

# MIAMI BEACH

Land Use and Development Committee Meeting

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

March 14, 2018 - 2:30 PM

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

Wednesday, March 14, 2018, 2:30 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 and Vice-Mayor John Elizabeth Aleman**  
December 13, 2017 Item C4 AA (Continued From February 7, 2018)
2. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY.  

**Commissioner John Elizabeth Aleman**  
December 13, 2017 Item R5R (Continued From February 7, 2018)
3. DISCUSSION PERTAINING TO ANTICIPATED INCREASES IN EXTREME HEAT AND THE IMPACT ON BUILDING AND SITE PLAN DESIGN.  

**Commissioner John Elizabeth Aleman**  
July 26, 2017 Item C4 A (Deferred from February 21, 2018)
4. DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY.  

**Commissioner Ricky Arriola**  
April 26, 2017 Item C4X (Continued from December 11, 2017)
5. DISCUSSION ON THE CREATION OF A PINK ZONE.  

**Commissioner Ricky Arriola**  
October 18, 2017 Item C4L (Continued from February 21, 2018)
6. 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 (Continued from February 7, 2018)

### VERBAL REPORTS

7. DISCUSSION REGARDING A COMPREHENSIVE PLAN FOR RIDE SHARE LOCATIONS CITYWIDE.  

**City Commission**  
January 17, 2018 Item R5 C (Continued from February 7, 2018)
8. DISCUSSION REGARDING CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS.  

**Vice-Mayor John Elizabeth Aleman**  
February 14, 2018, Item C4 AC (Continued from February 21, 2018)
9. DISCUSSION ON EMPTY STOREFRONTS AND HOW THE CITY CAN INCENTIVIZE LANDLORDS TO

FIND TENANTS TO ACTIVATE OUR STREETS.

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018 Item C4 G**

10. DISCUSSION REGARDING THE OPEN SPACE MODIFICATION FOR SMALL CONDOMINIUM BUILDINGS.

**Commissioner Michael Gongora**  
**March 7, 2018 Item C4 H**

## **SUPPLEMENTAL**

11. COLLINS AVENUE GU LOTS (WEST LOTS) PROPOSED ORDINANCE PERTAINING TO THE WAIVER OF THE DRB PROCESS

**Commissioner Ricky Arriola**  
**March 7, 2018 - Item R9 J**

12. DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018 - Item R9 K**

13. DISCUSSION REGARDING HOW THE TALL HEDGES, SOME SOARING UP TO 6-FEET TALL, ON PRIVATE PROPERTIES, LOCATED ADJACENT TO, DRIVEWAYS AND SIDEWALKS, POSE A DANGER TO PEDESTRIANS AND OBSTRUCT WALKABILITY.

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018, Item R9 P**

14. 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 & Vice-Mayor John Elizabeth Aleman**  
**December 13, 2017 Item C4 AA (Continued from February 7, 2018)**

**Ordinance Substituted March 12, 2018**

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

Item 1.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 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 was previously pending before the Land Use Committee, was continued at the June 14, 2017 LUDC meeting to the January 2018 LUDC.

On February 7, 2018, the Land Use Committee discussed the general parameters of a proposed FAR overlay for the first time and continued the item to a date certain of March 14, 2018, with direction to staff to prepare a draft overlay Ordinance. Additionally, as both of these items are similar in content, they have been combined for purposes of discussion before the Land Use and Development Committee.

Subsequent to the February 7, 2018 Land Use Committee meeting, Commissioner John Elizabeth Aleman requested to be a co-sponsor of the item. 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 69th Street on the south, Collins Avenue on the east, 72nd 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. On February 27, 2018, the Planning Board transmitted the ordinance to the City Commission with a favorable recommendation. First Reading of this enabling legislation is scheduled to be considered by the City Commission on March 7, 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. At the February 7, 2018 Land Use and Development Committee meeting, the following elements were discussed and recommended for inclusion in a draft ordinance:

1. The creation of special regulations for the boundaries approved for a 3.5 FAR (FAR overlay).
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.
3. In conjunction with increases in height, modified setback regulations will 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.
  - 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. The location of certain, more intense allowable uses within the overlay, in order to address existing, lower scale / less intense uses to the south (along 69th Street) and west (along Indian Creek Drive).
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).
6. Lot aggregation requirements, in addition to potential increases in maximum building heights, in order to ensure that the increased FAR, particularly within existing TC-2 and TC-3 areas, is appropriately distributed.
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 discussed the issues in the North Beach Master Plan: walkability, safe streets, partnerships, mobility, affordable housing and, generally, quality of life.

## **SUMMARY**

Pursuant to the direction of the Land Use Committee on February 7, 2018, the attached Overlay Ordinance has been drafted for discussion. The ordinance proposes to establish a TC-1(c) zoning district with an FAR of 3.5, and would replace the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The administration believes that this will provide for a more uniform and cohesive Town Center area, allowing for a seamless distribution of allowable FAR, height, setbacks and uses. The remainder of TC districts outside the boundaries of the overlay area will not be affected by these regulations, with the exception of minor revisions to overall building height. See attached map showing existing and proposed zoning districts and corresponding height limits).

The regulations proposed in the draft ordinance are consistent with the recommendations of the North Beach Master Plan and the referenced guidelines in the Intensity Increase Study prepared by Shulman + Associates in 2014. The Shulman Study analyzed the impact of allowing buildings with increased height and FAR and made recommendations as to setbacks to ensure that views were protected, sidewalks are sufficiently wide, and that air and light corridors are accommodated between towers. The relevant sections of the Shulman massing studies are attached, and provide a visual representation of how the proposed FAR and height can be distributed.

The following is a summary of the proposed development regulations within the draft overlay ordinance:

### **Building Height**

The maximum building heights proposed in the draft ordinance are as follows:

- TC-1(c): 150 feet
- TC-1: Increased from 125 feet to 135 feet
- TC-2: Increased from 50 feet to 55 feet
- TC-3: Increased from 45 feet to 50 feet

The proposed height of 150 feet within the newly created TC-1(c) district, as well as the increase in the remaining TC-1 districts from 125 to 135 feet, are designed to allow for greater flexibility in the distribution of allowable building volume and mass within the much higher intensity TC districts. The proposed increase in height within the remaining TC-2 and TC-3 districts are minor (5 feet) and reflect the current height allowance permitted by the DRB.

### **Setbacks**

Increased setbacks at the first level allow for expanded pedestrian movement and for outdoor cafes that don't interfere with pedestrian flow. Since the rights-of-ways in the proposed overlay area vary greatly in terms of width and public facilities, the recommended setbacks are specific to each street.

In this regard, the proposed ordinance incorporates street-level and tower setbacks that are generally consistent with those recommended by the Shulman Study for the FAR of 3.5. Additional considerations have been taken into account to ensure that lower-scale neighborhoods to the south are not impacted by the additional height and FAR through the use of upper level setbacks.

The proposed setbacks along the street frontages are as follows:

<b>District</b>	<b>Property line abutting</b>	<b>Applicable Building Height</b>	<b>Setback Requirements</b>
<b>TC-1 (c) and TC-1 Town</b>	72nd Street	0 to 75 feet	20 feet
		above 75 feet	45 feet
	71st Street	0 to 55 feet	10 feet
		above 55 feet	35 feet

<b>Center Core</b>	69th Street	0 to 35 feet	10 feet
		above 35 feet	50 feet
	Collins Avenue	0 to 45 feet	20 feet
		above 45 feet	50 feet
	Harding Avenue	0 to 35 feet	10 feet
	Abbott Avenue	0 to 35 feet	10 feet
	Byron Avenue	0 to 35 feet	10 feet
	Carlyle Avenue	0 to 35 feet	10 feet
	Dickens Avenue	0 to 35 feet	10 feet
	Indian Creek Drive	0 to 35 feet	15 Feet
	Bonita Drive	0 to 35 feet	10 feet
	Byron Avenue	0 to 35 feet	10 feet

Most of the frontages have a suggested minimum setback of at least 10 feet at the ground level. This is intended to ensure that sidewalks are wide enough to allow for improved pedestrian flow, as well as provide greater flexibility in the use of the public right of way, as some pedestrian flow could be accommodated within the setback area.

Of note is the upper-level setback from 69<sup>th</sup> Street, as staff was sensitive to the existing, established scale of 69th street, particularly the south side, which has a height limit of 50 feet for new construction, but a built context of 2 story apartments. In this regard, it is recommended that any portion of a building fronting 69<sup>th</sup> Street that is above 35 feet in height be setback 50 feet from the 69<sup>th</sup> Street property line. This is intended to protect the RM-1 neighborhood to the south of the Town Center. Also of note is the recommended 20 foot setback along 72<sup>nd</sup> Street. This is intended to encourage sidewalk cafes facing the open space uses on the opposite frontage, while still maintaining ample sidewalks. Additionally, it is suggested that above 75 feet, a tower setback of 45 feet be required to prevent excessive shadows from being cast north of 72<sup>nd</sup> Street.

In additions to the height and setback regulations noted above, the draft ordinance also incorporates the following:

- The list of current permitted, conditional, prohibited, and accessory uses has been re-structured into a unified table for all TC districts. Staff is performing further analysis with regard to allowable uses in the TC-1(c) area, as more specifically noted in the 'Transportation' analysis below. See attached map illustrating the existing land uses within the overlay area.
- A requirement that the primary means of pedestrian ingress and egress for current conditional uses in the TC-1(c) district not be located within 200 feet of an RM-1 district. Based upon further analysis regarding allowable uses in the TC-1(c) area, as more specifically noted in the 'Transportation' analysis below, the uses with a 200 foot separation may change and/or expand. This proposed distance separation will help ensure that the more intense uses permitted within the TC-1(c) district are adequately buffered from the existing, low intensity RM-1 district south of 69th Street.
- A limitation on tower floor plates (those floors above 75 feet in height) of 10,000 SF has been proposed, inclusive of balconies. Staff believes that this will ensure appropriate building form and separation, and prevent looming structures that create a canyon effect.

As it pertains to minimum lot aggregation requirements, staff believes, after further analysis, that the proposed increases in allowable building height and modifications to the setback regulations, as well as limits on floor plates, will ensure that the appropriate number of lots are aggregated if a maximum FAR of 3.5 is sought. While a minimum lot aggregation requirement would be useful for projects proposing a 3.5 FAR, there may be smaller developments proposed in the future that do not seek to maximize a 3.5 FAR. In either case, maximum building height and floor plates, as well as minimum setbacks, will control the distribution of mass and volume, in order to ensure that new buildings are no built lot-line to lot-line at a higher FAR.

## **TRANSPORTATION, PARKING AND USE ANALYSIS**

Planning staff has done an initial overview of the overlay in terms of mobility, as well as the potential impact on uses. In this regard, staff believes that before off-street parking regulations and the extent of allowable uses can be formulated within the overlay, a detailed analysis of existing and future traffic impacts, and, more importantly, mitigation measures, needs to be completed.

The City's Transportation Department is in the process of undertaking a study of the transportation issues within the area in order to propose additional recommendations for the draft ordinance. This analysis will provide a basis for specific recommendations regarding allowable uses, off-street parking regulations and requirements, alternative modes of transportation, alignments for public rights of way and on-street parking, and public transportation. Additionally, this analysis will better inform anticipated regulations pertaining to street trees and street canopy.

There are 2 consultant firms on the rotating list that the Transportation Department believes would be ideal for analyzing and modeling the Town Center FAR overlay area. This is important given the size, uniqueness and proposed intensity for the area. In this regard, the Transportation Department will provide an update on scope, cost, and schedule at the March 14 LUDC meeting. It is anticipated that the consultant can be engaged, and substantial work completed on the analysis by the May 23, 2018 LUDC meeting.

### **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the attached draft ordinance and provide additional recommendations and policy direction. It is further recommended that the item be continued to the May 23, 2018 meeting.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Draft TC FAR Overlay ORDINANCE	Memo
<input type="checkbox"/> NB TC FAR Overlay - Existing Zoning and Heights	Memo
<input type="checkbox"/> NB TC FAR Overlay - PROPOSED Zoning and Heights	Memo
<input type="checkbox"/> Legislative and Master Plan History	Memo
<input type="checkbox"/> Ballot Resolution	Memo
<input type="checkbox"/> Voters Guide	Memo
<input type="checkbox"/> Shulman Massing Studies	Memo
<input type="checkbox"/> Existing Land Uses - MAP	Memo
<input type="checkbox"/> Property Ownership - MAP	Memo

**North Beach Town Center FAR Overlay  
Land Development Regulations**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF  
MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS  
AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION  
20, "TC NORTH BEACH TOWN CENTER DISTRICTS,"**

**PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN  
EFFECTIVE DATE.**

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**, the amendments set forth below are necessary to accomplish 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 20, "TC North Beach Town Center Districts," at Section 142-737 is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**DIVISION 20  
TC NORTH BEACH TOWN CENTER DISTRICTS**

\* \* \*

Sec. 142-736. - Main permitted uses, conditional uses, accessory uses, and prohibited uses.

~~(a) Land uses in the TC-1 town center core district shall be regulated as follows:~~

~~(1) The main permitted uses in the TC-1 district are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in chapter 6; apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter). The ground~~

~~story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). The provisions of chapter 6 concerning distance separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.~~

- ~~(2) The conditional uses in the TC-1 district are adult living congregate facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment, neighborhood impact establishment, open air establishment, nursing homes; religious institution; video game arcades; public and private institutions; and schools and major cultural dormitory facilities as specified in section 142-1332.~~
- ~~(3) The accessory uses in the TC-1 district are those uses permitted in article IV, division 2 of this chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in chapter 6; provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.~~
- ~~(4) The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this division. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).~~
- ~~(b) Land uses in the TC-2 town center mixed-use district shall be regulated the same as for uses in the TC-1 town center core district.~~
- ~~(c) Land uses in the TC-3 town center residential office district shall be regulated as follows:~~
  - ~~(1) The main permitted uses in the TC-3 district are single-family detached dwelling, townhomes, apartments and offices.~~
  - ~~(2) The conditional uses in the TC-3 district are apartment hotel, hotel, and suite hotel (pursuant to section 142-1105 of this chapter); adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).~~
    - ~~a. In areas designated TC 3(c) on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in chapter 6, with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in chapter 6, and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.~~
  - ~~(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, division 2 of this chapter, except that apartment hotels, hotels, and suite hotels may have accessory uses based upon the criteria below:~~
    - ~~a. Hotels, apartment hotels, and suite hotels in the TC-3 district may include a dining room operated solely for registered hotel visitors and their guests, located inside the building and~~

~~not visible from the street, with no exterior signs, entrances or exits except as required by the Florida Building Code.~~

- ~~b. Hotels, apartment hotels, and suite hotels in the TC-3(c) district may include accessory restaurants or alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 when approved as part of the conditional use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and alcoholic beverage establishments on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.~~
- ~~c. Hotels and suite hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.~~
- ~~(4) The prohibited uses in the TC-3 district are hostels, accessory dance halls, accessory entertainment establishments, accessory neighborhood impact establishments, accessory outdoor entertainment establishment; accessory open air or outdoor entertainment establishment as set forth in article V, division 6 of this chapter, accessory outdoor bar counter and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations). However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).~~
- ~~(5) There shall be no variances to these provisions.~~
- ~~(d) (a) Ordinances elsewhere in these land development regulations that refer to the zoning districts that existed prior to this amendment, i.e., RM-1, CD-2, and CD-3, shall remain applicable to the properties lying within these TC-1, -2 and -3 districts, as if each such reference was amended to correspond to the new TC districts (RM-1 as to TC-3; CD-2 as to TC-2; and CD-3 as to TC-1(c) and TC-1), unless a provision in the TC districts expressly addresses the matter, in which case the TC regulation shall control.~~



(b) Land use in the TC districts shall be regulated as follows:

<u>General Use Category</u>	<u>TC-1 (c)&amp; TC-1 *****</u>	<u>TC-2</u>	<u>TC-3*</u>	<u>TC-3 (c)*</u>
<u>Single Family Detached Dwelling</u>	-	-	<u>P</u>	<u>P</u>
<u>Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Uses</u>	<u>P</u>	<u>P</u>	-	<u>C</u> ****
<u>Alcoholic Beverage Establishments</u>	<u>P</u>	<u>P</u>	<u>C</u> ***	<u>C</u> ***
<u>Apartments &amp; Townhomes</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Apartment Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Suite Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Hostel (pursuant to section 142-1105)</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Adult Congregate Living Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>New Construction of Structures 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards</u>	<u>C</u>	<u>C</u>	-	-
<u>Outdoor Entertainment Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Neighborhood Impact Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Open Air Entertainment Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Nursing Home</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Religious Institution</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Video Game Arcade</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Public and Private Institutions</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Major Cultural Dormitory Facilities (as specified in section 142-1332)</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Accessory Outdoor Bar Counter</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>
<u>Pawnshops</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Alcoholic Beverage Establishments located in any open area above the ground floor</u>	**	**	**	**
<u>Day Care Facility</u>	-	-	<u>C</u>	<u>C</u>
<u>Accessory Dance halls</u>	-	-	<u>N</u>	-

P = Main Permitted Use, C = Conditional Use, N = Not Permitted, A = Accessory only

- \*(1) There shall be no variances to these provisions. Hotels and suite hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.
- \*\* (2) Outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).
- \*\*\* (3) Limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and alcoholic beverage establishments on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.
- \*\*\*\* (4) In areas designated TC-3(c) on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in chapter 6, with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in chapter 6, and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.
- \*\*\*\*\* (5) The primary means of pedestrian ingress and egress for any use identified as a conditional use in the TC-1(c) district shall not be permitted within 200 feet of an RM-1 district boundary. This shall not apply to emergency egress.

