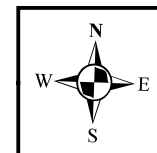


Note: Parcels identified as "Reference Only" indicates a condominium form of ownership.



## North Beach FAR Increase Area Combined Parcel Ownership

- Zoning Boundaries
- Parcel Boundary
- FAR Increase Area





**RESOLUTION NO. 2017-29961**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS (COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS) TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.**

**WHEREAS**, pursuant to Section 1.03(c) of the City Charter, the Floor Area Ratio (FAR) of any property within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitation on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned Floor Area Ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach; and

**WHEREAS**, Dover Kohl & Partners were hired to develop the North Beach Master Plan; and

**WHEREAS**, after many meetings and public outreach a consensus was reached and the Mayor and City Commission accepted the North Beach Master Plan, which proposed both two historic local districts and conservation districts; and

**WHEREAS**, five big ideas to revitalize the North Beach community emerged as part of the public process: to make a town center; to provide more mobility options; to protect and enhance neighborhoods; to better utilize public lands; and to build to last; and

**WHEREAS**, as part of the town center concept, the City has already adopted one portion of the North Beach Master Plan by increasing height to 125 feet within the Town Center district; and

**WHEREAS**, the North Beach Master Plan recommends changing the restrictions to enable larger buildings in the Town Center; and

**WHEREAS**, the Plan recommends increasing FAR for TC-1, TC-2 AND TC-3, to combine the three districts into one unified "Town Center" (TC) district; and

**WHEREAS**, the plan proposes to standardize the FAR limits for all lot sizes, in all three districts; and

**WHEREAS**, in providing uniform FAR of 3.5, the three districts could be consolidated; and

**WHEREAS**, the North Beach Steering Committee modified the recommendations contained in the North Beach Master Plan as follows: (1) Between Dickens Avenue and Abbott Avenues to expand the TC-1 zoning district boundaries north to 72<sup>nd</sup> Street to replace the



existing TC-3(c) district boundaries; (2) between Carlyle Avenue / Indian Creek Drive and Harding Avenue to expand the TC-1 zoning district boundaries south to 69th street to replace the existing TC-3 and TC-3(c) boundaries; and (3) as part of this TC-1 expansion, include a minimum required setback from 69th street of at least 50' for building height in excess of 4 stories / 45'

**WHEREAS**, the North Beach Steering Committee, also recommended that the maximum FAR for any proposed increase within all the TC districts should be 3.5, with added FAR as a bonus.

**WHEREAS**, the City desires to adhere to the North Beach Master Plan and recommends the following ballot question; and

**WHEREAS**, the City would like to schedule a vote of the electorate for Tuesday, November 7, 2017, in order for the residents of Miami Beach to vote on whether the floor area ratio ("FAR"), which regulates the overall size of a building, be increased in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

**WHEREAS**, the City desires to place the question on the ballot and call a special election.

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:**

#### **SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida, and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 7, 2017, for the purpose of submitting to the electorate the question as set forth hereinafter.

#### **SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the Special Election hereby called, with acceptance of the certification of the results of the Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

#### **SECTION 3.**

That the voting precincts in the City of this Special Election shall be as established by the proper and appropriate Miami-Dade County election officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County election

officials.<sup>1</sup>

#### **SECTION 4.**

Not fewer than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

#### **SECTION 5.**

The Notice of Election shall be substantially in the following form:

#### **THE CITY OF MIAMI BEACH, FLORIDA NOTICE OF SPECIAL ELECTION**

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON NOVEMBER 7, 2017, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

#### **FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR**

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

The Notice shall further set forth pertinent information regarding eligibility of electors to participate in this Election.

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<sup>1</sup> Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statutes § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."



## **SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 7, 2017, hereby called, shall be in substantially the following form, to wit:

### **OFFICIAL BALLOT**

#### **FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR**

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

## **SECTION 7.**

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

## **SECTION 8.**

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Tuesday, October 10, 2017. All persons eligible to vote in this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 NW 87 Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

## **SECTION 9.**

That voters participating via a Vote-by-Mail ballot in this Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting

**SECTION 10.**

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 11.**

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then the holding shall in no way affect the validity of the remaining portions of the ballot measure.

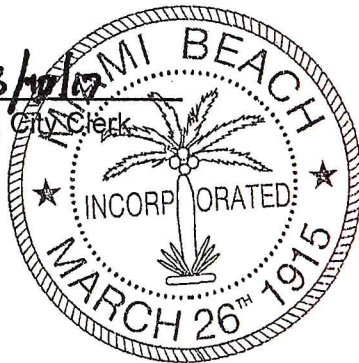
**SECTION 12.**

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 26 day of July, 2017.

ATTEST:

781 8/1/17  
Rafael E. Granado, City Clerk  
8/1/17



[Signature]  
Philip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

[Signature]  
City Attorney

7/18/17  
Date

**BALLOT QUESTION  
NOVEMBER 7, 2017 SPECIAL ELECTION**

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**I. BALLOT QUESTION:**

**FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR**

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguilá, City Attorney  
DATE: July 26, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS (COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS) TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.

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### RECOMMENDATION

Please see the attached Resolution and Memorandum.

### Legislative Tracking

Office of the City Attorney

### Sponsor

Vice-Mayor Ricky Arriola

### ATTACHMENTS:

#### Description

- ☐ Memo
- ☐ Resolution





# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JIMMY MORALES

FROM: RAUL J. AGUILA  
CITY ATTORNEY

DATE: July 26, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS [COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS] TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.

Pursuant to the request of City Commissioner Ricky Arriola, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 7, 2017 for the purpose of submitting to the City's voters the following question:

### FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts [Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets] to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

Memorandum on Ballot Question  
FAR Increase for TC Districts  
July 26, 2017  
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Pursuant to the City Charter Section 1.03(c), the City is required to hold an election and obtain a majority vote of the electorate in order to authorize any increase in the Floor Area Ratio (FAR) of any property.

Based on the foregoing, the City would like to schedule a vote of the electorate for Tuesday, November 7, 2017, in order for the residents of Miami Beach to vote on, in compliance with City Charter Section 1.03(c), whether the City Commission should adopt an ordinance increasing floor area ratio (FAR), which is the measure the city utilizes to regulate the overall size of a building, be increased for the Town Center (TC) zoning districts [Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets] to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

Finally, pursuant to directive of the Miami-Dade County Elections Department, the final date by which the City may adopt its Resolution placing a ballot measure on the November 7, 2017 ballot is September 7, 2017. Accordingly, this matter is timely presented to the City Commission and adoption of the attached Resolution may take place at today's meeting.

**Recommendation:** Approve the attached resolution scheduling a special election and placing the question on the ballot.





# NOVEMBER 7, 2017

## GENERAL & SPECIAL ELECTIONS:

**October 10, 2017:** Deadline to register to vote.

**October 23 through November 5, 2017:** Early Voting. Vote at any of the two Miami Beach Early Voting sites:

- Miami Beach City Hall (1st Floor Conference Room), 1700 Convention Center Drive
- North Shore Branch Library, 7501 Collins Avenue

For Early Voting times, please visit [www.miamibeachfl.gov/cityclerk/elections](http://www.miamibeachfl.gov/cityclerk/elections) or contact the Miami Beach Office of the City Clerk at 305.673.7411 or 711 (TTY).

**November 1, 2017 by 5 p.m.:** Deadline to request a Vote-by-Mail ballot.

**November 7, 2017:** Election Day will take place from 7 a.m. to 7 p.m. Vote at the designated precinct printed on your Voter Information Card.

## ELECCIONES GENERALES Y ESPECIALES:

**10 de octubre del 2017:** Fecha límite para registrarse para votar.

**Del 23 de octubre al 5 de noviembre del 2017:** Voto Anticipado. Puede votar en uno de los dos sitios de Votación Anticipada en Miami Beach:

- Ayuntamiento de la Ciudad de Miami Beach (Sala de Conferencia, primer piso), 1700 Convention Center Drive
- North Shore Branch Library, 7501 Collins Avenue

Para informarse sobre el horario de Votación Anticipada, visite [www.miamibeachfl.gov/cityclerk/elections](http://www.miamibeachfl.gov/cityclerk/elections) o llame a la Oficina del Secretario Municipal al 305.673.7411 o al 711 (TTY).

**1 de noviembre del 2017 hasta las 5 p. m.:** Fecha límite para solicitar la boleta de Voto por Correo.

**7 de noviembre del 2017:** Día de Elecciones de 7 a. m. a 7 p. m. Vote en el recinto electoral designado que aparece impreso en su Tarjeta de Información del Elector.

## RUN-OFF ELECTION:

A Run-Off Election, if required, shall be held from 7 a.m. to 7 p.m. on **November 21, 2017.**

**October 23, 2017:** Deadline to register to vote

**November 18 and November 19, 2017:** Early Voting from 8 a.m. to 4 p.m. Vote at any of the two Miami Beach Early Voting sites:

- Miami Beach City Hall (1st Floor Conference Room), 1700 Convention Center Drive
- North Shore Branch Library, 7501 Collins Avenue

**November 15, 2017 by 5 p.m.:** Deadline to request a Vote-by-Mail ballot.

**November 21, 2017:** Election Day will take place from 7 a.m. to 7 p.m. Vote at the designated precinct printed on your Voter Information Card.

## ELECCIÓN DE SEGUNDA VUELTA:

Si se requiere, una elección de segunda vuelta ocurrirá el **21 de noviembre del 2017** de 7 a. m. a 7 p. m.

**23 de octubre del 2017:** Fecha límite para registrarse para votar.

**18 al 19 de noviembre del 2017:** Voto Anticipado de 8 a. m. a 4 p. m. Puede votar en uno de los dos sitios de Votación Anticipada en Miami Beach:

- Ayuntamiento de la Ciudad de Miami Beach (Sala de Conferencia, primer piso), 1700 Convention Center Drive
- North Shore Branch Library, 7501 Collins Avenue

**15 de noviembre del 2017 hasta las 5 p. m.:** Fecha límite para solicitar la boleta de Voto por Correo.

**21 de noviembre del 2017:** Día de Elección de las 7 a. m. a 7 p. m. Vote en el recinto electoral designado que aparece impreso en su Tarjeta de Información del Elector.



## PURPOSE OF THIS VOTER'S GUIDE:

During the November 7, 2017 General and Special Elections, City of Miami Beach voters will be presented with two ballot questions and will be electing a mayor and three commissioners. The City's ballot questions, as set forth herein and followed by a brief explanation, will appear on the November 7, 2017 ballot, following any national, state, or county issues.

The purpose of this Voter's Guide is to provide objective, impartial, and fact-based explanations of the City's ballot questions, so that City voters may, in casting their votes, be more informed with respect to the City issues presented to them at the polls. The explanations are intended to provide general information, and members of the public seeking further information may contact the Office of the City Clerk at 305.673.7411 or visit the City Clerk's website at [www.miamibeachfl.gov/cityclerk/elections/](http://www.miamibeachfl.gov/cityclerk/elections/).

Additional information regarding voter registration, Vote-by-Mail, Early Voting, finding your precinct and how to obtain a sample ballot may be obtained by visiting the Miami-Dade County Elections Department's webpage at [www.miamidade.gov/elections/home.asp](http://www.miamidade.gov/elections/home.asp), or by calling 305.499.VOTE (8683) or 305.499.8480 (TTY).

## PROPÓSITO DE GUÍA DEL VOTANTE:

*Durante las Elecciones Generales y Especiales que se celebrarán el 7 de noviembre del 2017, se les presentarán a los votantes de Miami Beach dos preguntas de boleta y votarán por un alcalde y tres comisionados. Tal y como se establece en el presente documento y seguido de una breve explicación, las preguntas de la boleta de la Ciudad aparecerán en la boleta del 7 de noviembre del 2017 a continuación de todas las cuestiones nacionales, estatales o del condado.*

*El propósito de esta guía del votante es proporcionar información objetiva e imparcial, así como dar explicaciones basadas en hechos sobre las preguntas que aparecerán en la boleta de la Ciudad, con el fin de que los votantes de la Ciudad estén más informados a la hora de emitir su voto con respecto a las cuestiones que se les presentan en las urnas. Las explicaciones están destinadas a proporcionar información de carácter general. Las personas que deseen obtener más información pueden ponerse en contacto con la Oficina del Secretario Municipal al teléfono 305.673.7411 o visitar el sitio web del Secretario Municipal en [www.miamibeachfl.gov/cityclerk/elections/](http://www.miamibeachfl.gov/cityclerk/elections/).*

*Si desea obtener más información sobre el registro de votantes, Voto por Correo, Voto Anticipado, cómo encontrar su recinto electoral y cómo obtener una boleta de muestra, visite la página web del Departamento de Elecciones del Condado de Miami-Dade en [www.miamidade.gov/elections/home.asp](http://www.miamidade.gov/elections/home.asp), o llame al 305.499.VOTE (8683) o al 305.499.8480 (TTY).*

# Ballot Question 1

## Changing alcoholic beverage sales/consumption termination time on Ocean Drive from 5th to 15th Streets

City law currently allows the sale and consumption of alcoholic beverages on private property at alcoholic beverage establishments located on Ocean Drive from 5th to 15th Streets from 8:00 a.m. until 5:00 a.m. the following day. Shall an Ordinance be adopted changing this current 5:00 a.m. termination time to 2:00 a.m., exempting from this time change those indoor portions of alcoholic beverage establishments that are completely enclosed and located entirely within hotels?

**Explanation** Currently, alcoholic beverage establishments located on private property on Ocean Drive, between 5th and 15th Streets, are permitted to offer alcoholic beverages for sale and consumption from 8 a.m. until 5 a.m. the following day.

This ballot question asks City voters whether the Mayor and City Commission should adopt an Ordinance changing the current 5 a.m. termination time for the sale and consumption of alcoholic beverages to 2 a.m. for alcoholic beverage establishments on private property on Ocean Drive, between 5th and 15th Streets. The proposed Ordinance would exempt (not apply to) the indoor portions of such alcoholic beverage establishments that are completely enclosed and located entirely within hotels.

If a majority of the City's electors voting on this ballot measure vote in favor of it, that approval will have binding, official effect on the City of Miami Beach, and the proposed Ordinance will be codified upon its adoption by the City Commission.

## Pregunta de Boleta 1

### Cambio del horario límite de venta/consumo de bebidas alcohólicas en Ocean Drive entre las calles 5 y 15

*Actualmente las leyes de la Ciudad permiten la venta y el consumo de bebidas alcohólicas en propiedades privadas en los establecimientos donde se venden y consumen bebidas alcohólicas ubicados en Ocean Drive, entre las calles 5 y 15, de 8:00 a. m. hasta las 5:00 a. m. del día siguiente. ¿Deberá aprobarse una ordenanza que cambie el horario límite a las 2:00 a. m., en vez de a las 5:00 a. m., y excluir de este cambio de horario límite a las áreas interiores de los establecimientos en las que se venden y consumen bebidas alcohólicas y que están completa y totalmente cerradas y ubicadas en los hoteles?*

**Explicación** Actualmente los establecimientos donde se venden y consumen bebidas alcohólicas ubicados en propiedades privadas en Ocean Drive, entre las calles 5 y 15, se les permite la venta y el consumo de bebidas alcohólicas, de 8 a. m. hasta las 5 a. m. del día siguiente.

*En esta boleta se pregunta a los votantes de la Ciudad si el Alcalde y la Comisión de la Ciudad deberían aprobar una Ordenanza cambiando el horario límite actual de venta y consumo de bebidas alcohólicas a las 2 a. m., en vez de las 5 a. m., en los establecimientos donde se venden y consumen bebidas alcohólicas ubicados en propiedades privadas en Ocean Drive, entre las calles 5 y 15. La Ordenanza propuesta excluiría de este cambio de horario límite (no se aplicaría) a las áreas interiores de los establecimientos en las que se venden y consumen bebidas alcohólicas y que están completa y totalmente cerradas y ubicadas en los hoteles.*

*Si la mayoría de los electores de la Ciudad que voten esta medida fueran partidarios de la misma, esa aprobación tendría un efecto oficial y vinculante en la Ciudad de Miami Beach, y la Ordenanza propuesta se codificaría una vez adoptada por la Comisión de la Ciudad.*

Continued on page 46

Continuado en la página 46



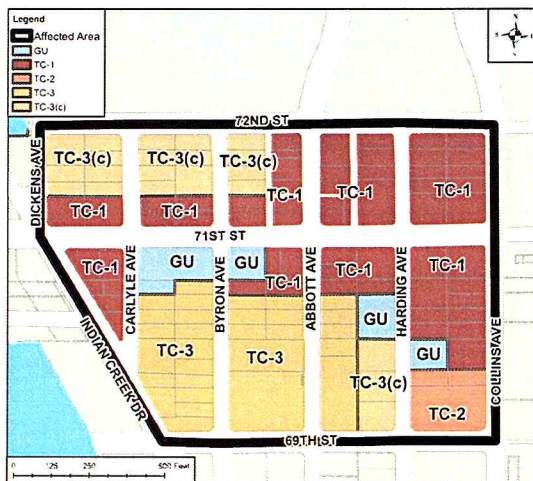
# Ballot Question 2

## FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

**Explanation** This ballot question relates to a proposed increase in the current allowable Floor Area Ratio ("FAR") for the Town Center ("TC") zoning districts in the North Beach area of the City of Miami Beach. The area subject to the proposed FAR increase is bounded by Collins Avenue on the east, Dickens Avenue and Indian Creek Drive on the west, 69th Street on the south, and 72nd Street on the north.