**Sec. 142-737. - Development regulations.**

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

District	Maximum Floor Area Ratio (FAR)	Maximum Building Height	Maximum Number of Stories
<u>TC-1 (c) Town Center Core</u>	<u>3.5</u>	<u>150 feet</u>	
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25	<del>125</del> <u>135</u> feet. Buildings fronting on 71st Street shall be subject to the additional setbacks as follows: stories 1—4 shall be setback 10 feet and above the forth story the building shall be setback 25 feet.	<del>12</del> stories
	For lots greater than 45,000 sq. ft.—2.75		
TC-2 Town Center Mixed-use	1.5; except for mixed-use buildings where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	<del>50</del> <u>55</u> feet	<del>5</del> stories
TC-3 Town Center Residential Office	1.25	<del>45</del> <u>50</u> feet	<del>4</del> stories
		<del>Waterfront lots—50 feet</del>	<del>Waterfront lots—5 stories</del>

		<p>Parking garages as a main use—See subsection 130-68(9).</p>	<p><del>Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017</del></p>
		<p>The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height</p>	

		above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	
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District	Minimum Lot Area	Minimum Lot Width	Minimum Apartment Unit Size (square feet)	Average Apartment Unit Size (square feet)
<u>TC-1(c) and TC-1 Town Center Core</u>	Commercial—None	Commercial—None	New construction—550 Workforce housing—400	New construction—550 Workforce housing—400
TC-2 Town Center Mixed-use	Residential—6,250 sq. ft.	Residential—50 feet	New construction—550 Workforce housing—400	New Construction—800 Workforce housing—400
TC-3 Town Center Residential Office			Rehabilitated building—400	Rehabilitated building—No minimum
			Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	Non-elderly and elderly low and moderate income housing—400 Workforce housing—400
			Hotel units 15%: 300—335 85%: 335+	Hotel units—N/A

- (b) *Setback requirements:* The minimum setback requirements for the ~~TC-1, TC-2 and TC-3~~ TC districts are as follows. This includes all buildings, regardless of use, and subterranean parking structures. The minimum setbacks define the buildable area of the lot.

District	Front	Side Facing a Street	Interior Side	Rear
TC-1 Town Center Core	Frontages along 71st Street shall have a setback of 10 feet for the first 4 stories and a setback of 25 feet above the 4th story; other frontages shall have a setback of 5 feet	5 feet	10 feet when abutting a TC-3 district or a future alley designated on the infill regulating plan; otherwise it shall be 0 feet.	0 feet* abutting an alley or where there is a side lot line abutting 71st Street; otherwise 10 feet. *Properties between Collins Avenue and Harding Avenue must provide access to the interior of the block for service vehicles as determined by the design review process.
TC-2 Town Center Mixed use	5 feet	5 feet	10 feet when abutting a TC-3 district or a future alley designated on the infill regulating plan; otherwise it shall be 0 feet.	0 feet* abutting an alley or where there is a side lot line abutting 71st Street; otherwise 10 feet. *Properties between Collins Avenue and Harding Avenue must provide access to the interior of the block for service vehicles as determined by the design review process.
TC-3 Town Center Residential Office	15 feet	7.5 feet for lots 50 feet wide or less 10 feet for lots greater than 50 feet in width	7.5 feet for buildings up to 33 feet in height; 10 feet for buildings 33 feet or more in height; 10 feet for lots abutting a TC-1 district	10 feet

<u>District</u>	<u>Property line abutting</u>	<u>Building Height</u>	<u>Setback Requirements</u>
<b><u>TC-1 (c) and TC-1 Town Center Core</u></b>	<u>72nd Street</u>	<u>0 to 75 feet</u>	<u>20 feet</u>
		<u>above 75 feet</u>	<u>45 feet</u>
	<u>71st Street</u>	<u>0 to 55 feet</u>	<u>10 feet</u>
		<u>above 55 feet</u>	<u>35 feet</u>
	<u>69th Street</u>	<u>0 to 35 feet</u>	<u>10 feet</u>
		<u>above 35 feet</u>	<u>50 feet</u>
	<u>Collins Avenue</u>	<u>0 to 45 feet</u>	<u>20 feet</u>
		<u>above 45 feet</u>	<u>50 feet</u>
	<u>Harding Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Abbott Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Byron Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Carlyle Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Dickens Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Indian Creek Drive</u>	<u>0 to 150 feet</u>	<u>15 Feet</u>
	<u>Bonita Drive</u>	<u>0 to 135 feet</u>	<u>10 feet</u>
	-	-	-
	<u>Interior Side</u>	<u>0 to 45 feet</u>	<u>0 feet</u>
		<u>above 45 feet</u>	<u>15 feet</u>
	<u>Rear</u>	<u>0 to 150 feet</u>	<u>0 feet abutting an alley, otherwise 10 feet. Properties between Collins Avenue and Dickens Avenue must provide access to the interior</u>

			<u>of the block for service vehicles as determined by the design review process</u>
<b><u>TC-2 Town Center Mixed-Use</u></b>	<u>Street</u>	<u>0 to 55 feet</u>	<u>5 feet</u>
	<u>Interior Side</u>	<u>0 to 55 feet</u>	<u>5 feet</u>
	<u>Waterfront</u>	<u>0 to 55 feet</u>	<u>30 feet *</u>
<b><u>TC-3 (c) and TC-3 Town Center Residential Office</u></b>	<u>Bonita Drive (running north-south)</u>	<u>0 to 50 feet</u>	<u>15 feet</u>
	<u>Bonita Drive (running east-west)</u>	<u>0 to 50 feet</u>	<u>7.5 feet</u>
	<u>Indian Creek Drive</u>	<u>0 to 50 feet</u>	<u>15 feet</u>
	<u>Byron Avenue</u>	<u>0 to 50 feet</u>	<u>10 feet</u>
	<u>Interior Side</u>	<u>0 to 50 feet</u>	<u>7.5 feet</u>
	<u>Rear</u>	<u>0 to 50 feet</u>	<u>10 feet</u>
	<u>Waterfront</u>	<u>0 to 50 feet</u>	<u>30 feet *</u>

- \*(1) *Waterfront setbacks.* Notwithstanding the above, ~~for waterfront properties the minimum setback shall be 30 feet from the bulkhead. However,~~ if public waterfront walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the design review board may allow the waterfront setback to be decreased to not less than 15 feet. Design and use of waterfront walkways shall be in conformance with the NBTC design standards referenced in section 142-738.
- (2) *Surface parking lots.* In the ~~TC-1(c),~~ TC-1 and TC-2 districts, the minimum setback for surface parking lots shall be the same as for buildings plus an additional five feet for landscaping adjacent to all streets. In the TC-3 district the minimum setback for surface parking lots shall be five feet adjacent to interior side lot lines, zero feet abutting an alley and the same as for building setbacks on all other sides.
- (3) *Rooftop features.* ~~In the TC-3 district, stairwell and elevator bulkheads and other rooftop features permissible in section 142-1161 extending above the roofline of a building shall be required to be set back from the main building one foot for every one foot in height above the top of the roof deck of each level, with the exception of parapet walls which shall not exceed 3.5 feet in height.~~



(4) Maximum tower floorplate. The maximum floor plate size for the tower portion of a building (above 75 feet in height) shall be 10,000 square feet, including balconies, per floor.

- (c) *Required storefront frontage.* The ground story frontage of a building along 71st Street and Collins Avenue shall house active uses that contribute to a daily vibrant street life, including retail uses, eating and drinking establishments or cultural uses, for a minimum depth of 25 feet from the street facade along a minimum of 75 percent of the building frontage, which shall have glass storefronts. The remaining frontage may be used for lobby and access for upper story uses. Offices and residential uses are prohibited on the ground story street frontage of these streets unless the use is located on a mezzanine or at least 25 feet back from the street facade.
- (1) *Retail kiosks.* Notwithstanding sections 70-5, 70-41 and 142-874, open air kiosks for retail sales or food service may be placed in or on the edge of surface parking lots or approved urban plazas in the TC-1 district. Such kiosks shall be permanent structures, designed and located to enhance and enliven the pedestrian environment and must receive design review approval. Self-service kiosks and vending machines are prohibited. No storage shall be allowed outside of the kiosks.
- (d) *Open space.* For lots in the TC-1(c), TC-1 and TC-2 district, lot area over 20,000 square feet shall have ground level open space which shall comprise a minimum of five percent of the lot area. Such open space shall be located adjoining the front or side street of the site, or within a central courtyard area that is fully accessible to the public from the front or street side of the property; and shall be designed and maintained according to the urban plaza design standards in the NBTC design standards referenced in section 142-738.
- (e) *[Reserved.]*
- (f) *[Alleys.]* Alleys shall be provided to benefit property owners and the general public by providing parking, service and delivery access to the rear of all lots, thereby improving traffic flow and eliminating driveways that create vehicle/pedestrian conflicts on public sidewalks. Motor vehicle parking, service and delivery access shall be from an alley wherever one exists, or where a new alley or service corridor can be created by dedication or easement. The location of new alleys shall be determined by the design review process with the intent to ensure that all properties within a block will have existing or future service access from the rear. Generally, the alley will be located in the required setback area along the rear or interior side lot line; however, this may be adjusted to optimize vehicular and pedestrian access to the subject property as well as to the surrounding properties. Where an alley does not exist, the property owner shall dedicate sufficient width (the area within the required setback) to provide the alley abutting his property. Where it is not feasible to construct an alley at the time of redevelopment of any property, as determined by the planning director, the developer shall execute and record a covenant effecting such dedication upon certification by the planning director that the construction of an alley has become feasible. The planning director may accept a perpetual access easement for an alley in lieu of dedication of an alley if he determines such would be appropriate under the circumstances of any particular property. The developer shall maintain the area until the city builds the alley.
- (g) *Encroachments.* No encroachments shall be allowed in the required setback areas except as follows; otherwise, encroachments shall be governed by section 142-1142:
- (1) In the TC-1(c), TC-1 and TC-2 districts, no encroachments shall be allowed in the first 7.5 feet above ground level adjacent to all streets.
- (2) In the TC-3 district, no encroachment shall be allowed in the first five feet of setback area measured from the property line adjacent to all streets.
- (3) In all districts, no encroachment shall be allowed in the first 18 feet above ~~grade~~ the minimum base flood elevation abutting an existing or future alley.
- (h) *[Signs.]* Signs shall be regulated by chapter 138 and as permitted by section 138-174 and by the NBTC design standards referenced in section 142-738.

- (i) *Streetscape improvements.* In all TC districts, the developer/property owner is required to construct all streetscape improvements substantially in accord with the NBTC design standards referenced in section 142-738 as part of any development or redevelopment project.

Sec. 142-738. - Design review standards.

All development shall substantially conform to the "Design Review Standards for the North Beach Town Center TC Zoning Districts", also known as the "NBTC design standards", as adopted and amended periodically by the design review board. The NBTC design standards are available from the planning department or on the web at [miamibeachfl.gov/planning](http://miamibeachfl.gov/planning), by clicking on "Design Review".

Sec. 142-739. - Parking.

- (a) *Off-street parking for motorized vehicles.*

- (1) *Purpose.* Parking regulations in the North Beach Town Center are intended to: provide centralized public parking garages to serve the town center and minimize the amount of on-site parking required for individual lots, thereby reducing building bulk and maximizing ground floor space available for retail and restaurant uses; enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments by encouraging shared parking; reduce diffused, inefficient, single-purpose reserved parking; encourage ground floor retail uses and public facilities; promote walking, bicycling and transit ridership to help reduce the demand for parking within the district; avoid public facilities; promote walking, bicycling and transit ridership to help reduce the demand for parking within the district; avoid adverse parking impacts on neighborhoods adjacent to the town center; maximize on-street parking where possible; increase visibility and accessibility of parking; provide flexibility for redevelopment of small sites; and for the preservation of historic buildings; promote early prototype mixed-use projects using flexible and creative incentives.

- (2) *[Governing provisions.]* Required parking in the North Beach Town Center is governed by chapter 130, off-street parking, except as modified herein:

- a. Minimum parking requirements for the TC-1(c), and TC-1 town center core district are set forth in parking district no. 4 in section 130-33, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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.
- b. Minimum parking requirements for the TC-2 town center mixed-use district are set forth in parking district no. 1 in section 130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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. Minimum parking requirements for the TC-3 town center residential office district are set forth in parking district no. 1 in section 130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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.
- d. Parking requirements may be met either on-site or off-site within a distance of 800 feet from the subject lot, subject to subsection 130-36(b).
- e. Mixed-use development is encouraged to utilize the shared parking calculations in section 130-221. Parking for residential uses may be included in the shared parking calculation at a rate of 50 percent for daytime weekdays, 70 percent for daytime weekends, and 100 percent for all other times. Shared parking shall be designated by appropriate signage and markings. The shared parking facility may be located off-site within 800 feet of the uses served, subject to subsection 130-36(b).

f. Developments that provide a significant public amenity such as an urban plaza (minimum 3,000 square feet) in accord with the NBTC design standards referenced in section 142-738, or floor area for a public library (minimum 6,000 square feet and maximum 15,000 square feet) may be exempted from parking requirements for all uses on the site at a rate of one parking space for every 500 square feet of urban plaza space or one parking space for every 250 square feet of library space.

g. New construction of "live-work" projects shall meet the parking requirements for either residential or commercial uses, whichever is greater, but shall not be required to meet the parking requirement for both uses. For purposes of this section, a "live-work" unit is defined as a unit containing both a residential and commercial component within the same unit.

(b) *Bicycle parking.* Short-term and long-term bicycle parking shall be provided for new construction or substantial rehabilitation over 1,000 square feet according to the minimum standards in the table below.

- (1) Short-term bicycle parking (bicycle racks) serves people who leave their bicycles for relatively short periods of time, typically for shopping, recreation, eating or errands. Bicycle racks should be located in a highly visible location near the main entrance to the use.
- (2) Long-term bicycle parking includes facilities that provide a high level of security such as bicycle lockers, bicycle cages and bicycle stations. These facilities serve people who frequently leave their bicycles at the same location for the day or overnight.

Land Use	Minimum Short-term Bicycle Parking Spaces (whichever is greater)	Minimum Long-term Bicycle Parking Spaces (whichever is greater)
Commercial nonretail	4 per project or 1 per 10,000 square feet	1 per 10% of employees; 2 for 5,000 square feet and under; 3 for 5,001—20,000 square feet; 6 for 20,001—50,000 square feet; 10 for 50,000 square feet and over
Retail	1 per business, 4 per project or 1 per 5,000 square feet	1 per 10% of employees; 2 for 5,000 square feet and under; 3 for 5,001—20,000 square feet; 6 for 20,001—50,000 square feet; 10 for 50,000 square feet and over
Restaurants, bars, nightclubs	1 per 10 seats or occupants	1 per 10% of employees
Hotel	2 per hotel or 1 per 10 rooms	1 per 10% of employees
Multifamily residential	4 per project or 1 per 10 units	1 per unit

- (c) *[More than minimum requirement encouraged.]* Developers are encouraged to provide more than the minimum requirement as appropriate for the particular uses in a building. The minimum required vehicular parking may be reduced by: One space for every five long-term bicycle parking spaces, and/or one space for every ten short-term bicycle parking spaces, not to exceed a total of 15 percent of the required vehicle parking spaces.
- (d) *[Exemption from vehicle parking requirements.]* Nonresidential uses that provide showers and changing facilities for bicyclists shall be exempted from vehicle parking requirements at a rate of two vehicle parking spaces for each separate shower up to a maximum of eight parking spaces.
- (e) *[TC-1 and TC-2 districts.]* In the TC-1(c), TC-1 and TC-2 districts, short-term bicycle parking spaces may be provided in the public right-of-way, subject to design review, in situations where suitable space near the entrance to the building or storefront is not available on private property. Bicycle parking in the public right-of-way shall be approved by the public works department and shall not encroach on the pedestrian thoroughway zone.

## **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.

**ATTEST:**

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

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

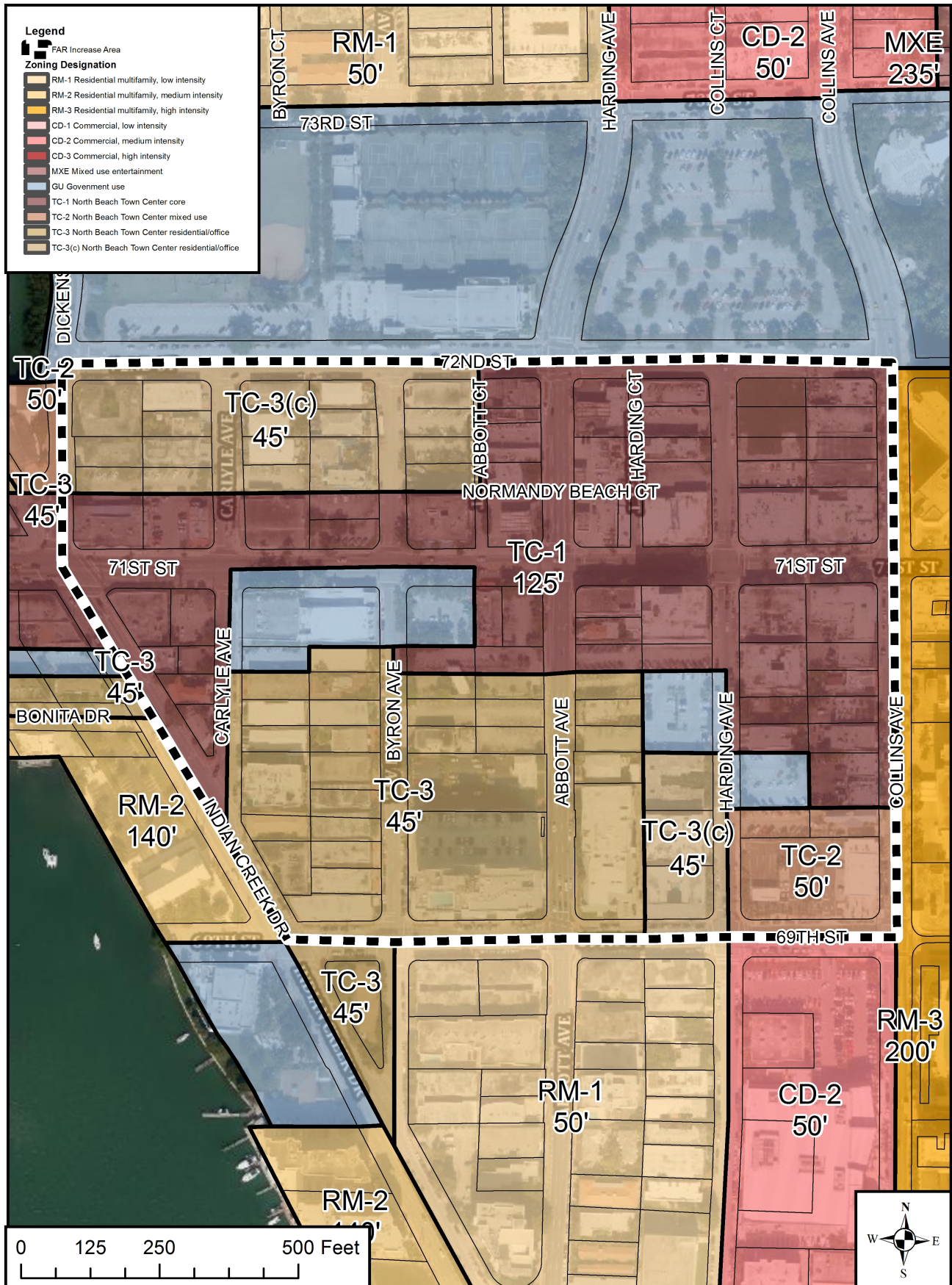
First Reading: \_\_\_\_\_, 2018

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

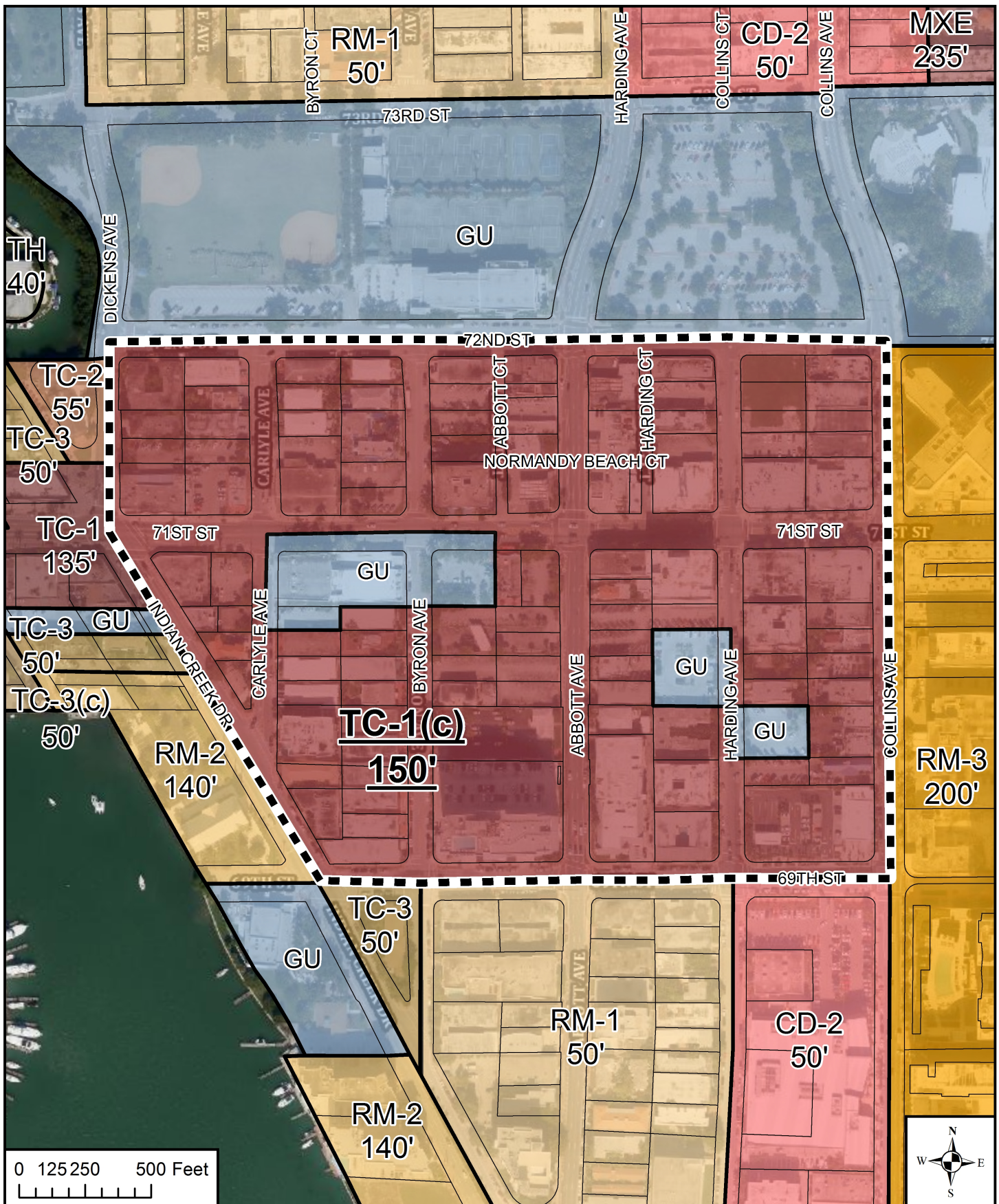
Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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## **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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**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.

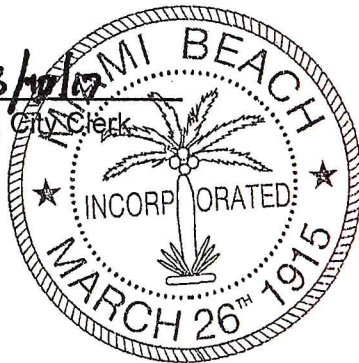
**SECTION 12.**

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  
[Signature]

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  
Page 2 of 2

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



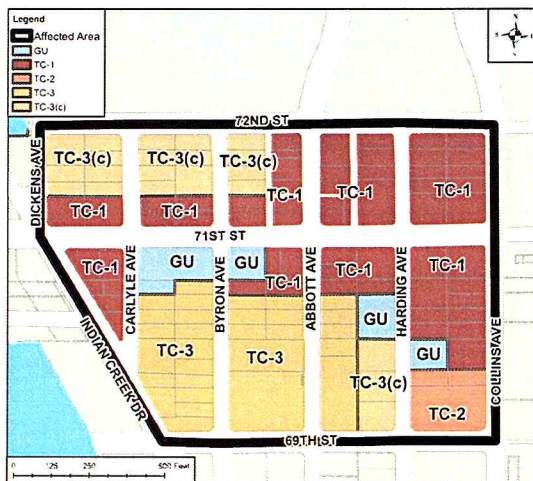
# Ballot Question 2

## 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**



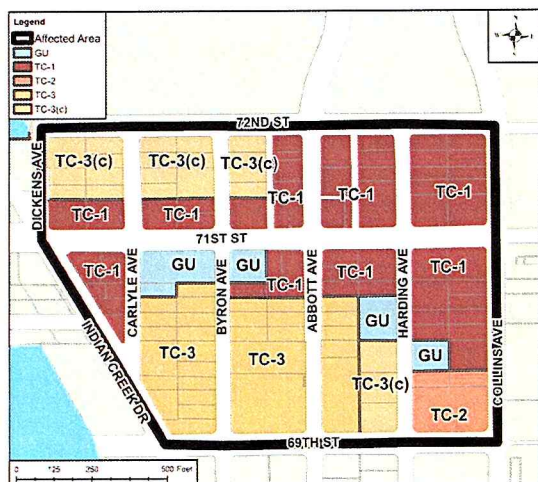
## Pregunta de Boleta 2

### 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

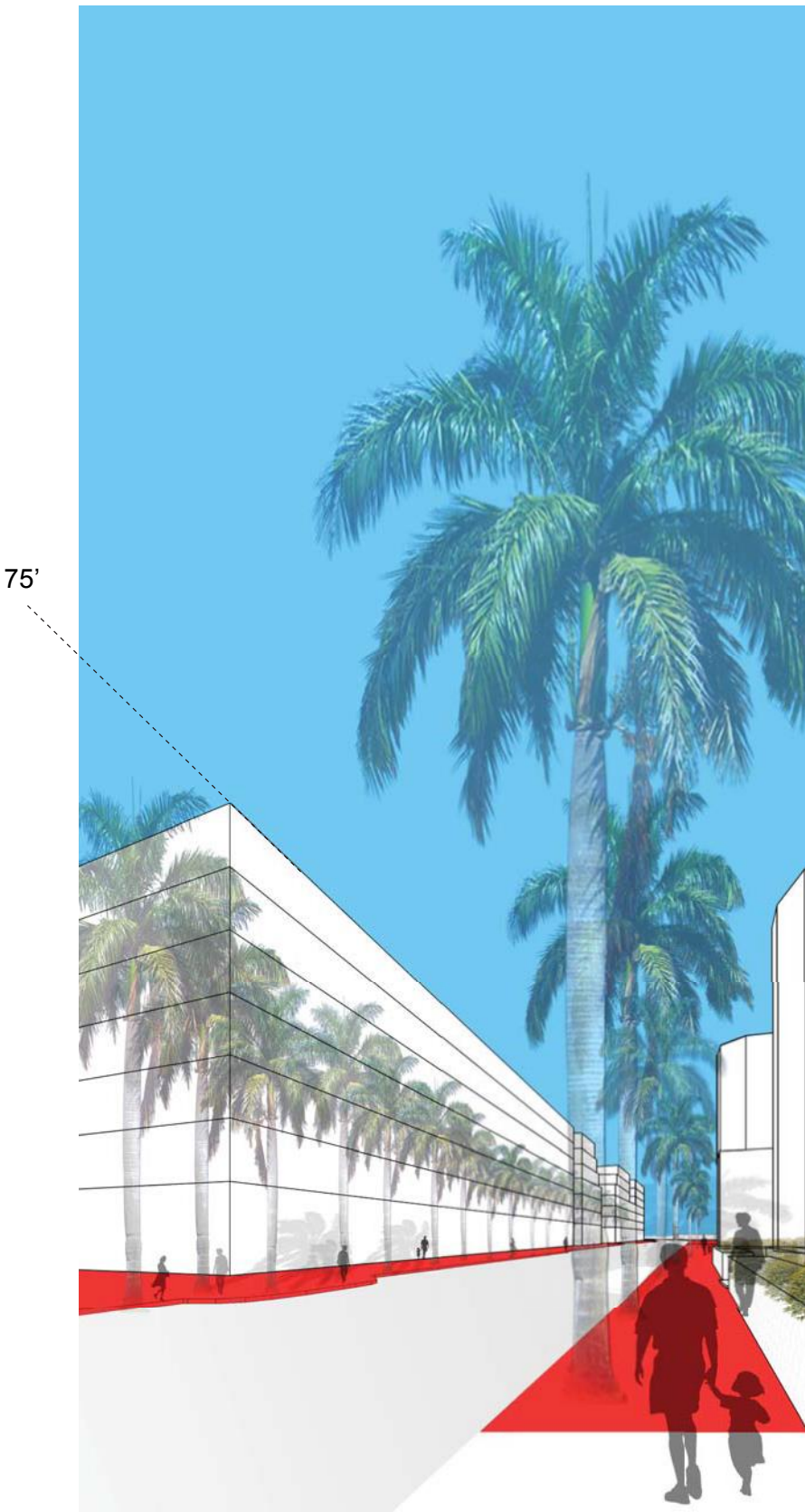
Si la mayoría de los electores de la Ciudad que voten esta medida fueran partidarios de la misma, esa aprobación tendría un efecto oficial y vinculante en la Ciudad de Miami Beach, y la Ordenanza propuesta se codificaría una vez adoptada por la Comisión de la Ciudad.



CURRENT ALLOWABLE zoning

option b: far 35

collins avenue



TC-1 (northern blocks)

FAR: 2.25 (2.75 if lot >45,000sf)

HEIGHT		STORIES
Pedestal	-'	
Tower	75'	7

SETBACKS

Pedestal	-'
Tower	5'

TC-2 (southern part of block)

FAR: 1.5 or 2.0 Mixed Use Buildings

HEIGHT		STORIE
Pedestal	50'	S 5

SETBACKS

Pedestal	5'
----------	----



FAR: 3.5

HEIGHT		STORIES
Pedestal	45'	4
Tower	125'	12

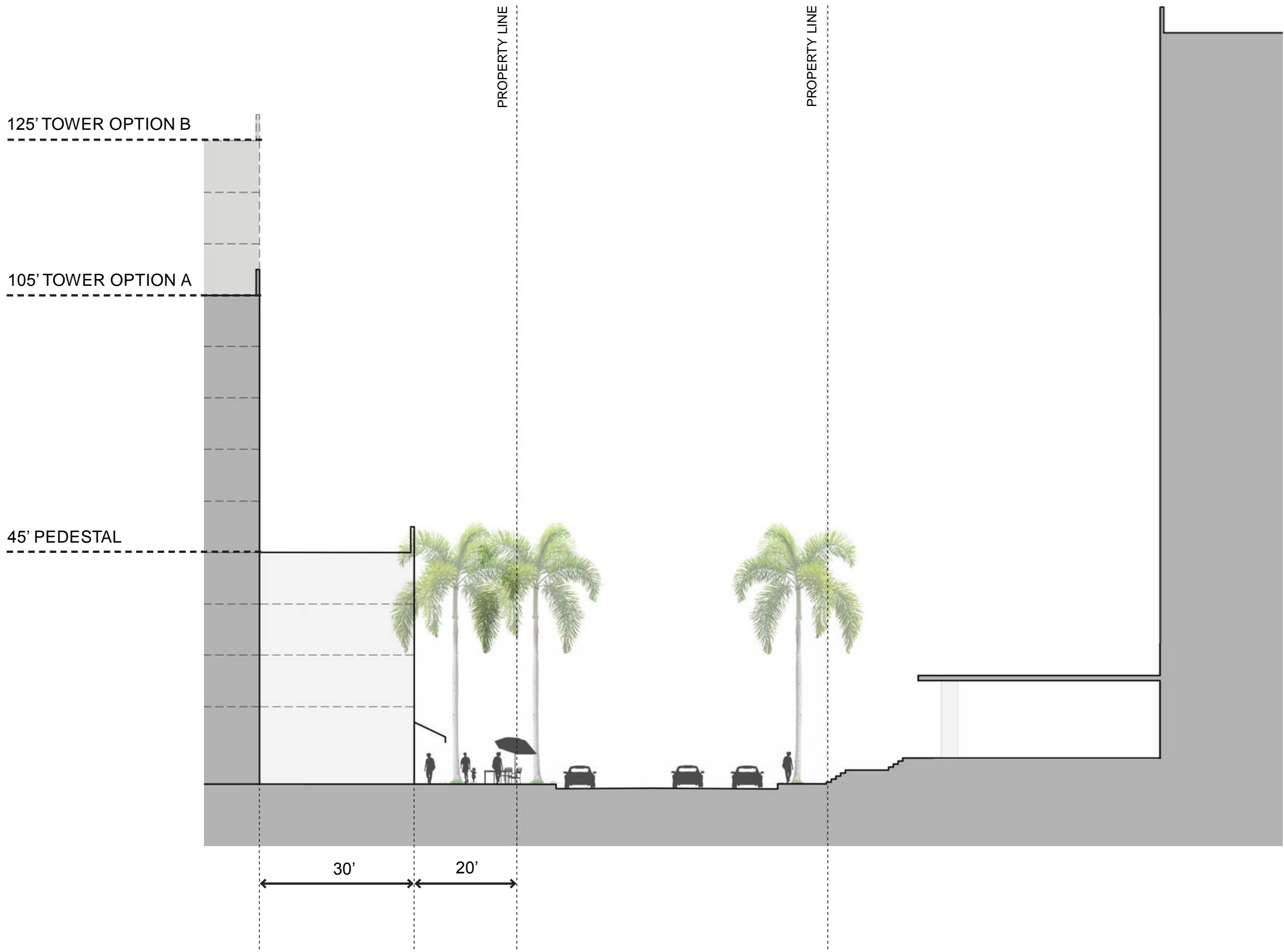
SETBACKS

Pedestal	20'
Tower	50'
Side (Interior)	0'

- Tower perpendicular to the street to provide light and air between towers
- Provide mid block break and possible alley connection east-west to reduce scale of the block
- Plazas infront of towers to create larger public dining opportunities and allow the tower to come down to the ground
- Set towers back dramatically to allow for more height but a scaled street profile
- Keep pedestal lower to offset existing tall buildings to the east.