The following is a map of the area subject to the proposed FAR increase:



The term "Floor Area Ratio" (or "FAR") generally describes the size of a building in relation to the size of the property where the building will be located. A property's maximum buildable floor area is calculated by multiplying the square footage of the property by the allowable FAR in the zoning district where the property is located. For example, if a property owner owns 10,000 square feet of land with a zoned FAR of 3.0, the owner can generally build a building with 30,000 usable square feet, subject to any applicable exceptions in the City Code.

City Charter Section 1.03(c), which was approved by the City's voters in 2001, requires that any increase in zoned FAR for any property in the City must be approved by a majority vote of the electors of the City of Miami Beach. Accordingly, the proposed FAR increase for the Town Center ("TC") zoning districts requires voter approval.

On October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan (the "Master Plan"). The Master Plan was developed by Dover, Kohl and Partners, Inc. and received significant public input. The Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (referred to as "TC-1," "TC-2," and "TC-3" in the City's land development regulations). The goal of this recommendation is to enable the design and construction of larger buildings within the Town Center, and to encourage the development of 71st Street as a "main street" for North Beach.

This ballot question would authorize the following increases in FAR:

Zoning District	Current FAR	Proposed FAR
TC-1	2.25 - 2.75	3.5
TC-2	2.0	3.5
TC-3	1.25	3.5

If a majority of the City's electors voting on this ballot measure vote in favor of it, that approval will have binding, official effect on the City of Miami Beach and the proposed Ordinance will be codified upon its adoption by the City Commission.

**Your Voting Precinct May Have Changed**

To Confirm your current voting location, visit [www.iamelectionready.org](http://www.iamelectionready.org) or call 311.

BE informed. BE involved. **BE ELECTION READY**



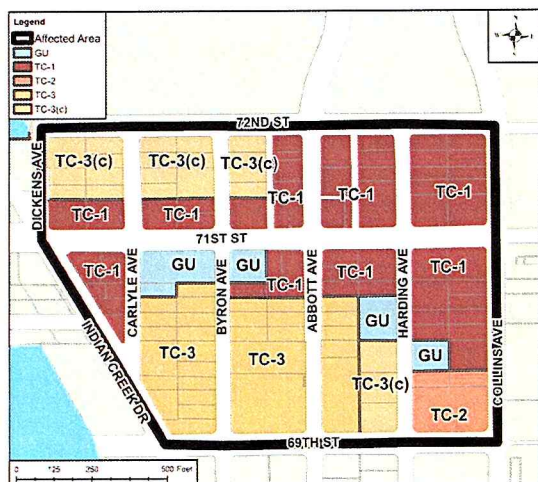
## Pregunta de Boleta 2

### Incremento del Coeficiente de Utilización del Suelo (FAR) de los distritos del Centro Urbano 1 (TC-1), Centro Urbano 2 (TC-2) y Centro Urbano 3 (TC-3) a un Coeficiente de Utilización del Suelo de 3.5

El Coeficiente de Utilización del Suelo (FAR, por sus siglas en inglés) es la medida que la Ciudad utiliza para regular el tamaño total de un edificio. ¿Deberá la Ciudad aprobar una ordenanza que incremente el FAR en los distritos de zonificación del Centro Urbano (TC, por sus siglas en inglés) (avenidas Collins y Dickens hasta Indian Creek Drive, entre las calles 69 y 72) a un FAR de 3.5, del actual FAR que oscila entre 2.25 y 2.75 en el distrito del TC-1; de 2.0 en el distrito del TC-2; y de 1.25 en el distrito del TC-3?

**Explicación** Esta pregunta de boleta se refiere al incremento propuesto del actual y admisible Coeficiente de Utilización del Suelo ("FAR", por sus siglas en inglés) en los distritos de zonificación del Centro Urbano ("TC", por sus siglas en inglés) en el área de North Beach de la Ciudad de Miami Beach. El área de la propuesta de incremento FAR está delimitada por la avenida Collins en el este, por la avenida Dickens e Indian Creek Drive en el oeste, la calle 69 en el sur y la calle 72 en el norte.

En el siguiente mapa se ilustra la zona sujeta al incremento FAR propuesto:



El término "Coeficiente de Utilización del Suelo" (o "FAR") describe generalmente el tamaño de un edificio en relación con el tamaño de la propiedad donde se va a ubicar el edificio. La superficie máxima edificable de una propiedad se calcula multiplicando la cantidad de pies cuadrados de la propiedad por el FAR permitido en el distrito de zonificación donde esté ubicada la propiedad. Por ejemplo, si el propietario dispone de 10,000 pies cuadrados de terreno con un FAR de 3.0, el propietario generalmente podrá construir un edificio de 30,000 pies cuadrados utilizables, sujeto a cualquiera de las excepciones aplicables en el Código de la Ciudad.

La Sección 1.03(e) de la Carta Constitucional de la Ciudad, que fue aprobada por los votantes de la Ciudad en el 2001, requiere que cualquier aumento del FAR permitido en cualquier propiedad de la Ciudad deberá ser aprobado mediante una votación mayoritaria de los electores de la Ciudad de Miami Beach. Por consiguiente, el aumento del FAR propuesto en los distritos de zonificación del Centro Urbano ("TC") requerirá la aprobación de los votantes.

El 19 de octubre del 2016, y de acuerdo con la Resolución de la Ciudad número 2016-29608, el Alcalde y la Comisión de la Ciudad adoptaron el Plan Maestro de North Beach (el "Plan Maestro"). El Plan Maestro fue desarrollado por Dover, Kohl and Partners, Inc., y recibió un significativo aporte público. En el Plan Maestro se recomendaba aumentar el FAR a 3.5 en los distritos de zonificación del Centro Urbano (conocidos como "TC-1," "TC-2" y "TC-3" en las regulaciones de desarrollo urbanísticas de la Ciudad). El objetivo de esta recomendación es permitir el diseño y la construcción de edificios más grandes en los distritos de zonificación del Centro Urbano, y fomentar el desarrollo de la calle 71 como "calle principal" de North Beach.

Esta pregunta de la boleta autorizará los siguientes incrementos en el FAR:

Distritos de Zonificación	FAR Existente	FAR Propuesto
TC-1	2.25 - 2.75	3.5
TC-2	2.0	3.5
TC-3	1.25	3.5

Si la mayoría de los electores de la Ciudad que voten esta medida fueran partidarios de la misma, esa aprobación tendría un efecto oficial y vinculante en la Ciudad de Miami Beach, y la Ordenanza propuesta se codificaría una vez adoptada por la Comisión de la Ciudad.

# MIAMI BEACH

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

## **Item 2.** **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

**TITLE: NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY**

### **HISTORY:**

On December 13, 2017, the City Commission approved the North Beach National Register Conservation District Overlay Ordinance at First Reading. Additionally, at the request of the item sponsor, Vice-Mayor John Elizabeth Aleman, the item was referred to the Land Use and Development Committee for further discussion, prior to Second Reading (Item R5R).

On January 17, 2018, the Normandy Isles and North Shore Local Historic Districts were adopted by the City Commission. The final piece of local historic district designation, the Tatum Waterway area, is expected to go before the City Commission in the spring.

### **Analysis**

#### **BACKGROUND**

The "Normandy Isles National Register District" was listed on the National Register of Historic Place on November 12, 2008. This district is generally bounded by Biscayne Bay to the south, Ray Street, Rue Notre Dame and Rue Versailles to the west, Normandy Shores Golf Course to the north, and the western bulkhead of Indian Creek to the east.

The "North Shore National Register District" was listed on the National Register of Historic Places on November 18, 2009. This district is generally bounded by 73rd Street to the south, Dickens Avenue, Hawthorne Avenue and Crespi Boulevard to the west, 87th Street to the north, and Collins Court to the east.

Each of these National Register Districts has a designation report, which contains detailed information and data on the history, architecture and building types in the district. Additionally, a comprehensive local historic district designation report, for the local district boundaries authorized by the City Commission, has been prepared by Planning Department staff.

#### **PLANNING ANALYSIS**

The subject legislation has gone through numerous public meetings. Attached is a detailed chronology of all public meetings since the initial referral of the item in December of 2016.

The initial draft of the overlay ordinance presented to the Land Use and Development Committee (LUDC) on January 18, 2017 was the first step in a comprehensive process for creating tangible development regulations for the larger North Beach National Register areas. As reiterated on multiple occasions, staff believes that through stakeholder input, including the North Beach Master Plan Steering Committee, residents, property owners and businesses, these regulations have been

continually refined.

After the initial discussions at the LUDC, on February 8, 2017, the City Commission authorized the Administration to engage the North Beach Master Planner (Dover-Kohl) in a review and assistance capacity for the conservation overlay district ordinance. Staff engaged Dover-Kohl in this regard, and as part of the evaluation by the North Beach Master Plan Steering Committee. Dover-Kohl participated in staff discussions regarding the ordinance, attended meetings of the North Beach Master Plan Steering Committee, and put together a series of drawings and renderings illustrating existing conditions and the impact of the proposed conservation district regulations.

The proposed Conservation District Overlay includes the collective input of the Land Use Committee, the North Beach Steering Committee and the Planning Board. The Administration believes that, on balance, the proposal is fair and meets the intentions outlined in the North Beach Master plan.

Attached, for informational and clarity purposes, is a column by column summary of the current legislation, compared to the existing RM-1 regulations.

### **SUMMARY**

On December 13, 2017, the City Commission approved the subject Ordinance at First Reading, with the following changes, some of which were recommended by the Planning Board:

1. Applicability. All areas designated as a local historic district have been removed from the conservation district overlay. Minor modifications have been made throughout the ordinance, to remove 'historic preservation board', as their review authority would no longer be applicable.
2. Maximum Developable Lot Area and Maximum Developable Lot Width Requirements. As recommended by the Planning Board and the Administration, the 'Maximum Developable Lot Area' and 'Maximum Developable Lot Width' requirements in Sec. 142-882(a) have been deleted.
3. Maximum Height Exceptions. As recommended by the Planning Board and the Administration, the Design Review Board (DRB) and Historic Preservation Board (HPB) would have the ability to waive the minimum retention requirements for contributing buildings in Sec. 142-882(c). Additionally, any DRB or HPB waiver would require that at least 25 percent of all existing 'contributing' buildings on site, as measured from the front elevation, be substantially retained and restored.
4. Lot Aggregation Standards. As recommended by the Planning Board, the lot aggregation standards in Sec. 142-883(b) are no longer required for projects consisting solely of workforce or affordable housing. Additionally, the DRB or HPB would be permitted to waive these standards related to minimum building retention, view corridor and building width requirements, for all other residential projects.

Subsequent to First Reading approval of the ordinance, staff met with the item sponsor to further discuss the removal of the local historic districts from the overlay boundaries. Because of inconsistencies created, particularly as it would affect abutting parcels, the Local Historic Districts have been placed back into the overlay. A revised map showing the overall boundaries, including a demarcation of the local historic district boundaries, is attached.

Additionally, a simplification of the height regulations, including the height incentive for the retention of 'contributing' buildings, is being recommended as follows:

- A maximum of 30 feet in height for first 30 feet of building depth;
- A maximum of 40 feet in height for the remainder of the building depth.

- A maximum of 50 feet may be permitted by the DRB or HPB for the remainder of the building depth, for properties that contain at least one (1) 'contributing' building that is 50% or more substantially retained and restored. The DRB or HPB may waive the aforementioned requirement for the 50% retention of existing 'contributing' buildings, provided at least 25% of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.

Finally, minor, non-substantive changes have been made to the ordinance, to address spelling errors, formatting and clarity. The aforementioned revisions have been incorporated into the revised ordinance for Second Reading and for review and input by the Land Use Committee.

### **CONCLUSION:**

The Administration recommends that the Land Use Committee transmit the revised draft Conservation District Overlay Ordinance, with any additional recommended changes, to the City Commission for Second Reading, with a favorable recommendation.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
❑ Revised 2nd Reading ORDINANCE	Memo
❑ Existing RM1 and NCD Comparison Chart	Memo
❑ NCD Overlay Review Chronology	Memo
❑ NCD Overlay Map with LHD	Memo

**NORTH BEACH NATIONAL REGISTER CONSERVATION  
DISTRICT OVERLAY**

*Modified for February 7, 2018 LUDC*

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY AMENDING SECTION 142-155 TO REFERENCE THE REQUIREMENTS FOR THE NORTH BEACH NATIONAL REGISTER CONSERVATION OVERLAY; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," BY CREATING DIVISION 12, ENTITLED THE "NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY," WHICH DIVISION WOULD CREATE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING DEMOLITION REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, REDUCTIONS IN UNIT SIZE, MODIFICATIONS TO THE SETBACK AND HEIGHT REQUIREMENTS, ADDITIONAL REQUIREMENTS FOR ROOFTOP ADDITIONS AND ALLOWABLE HEIGHT EXCEPTIONS, AND INCLUSION OF DESIGN, RESILIENCY, AND PARKING STANDARDS; AND BY AMENDING CHAPTER 130, "OFF-STREET PARKING," DIVISION II, "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," BY REDUCING THE PARKING REQUIREMENTS FOR APARTMENT AND APARTMENT HOTEL BUILDINGS LOCATED IN THE NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

**WHEREAS**, on November 12, 2008, the Normandy Isles National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, on November 18, 2009, the North Shore National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, in order to ensure that new development is compatible with the as-built character of National Register Districts, amendments to the RM-1 development regulations, through the creation of a Conservation District Overlay are warranted; and

1 of 12



**WHEREAS**, the City desires to encourage the retention and preservation of existing 'Contributing' buildings in the National Register Districts, reduce parking requirements and promote walking, bicycling and public transit modes of transportation, as well as reduce the scale and massing of new development in the residential neighborhoods.

**WHEREAS**, on February 8, 2017, the City Commission engaged the North Beach Master Planner, Dover-Kohl, in a review and assistance capacity for this ordinance; 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 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

**Sec. 142-155. - Development regulations and area requirements.**

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

\* \* \*

(4) For properties located in the North Shore and Normandy Isles National Register Historic Districts, see Chapter 142, Article III, Division 12.

**SECTION 2.** Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 12, "North Beach National Register Overlay" is hereby created as follows:

**DIVISION 12. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY**

**Sec. 142-880. Location and purpose.**

(a) The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, which are located within the boundaries of either the North Shore National Register Historic District or the Normandy Isles National Register Historic District.

(b) In the event of a conflict with the regulations of the underlying RM-1 zoning district, the provisions herein shall control.

(c) The purpose of this overlay district is to:

1. Provide land-use regulations that encourage the retention and preservation of existing 'Contributing' buildings within the National Register Districts.
2. To promote walking, bicycling and public transit modes of transportation.
3. To ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods.

**Sec. 142-881. Compliance with regulations.**

- (a) Applications for a building permit shall be reviewed and approved in accordance with all applicable development procedures specified in chapter 118.
- (b) Existing structures shall be rehabilitated in general accordance with the Post-War Modern/MiMo Design Guidelines as adopted by the design review board and historic preservation board.
- (c) The demolition of buildings within the North Beach National Register Overlay, not located within a local historic district or site, shall comply with the following:
  1. The demolition of a 'contributing' building shall not be permitted for purposes of creating a vacant lot or a surface parking lot.
  2. No demolition permit for a 'contributing' building shall be issued prior to the review and approval for the new construction or site improvements by the design review board and until all of the following criteria are satisfied:
    - i. The issuance of a building permit process number for the new construction;
    - ii. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
    - iii. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
    - iv. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
    - v. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
  3. The aforementioned demolition requirements shall not supersede the regulations and requirements set forth in Chapter 118, Article X. In the event of a conflict, the regulations in Chapter 118, Article X shall control.