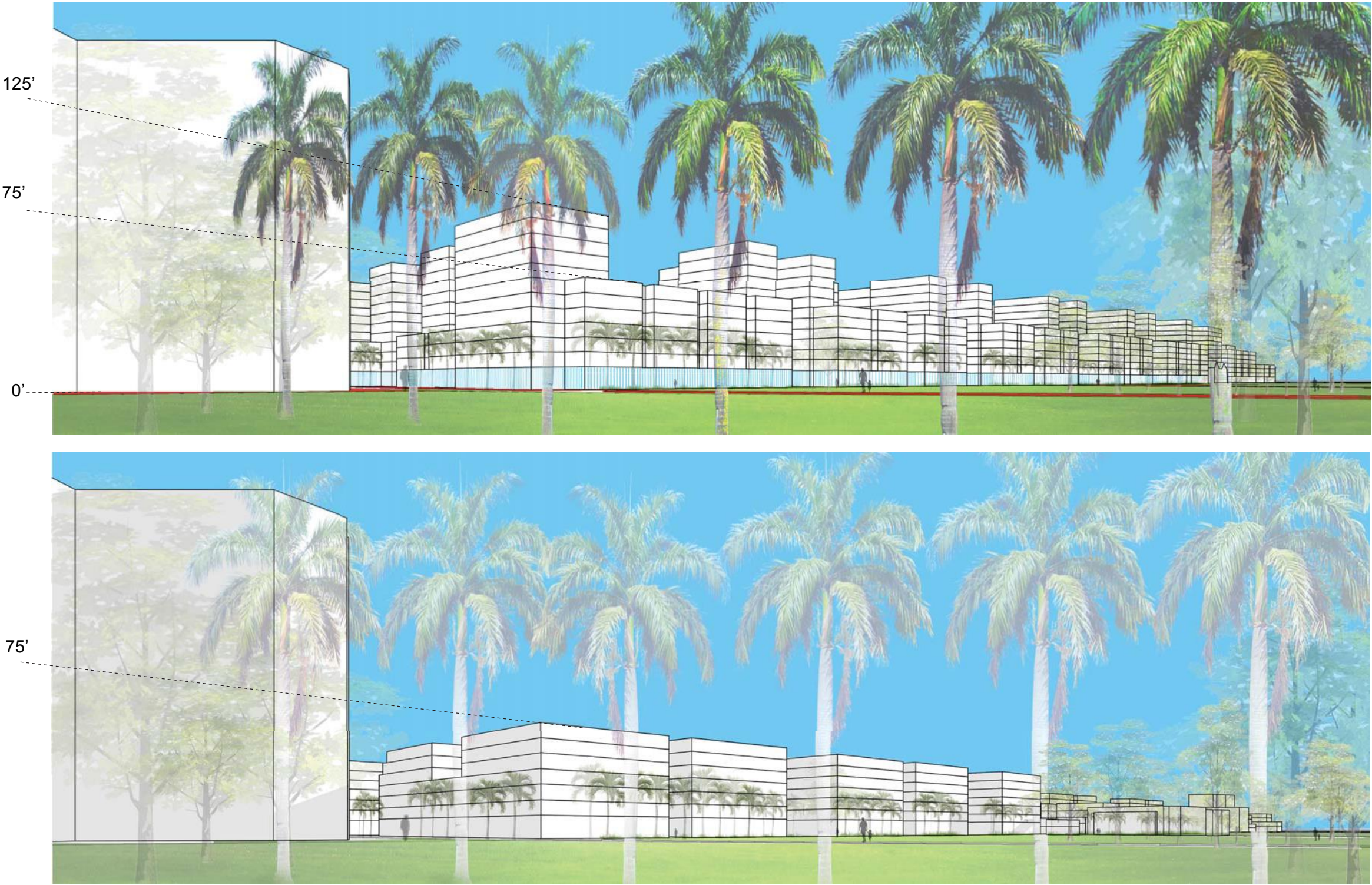
# collins avenue section



- Sidewalk expanded to 20'
- Plazas in front of towers to create larger public dining opportunities and allow the tower to come down to the ground
- Set towers back dramatically to allow for more height but a scaled street profile
- Keep pedestal lower to offset existing tall buildings to the east.



# 72ND STREET OPTION B far 325



# 72ND STREET CURRENT ALLOWABLE ZONING

10 01 2014

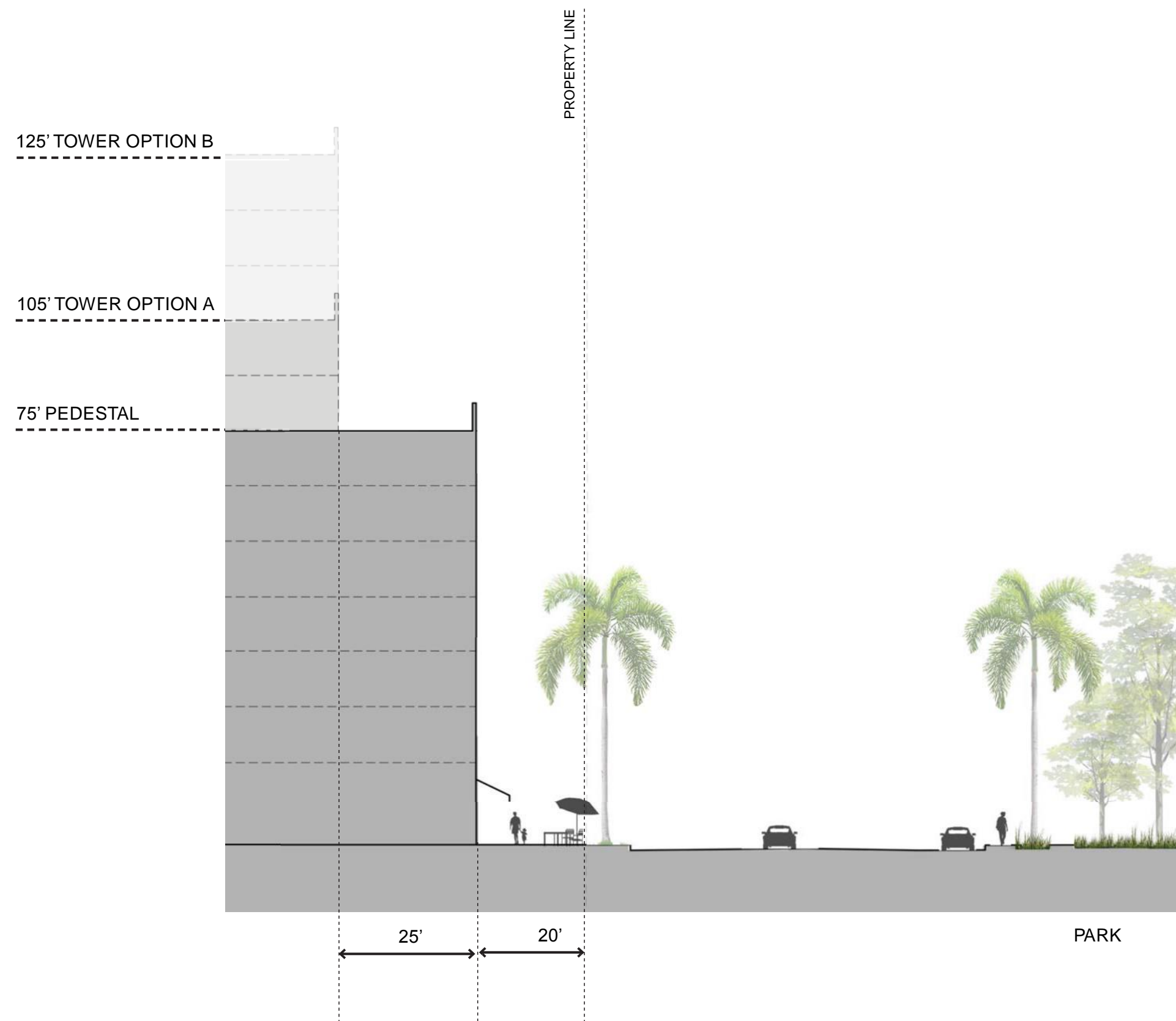
# 72nd street

FAR:	3.25	
HEIGHT	45'	STORIES
Pedestal		4
Lower Tower	75'	7
Tower	125'	12
SETBACKS	20'	
Pedestal		
Tower	45'	
Side (Interior)	0'	

- Projects that include parking are allowed to push their FAR into towers.
- Projects with no parking must maximize the 75' facing the park before increasing the footprint of the building.
- Increase setback at the street level to encourage food and beverage



# 72nd street proposed section



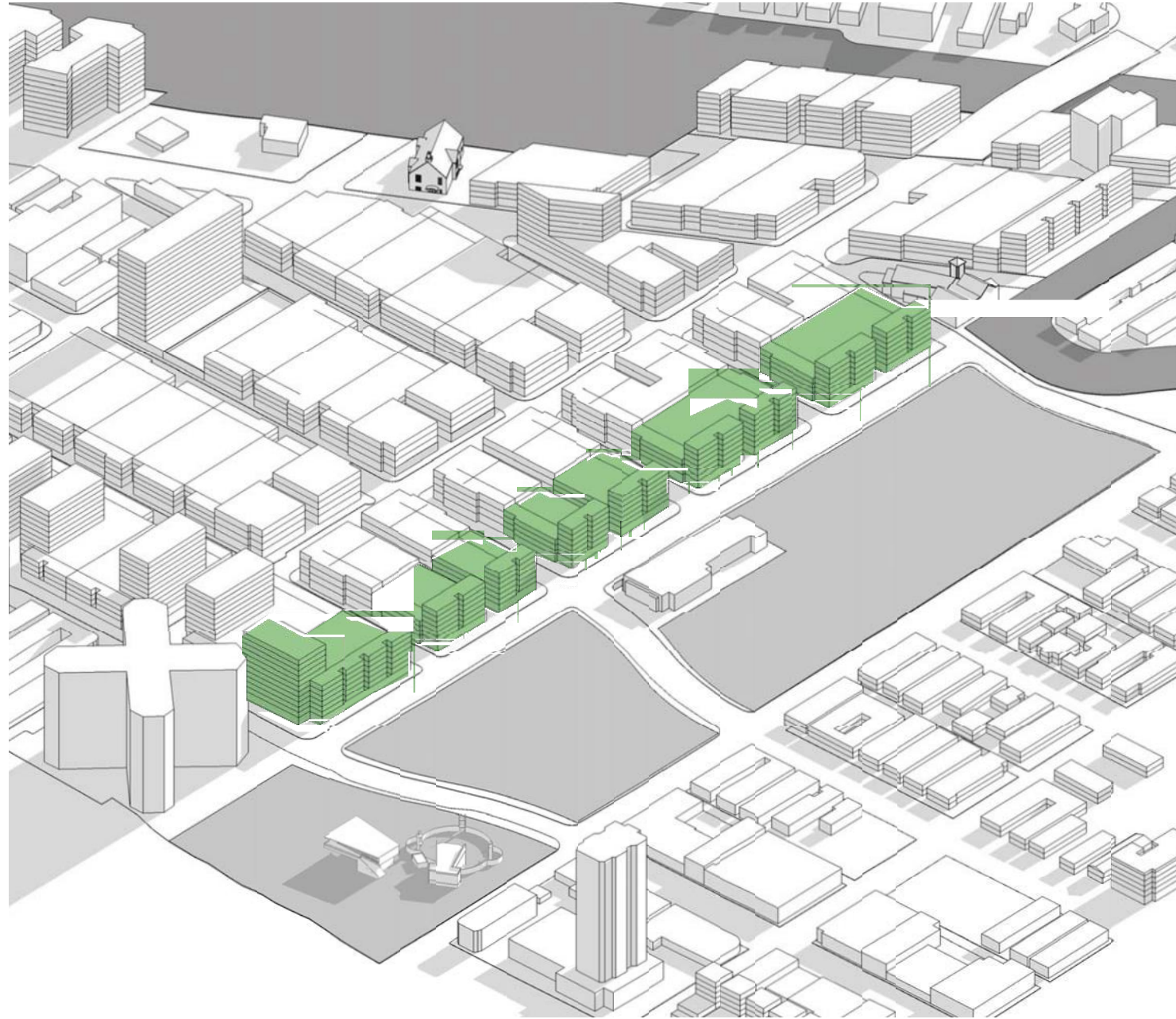
- Sidewalk expanded to 20'
- Plazas in front of towers to create larger public dining opportunities and allow the tower to come down to the ground
- Set towers back dramatically to allow for more height but a scaled street profile
- Keep pedestal lower to offset existing tall buildings to the east.

10 01 2014

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Associates**

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## 72nd street option a



## 72nd street option a with tower





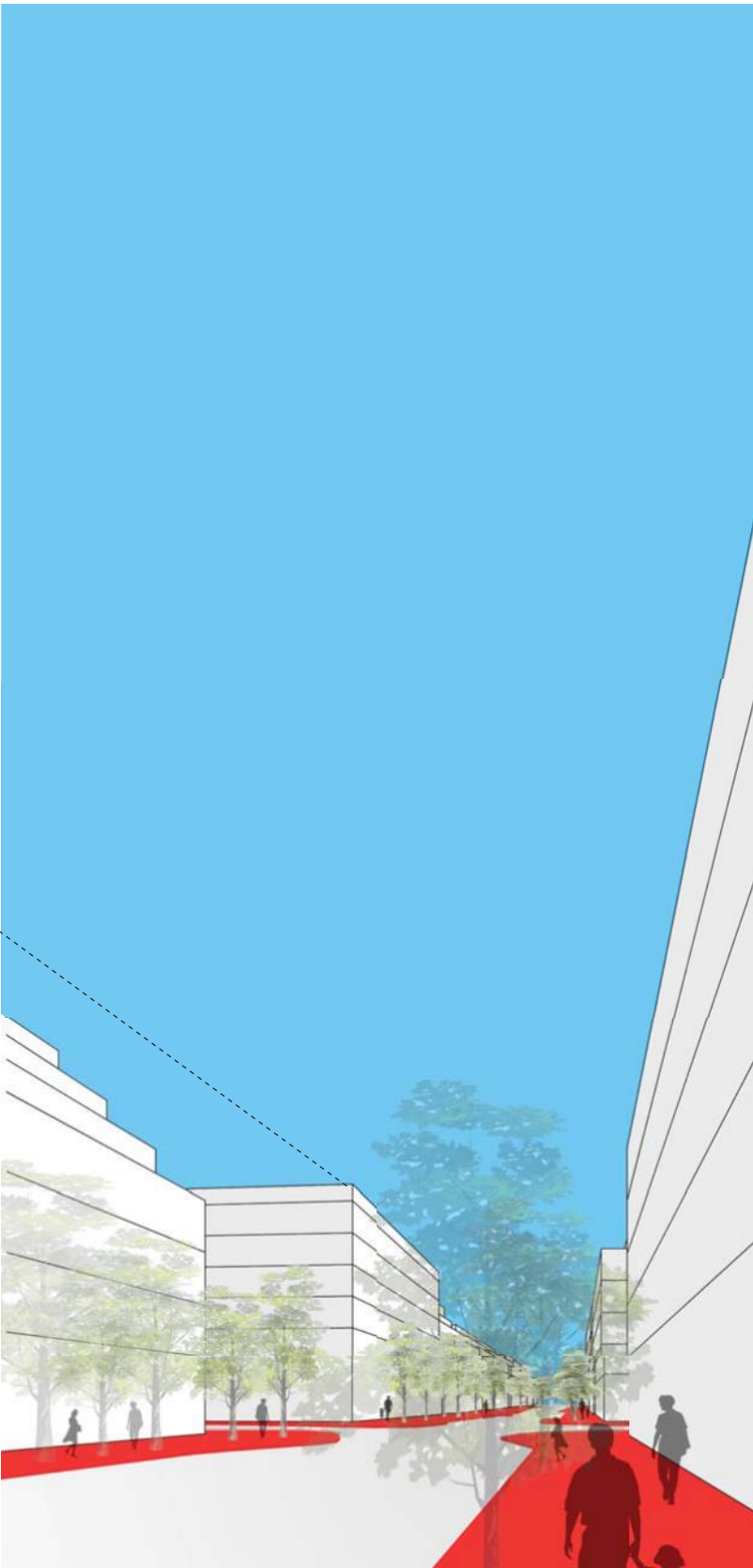
# 72nd street option B



CURRENT ALLOWABLE ZONING

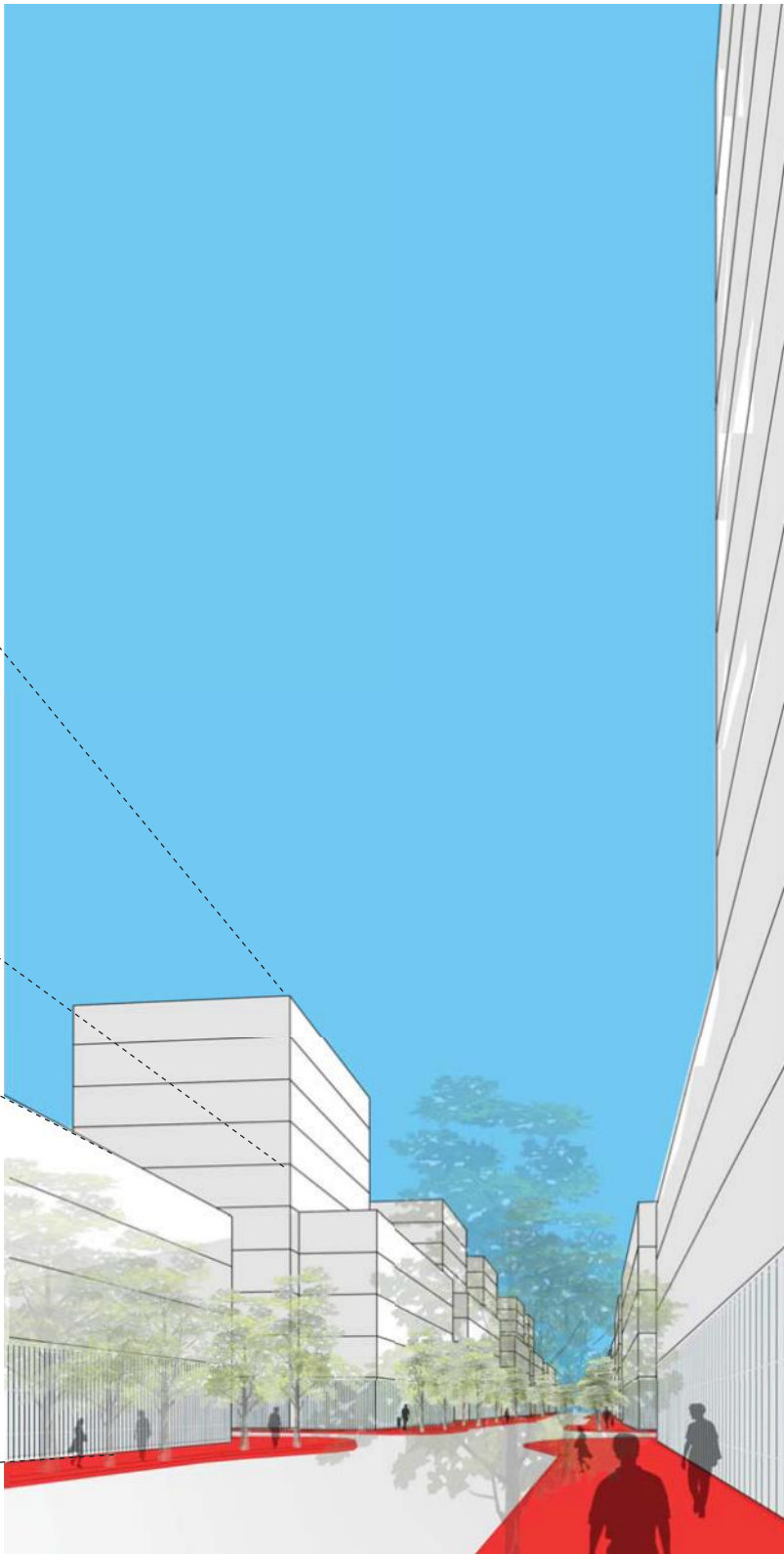
option b far 35

71st street



TC-1 (northern blocks)

FAR:	2.25	(2.75 if lot >45,000sf)
HEIGHT		STORIES
Pedestal	-'	
Tower	75'	7
SETBACKS		
Pedestal	-'	
Tower	5'	
Side (Interior)	0'	



FAR:	3.5	
HEIGHT		STORIES
Pedestal	65'	5
Tower	135'	10
SETBACKS		
Pedestal	10'	
Tower	35'	
Side (Interior)	0'	

- Tower perpendicular to the street to provide light and air between towers
- Provide mid block break where there is not an alley already.
- Parking ratio may need to be adjusted to accommodate office use. 1 per 400sf pushes the FAR down or the pedestal too high

10 01 2014

Shulman + Associates

p47

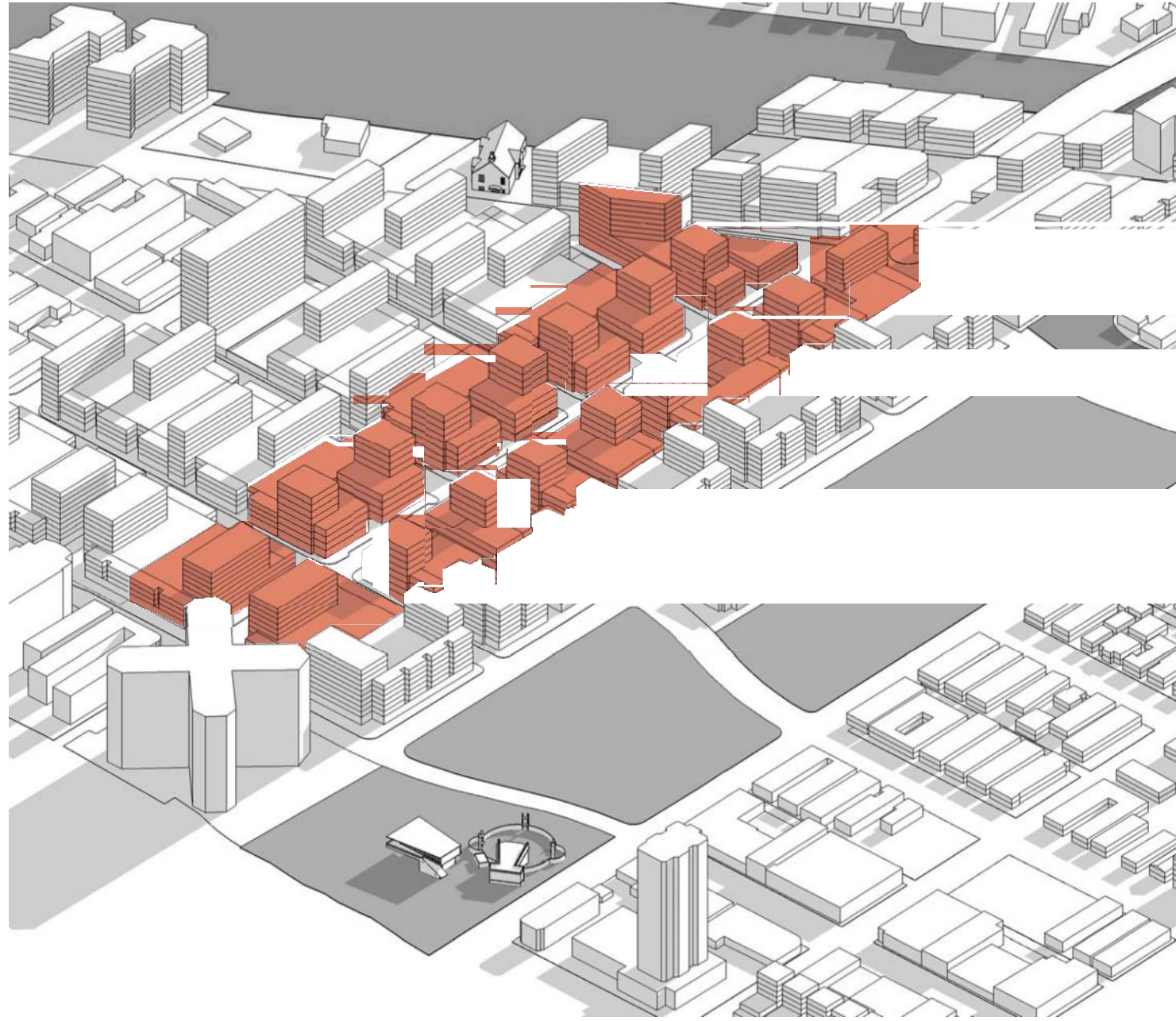
# 71ST street proposed section

- Sidewalk expanded to 10'

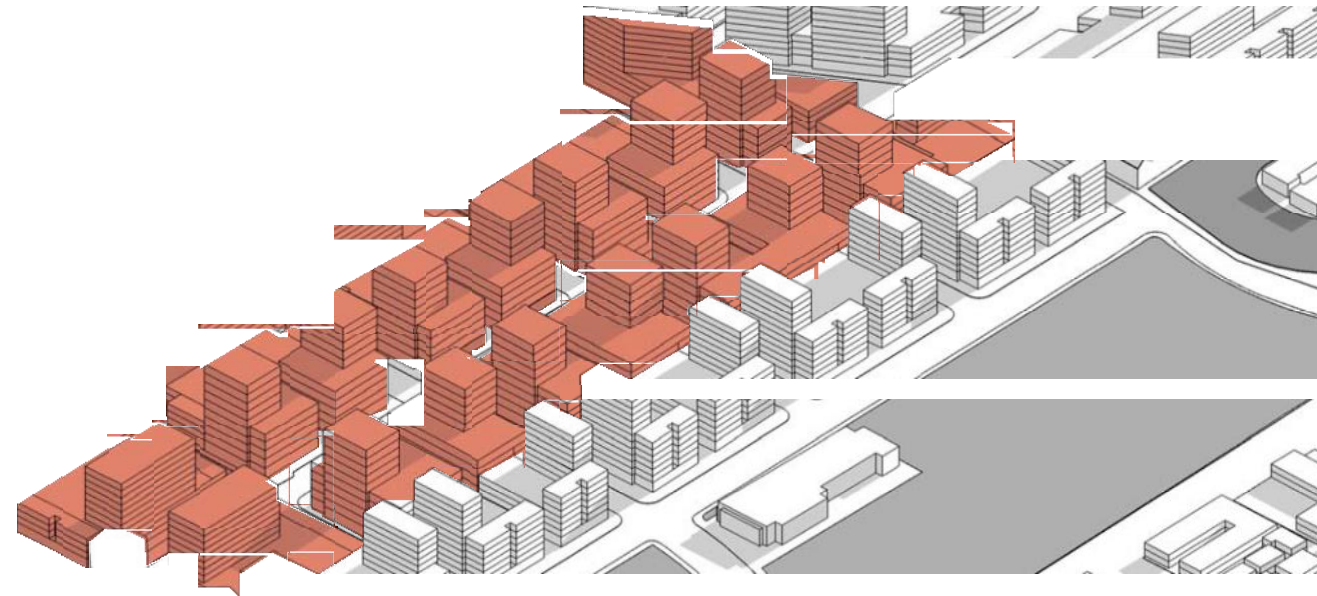




## 71ST street option a



## 71ST street option b

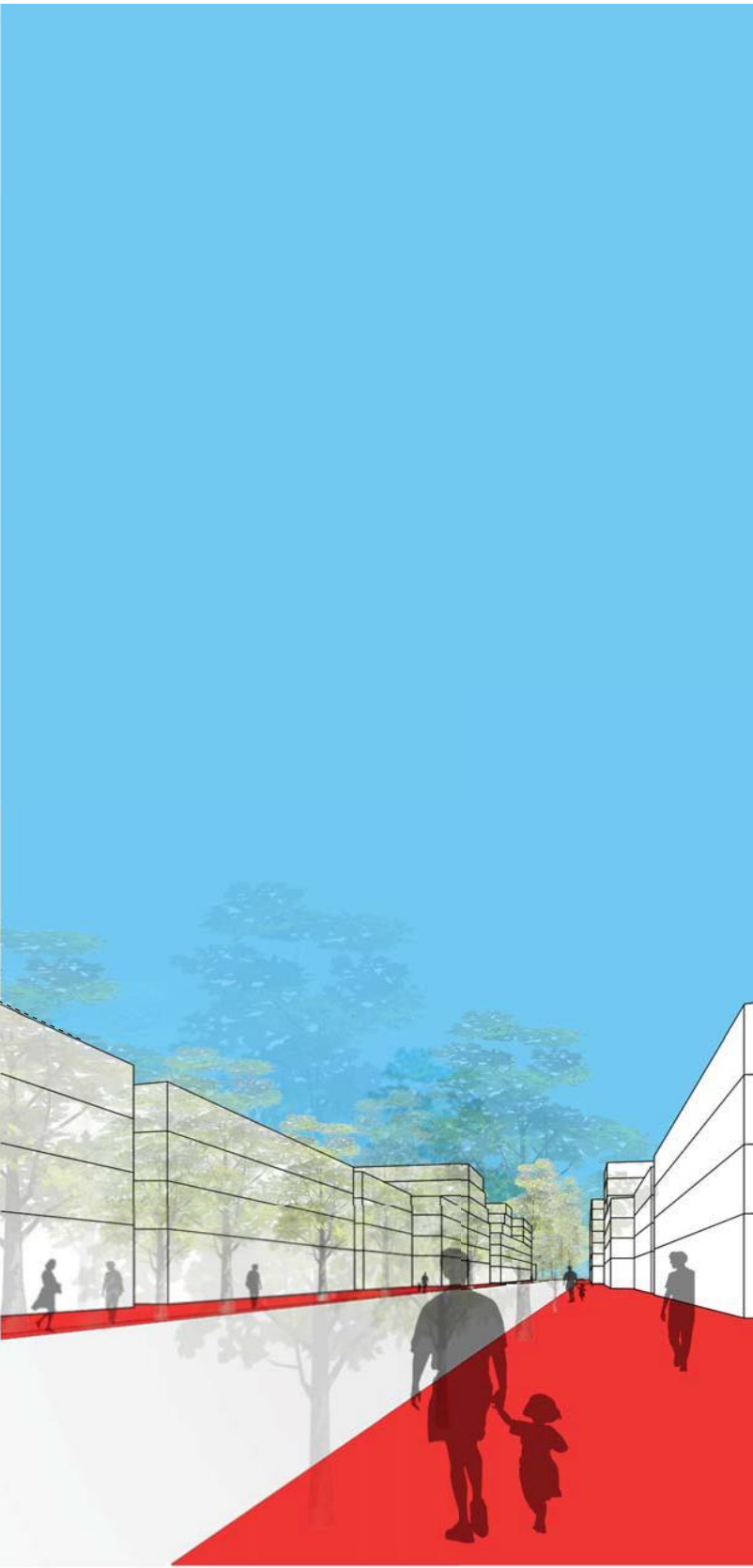




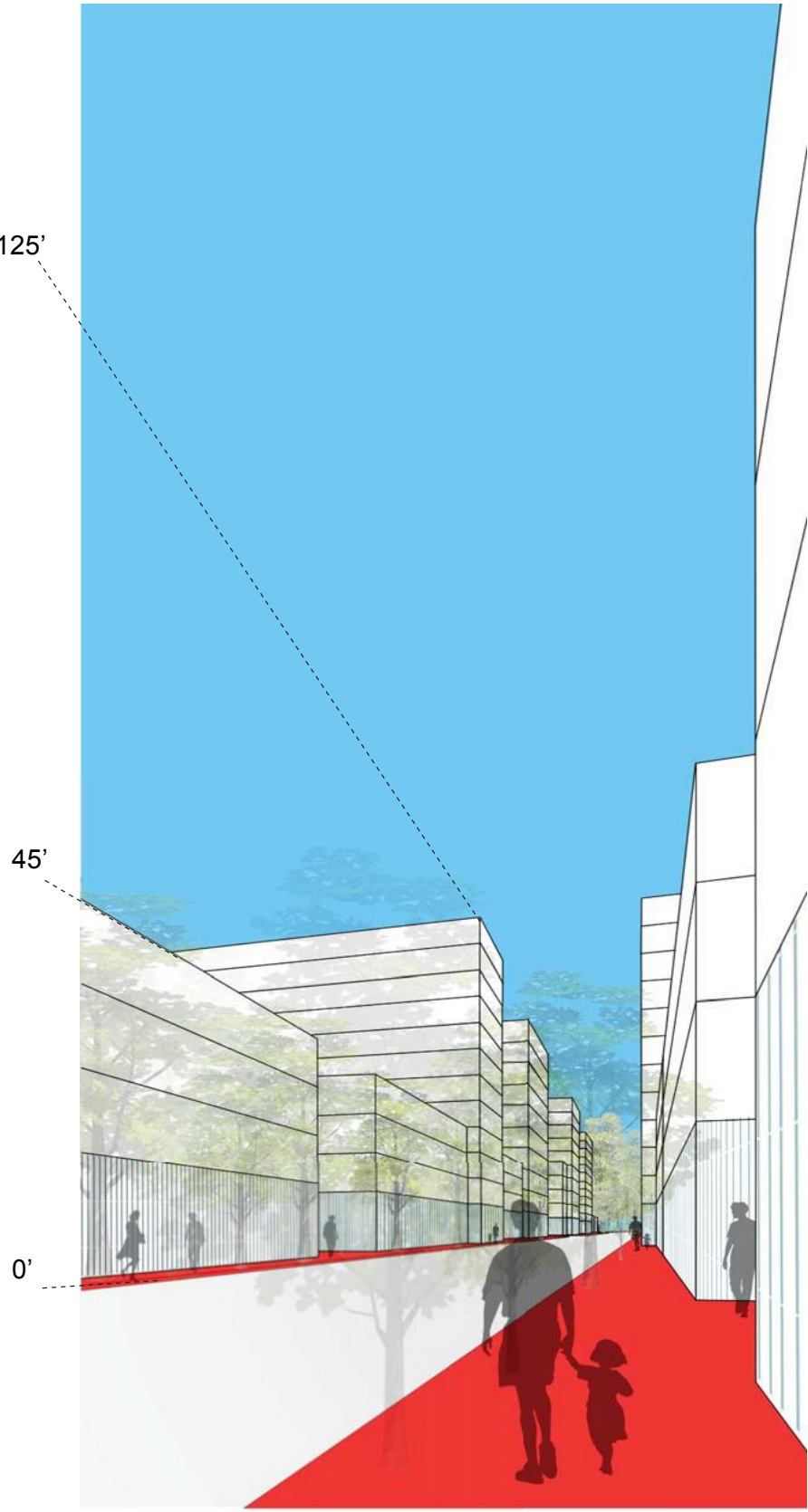
CURRENT ALLOWABLE ZONING

option B far 325

ABBOTT AVENUE



TC-3		
FAR: 1.25 or 2.0		
HEIGHT		
STORIES		
Pedestal	45'	4
SETBACKS		
Pedestal	15'	
Side (Interior)	0'	