**Sec. 142-882. Development regulations and area requirements.**

The following overlay regulations shall apply to the North Beach National Register Overlay. All development regulations in the underlying RM-1 regulations shall apply, except as follows:

- (a) The lot area, lot width, and lot aggregation requirements for properties zoned RM-1 within the North Beach National Register Overlay district are as follows:

<u>Minimum Developable Lot Area (Square Feet)</u>	<u>Minimum Developable Lot Width (Feet)</u>	<u>Maximum Developable Lot Area (Square Feet)</u>	<u>Maximum Developable Lot Width (Feet)</u>	<u>Maximum Developable Aggregation (Platted Lots)</u>
<u>5,000 SF</u>	<u>50 feet</u>	<u><del>15,000 SF</del> <del>Developments</del> <del>where all</del> <del>residential</del> <del>units consist of</del> <del>workforce or</del> <del>affordable</del> <del>housing shall</del> <del>have no</del> <del>maximum lot</del> <del>area restriction.</del></u>	<u><del>150 feet</del> <del>Developments</del> <del>where all</del> <del>residential</del> <del>units consist of</del> <del>workforce or</del> <del>affordable</del> <del>housing shall</del> <del>have no</del> <del>maximum lot</del> <del>width</del> <del>restriction.</del></u>	<u>Subject to Sec. 142-883, two (2) lot maximum aggregation; three (3) lot maximum lot aggregation may be permitted if either all residential units consist of workforce or affordable housing; or if there is at least one 'Contributing' building on the aggregated site and all 'contributing' buildings on the aggregated site are substantially retained and restored. There shall be no variances from these maximum lot aggregation restrictions, except for developments</u>

				where all residential units consist of workforce or affordable housing.
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(b) The unit size requirements for the North Beach National Register Overlay district are as follows:

<u>Minimum Unit Size (Square Feet)</u>	<u>Average Unit Size (Square Feet)</u>
<u>New construction—400</u>  <u><del>Non-elderly and elderly low and moderate income housing: See section 142-1183</del></u>  <u>'Contributing' buildings which are substantially retained and restored—300</u>  <u>Additions to 'contributing' buildings which are substantially retained and restored - 300.</u>	<u>New construction—500</u>  <u><del>Workforce or Affordable housing – 400</del></u>  <u><del>Non-elderly and elderly low and moderate income housing: See section 142-1183</del></u>  <u>'Contributing' buildings which are substantially retained and restored —400</u>  <u>Additions to 'contributing' buildings which are substantially retained and restored - 400.</u>

(c) The height requirements for RM-1 properties within the North Beach National Register Overlay district are as follows:

1. ~~For properties with a lot depth of 126 feet or greater, t~~The maximum building height for new construction shall be three (3) stories / 30 feet for the first 30 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, ~~the following shall apply for the remainder of the building depth beyond 30 feet:~~
  - a. ~~A~~a maximum of five (5) stories and 50 feet may be permitted on non-waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.

- b. A maximum of five (5) stories and 60 feet may be permitted on waterfront lots by the design review or historic preservation board, as applicable, for the remainder of the lot depth.

The Design Review or Historic Preservation Board, as applicable, may waive the aforementioned requirement for the 50 percent retention of existing 'contributing' buildings, provided at least 25 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.

For properties with a lot depth of 125 feet or less, the maximum building height for new construction shall be three (3) stories / 30 feet for the first 25 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, the following shall apply for the remainder of the building depth beyond 25 feet:

- c. A maximum of five (5) stories and 50 feet may be permitted on non-waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.
- d. A maximum of five (5) stories and 60 feet may be permitted on waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.

- 2. In the event that the existing building exceeds 30 feet in height, that existing height shall control.
- 3. Rooftop additions to existing 'contributing' buildings, not located within a local historic district, may be reviewed and approved at the administrative level, in accordance with the following:
  - a. The roof-top addition shall not exceed one story, with a maximum floor-to-ceiling height of 10 feet.
  - b. There shall be no demolition of original significant architectural features, as determined by the Planning Director or designee.
  - c. The roof-top addition shall be setback a minimum of 20 feet from the front façade.
  - d. A minimum of 75 percent of the front and street side building elevations shall be retained.
  - e. In the event of a conflict with the requirements of chapter 118, article X, the requirements of chapter 118, article X shall control.

4. Elevator and stairwell bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement, unless waived by either the historic preservation board or design review board, as may be applicable.
  5. Shade structures, including awnings, trellises and canopies may be permitted as an allowable height exception, provided they do not exceed 10 feet in height above the associated roof deck, and shall be subject to the review and approval of the historic preservation board or design review board, as applicable.
- (d) The setback requirements for the pedestal portions of all buildings located in the RM -1 district within the North Beach National Register Overlay district are as follows:

	<u>Front</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Rear</u>
<u>North Shore</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>Non waterfront lots – five (5) feet</u> <u>Waterfront lots – 10 percent of lot depth</u>
<u>Biscayne Beach</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or 8% of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>10 percent of lot depth</u>
<u>Normandy Isle and Normandy Shores</u>	<u>20 feet</u> <u>Waterfront:</u> <u>25 Feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight (8) feet of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>Five (5) feet</u> <u>Waterfront:</u> <u>10 percent of lot depth,</u> <u>maximum 20 feet</u>

		<u>Additionally, regardless of lot width, at least one (1) interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>		
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- (1) Setbacks for at-grade parking and subterranean levels, if permitted, shall be the same as set forth in Section 142-156.
- (2) Notwithstanding the above, for rooftop additions located on 'Contributing' buildings, such additions may follow any existing non-conforming interior side or rear setbacks. Provided at least 33 percent of an existing 'contributing' building, as measured from the front elevation, is substantially retained and restored, any new ground level addition, whether attached or detached, may also follow any existing non-conforming interior side or rear setbacks.

**Sec. 142-883. Lot Aggregation Guidelines.**

(a) Where a development is proposed on two (2) lots, new construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.

(b) Where a development is proposed on three (3) lots, there shall be at least one (1) 'contributing' structure. Additionally, the following shall be required:

1. At least 33 percent of all existing 'contributing' buildings, as measured from the front elevation, shall be substantially retained and restored. **The Design Review or Historic Preservation Board, as applicable, may waive this building retention requirement, provided at least 25 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.**
2. New construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.
3. A view corridor through the parcel, open to the sky, shall be required above the second floor of the building. The Design Review or Historic Preservation Board, as applicable, may waive this view corridor requirement.
4. The width of any new building shall not exceed 85 feet. **The Design Review or Historic Preservation Board, as applicable, may waive this building width requirement.**
5. A courtyard or semi-public outdoor area, comprised of at least 500 square feet, shall be required. Private terraces at the ground level may be included within this 500 square feet, provided individual units can be accessed directly from the exterior of the terrace.



**The aforementioned requirements listed in Sec. 142-883(b) shall not be applicable to any development where all residential units consist of workforce or affordable housing.**

**Sec. 142-884. Design and Resiliency Standards.**

(a) All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.

(b) Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.

(c) All dwelling units in new construction shall be designed to incorporate exposure to natural light from at least two elevations of the building volume.

(d) New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area.

(e) For new construction using common vertical circulation and access corridors, a non-emergency, convenience stair, accessing, at a minimum, the first 3 residential floors, shall be required. Such stair shall be designed in an open manner, and shall connect directly to the exterior of the building, or to the entrance lobby.

(f) For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high quality appearance when seen from adjoining properties.

(g) Landscaping within view corridors, with the exception of canopy trees, shall be maintained at a height not to exceed three (3) feet from sidewalk elevation.

**Sec. 142-885. Additional Parking Standards.**

(a) All parking shall be located at grade; no ramps or parking above the first floor shall be permitted. However, mechanical lifts may be proposed at the first level, provided all lifts are fully screened from view and not visible from adjacent properties, the public right-of-way or any waterfront.

(b) All exterior parking and driveway surface areas shall be composed of semi-pervious or pervious material such as concrete or grass pavers, set in sand.

(c) Required wheel stops shall be low profile and shall not exceed five (5) feet in width.

(d) All parking areas shall meet minimum front and rear yard setback requirements for buildings.

(e) A maximum of a **single, one-way** driveway curb cut per development site shall be permitted, and the maximum width of **one-way** driveway curb cuts shall not exceed 10 feet. Notwithstanding the foregoing, if approved by the design review board or historic preservation board, as applicable, 2 separate one-way curb cuts may be permitted on a thru-lot, when such lot is accessible from 2 different roadways, or a corner lot.

(f) On waterfront lots, parking areas shall only be secured by substantially open, picket fencing within required front yards and rear waterfront yards.

**SECTION 3.** Chapter 130 of the City Code, entitled “Off-Street Parking,” Article II, “Districts; Requirements,” is hereby amended as follows:

**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

\*

\*

\*

(6) Apartment building and apartment-hotel:

- a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.
- b. Apartment buildings on lots wider than 50 feet:  
1.5 spaces per unit for units between 550 and 999 square feet;  
1.75 spaces per unit for units between 1,000 and 1,200 square feet;  
2.0 spaces per unit for units above 1,200 square feet.
- c. Designated guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
- d. When located within the North Beach National Register Conservation Overlay District the following parking requirements shall apply:
  - i. Zero (0) spaces per unit for buildings on lots that are 65 feet in width or less, and for development sites with six (6) units or less, regardless of lot width.
  - ii. One (1) space per unit for buildings on lots greater than 65 feet in width. In the event that the property owner can substantiate that the proposed new construction will not need to provide off-street parking, the design review board or historic

preservation board, as applicable, may waive the parking requirement.

- iii. For existing apartment, apartment-hotel and hotel buildings, which are classified as 'contributing' and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any new additions, whether attached or detached, regardless of lot width and number of units. Any proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

~~For existing apartment and apartment-hotel buildings, which are classified as "contributing" are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the secretary of the interior guidelines and standards for the rehabilitation of historic buildings.~~

#### **SECTION 4. REPEALER.**

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

#### **SECTION 5. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

#### **SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

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

First Reading: December 13, 2017

Second Reading: February 14, 2018

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\February 7, 2018\NB NR NCD Overly Zoning Regulations - 2nd Reading ORD Feb 7 2018 LUDC.docx

# Existing RM1 Zoning Regulations and Proposed NCD Regulations

		EXISTING (NB LOCAL HD)	PROPOSED NCD
LOT COVERAGE		45%	NA
SETBACKS	FRONT	20'-0"	<b>North Shore -10'-0"</b> Biscayne Beach - 10'-0" Normandy Isle and Normandy Shores - 20'-0" Waterfront - 25'-0"
	INTERIOR SIDE	< 65 Width - 7.5 feet > 65 Width - 10 feet / or 8% of lot width (whichever is greater)	<u>North Shore, Biscayne Beach, Normandy Isle and Normandy Shores</u> Non-Waterfront: •Lot width of 60 feet or less - 5 feet •Lot width of 61 feet or greater - 7.5 feet, or 8% of lot width Waterfront: •7.5 feet, or 8% of lot width, whichever is greater •One (1) interior side shall be 10 feet -or- 10% of lot width
	SIDE FACING A STREET	< 65 Width - 7.5 feet > 65 Width - 10 feet / or 8% of lot width (whichever is greater)	<b>Five (5) feet</b>
	SUM OF THE SIDES	16% of lot width	NA
	REAR	10% of lot depth	<u>North Shore</u> • <b>Non-waterfront lots – 5 feet</b> • <b>Waterfront lots – 10% of lot depth</b> <u>Biscayne Beach</u> • <b>10 % of lot depth</b> <u>Normandy Isle and Normandy Shores</u> • <b>Non-waterfront lots – 5 feet</b> •Waterfront -10% of lot depth, maximum 20 feet
NON-CONFORMING SETBACK STANDARDS		N/A	<u>Existing 'Contributing' Buildings</u> •Rooftop additions may follow existing interior side and/or rear setbacks •New ground level additions may follow any existing interior side and/or rear setback, provided at least 33 % of building is substantially retained and restored

# Existing RM1 Zoning Regulations and Proposed NCD Regulations

	EXISTING (NB LOCAL HD)	PROPOSED NCD
<b>MAXIMUM LOT AGGREGATION</b>	<p>Two (2) contiguous lots*</p> <p>*The two (2) lot aggregation may be exceeded if the development site was combined with a unity of title prior to June of 2017</p>	<p>Two (2) platted lots</p> <p>Three (3) platted lot Exceptions:</p> <ul style="list-style-type: none"> <li>•Where a development site contains at least one (1) 'contributing' structure</li> <li>•Projects consisting solely of affordable and/or workforce housing</li> </ul>
<b>MAXIMUM HEIGHT</b>	50'-0"	<ul style="list-style-type: none"> <li>• Three (3) stories / 30 feet for the first 30 feet of building depth</li> <li>• Four (4) stories / 40 feet for the remainder of the lot depth</li> <li>• Five (5) stories and 50 feet may be permitted by DRB or HPB for the remainder of the lot depth for properties that contain at least one (1) 'contributing' building that is 50% or more substantially retained and restored*</li> </ul> <p>NOTE: The Design Review Board may waive the aforementioned requirement for the 50% retention of existing 'contributing' buildings, provided at least 25% of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.</p> <p><b>*Revised as recommended in draft ordinance for LUDC</b></p>
<b>UNIT SIZE</b>	<p><b>MINIMUM UNIT SIZE</b></p> <p>New construction: 550</p> <p>Rehabilitated buildings: 400</p> <p>WF/AH: 400</p> <p><b>AVERAGE UNIT SIZE</b></p> <p>New construction: 800</p> <p>Rehabilitated buildings: 500</p> <p>WF/AH: 400</p>	<p><b>MINIMUM UNIT SIZE</b></p> <ul style="list-style-type: none"> <li>•New construction - 400</li> <li>•'Contributing' buildings which are substantially retained and restored - 300</li> <li>•Additions to 'contributing' buildings which are substantially retained and restored - 300</li> <li>•WF/AH - 400</li> </ul> <p><b>AVERAGE UNIT SIZE</b></p> <ul style="list-style-type: none"> <li>•New construction - 500</li> <li>•'Contributing' buildings which are substantially retained and restored - 400</li> <li>•Additions to 'contributing' buildings which are substantially retained and restored - 400</li> <li>•WF/AH - 400</li> </ul>

# Existing RM1 Zoning Regulations and Proposed NCD Regulations

	EXISTING (NB LOCAL HD)	PROPOSED NCD
<b>PARKING</b>	<p>Lots 65 feet in width or less: • No Parking Requirement</p> <p>Lots wider than 65 feet: • Units between 550 and 1,600 SF - 1 (one) space per unit • Units 1,600 SF or greater - 2 (two) spaces per unit</p>	<p>Lots 65 feet in width or less; Development sites with six (6) units or less (regardless of lot width); 'Contributing' buildings that are substantially retained, preserved and restored: • No Parking Requirement</p> <p>Lots wider than 65 feet: • One (1) space per unit (regardless of unit size)</p> <p>Note: Design Review Board can waive parking requirements</p>
<b>DEMOLITION PROCEDURES</b>	Subject to HPB approval	<p>• No demolition of 'contributing' buildings for surface parking lots</p> <p>• Requirements for replacement structure prior to demolition of 'contributing' building</p>
<b>ROOF-TOP ADDITIONS</b>	Subject to HPB approval	May be reviewed by staff, subject to compliance with specified criteria
<b>ELEVATOR AND STAIRWELL BULKHEAD HEIGHT</b>	Subject to HPB approval	Required to meet, unless waived by DRB
<b>SHADE STRUCTURE HEIGHT EXCEPTION</b>	Subject to HPB approval, not to exceed 25'	Maximum 10' and subject to DRB approval
<b>DESIGN AND RESILIENCY STANDARDS SPECIFIC TO NB NCD</b>	Not required, but still subject to applicable Sea Level Rise Criteria	As specified in ordinance
<b>ADDITIONAL PARKING DESIGN STANDARDS SPECIFIC TO NB NCD</b>	Not required	As specified in ordinance

# Chronology of the North Beach National Register Conservation District Overlay Ordinance

## October 11, 2016

The Historic Preservation Board (HPB) reviewed preliminary evaluation reports for the proposed North Shore and Normandy Isles Local Historic Districts. HPB recommended that Historic Designation Reports be prepared in accordance with the boundaries recommended in the North Beach Master Plan. These local districts have gone through the designation process and are currently pending before the City Commission.

## January 18, 2017

The LUDC discussed the first draft of the ordinance prepared by staff and substantial public input was provided. The item was continued to February 15, 2017.

## February 24, 2017

The North Beach Steering Committee discussed the ordinance proposal and recommended that certain issues be further addressed, and continued the item to their March 10, 2017 meeting.

## March 10, 2017

The North Beach Master Plan Steering Committee discussed the proposal and continued the item to their April 6, 2017 meeting.

## April 6, 2017

The Steering Committee discussed the conservation district and, due to time restrictions, continued the discussion to April 27, 2017.

## April 27, 2017

The North Beach Master Plan Steering Committee recommended approval of the Conservation District Overlay, as revised.

## June 7, 2017

City Commission referred the North Beach National Register Conservation District Overlay Ordinance, in accordance with the May 10, 2017 recommendation of the LUDC, to the Planning Board

## December 13, 2017

The City Commission passed, on first reading, the North Beach National Register Conservation District Overlay Ordinance

## December 9, 2016

The Mayor and City Commission held a Special City Commission meeting and modified the boundaries of the proposed Local Historic Districts recommended by HPB. The City Commission referred a discussion regarding a zoning overlay and conservation districts for the North Shore and Normandy Isles National Registration Districts to Land Use and Development Committee (LUDC).

## February 15, 2017

The LUDC continued the item March 8, 2017. It also referred the item to the North Beach Master Plan Steering Committee for discussion and recommendation.

## March 8, 2017

An update on the discussion at the Steering Committee was provided to the LUDC and the item was continued to the April 19, 2017 LUDC meeting.

## April 3, 2017

At the invitation of the North Beach Alliance, the Planning Director made a presentation regarding the proposed ordinance and participated in a question and answer session.

## April 19, 2017

The item was continued by the LUDC to its May 10, 2017 meeting.

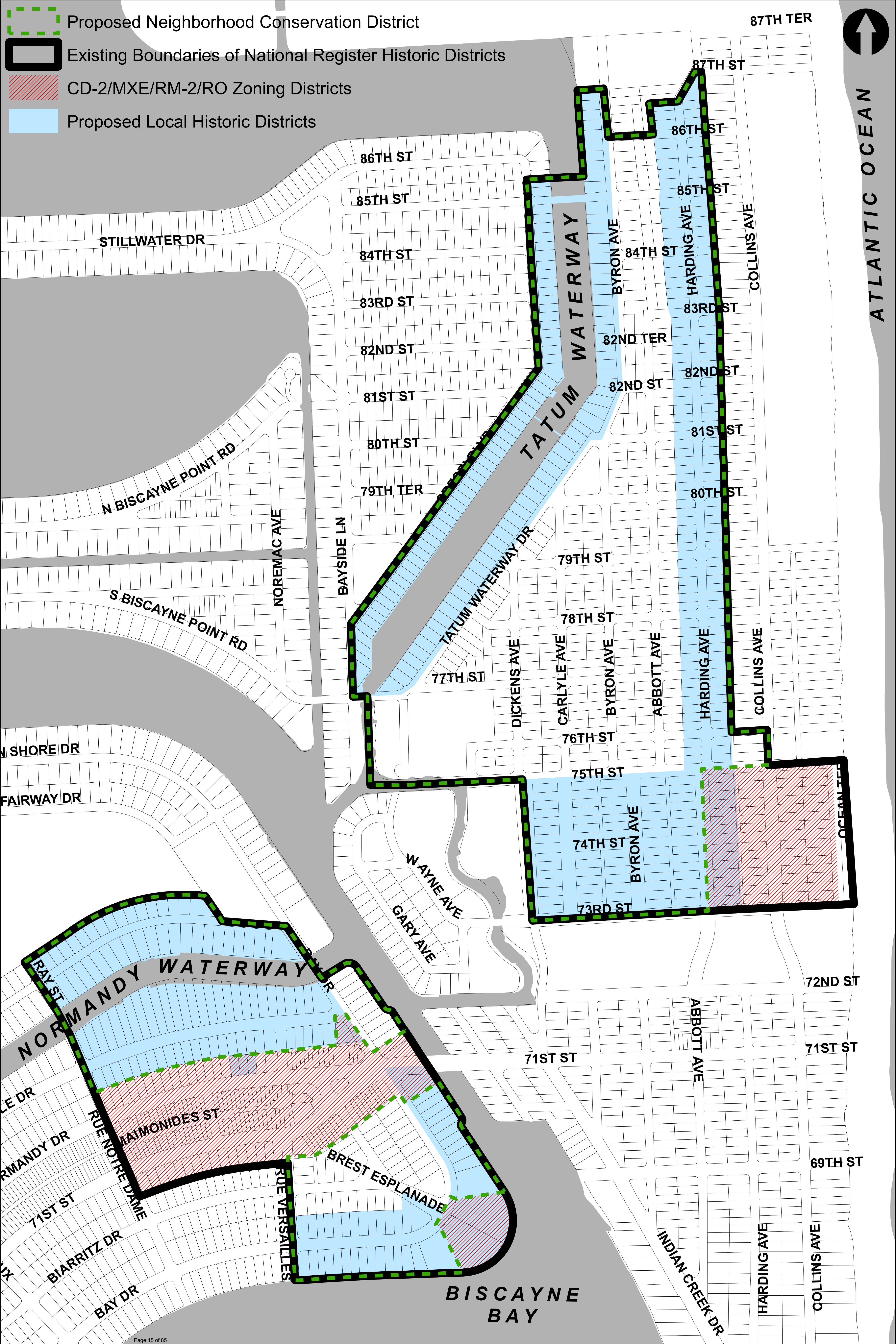
## May 10, 2017

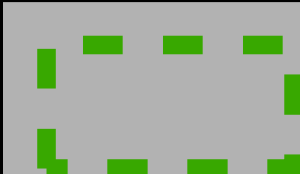
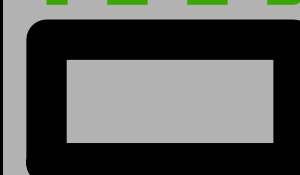
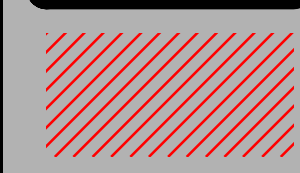
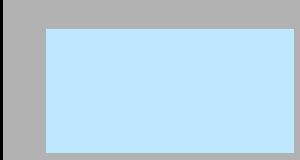
The LUDC approved by acclamation a recommendation that the City Commission refer the proposed North Beach National Register Conservation District Overlay Ordinance to the Planning Board, as recommended by the Steering Committee, including additional recommendations on parking and landscaping.

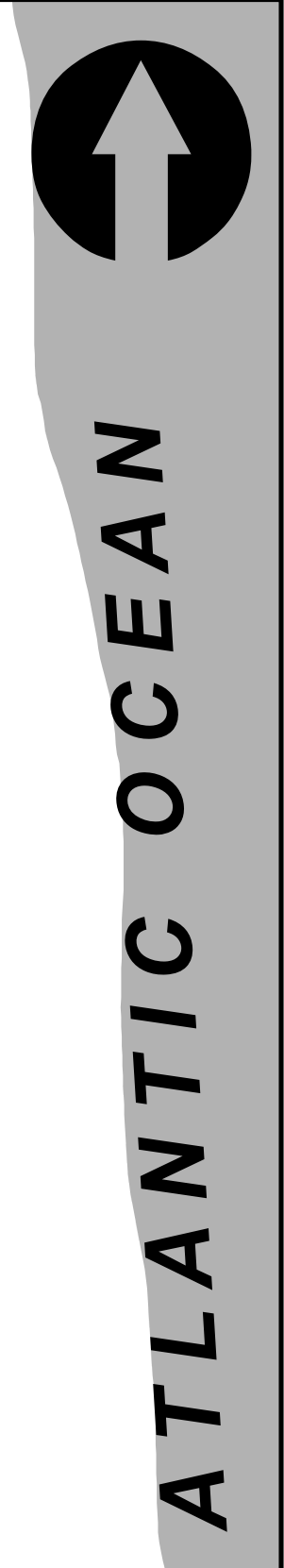
## November 21, 2017

The Planning Board transmitted the North Beach National Register Conservation District Overlay Ordinance to the City Commission with a favorable recommendation.





-  Proposed Neighborhood Conservation District
-  Existing Boundaries of National Register Historic Districts
-  CD-2/MXE/RM-2/RO Zoning Districts
-  Proposed Local Historic Districts





Item 3.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

**TITLE: DISCUSSION REGARDING AN ORDINANCE RELATING TO ADMINISTRATIVE REVIEW OF BALCONIES TO ENSURE COMPLIANCE WITH THE FLORIDA LIFE SAFETY CODE**

**HISTORY:**

On December 13, 2017, at the request of Vice-Mayor John Elizabeth Aleman, the City Commission referred the subject ordinance to the Land Use and Development Committee and Planning Board for consideration and recommendation (Item C4Z).

**Analysis**

**PLANNING ANALYSIS**

Under the Land Development Regulations of the City Code, any exterior improvements or modifications proposed for buildings located in commercial or multi-family zoning districts require the review and approval of the Design Review Board (DRB). However, under Sec. 118-260 of the LDR's, certain exterior improvements may be reviewed at staff level. Currently, such administrative review does not extend to new or significant modifications to exterior balcony and terrace rails.

The proposed ordinance would modify the administrative review procedures relating to balconies, terraces, porch and stairway safety rails. Such review would be to address balconies and terraces that have become non-conforming as to the Florida Life Safety Code. In this regard, some older buildings in the City have balconies and terraces that do not meet current minimum Life Safety Code requirements for railing height and the maximum width of openings within a rail. In order to provide staff with more flexibility to review modification to balconies to address the requirements of the Life Safety Codes, the provisions of Section 118-260 are proposed to be modified as follows:

Sec. 118-260. - Administrative review procedures.

(a) The planning director or designated representative, shall have the authority to approve, approve with conditions or deny an application on behalf of the board, for the following:

\* \* \*

(9) Applications related to exterior balcony, terrace, porch and stairway safety rails on existing buildings, which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life and safety codes.

The proposal herein is specific to those properties that are subject to design review approval, and would allow for administrative review of more substantial alterations to balconies, terraces, porch and stairway safety rails. Staff level design review would be in addition to all other applicable regulatory reviews, including Building (structural) and Fire. The proposal herein is not applicable to properties located within a locally designated historic district or site.

In order to ensure that the proposal is limited to existing balconies that have become non-conforming as it pertains to existing State Codes (e.g. overall height and the maximum dimensions of openings), the following revised language for Sec. 142-260(9) is suggested:

*(9) Applications related to exterior balcony, terrace, porch and stairway safety rails on existing buildings, which have become non-conforming as it pertains to applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life and safety codes. Modifications required to address compliance with applicable State Codes shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.*

#### **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the item and provide appropriate policy direction. If there is consensus on the draft ordinance, it is further recommended that the item be endorsed for approval at the Planning Board, subject to the revisions suggested by staff above.

#### **ATTACHMENTS:**

Description	Type
□ Draft ORDINANCE	Memo



**Administrative review of balconies for life safety modifications**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES," AT SECTION 118-260, ENTITLED "ADMINISTRATIVE REVIEW PROCEDURES," TO PROVIDE AN EXCEPTION FOR ADMINISTRATIVE REVIEW OF BALCONIES; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, properties constructed prior to 2015 may have balconies that are shorter than 42 inches, and may contain gaps, spacing of more than four (4) inches, which have been determined under the Life Safety Code to be a risk for minor children and for persons to fall from the balcony railings; and

**WHEREAS**, to ensure compliance with the State life safety codes, and to assist property owners so that they do not have to reconstruct their balconies, the City desires to amend the administrative review procedures for the structures under the jurisdiction of the Design Review Board to authorize the planning department to administratively review balcony modifications that do not materially modify the design of existing balconies; and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

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

**SECTION 1.** That Chapter 118, "Administration and Review Procedures," Article VI, "Design Review Procedures," at Section 118-260, " is hereby amended, as follows:

**Sec. 118-260. - Administrative review procedures.**

(a) The planning director or designated representative, shall have the authority to approve, approve with conditions or deny an application on behalf of the board, for the following:

(1) Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way, any waterfront or public park. For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.

- (2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
- (3) Facade and building alterations, renovations and restorations which are minor in nature.
- (4) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- (6) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- (7) Minor work involving public improvements upon public rights-of-way and easements.
- (8) Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
- (9) Applications related to exterior balcony, terrace, porch and stairway safety rails on existing buildings, which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life and safety codes.

The director's decision shall be based upon the criteria listed in this article. The applicant may appeal a decision of the planning director to the design review board, pursuant to the procedural requirements of Section 118-9.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

## **SECTION 3. REPEALER.**

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

## **SECTION 4. SEVERABILITY.**

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

## **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Dan Gelber

**ATTEST:**

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

APPROVED TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:  
Second Reading:  
(Sponsor: Vice Mayor John Aleman)

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

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



Item 4.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

**TITLE: PROPOSED ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS IN THE RS DISTRICTS FOR NON-AIRCONDITIONED SPACE BELOW THE FIRST HABITABLE LEVEL OF SINGLE FAMILY HOMES.**

**HISTORY:**

On July 26, 2017, the City Commission referred an Ordinance amendment to the Planning Board, pertaining to limitations on the number of 'stories' as part of overall building height measurement City wide (Item C4F). As part of this referral, in order to revise the development regulations in the RS Districts as it pertains to number of stories and allowable non air-conditioned space, the Commission also referred the attached Ordinance to the Land Use and Development Committee and the Planning Board. Commissioner John Elizabeth Aleman is the sponsor of the proposed Ordinance.

On October 11, 2017, the Land Use Committee discussed the proposed Ordinance and continued the item to December 11, 2017. The Committee also directed the Administration to schedule a separate, single family home workshop for purposes of obtaining additional public input. On December 11, 2017 the item was discussed briefly and continued to the January LUDC meeting. Due to scheduling issues, the January 2018 LUDC meeting was moved to February 7, 2018.

**Analysis**

**BACKGROUND**

In the City Code (Section 114-1), Story is defined as follows:

**Story** means that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor next above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is equal to or greater than four feet above grade.

Under the Florida Building Code, the following are the pertinent definitions:

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Basement," "Building height," "Grade plane" and "Mezzanine"). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**BASEMENT (for flood loads).** The portion of a building having its floor subgrade (below ground level) on all sides. This definition of "Basement" is limited in application to the provisions of Section 1612.

**BASEMENT.** A story that is not a story above grade plane (see "Story above grade plane"). This

definition of “Basement” does not apply to the provisions of Section 1612 for flood loads.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

Until recently, building height was measured from grade, which is the elevation of the sidewalk at the center of the property. The City Code was amended in 2014 to allow the measurement of building height starting from base flood elevation (BFE). In 2015, the Code was amended to allow the measurement of building height starting from base flood elevation plus up to the maximum freeboard (BFE + 1'-5').

All zoning districts have an overall maximum height limit in feet, as measured from base flood elevation plus allowable freeboard; within this allowable number of feet is a corresponding limit on the number of stories. For example, in the RM-1 district, the maximum height limit is 50 feet and 5 stories, and in the RM-3 district the maximum height for oceanfront lots is 200 feet and 22 stories.

It is important to note that the amount of horizontal floor area within a building, which correlates to the number of 'stories', is limited by maximum allowable FAR within a particular zoning district. In order to simplify the overall measurement of building height, the Land Use Committee recommended the removal of the existing limits on number of stories altogether, and a separate referral is pending at the Planning Board. In this regard, the fixed maximum height, measured in feet from BFE plus freeboard, would remain. This measurement is constant and the number of horizontal floors would continue to be limited by the maximum FAR for the district.

### **PLANNING ANALYSIS**

The overall measurement of allowable height and volume for single family homes is a bit more complex, as 'unit size' is used for regulating overall size, as opposed to 'FAR'. Additionally, unlike commercial buildings, or multi-family buildings with ground floor, accessory commercial space, the first habitable floor of all new single family homes must be constructed at or above base flood elevation plus one foot (BFE + 1').

Currently, single-family districts (RS zoned properties) have a maximum height limit measured in feet from base flood elevation plus allowable freeboard (maximum of BFE plus five feet). Additionally, the RS districts have a story limit of two habitable floors above base flood elevation plus allowable freeboard.

Under the current Code, when the first habitable level of a home is more than six feet above grade, due to minimum base flood elevation and freeboard requirements, the RS district regulations permit 'non air-conditioned space' below the first habitable floor. Currently, this non air-conditioned space is limited to a maximum interior height of 7'-6", and is not counted toward the overall height limit of the building in feet, nor is it counted in allowable unit size. Additionally, up to, but not exceeding, 600 square feet may be used for parking cars. When originally adopted in 2014, this provision was only applicable to the lowest areas of the City, as the overall height of a home was measured from base flood elevation. Now that single family home height is measured from BFE plus up to 5 feet of additional freeboard, there have been increasing instances where one and two story homes are being located above allowable 'non air-conditioned space'.