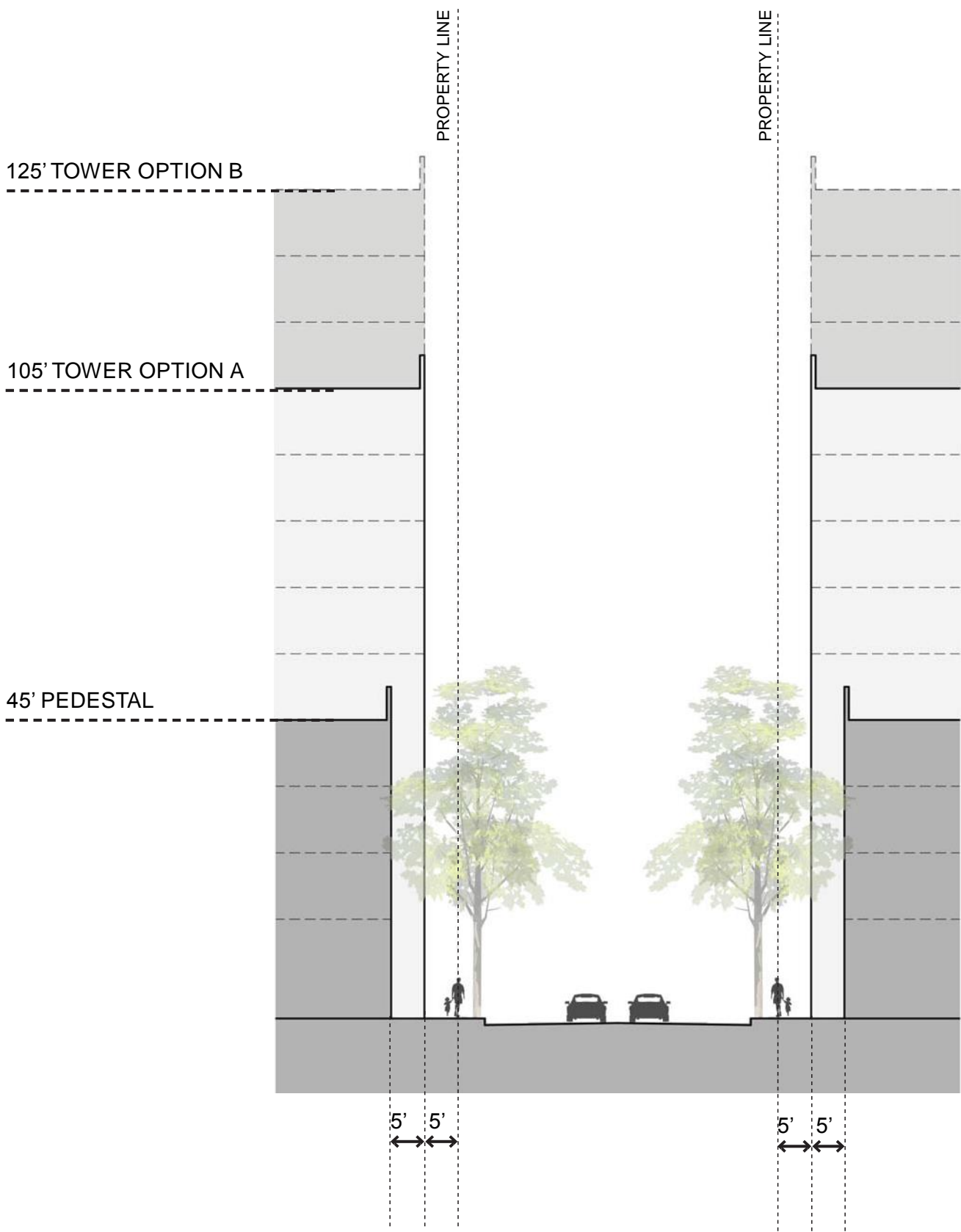
FAR: 3.25		
HEIGHT		
STORIES		
Pedestal	45'	4
Tower	125'	12
SETBACKS		
Pedestal	10'	
Tower	5'	
Side (Interior)	0'	

- Tower perpendicular to the street to provide light and air between towers

10 01 2014

# ABBOTT AVENUE proposed section

- Sidewalk expanded to 10'