Absent this 'non air-conditioned space' below the first habitable level, a home owner proposing BFE + 5' for new construction would be forced to use fill and place a new home on top of a large, elevated berm. Such an approach would create environmental, water retention, drainage and water run-off issues that

would affect the site, the neighboring properties and adjacent rights of way. Additionally, it would result in accessibility issues to the main house, as well as create an architectural and compatibility issue with the built context of the surrounding area. In this regard, unlike other cities in South Florida that allow homes to be built on large, sloped berms, Miami Beach is not defined by that particular single family typology. Although having non air-conditioned space below the first habitable level of a new or elevated home may result in the appearance of a three story home, this is a far more successful architectural transition than utilizing an oversized berm.

As more new homes in the City are expected to be built well above existing grade in all RS districts and in some cases older or historic homes may be raised as well, further study of the current regulations limiting the height of allowable 'non air-conditioned' space has been undertaken. In this regard, factors such as the future raising of roads and sidewalks, the relationship of allowable non air-conditioned space to elevated yards and the need to provide tangible transition spaces in order to access the main level of a home, have been taken into consideration.

The attached draft ordinance furthers existing regulations regarding non-air-conditioned 'understory space, created by new, elevated single family homes. The following is a summary of the proposed revisions to Sec. 142-105, which are included within the draft ordinance:

- Understory areas shall be permitted to be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions, and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor.
- Understory areas below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open at least 50% on each side.
- All parking and non-air-conditioned areas located directly below the first habitable floor shall continue to not count in the unit size calculations.
- All parking, including required parking, must now be provided within the understory area, and clearly delineated by a different surface finish or bollards. No parking or vehicle storage may be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria.
- The maximum width of all driveways at the property line shall not exceed 15% of the lot width, and in no instance shall be less than 9 feet in width and greater than 18 feet in width.
- At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be measured from the front setback of the principal structure to the front property line and the required street side yard shall be measured from the street side setback of the principal structure to the street side property line. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.
- A continuous soffit shall be lowered a minimum of 2'-0" from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services.
- Understory ground elevation. The minimum elevation of the understory ground shall be constructed no



lower than future crown of road as defined in Chapter 54. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.

- Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be setback a minimum of five feet from each side of the underneath of the slab of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.
- Understory building access. Air-conditioned elevator and stair vestibules for access to the first habitable level of the home shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and air-conditioned building access shall be limited to no greater than three percent of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.

Attached are the following illustrations, which provide a graphic representation of the above noted modifications:

- Exhibit A: Proposed code changes as applied to a 60 foot lot
- Exhibit B: Proposed code changes as applied to a 100 foot lot
- Exhibit C: Existing code as applied to a 60 foot lot
- Exhibit D: Existing code as applied to a 100 foot lot
- Elevation Graphics

In addition to these proposed modifications to the allowable understory areas of a single family home, 2 minor text amendments are also proposed, as follows:

#### **1. Sec. 142-105 - Roof Decks.**

Currently, roof decks are permitted as a height exception above the main roofline of a single family home, provided they do not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below. Additionally, regardless of deck height, roof decks must be setback a minimum of ten feet from each side of the exterior outer walls when located along a front or side elevation, and/or from the rear elevation of non-waterfront lots. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.

Currently, there is no provision for landscaping on roof decks, as an allowable height exception. In order to better address landscape areas proposed for roof decks, the following additional language is proposed:

*Built in planters, gardens or similar landscaping areas, not to exceed three and one-half feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured.*

2. Sec. 142-1132. - Allowable encroachments within required yards.

Currently, porches, platforms and terraces are an allowable yard projection, but only up to 30 inches in height above the grade elevation of the lot. Since single family homes are now required to be constructed well above grade elevation, the following additional language is proposed, in order to better facilitate access to homes with higher first floor elevations:

*Within single family districts, such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding 5'-0" in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.*

Lastly, electric vehicle charging stations and fixtures, located next to an off-street parking space, have been added to the list of allowable setback encroachments.

### **UPDATE**

At the direction of the Land Use Committee, a single family workshop was held on December 11, 2017. At this workshop planning staff provided a PowerPoint presentation on the proposed Ordinance. A number of people attended the workshop and spoke regarding the proposal. A summary of the workshop, including public input, is attached.

No substantive changes have been made to the draft ordinance, as first presented to the Land Use Committee on October 11, 2017.

### **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the proposal and provide appropriate policy direction. If there is consensus on the proposal, it is further recommended that the draft ordinance be transmitted to the full City Commission for referral to the Planning Board.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ Exhibit A Siteplan	Memo
□ Exhibit A Section	Memo
□ Exhibit B Siteplan	Memo
□ Exhibit B Section	Memo
□ Exhibit C Siteplan	Memo
□ Exhibit C Section	Memo
□ Exhibit D Siteplan	Memo
□ Exhibit D Section	Memo
□ Draft Ordinance	Memo
□ Dec 11 2017 SF Workshop Summary	Memo
□ SF Elevation Graphics R	Memo

EXHIBIT A: PROPOSED CONDITION 60' LOT (SITE PLAN)

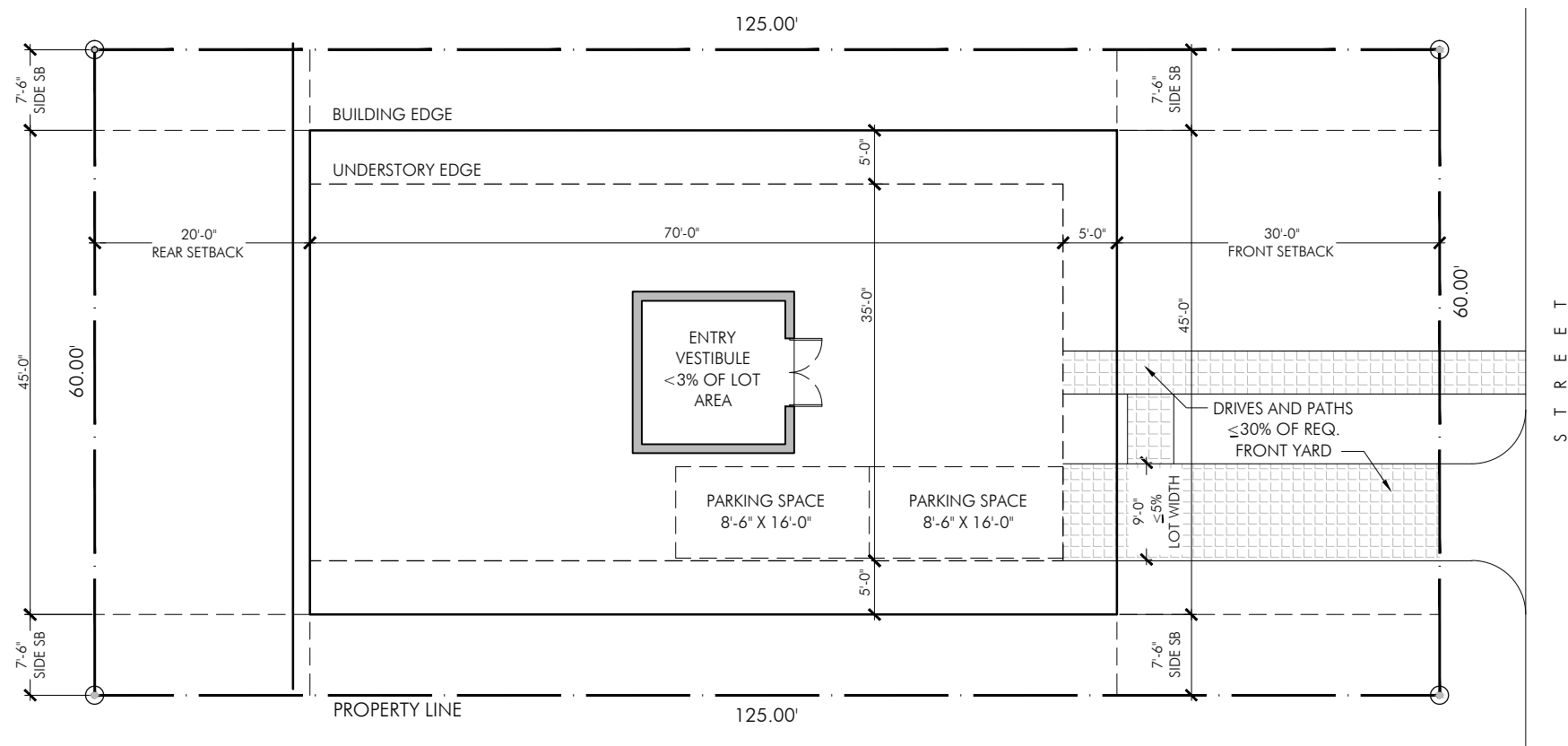




EXHIBIT A: PROPOSED CONDITION 60' LOT (SECTION)

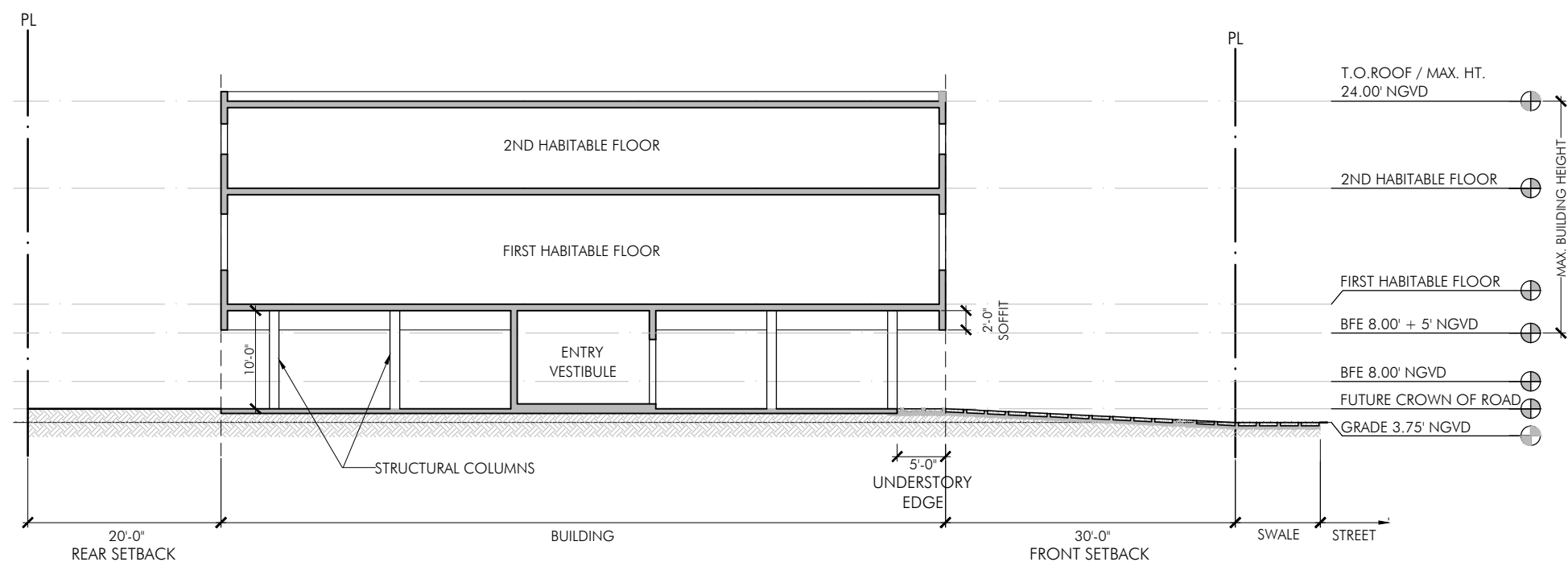


EXHIBIT B: PROPOSED CONDITION 100' LOT (SITE PLAN)

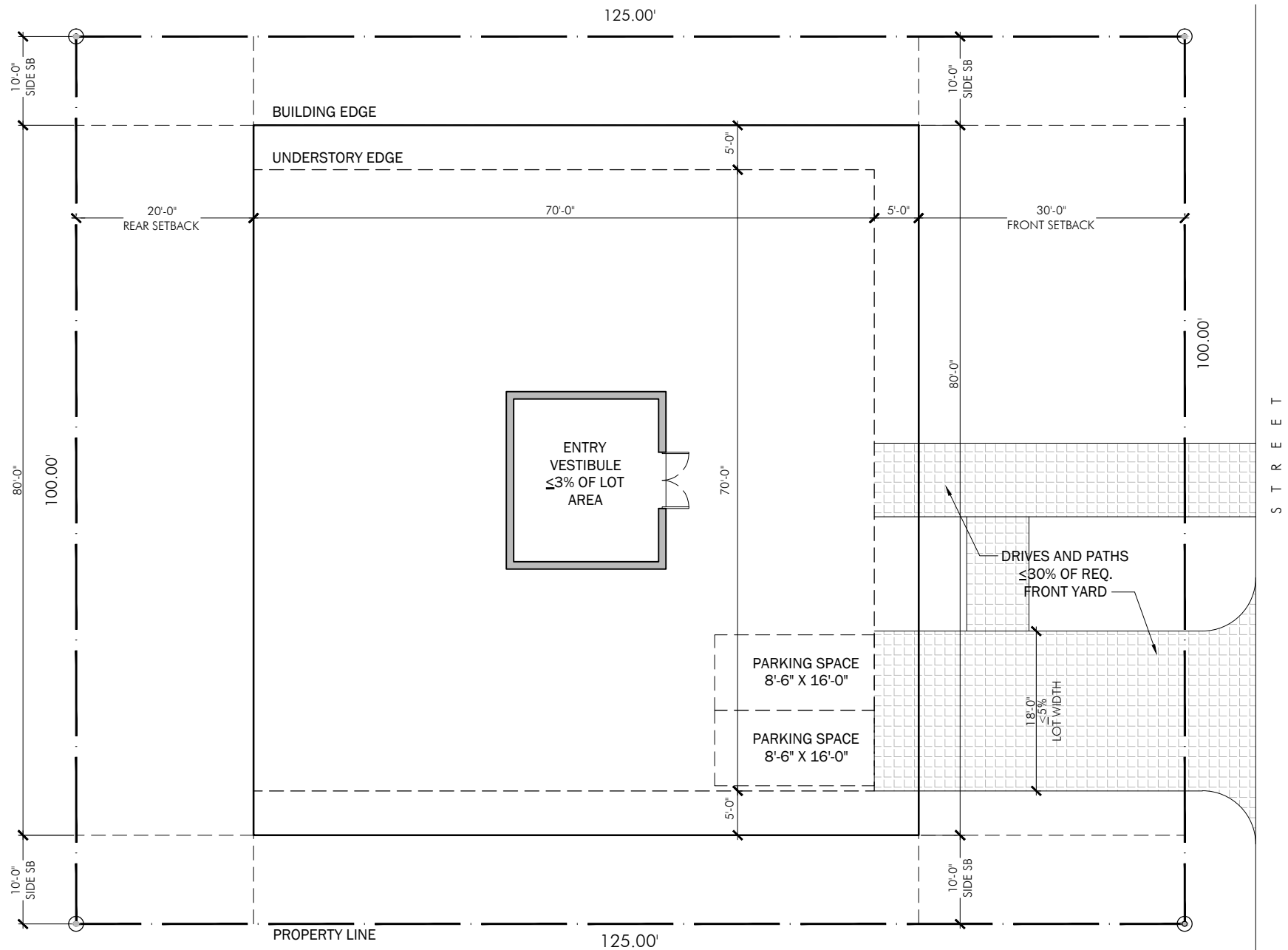


EXHIBIT B: PROPOSED CONDITION 100' LOT (SECTION)

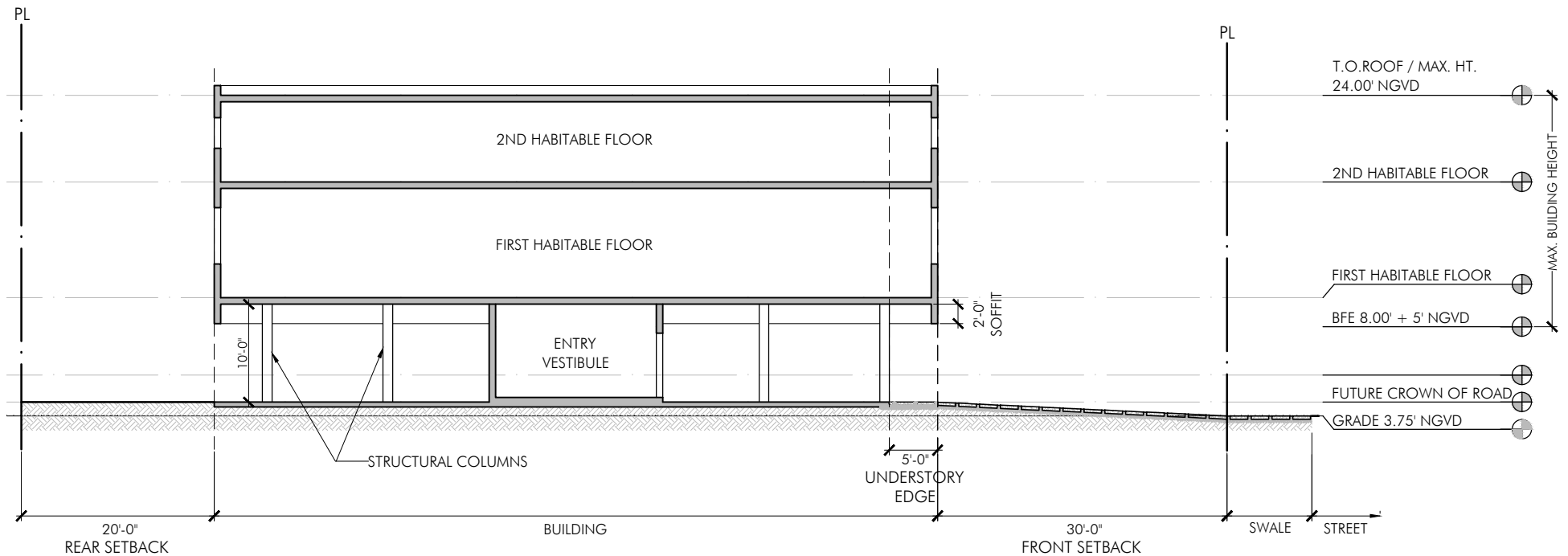
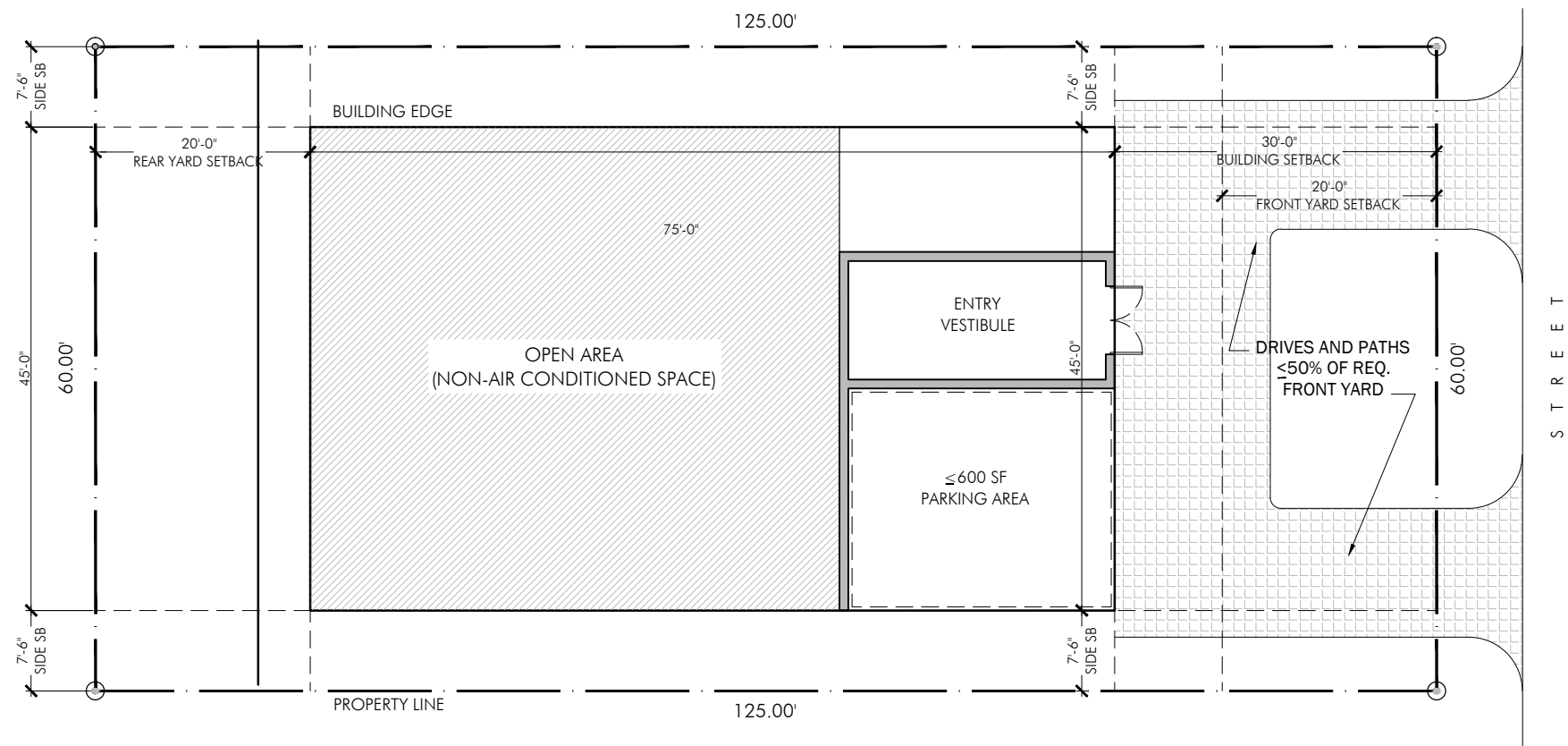
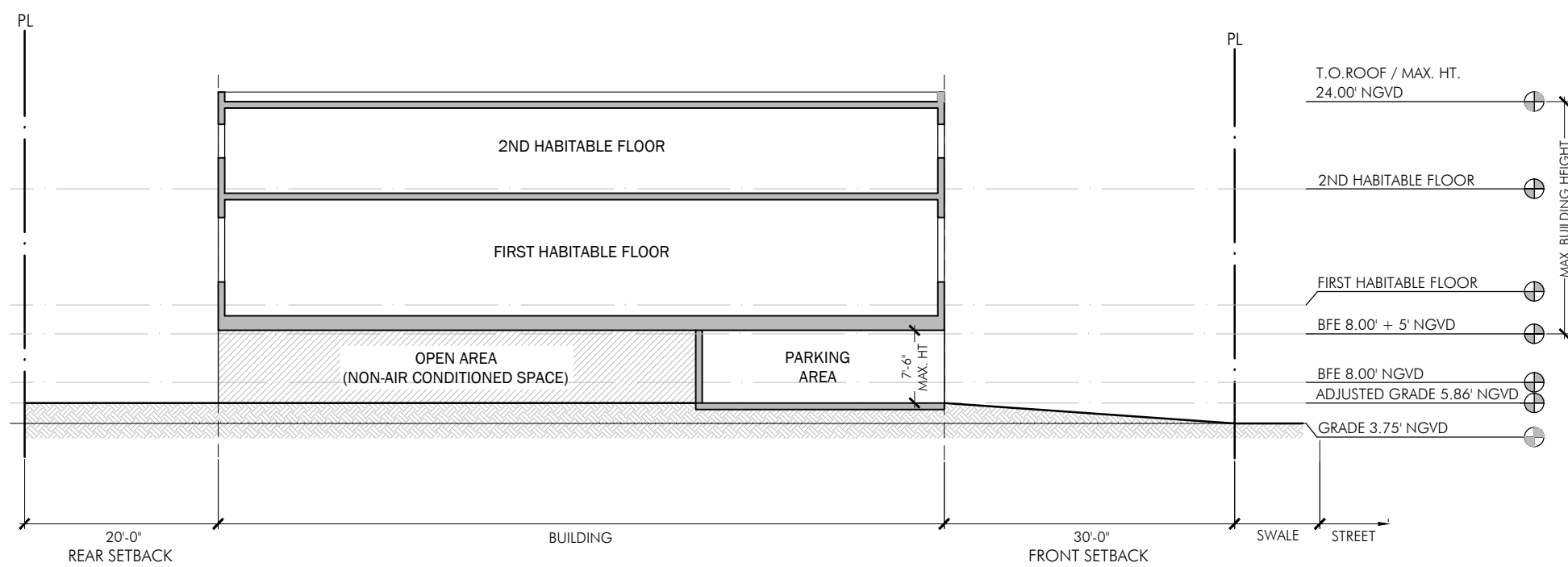


EXHIBIT C: EXISTING CODE 60' LOT (SITE PLAN)

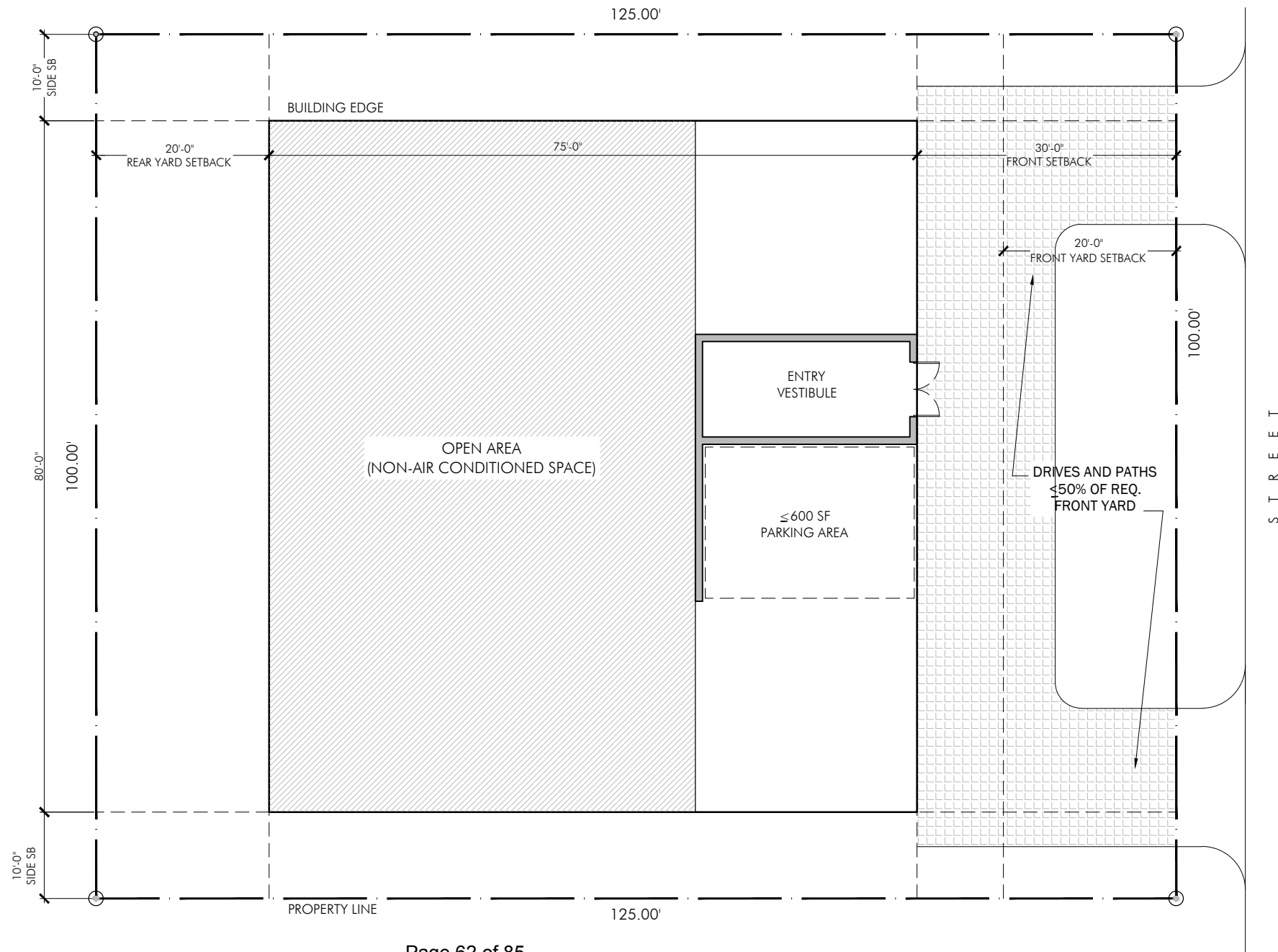




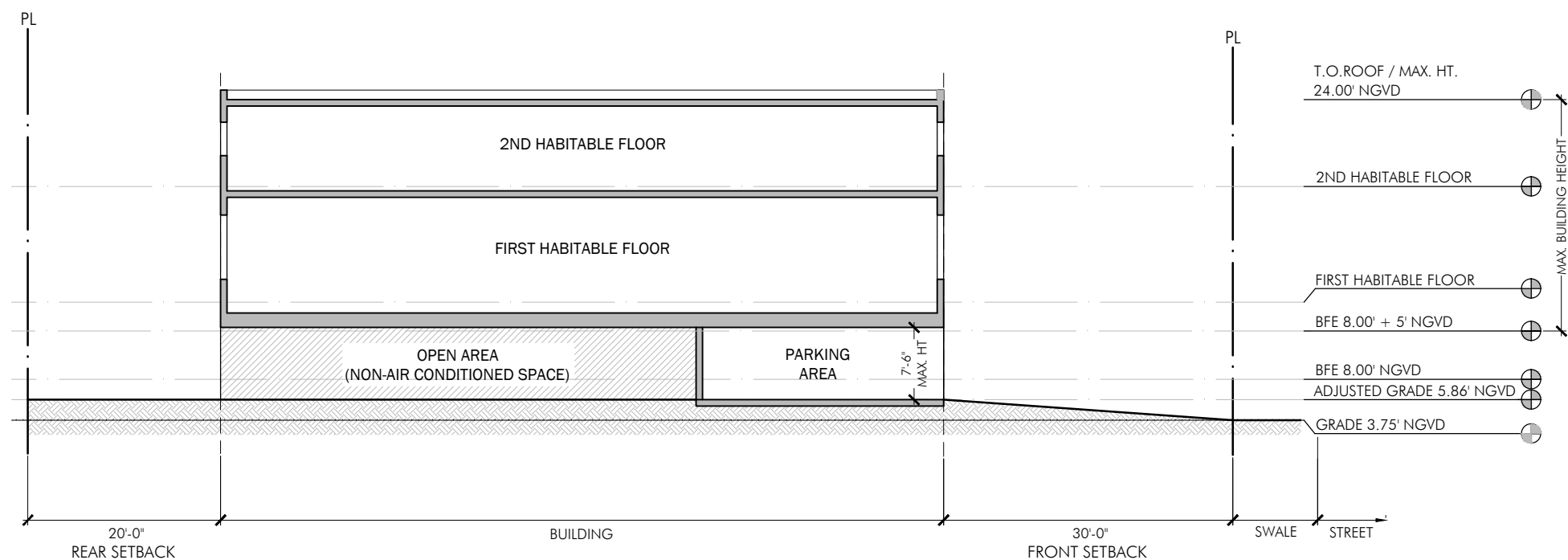
# EXHIBIT C: EXISTING CODE 60' LOT (SECTION)



# EXHIBIT D: EXISTING CODE 100' LOT (SITE PLAN)



# EXHIBIT D: EXISTING CODE 100' LOT (SECTION)



## Single Family Regulations – Understory Areas

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, “DISTRICT REGULATIONS,” DIVISION 2, “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” BY MODIFYING, EXPANDING, AND CLARIFYING REGULATIONS FOR NON-AIR CONDITIONED AND AIR CONDITIONED ‘UNDERSTORY’ SPACE LOCATED BELOW ELEVATED HOMES IN THE SINGLE FAMILY RESIDENTIAL DISTRICTS, AND ALLOWING FOR ROOFTOP GARDENS OR BUILT-IN PLANTERS AS AN ALLOWABLE HEIGHT EXCETPTION FOR SINGLE FAMILY HOMES; AMENDING ARTICLE IV, “SUPPLEMENTARY DISTRICT REGULATIONS,” DIVISION 4, “SUPPLEMENTARY YARD REGULATIONS,” BY MODIFYING ALLOWABLE ENCROACHMENTS FOR ACCESS TO A BUILDING; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, sea level rise and flooding is an ongoing concern of the City; and

**WHEREAS**, the City has implemented ‘freeboard,’ the additional height, usually expressed as a factor of safety in feet, above a minimum flood level for purposes of floodplain management, which is utilized in construction projects in developing first floor elevations, in order to protect the structures from flooding events; and

**WHEREAS**, single-family districts (RS zoned properties) have a maximum height limit measured in feet from base flood elevation (BFE) plus maximum freeboard of five feet; and

**WHEREAS**, single-family districts have a story limit of two habitable floors that are measured from BFE plus allowable freeboard; and

**WHEREAS**, the instances in which the first habitable level of one and two-story homes is constructed at the maximum BFE plus 5 feet of freeboard are increasing; and

**WHEREAS**, the current single-family district regulations also permit ‘non air-conditioned space’ below the first habitable floor in instances that the first habitable level of a home is more than six feet above grade; and

**WHEREAS**, property owners are progressively constructing single-family homes above allowable ‘understory’ spaces instead of infilling with berms and tiered site work; and

**WHEREAS**, factors, such as the future raising of roads and the need to provide tangible transition spaces in order to access the main level of a home, all need to be taken into consideration; and



**WHEREAS**, the City desires to have new single family construction utilize a Low Impact Development (LID) approach in order to capture and retain on site, 95<sup>th</sup> percentile average annual storm event rainfall; and

**WHEREAS**, the City desires to have new single family construction incorporate LID/Green Infrastructure into the overall landscape and site plan design for storm water quality as part of a comprehensive storm water management system; and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's single-family districts.