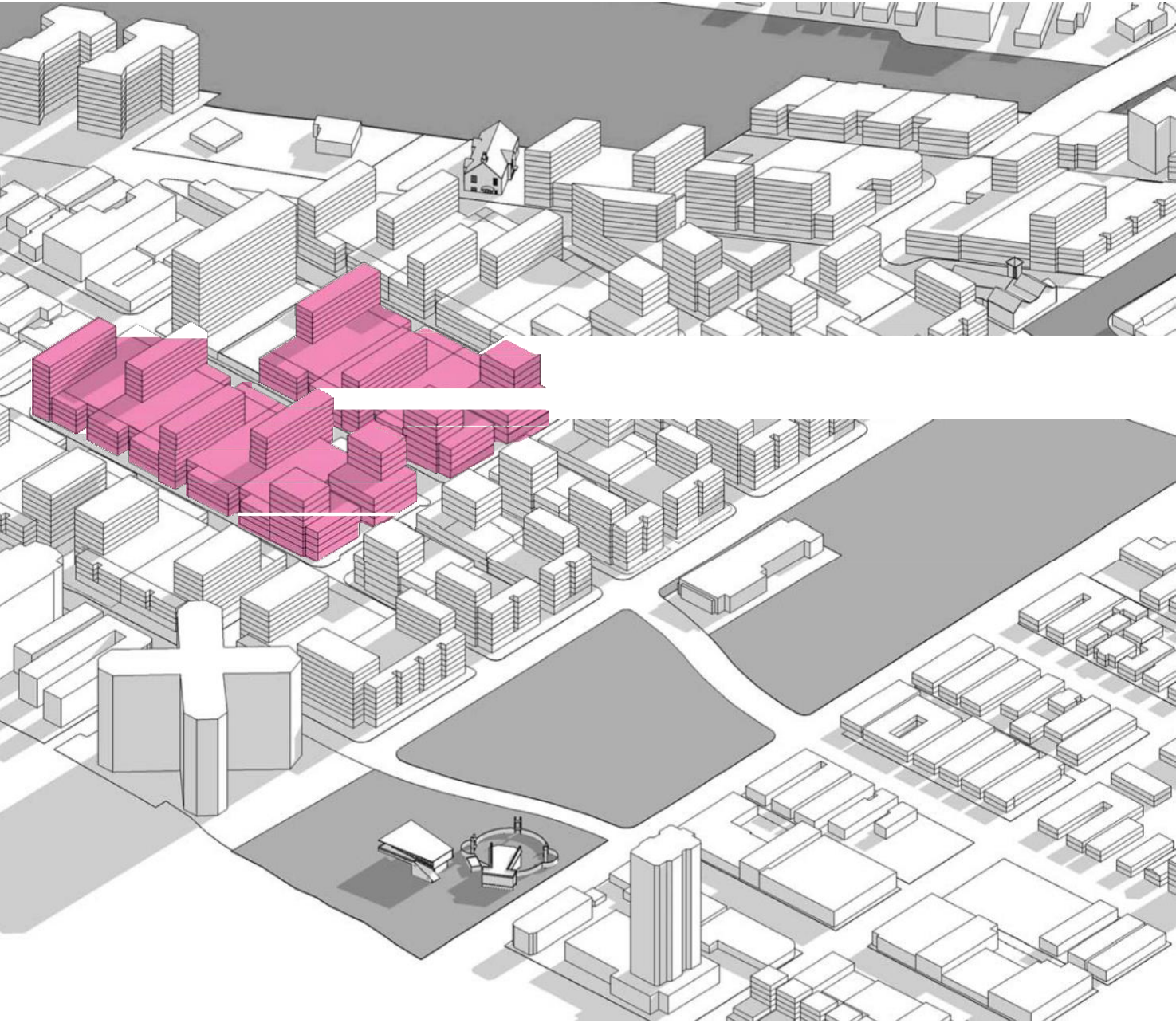


10 01 2014

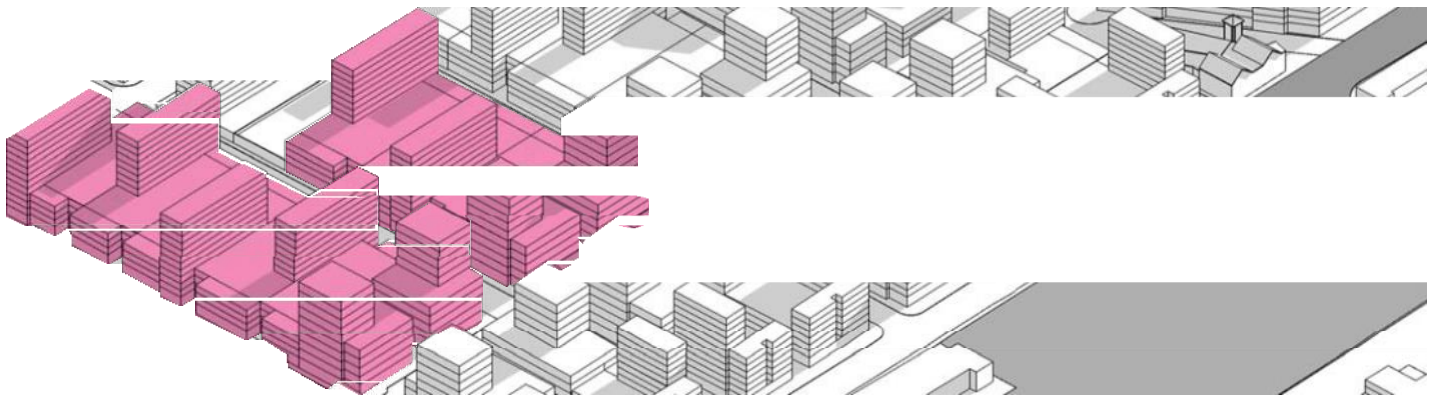
Shulman +  
Associates

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# ABBOTT AVENUE option a

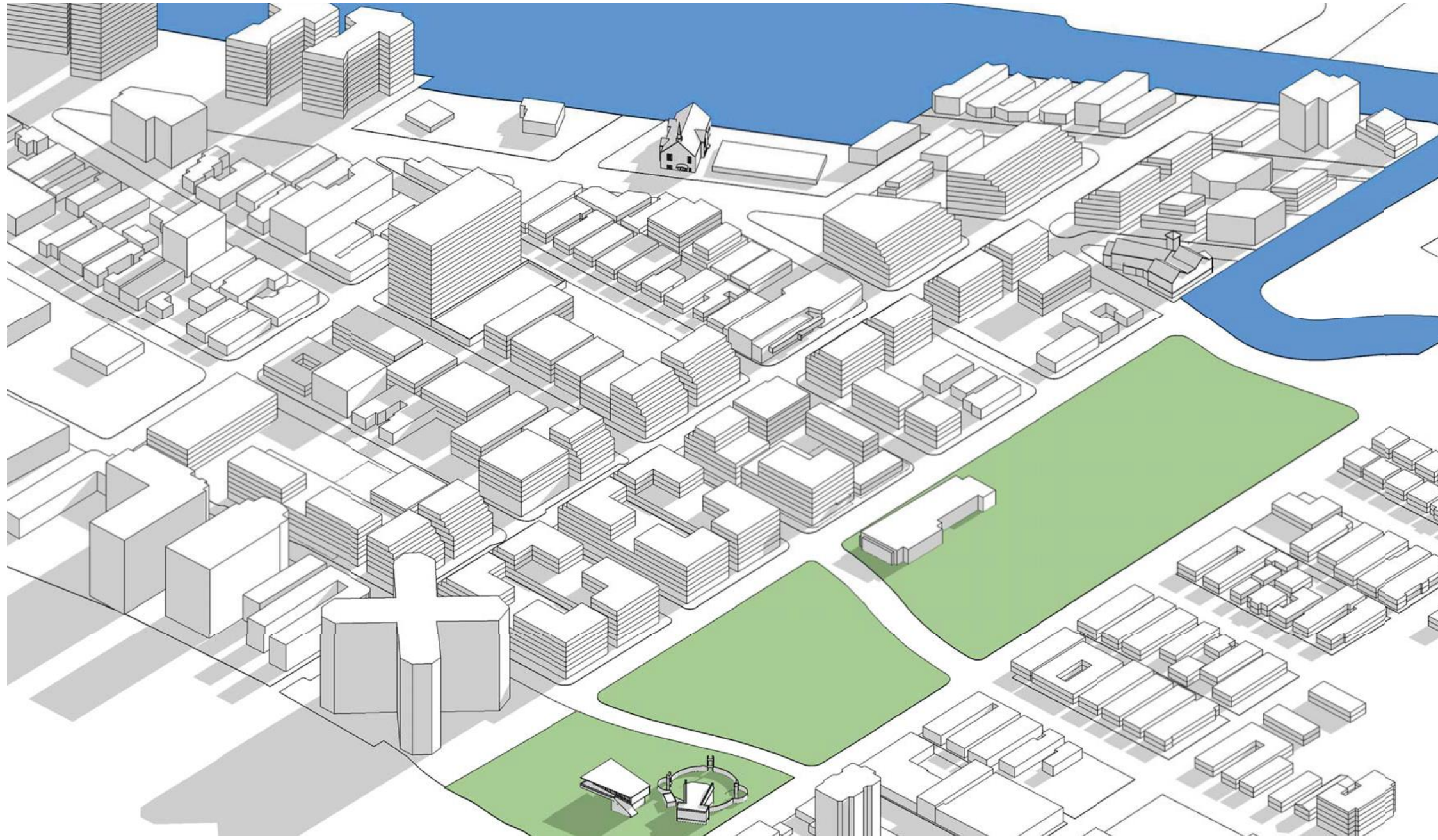


# ABBOTT AVENUE option b





# zoning (september 2014)

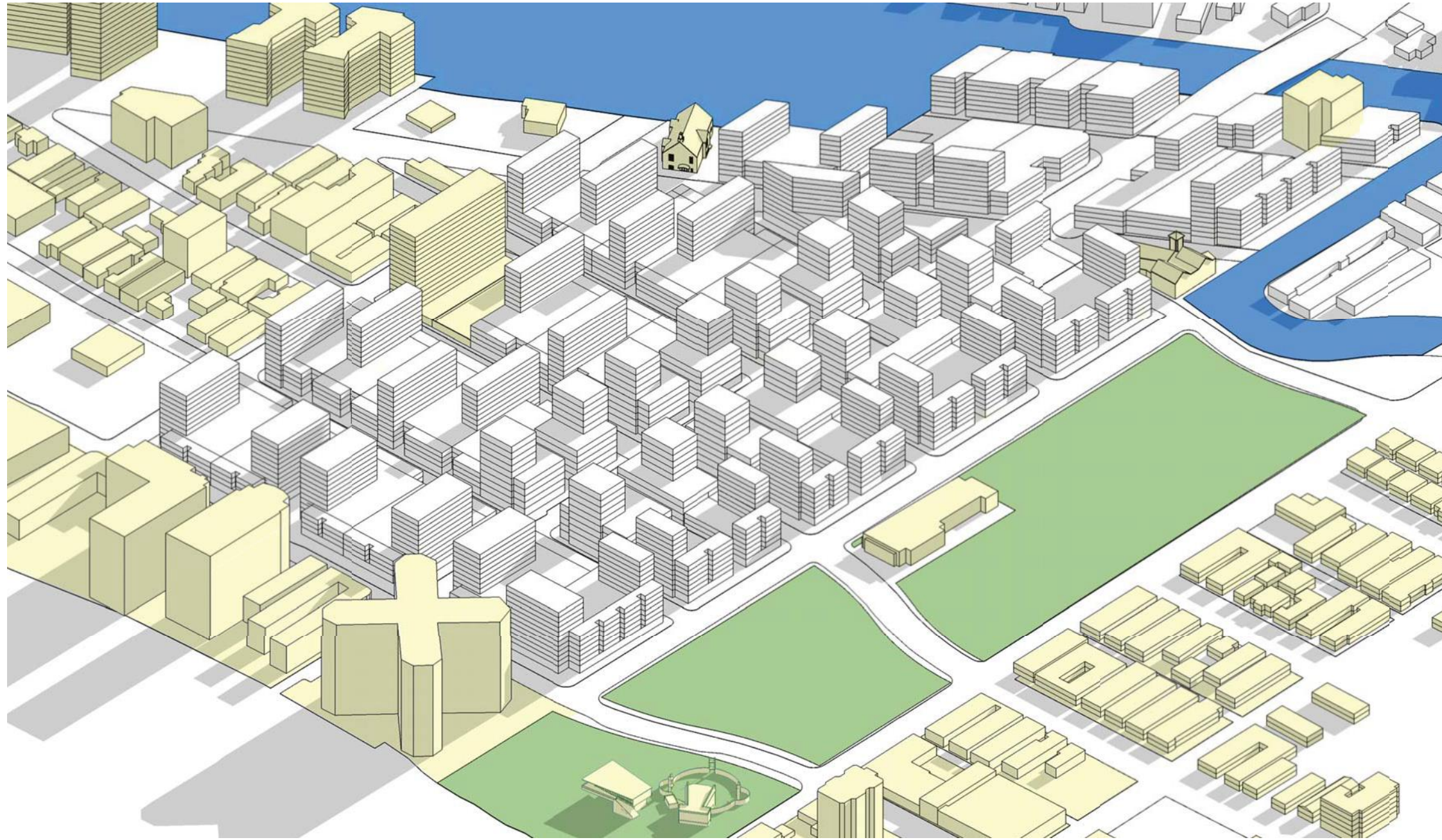


10 01 2014

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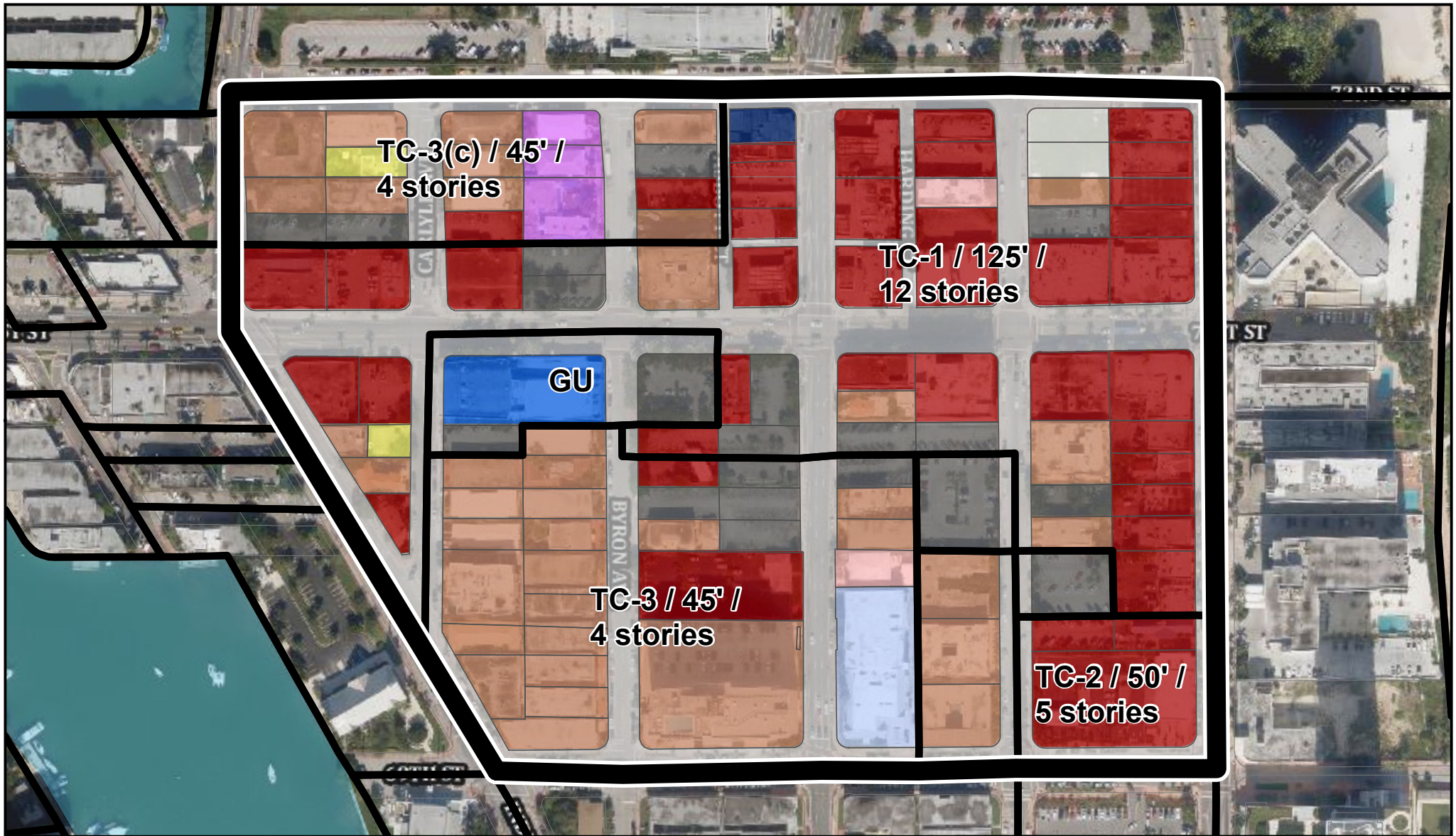
# proposed option b



10 01 2014

**Shulman +  
Associates** p61



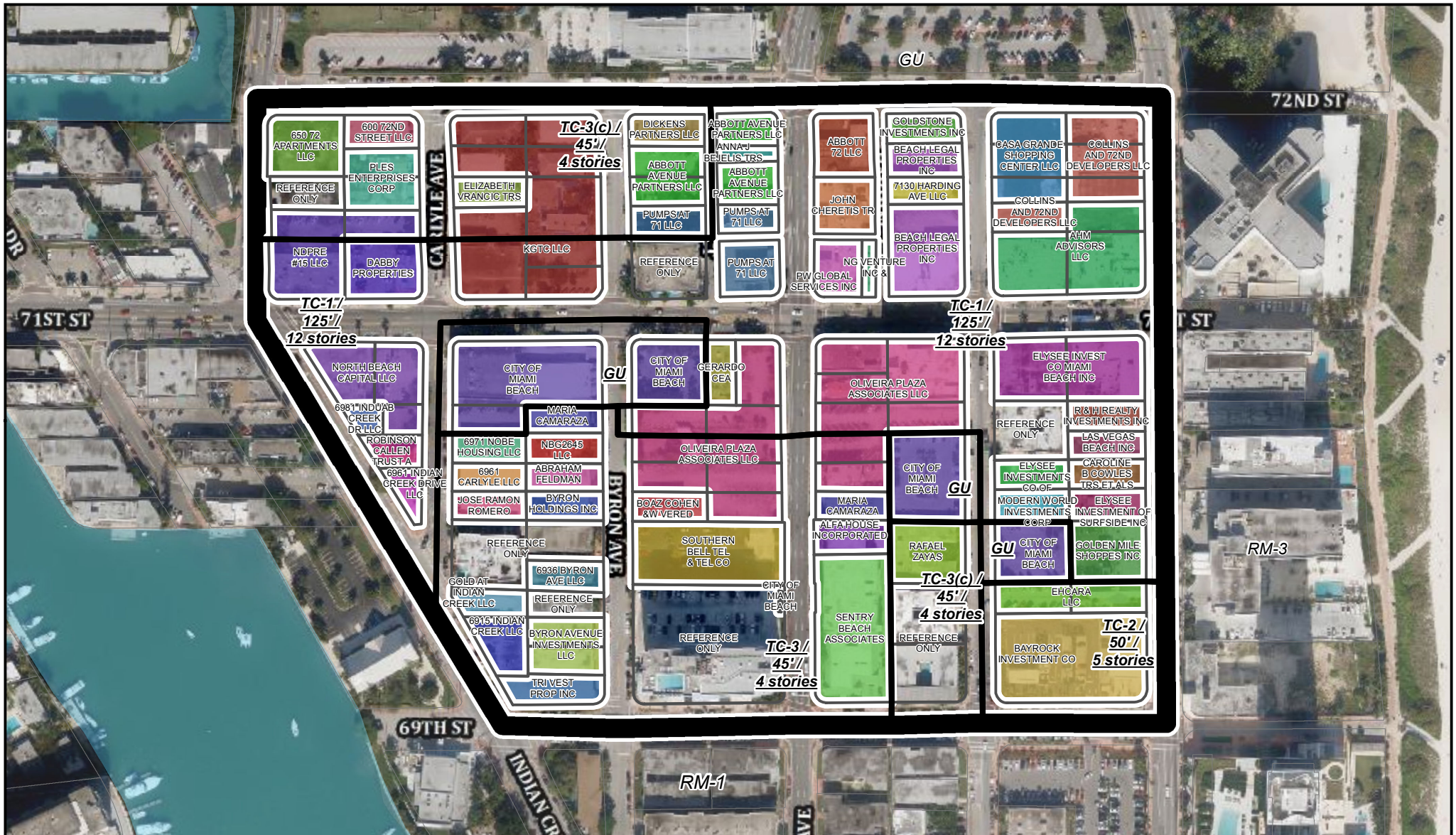


- FAR Increase Area
- Zoning Boundaries
- Parcels
- Existing Land Use Description
- Communications
- Government
- Medical Clinic
- Multifamily Residential
- Commercial
- Parking
- Childcare
- Single Family Residential
- Streets
- Hotel/Motel
- Vacant

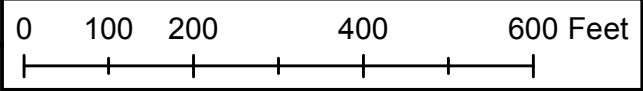
## North Beach FAR Increase Area Existing Land Use





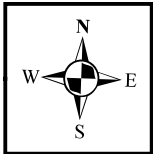


Note: Parcels identified as "Reference Only" indicates a condominium form of ownership.



# North Beach FAR Increase Area Combined Parcel Ownership

- Zoning Boundaries
- Parcel Boundary
- FAR Increase Area



# 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: March 14, 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 February 7, 2018 the Land Use and Development Committee discussed the revised overlay Ordinance, and continued the item to a date certain of March 14, 2018.

### **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.

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.

### **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.

### **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, was 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 were made to the ordinance, to address spelling errors, formatting and clarity. The aforementioned revisions were incorporated into a revised ordinance for review and input by the Land Use Committee.

## **UPDATE**

On February 7, 2018, the Land Use Committee discussed the revisions to the proposed overlay Ordinance, as more specifically noted above. After public input and deliberation, the Committee continued the item to March 14, 2018. The revised overlay ordinance has been modified in a manner consistent with the recommendations discussed at the March 14, 2018 LUDC Meeting. The following is a summary of the changes:

**1. Maximum Building Height.** The maximum building height for new construction and additions has been revised as follows:

- An increase to 32 feet in height for the first 25 feet of building depth; previously the maximum was 30 feet in height for the first 30 feet of building depth.
- An increase from 40 feet to 45 feet for the remainder of the building depth.
- An increase from 50 feet to 55 feet that may be permitted by the DRB or HPB for the remainder of the lot depth for properties that contain at least one (1) 'contributing' building, which is 50% or more substantially retained and restored. The waiver provision for the DRB and HPB remains, provided at least 25% of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.

**2. Building and Lot Standards.** The proposed increases in building height were suggested in order to be consistent with existing RM-1 development regulations. In this regard, the RM-1 regulations were amended to address the future raising of adjacent streets and sidewalks. In order for the increase in overall height for new construction to be consistent with these sea level rise and resiliency objectives, additional exterior building and lot standards have been incorporated into the proposed overlay. Specifically, when parking or amenity areas are provided at the ground floor level below the first habitable level (below BFE plus Freeboard), the following shall apply:

- A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet.
- All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building.
- Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level.

Additionally, language has been added clarifying that there shall be no minimum or maximum yard elevation requirements, or maximum lot coverage requirements, within the North Beach National Register Overlay.

**3. Parking Location and Access.** The standards and requirements for parking location and access have been modified as follows:

- All parking shall be located no higher than the ground floor level; previously 'grade' was the standard, which did not allow for slightly elevated ground floors.
- A single, one-way driveway curb cut is now allowed per platted lot within a development site.

As it pertains to the proposal to allow a consolidated 20 foot wide curb cut and driveway for development sites on 2-3 platted lots, after careful evaluation, staff cannot recommend in favor of such a modification. In this regard, such a large driveway would have serious, negative consequences on the existing, established, low scale character of the overlay. Additionally, it would introduce increased hazards to pedestrians (both walkers and bike riders) as cars would be able to travel at higher speeds going in and coming out of parking areas.

A revised column by column summary of the current legislation, compared to the existing RM-1 regulations, is attached, for informational purposes.

With regard to off-street parking and minimum unit size requirements, no changes have been made to the proposed overlay ordinance. Staff would note that both of these issues have been discussed at length over the last 15 months by the Land Use Committee, the North Beach Master Plan Steering Committee (including substantial input from the North Beach Master Planner) and the Planning Board.

The overlay regulations pertaining to minimum and average unit size, as well as required parking, are designed to address the physical context of the area, changing patterns in car ownership and usage, and to provide more options for different unit types. These specific overlay regulations are not structured toward any specific demographic or economic class, and are intended to provide more flexible regulations that will allow for better diversity in unit types.

### **CONCLUSION:**

The Administration recommends that the Land Use and Development 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:**

Description	Type
☐ Revised 2nd Reading ORDINANCE	Memo
☐ Revised RM1 and NCD COMPARISON CHART	Memo
☐ NCD Review Chronology	Memo
☐ NCD and LHD MAP	Memo

**NORTH BEACH NATIONAL REGISTER CONSERVATION  
DISTRICT OVERLAY**

***Modified for March 14, 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 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 not located within a local historic district or site, 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</u>



				<u>developments where all residential units consist of workforce or affordable housing.</u>
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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><b>Non-elderly and elderly low and moderate income housing: See section 142-1183</b></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><b>Workforce or Affordable housing – 400</b></u>  <u><b>Non-elderly and elderly low and moderate income housing: See section 142-1183</b></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~~ **32** feet for the first ~~30~~ **25** feet of building depth, as measured from the minimum required front setback and a maximum of ~~four (4) stories / 40~~ **45** feet for the remainder of the building 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~~ **55** 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~~ 32 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) Exterior building and lot standards**

**1. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:**

**a. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.**

**b. All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.**

**d. Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.**

**2. There shall be no minimum or maximum yard elevation requirements, or maximum lot coverage requirements within the North Beach National Register Overlay.**

- (e) The setback requirements for 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 percent (8%) 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.

**(h) In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.**

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

(a) All parking shall be located **at-grade; no higher than the ground floor level.** Ramps or parking above the first floor shall be **prohibited 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 **platted lot within a** development site shall be permitted, and the maximum width of **one-way** a driveway curb cuts shall not exceed 10 feet. ~~Notwithstanding the foregoing~~ **Additionally**, 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:

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\*

\*

(6) Apartment building and apartment-hotel:

- a. Apartment buildings in RM-1 or RM-2 zoning districts on lots that are 65 feet in width or less: There shall be no parking requirement, provided secure storage for alternative transportation such as scooters, bicycles, and motorcycles, is provided.
- b. Apartment buildings in RM-1 or RM-2 zoning districts on lots wider than 65 feet: One space per unit for units between 550 and 1,600 square feet; two spaces per unit for units above 1,600 square feet.
- c. Apartment units in all other zoning districts:
  1. One and one-half spaces per unit for units between 550 and 999 square feet;
  2. One and three-quarters spaces per unit for units between 1,000 and 1,200 square feet;
  3. Two spaces per unit for units above 1,200 square feet.
- d. 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.

- e. 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: April 11, 2018

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\March 14, 2018\NB NR NCD Overly Zoning Regulations - 2nd Reading ORD Mar 14 2018 LUDC.docx

# Existing RM1 Zoning Regulations and Proposed NCD Regulations

		EXISTING	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	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>	<ul style="list-style-type: none"> <li>•50'-0"</li> <li>• 55'-0' For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity use</li> </ul>	<ul style="list-style-type: none"> <li>• 32 feet for the first 25 feet of building depth</li> <li>• 45 feet for the remainder of the building depth</li> <li>• 55 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 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.</p>
<b>UNIT SIZE</b>	<p>MINIMUM UNIT SIZE</p> <ul style="list-style-type: none"> <li>• New construction: 550</li> <li>•Rehabilitated buildings: 400</li> <li>• WF/AH: 400</li> </ul> <p>AVERAGE UNIT SIZE</p> <ul style="list-style-type: none"> <li>• New construction: 800</li> <li>•Rehabilitated buildings: 500</li> <li>•WF/AH: 400</li> </ul>	<p>MINIMUM UNIT SIZE</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>AVERAGE UNIT SIZE</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	PROPOSED NCD
<b>PARKING</b>	<p>Lots 65 feet in width or less:</p> <ul style="list-style-type: none"> <li>• No Parking Requirement</li> </ul> <p>Lots wider than 65 feet:</p> <ul style="list-style-type: none"> <li>• Units between 550 and 1,600 SF - 1 (one) space per unit</li> <li>• Units 1,600 SF or greater - 2 (two) spaces per unit</li> </ul>	<p>Lots 65 feet in width or less:</p> <ul style="list-style-type: none"> <li>• No Parking Requirement</li> </ul> <p>Lots wider than 65 feet:</p> <ul style="list-style-type: none"> <li>• No Parking Requirement for development sites with six (6) units or less and for 'Contributing' buildings that are substantially retained, preserved and restored</li> <li>• One (1) space per unit (regardless of unit size) for developments with seven (7) or more units.</li> </ul> <p>Note: DRB or HPB can waive parking requirements</p>
<b>DEMOLITION PROCEDURES</b>	<ul style="list-style-type: none"> <li>• Subject to HPB approval in Local Historic Districts</li> <li>• No standards or procedures outside of Local Historic Districts</li> </ul>	<ul style="list-style-type: none"> <li>• No demolition of 'contributing' buildings for surface parking lots</li> <li>• Outside of Local Historic Districts new requirements for replacement structure approval and permitting prior to demolition of 'contributing' building</li> </ul>
<b>ROOF-TOP ADDITIONS</b>	Subject to HPB or DRB approval	<ul style="list-style-type: none"> <li>• Subject to HPB approval in Local Historic Districts</li> <li>• Outside of Local Historic Districts may be reviewed by staff, subject to compliance with specified criteria</li> </ul>
<b>ELEVATOR AND STAIRWELL BULKHEAD HEIGHT</b>	Subject to HPB or DRB approval	Required to meet, unless waived by DRB or HPB
<b>SHADE STRUCTURE HEIGHT EXCEPTION</b>	Subject to HPB or DRB approval, not to exceed 25'	Maximum 10' and subject to DRB or HPB 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.