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

**SECTION 1.** That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended, as follows:

**Sec. 142-105. - Development regulations and area requirements.**

\* \* \*

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

- \* \* \*
- (4) *Unit size requirements.*
- a. Minimum unit size: 1,800 square feet.
  - b. For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single-family home, measured from the exterior faces of exterior walls. However, the unit size of a single-family home shall not include the following, unless otherwise provided for in these land development regulations:
    1. Uncovered steps.
    2. Attic space, providing structural headroom of less than seven feet six inches.
    3. Those portions of covered terraces, breezeways, or open porches that are attached to or part of the principal structure, and that do not project more than ten feet from the main home building(s).
    4. Single-story covered terraces and porches, which, with the exception of supporting structures, are open on at least three sides, and are part of a detached single story accessory structure located within a rear yard, provided such terrace or porch does not exceed two percent of the lot area.
    5. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
    6. Those portions of covered exterior unenclosed private balconies, that do not project more than six feet from the building.
  - c. For two story homes with an overall lot coverage of 25 percent or greater, the physical volume of the second floor shall not exceed 70 percent of the first floor of the main home, inclusive of any enclosed parking structure. The DRB or HPB may

forego this requirement, in accordance with the applicable design review or appropriateness criteria.

- d. Non-air conditioned understory space located below minimum flood elevation, plus freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor has been elevated ~~is located six feet or more above~~ existing grade in order to meet minimum flood elevation requirements, including freeboard, the following shall apply to those understory areas. For purposes of this subsection, 'understory' means the air-conditioned and/or non-air-conditioned space located below the first elevated habitable floor.

- ~~1. The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from the lowest level slab provided.~~
- ~~2. Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.~~
- ~~3. The area under the first habitable floor of the main structure shall consist of non-air conditioned space. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.~~
- ~~4. The parking garage area and the non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations.~~

1. Understory areas shall be permitted to be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions, and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory areas below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open at least 50% on each side.
2. All parking and non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.
3. All parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria.
4. The maximum width of all driveways at the property line shall not exceed 15% of the lot width, and in no instance shall be less than 9 feet in width and greater than 18 feet in width.
5. At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be measured from the front setback of the principal structure to the front property line and the required street side yard shall be measured from the street side setback of the principal structure to the street side property line. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or

other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

6. A continuous soffit shall be lowered a minimum of 2'-0" from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s).
7. Understory ground elevation. The minimum elevation of the understory ground shall be constructed no lower than future crown of road as defined in Chapter 54. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.
8. Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be setback a minimum of five feet from each side of the underneath of the slab of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.
9. Understory building access. Air-conditioned elevator and stair vestibules for access to the first habitable level of the home shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and air-conditioned building access shall be limited to no greater than three percent of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.

\* \* \*

- (6) *Roof decks.* Roof decks shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Built in planters, gardens or similar landscaping areas, not to exceed three and one-half feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.

**SECTION 2.** That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," is hereby amended, as follows:

**Sec. 142-1132. - Allowable encroachments within required yards.**

\* \* \*

(o) *Projections.* In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

- (1) Belt courses.
- (2) Chimneys.
- (3) Cornices.
- (4) Exterior unenclosed private balconies.
- (5) Ornamental features.
- (6) Porches, platforms and terraces (up to 30 inches above the grade elevation of the lot, as defined in Chapter 114 ~~subsection 142-105(a)(1)~~e. Within single family districts, such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding 5'-0" in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.
- (7) Roof overhangs.
- (8) Sills.
- (9) Window or wall air conditioning units.
- (10) Bay windows (not extending floor slab).
- (11) Walkways: Maximum 44 inches. May be increased to a maximum of five feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedures, as applicable, and pursuant to chapter 118, article VI, of the City Code. Notwithstanding the foregoing, when required to accommodate ADA access to an existing contributing building within a local historic district, or National Register District, an ADA walkway and ramp may be located within a street side or interior side yard, with no minimum setback, provided all of the following are adhered to:
  - a. The maximum width of the walkway and ramp shall not exceed 44 inches and five feet for required ADA landings;
  - b. The height of the proposed ramp and landing shall not exceed the finished first floor of the building(s); and
  - c. The slope and length of the ramp shall not exceed that which is necessary to meet the minimum Building Code requirements.

Additionally, subject to the approval of the design review board or historic preservation board, as applicable, an awning may be provided to protect users of the ADA walkway and ramp from the weather.

- (12) Electric vehicle charging stations and fixtures, located immediately next to an off-street parking space, shall be permitted where driveways and parking spaces are located.



**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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**ATTEST:**

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

APPROVED TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2018

Second Reading: \_\_\_\_\_, 2018

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

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\January 30, 2018\SF Regs - Understory Areas - ORD Jan 2018 LUDC.docx

### Single Family Understory Workshop

Monday December 11, 2017 5:00pm

1700 CONVENTION CENTER DRIVE 3<sup>RD</sup> FL | CITY COMMISSION CHAMBERS

#### I. ATTENDANCE

**Staff:** Susanne Torriente, Assistant City Manager; Thomas Mooney, Planning Director; James Murphy, Chief of Urban Planning; Fernanda Sotelo Chotel, Principal Planner

**Residents and Guests:** Approximately Twenty-three (23) Attendants

#### II. Commencement of Meeting and Presentation by Thomas Mooney 5:04PM

1. History of Base Flood Elevation and Single Family Residential Code
2. Historic Architectural Precedents of understory in Single Family homes
3. Illustrations of current code
4. Illustration of proposed Ordinance Amendment

#### III. Public Comment, Thomas Mooney and James Murphy at the dais to answer questions

1. Daniel Ciraldo, Miami Design Preservation League
  1. Concerns with massing, but finds that elevating buildings can be more elegant than creating berms
  2. Recommends tweaking the Code, in conjunction, for volumes and massing – 2<sup>nd</sup> floor limits
2. James Straz, Architect and Resident
  1. Approved the direction of the proposed Ordinance, yet recommends that the Code revisit the notion of courtyard specifically to not have it count towards lot coverage when utilizing understory
3. Rene Gonzalez, Architect and Resident
  1. Advocate for the full integration of understory use
  2. Provided diagrams that illustrated the need overall height increase to capitalize on the potential of understory – recommended a 2' -4' height increase successfully incorporate the understory City wide, versus in certain low-lying areas
  3. Recommends furthering the Code to increase allowable maximum height
4. Terry Bienstock, Resident of Sunset Islands
  1. Opposed to proposed Ordinance Amendment- Miami Beach has historic one and two-story homes
  2. Opposed to Free Board Ordinance and allowance of height (from CMB grade)
  3. Concerned of changes to neighborhood today for 50 year hypotheticals
  4. City should explore a middle ground – based on lot size? Elevation?
  5. If extra height is allowed, recommends removing roof decks
  6. Fix “big box” issue with homes (volume and massing)
5. Inga Luksza, Resident of Sunset Islands
  1. Opposed to “building on stilts”, not applicable and compatible to Miami Beach
  2. Believes roof decks are intrusive to neighbors and not working
  3. Questioned the implementation of Freeboard

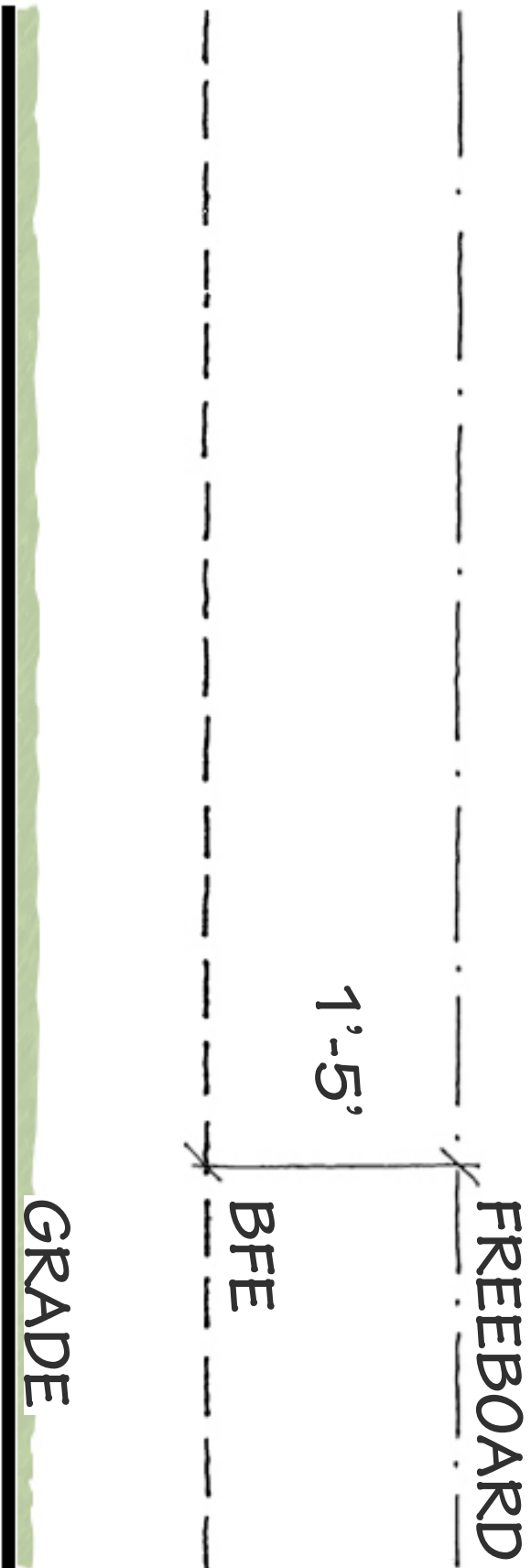
4. Requested the data be provided noting how much Biscayne Bay water has increased
5. Is open to understory if the Code restricts home that use it to one-story

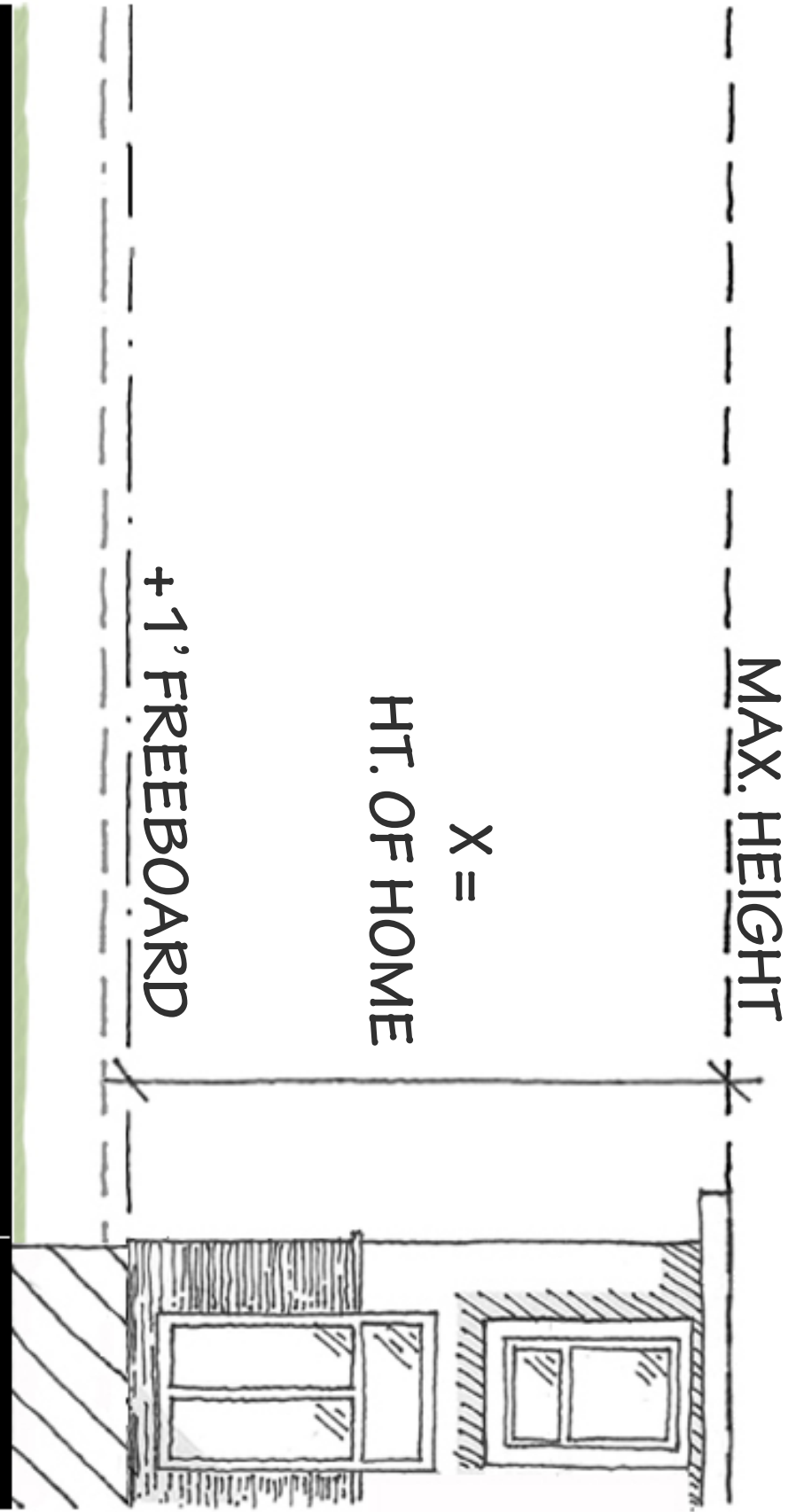
IV. Meeting Concluded, 6:00pm

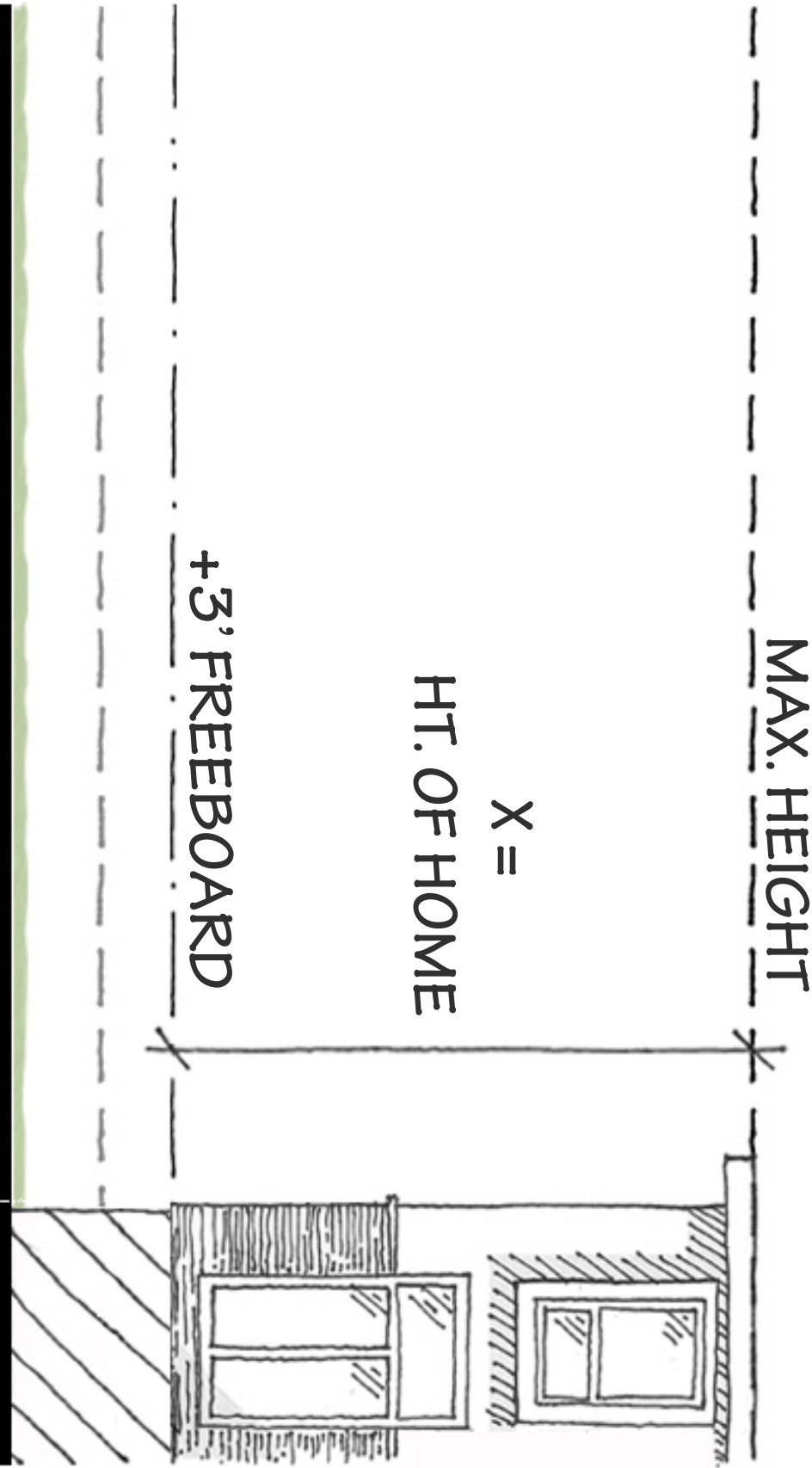
# Single Family Height Illustrations

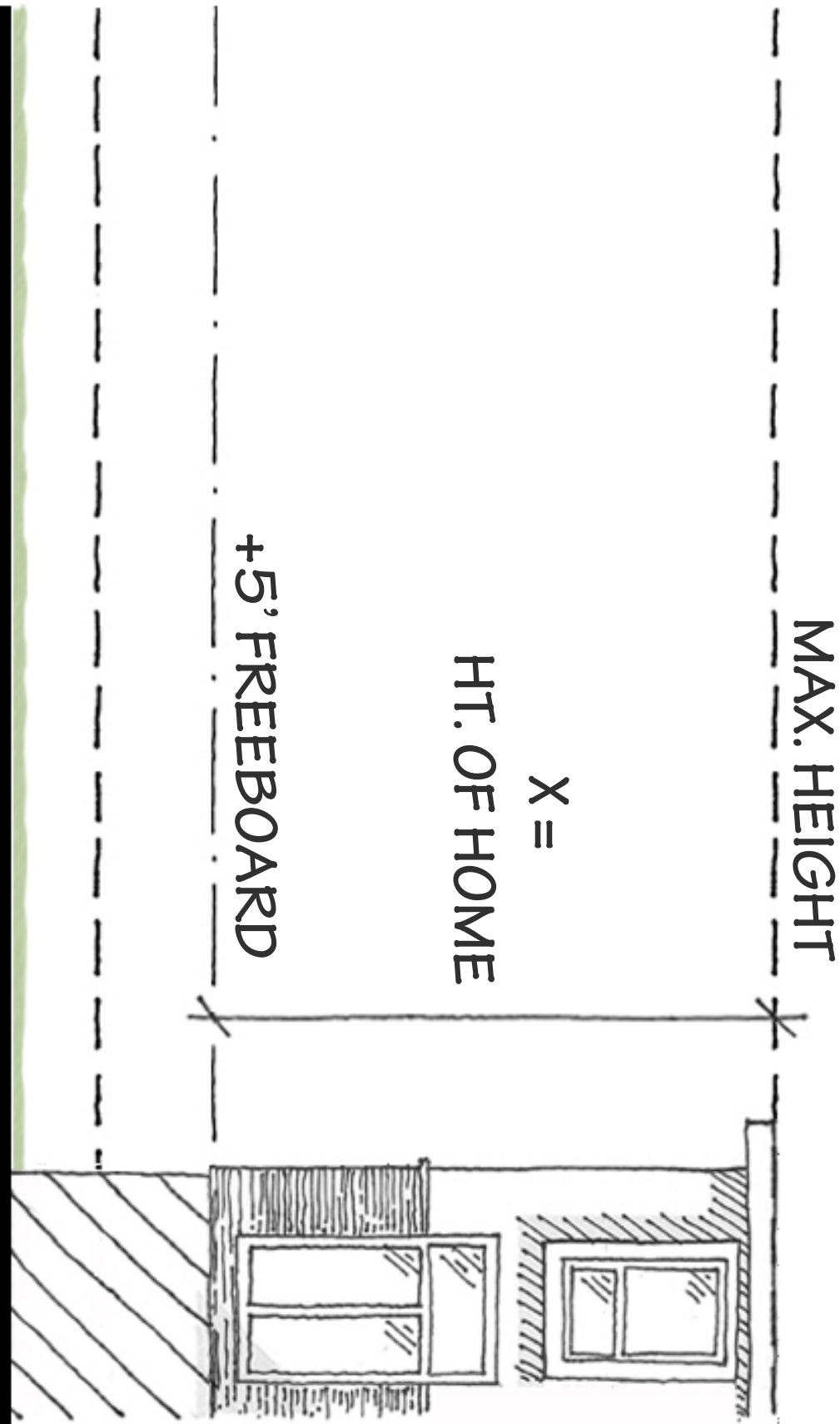
GRADE



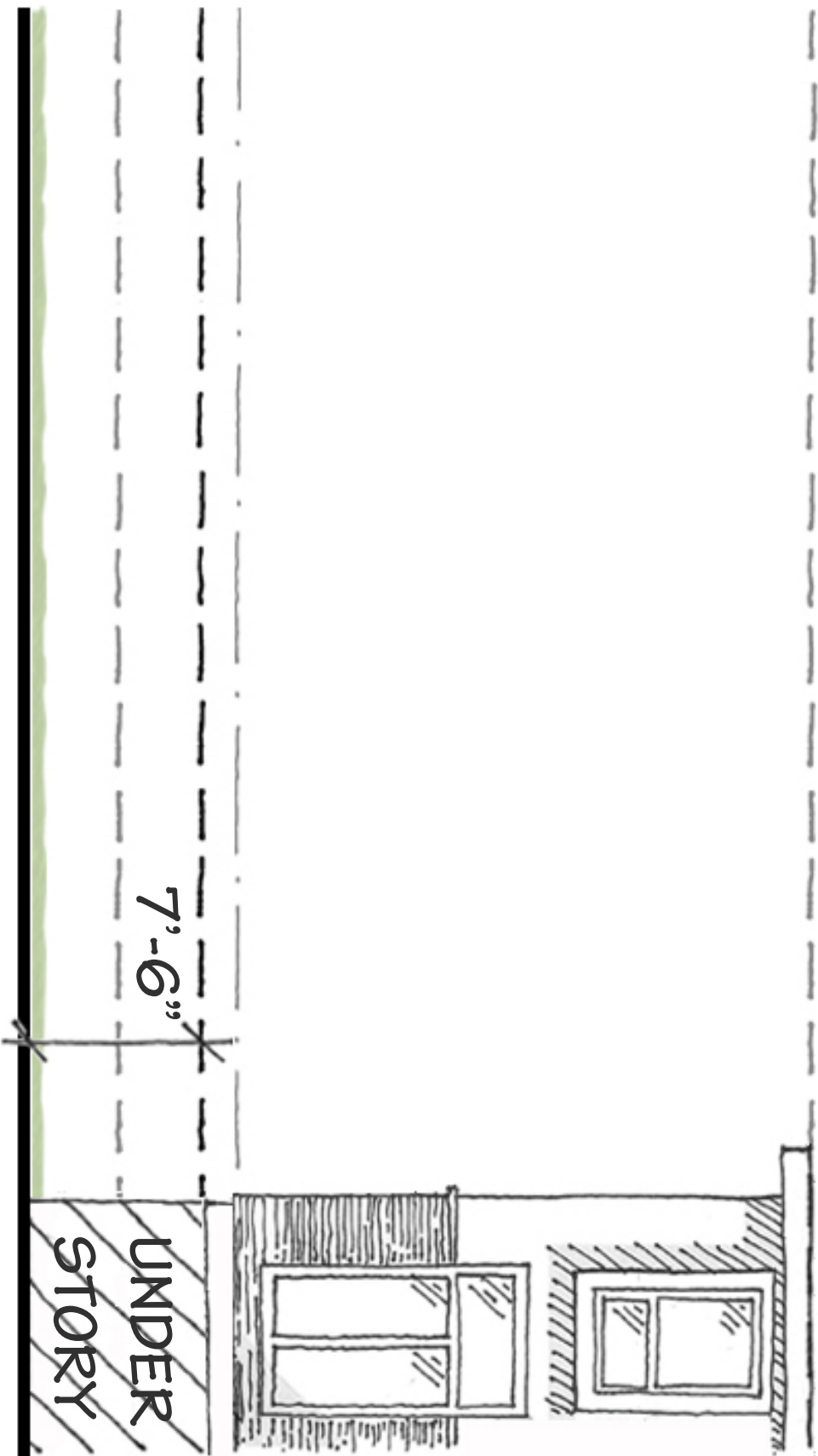








# Current Code 'Understory'





MAX. HEIGHT

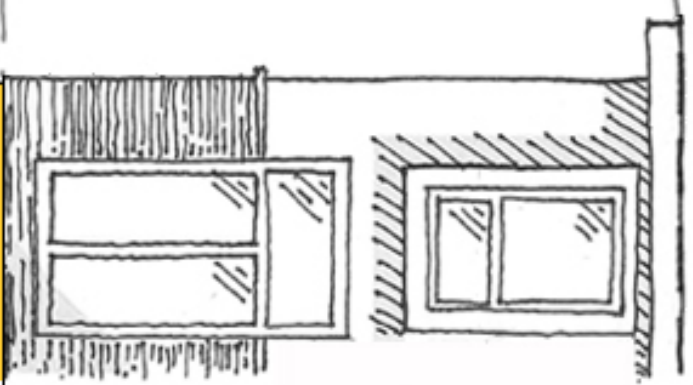
X =

HT. OF HOME

BFE + 3'

7'-6"

UNDER  
STORY



MAX. HEIGHT

X =

HT. OF HOME

BFE + 5'

7'-6"

UNDER  
STORY

Current Code 'Understory'

MAX. HEIGHT

X =

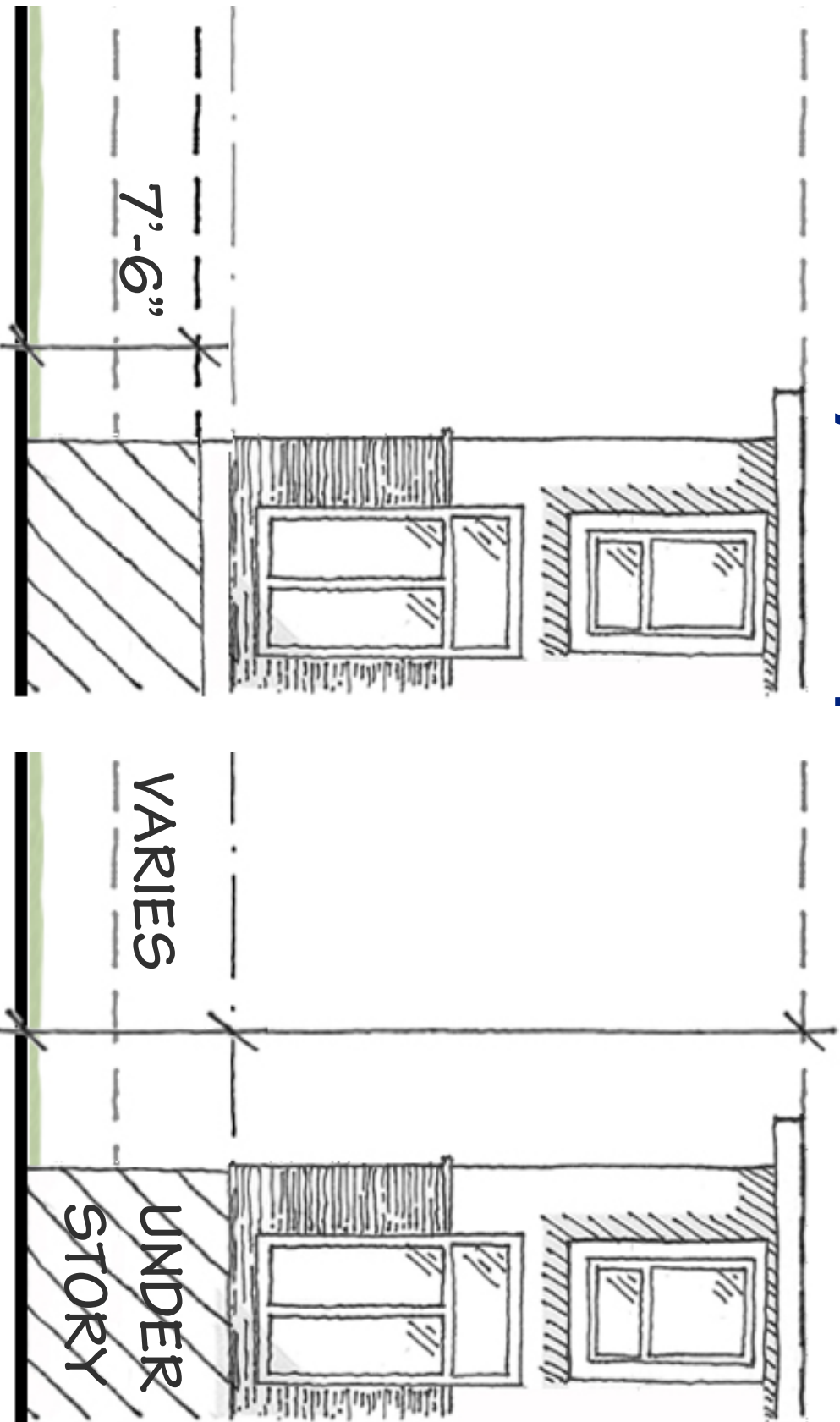
HT. OF HOME

VARIES

UNDER  
STORY

Proposed 'Understory'

# Understory Comparison





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

Item 5.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

**TITLE: DISCUSSION TO SET POLICY DIRECTION FOR PRIVATELY OWNED SEAWALLS  
AND DOCKS ADJACENT TO CITY-OWNED PUBLIC SUBMERGED LAND.**

**ATTACHMENTS:**

Description	Type
C4 0	Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Vice-Mayor John Elizabeth Aleman  
DATE: January 17, 2018

SUBJECT: REFERRAL TO THE LAND USE & DEVELOPMENT COMMITTEE - DISCUSSION  
TO SET POLICY DIRECTION FOR PRIVATELY OWNED SEAWALLS AND DOCKS  
ADJACENT TO CITY-OWNED PUBLIC SUBMERGED LANDS.

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### **ANALYSIS**

Please place on the January 17, 2018 City Commission Agenda, a referral to the Land Use & Development Committee to set policy direction for privately owned seawalls/docks that are adjacent to city-owned public submerged lands.

It has been brought to my attention that certain private seawalls have been constructed beyond their property line. Analyzing the extent of this practice and providing staff with policy direction will ensure expedited permitting, approvals and consistency.

For additional information, please contact my office at 6437.

### **Legislative Tracking**

Vice-Mayor John Elizabeth Aleman



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

Item 6.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

TITLE: **DISCUSSION REGARDING A COMPREHENSIVE PLAN FOR RIDE SHARE LOCATIONS CITYWIDE.**



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

Item 7.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 7, 2018

TITLE: **DISCUSSION REGARDING A PROPOSAL TO BUILD A PUBLIC BAYWALK FROM  
10TH TO 12TH STREETS AND A PUBLIC MARINA.  
(ITEM WITHDRAWN)**