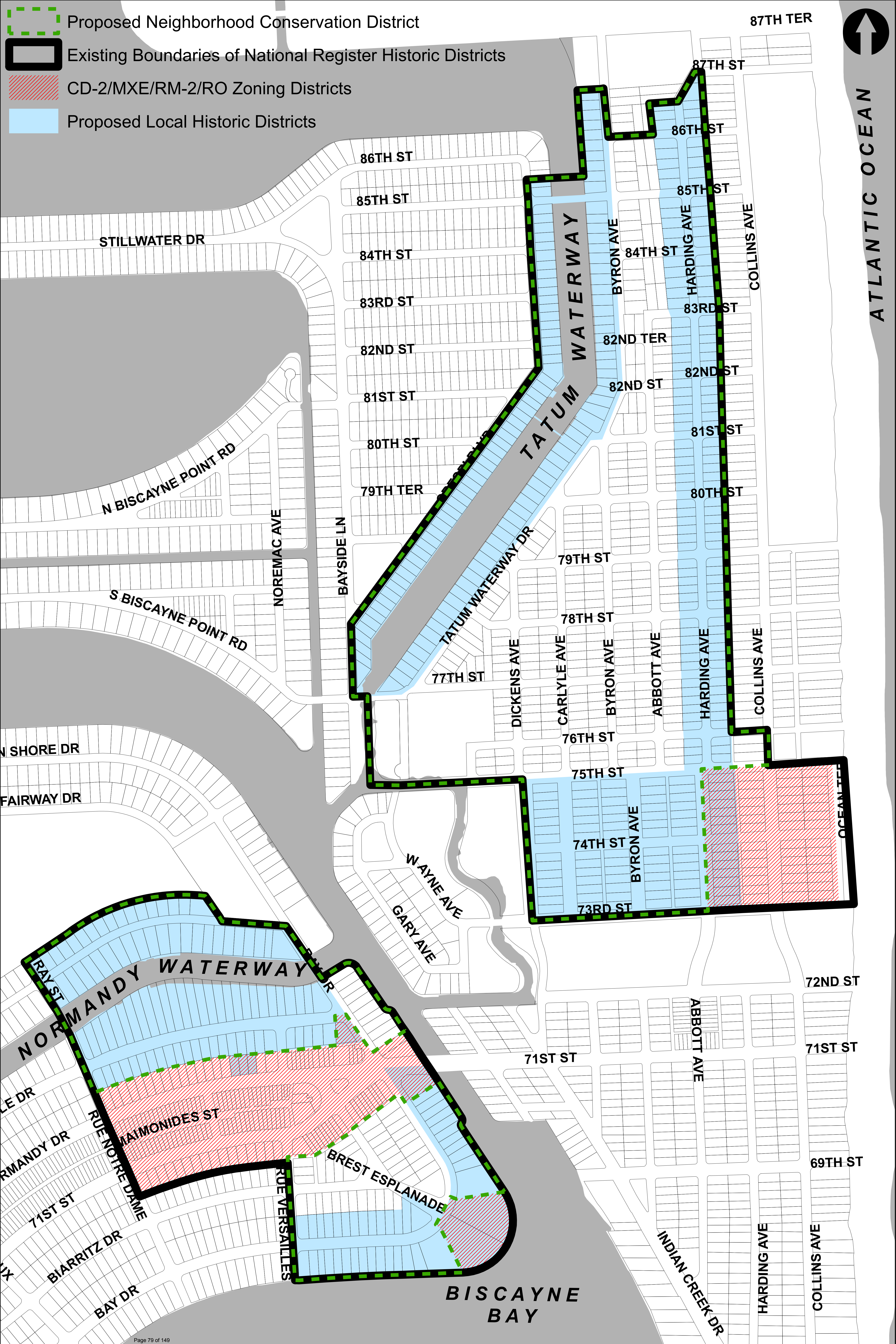
## May 10, 2017

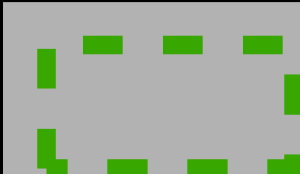
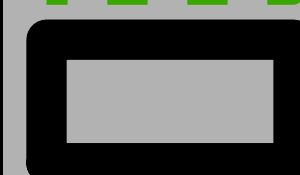
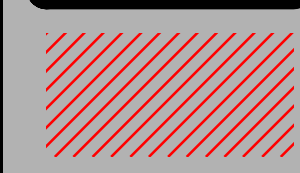
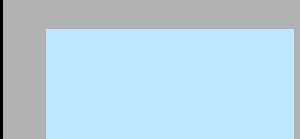
The LUDC approved by acclamation a recommendation that the City Commission refer the proposed North Beach National Register Conservation District Overlay Ordinance to the Planning Board, as recommended by the Steering Committee, including additional recommendations on parking and landscaping.

## 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



# MIAMI BEACH

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

## Item 3. **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

**TITLE: DISCUSSION PERTAINING TO ANTICIPATED INCREASES IN EXTREME HEAT  
AND THE IMPACT ON BUILDING AND SITE PLAN DESIGN.**

### **HISTORY:**

On July 26, 2017, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion to the Land Use and Development Committee (LUDC) and Planning Board for consideration and recommendation (Item C4 A). On October 11, 2017, the Land Use and Development Committee continued the item to a date certain of December 11, 2017.

On December 11, 2017, the Land Use Committee discussed the item, including a narrative of potential options. The LUDC directed staff to draft an ordinance with both incentive and requirement options and continued the item to the February, 2018 meeting. On February 21, 2018, the item was deferred to March 14, 2018.

### **Analysis**

The Administration has identified a variety of strategies to address the impacts of urban heat island (UHI) and improve resilience. Attached is a table describing the items identified, associated benefits, potential costs, the current actions the City is pursuing regarding these items and staff recommendations for incentives. Staff believes this chart is a better way to assess and pinpoint those options suitable for an actual ordinance.

### **CONCLUSION:**

The Administration recommends the LUDC discuss the variety of options set-forth in the attached table and provide appropriate policy direction. If there is consensus on the options included, it is further recommended that a draft ordinance be prepared for review by the Land use Committee in April, or for referral to the Planning Board.

### **ATTACHMENTS:**

Description	Type
□ Attachment Table	Memo

## Strategies to address the impacts of urban heat island and improve resilience

UHI Action Item	Definition	Benefits	Cost	What CMB is doing about it	Policy Options
Cool or White Roofs	Cool or White roof means a roof that has been coated white or is surfaced with some other light or reflective material.	Most studies demonstrate that cool or white roofs reduce roof surface temperatures, lower electricity consumption for the building and reduce the heat island effect. A cool roof reflects more sunlight and absorbs less heat than a standard roof. This allows for a cooler rooftop surface and less heat being transferred into the building. In turn, less cooling is needed which lowers electricity consumption and reduces the building's GHG emissions. According to the U.S. Environmental Protection Agency (EPA), a cool roof can reduce the roof surface temperature by 55 degrees Fahrenheit on average during peak summer temperature and lower cooling costs by 20 percent	The average cost to coat an existing system (granulated or smooth built-up) would be between \$2.5 and \$7 per square foot, depending on the labor and initial work involved in preparing the roof for coating	1) The city adopted a sustainable roofing ordinance which incentivizes and facilitates the installation of solar roofs, blue roofs, cool roofs, green roofs, and other roofing systems that will reduce the heat island effect, allow reuse or retention of stormwater, or reduce greenhouse gases to be used in the city. 2) In addition, last year, the city adopted a green building ordinance requiring new construction over 7,000 square feet to obtain LEED Gold or Living Building Challenge certification. Part of the credits required to obtain these certifications include heat island reduction, optimizing energy performance and thermal comfort. For example, a project can receive up to 2 points for LEED certification for heat island reduction by installing a roof meeting a certain initial solar reflectance index (SRI) or 3-year aged SRI value.	<b>Provide incentives for the installation of white roofs, such as:</b> <ul style="list-style-type: none"> <li>Waive building and zoning permit fees</li> <li>Expedite our permitting process within 3 days</li> <li>Waive Planning boards/committees plan review</li> <li>Tax Abatement</li> </ul>
Green Roofs	Green roof means a green space created by layers of growing medium and vegetation added on top of a traditional roofing system. It may also include additional layers such as a root barrier and drainage and irrigation systems.	Green roofs can help keeping rainwater out of overburdened storm sewer systems, improving water quality, and reducing flooding. Additionally, it provides habitat, increases open space, lowers urban temperatures, and improves air quality.	Green roof can vary significantly, depending on soil depth, plants, features and subcontractor arrangement. On average, extensive green roof can cost between \$15-25/sq ft, while intensive can cost between \$25-35/sq ft.	Same as above (1)	<b>Provide incentives for the installation of green roofs, such as:</b> <ul style="list-style-type: none"> <li>Waive building and zoning permit fees</li> <li>Expedite our permitting process within 3 days</li> <li>Tax Abatement</li> </ul>
Blue Roofs	Blue roof means a non-vegetated source control to detain stormwater. A blue roof slows or stores storm-	Blue roofs are less costly than green roofs. Its main benefits are rainwater detention and stormwater runoff reduction. Coupled with light colored roofing material they can provide sustainability benefits	Costs vary according to the technology used but on average it can costs about \$1-4/sq ft.	Same as above (1)	<b>Provide incentives for the installation of blue roofs, such as:</b> <ul style="list-style-type: none"> <li>Waive building and zoning permit fees</li> <li>Expedite our permitting process within 3 days</li> <li>Provide tax abatement</li> <li>Provide stormwater fee</li> </ul>



	water runoff by using various kinds of flow controls that regulate, block, or store water instead of vegetation.	through rooftop cooling.			reduction according to the percentage of water retained or reused within the project site.
Solar Carports	Solar carports are overhead canopies built to cover parking areas with solar panels.	Solar Carports can minimize energy expenses, while keeping the vehicle cooler and preserve the usefulness of the ground. In addition the energy is renewable so it's also reducing GHG emissions.	Varies pending on size, solar panels. On average about \$4/watt.	The City has incentives for solar projects, including waiving building permit fees and zoning review fees.	<b>Provide incentives for the installation of solar carports, such as:</b> <ul style="list-style-type: none"> <li>• Waive building and zoning permit fees</li> <li>• Expedite our permitting process within 3 days</li> <li>• Provide tax abatement and additional square footage for single family districts in single family districts for homes that are targeting to become 100% (renewable) powered on solar, installing solar panels and solar carports.</li> <li>• Include language within our Code for solar carports incentives, including exceptions for structures that solely support solar energy systems: reductions in parking stall length and width; limited waivers for non-conforming parking lots; and modified height exceptions;</li> </ul>
Cool Pavements	Cool pavements refer to a range of established and emerging materials that can store less heat and may have lower surface temperatures compared with conventional products.	Cool pavements can reduce stormwater runoff and the need for other stormwater infrastructure, as well as assist to reduce the pavement temperature and the heat island effect.	Costs can range from \$0.10 to 10/sq ft	The City has installed porous pavements on parking lots located at 10 Street and Washington. CIP will be installing porous pavements on other parking facilities projects. No difference in maintenance has been identified by Parking or PW.	<b>Provide incentives for the installation of cool pavements, such as:</b> <ul style="list-style-type: none"> <li>• Waive building and zoning permit fees</li> <li>• Expedite our permitting process within 3 days</li> <li>• Provide tax Abatement</li> <li>• Require a percentage of pavement areas to implement permeable pavement technology for new construction.</li> <li>• Require a percentage of surface parking areas to implement permeable pavement technology for new construction.</li> </ul>
White Streets	White streets are streets that have been coated white.	Reduces the pavement temperature (10-30 degrees), helping reduce the heat island effect.	The white coating product used in Los Angeles costs about \$0.40 /sq ft		<b>The City could look for funds to initiate a pilot project in an area with low-medium traffic area.</b>

# MIAMI BEACH

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

## Item 4. **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

TITLE: **DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY**

### **HISTORY:**

On April 26, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4X). On May 10, 2017 the Land Use Committee deferred the item to June 14, 2017. On June 14, 2017 the Committee discussed the item and continued it to September 20, 2017.

The September 20, 2017 LUDC meeting was re-scheduled to October 11, 2017, due to Hurricane Irma. On October 11, 2017 the item was discussed and continued to a date certain of October 30, 2017. On October 30, 2017 the item was discussed and continued to a date certain of December 11, 2017.

On December 11, 2017 the Land Use and Development Committee discussed the item and continued it to a date certain of March 14, 2018.

### **Analysis**

#### **PLANNING ANALYSIS**

At the December 11, 2017 LUDC, some concerns were expressed with regard to parking and neighborhood impacts. Staff was directed to prepare a revised Ordinance for the March LUDC, which allows limited neighborhood commercial uses and incorporates a modest parking requirement.

The Administration has further evaluated the area that adaptive, neighborhood commercial uses make the most sense, as well as the types of uses that would have less of an impact on the established residential character. In this regard, the RM-1 area that is north of 75th Street and east of Tatum Waterway, is one of the few areas of the City not within walking distance of a low-medium intensity commercial district. This is important because most of the RM-1 and RM-2 districts in the City are within easy walking distance to neighborhood commercial districts and uses.

In order to address this shortcoming, a more detailed set of options for both conditional uses and accessory uses that would be allowed as of right, have been developed as part of the draft ordinance attached. The following is a summary of the types of adaptive uses that would be allowed under the proposed ordinance:

#### **Conditional Uses**

With regard to 'Conditional Uses' (those requiring Planning Board approval), existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", may have **accessory restaurants serving alcoholic beverages** subject to the

following:

1. Conditional Use Approval from the Planning Board;
2. The interior restaurant area, inclusive of all seating and back of house, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure;
3. Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards and all such outdoor seating and dining areas shall be located within the internal courtyard.
4. The maximum number of outdoor seats shall not exceed 30;
5. Exterior speakers are prohibited.

### **Accessory Uses**

As it pertains to allowable 'Accessory Uses' (those allowed as of right), existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", may have **accessory office uses and the rental of non-motorized watercraft**, subject to the following:

1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure;
2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.
3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.

Additionally, apartment buildings (new and existing) located north of 75th Street and east of Tatum Waterway Drive and Byron Avenue, would be permitted to have **accessory café, retail, office or personal service uses**, subject to the following:

1. The minimum distance separation between accessory uses shall be 1,500 feet. However, retail, office or personal service uses may obtain conditional use approval from the planning board to operate at a lesser distance from an accessory use, but in no event shall such use be located at a distance less than 500 feet from an existing accessory use. There shall be no variances from this distance separation requirement.
2. The accessory use areas shall not exceed 25 percent of the floor area of the structure.
3. The hours of operation for which the use is open to the public may be from 7:00 am to 7:00 p.m. Subject to conditional use approval, the hours of operation for any of the above noted uses may be extended to 10:00 pm
4. No exterior speakers shall be permitted.
5. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.

As it pertains to minimum parking requirements, staff is concerned with the impact of requiring off-street parking for a couple of reasons. First, since the proposed accessory uses would be within existing structures, there would be no physical way to locate parking spaces within a property. Also, by requiring a parking impact fee, even if it were the less expensive annual fee in lieu, this added cost could be a deterrent to potential operators. Finally, even if parking could be provided on site, the availability of parking storage would be more of an incentive to drive. As demonstrated in the square footage limitations in the draft ordinance, these proposed adaptive accessory uses are intended to serve the area neighborhood, and not be destination establishments.

In order to incentivize and encourage the types of accessory uses proposed in the draft ordinance, staff has included the following modification to Sec. 130-31, pertaining to off-street parking requirements:

*There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located north of 72nd Street and east of Crespi Boulevard.*

The Administration believes that the draft ordinance achieves a careful balance between allowing tangible, neighborhood accessory uses, with protecting the established residential character of the RM-1 districts in North Beach.

**CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the proposed Ordinance and provide additional policy direction, as well as additional recommended changes. If there is consensus on the draft ordinance proposed, it is further recommended that the item be transmitted to the City Commission with a favorable recommendation, for referral to the Planning Board.

**ATTACHMENTS:**

Description	Type
□ Tatum Waterway Adaptive Uses - DRAFT ORDINANCE	Memo
□ Tatum Waterway Adaptive Uses - MAP	Memo

# DRAFT

## RM-1 NORTH BEACH TATUM WATERWAY – REVISIONS TO ALLOWABLE ACCESSORY AND CONDITIONAL USES

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY", BY MODIFYING THE REQUIREMENTS AND TYPES OF ALLOWABLE ACCESSORY AND CONDITIONAL USES FOR RM-1 PROPERTIES IN NORTH BEACH IN ORDER TO ALLOW FOR ACCESSORY RESTAURANT, CAFÉ, OFFICE, RETAIL, PERSONAL SERVICE AND NON-MOTORIZED WATERCRAFT RENTAL USES; AND AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE I, "IN GENERAL", TO PROVIDE FOR AN EXCEPTION TO OFF STREET PARKING FOR CERTAIN ACCESSORY AND CONDITIONAL USES ON RM-1 PROPERTIES NORTH OF 72<sup>ND</sup> STREET IN NORTH BEACH; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize the retention and restoration of contributing historic waterfront structures within the North Shore National Register District in the North Beach area; and

**WHEREAS**, the City of Miami Beach seeks to enhance the pedestrian-friendly allure, and promote the unique sense of place and community culture along North Beach's historic Tatum Waterway through low-intensity and compatible mixed-uses while providing greater accessibility to neighborhood amenities for residents; and

**WHEREAS**, the amendments set forth below is necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Chapter 142, entitled "Zoning Districts and Regulations," Article II entitled "District Regulations," Division 3, entitled "Residential Multifamily Districts," Subdivision II, entitled "RM-1 Residential Multifamily Low Intensity", is hereby amended as follows:

**Sec. 142-151. - Purpose.**



The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences.

**Sec. 142-152. - Main permitted and prohibited uses.**

- (a) The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south; and bed and breakfast inn (pursuant to article V, division 7 of this chapter).
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

**Sec. 142-153. - Conditional uses.**

- (a) The conditional uses in the RM-1 residential multifamily, low density district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages.
- (b) For properties located in the Collins Waterfront Local Historic District, which are designated as a Local Historic Site, a hall for hire use within the interior of an existing building shall require conditional use approval and shall comply with the following:
  - (1) The conditional use shall only be permitted within an existing structure that is on a property designated as a "Historic Site" and such limitation shall be recorded in the Public Records;
  - (2) Dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as part of a hall for hire;
  - (3) The hall for hire use shall close by 11:00 p.m. Sunday through Thursday, and by 12:00 a.m. Friday and Saturday;
  - (4) Events at the hall for hire shall be for the exclusive use of the property owner (and its subsidiaries) and invited guests. Events at the hall shall not be for the general public, with the exception of adjacent schools and community organizations within the Collins Park and Flamingo Drive areas, which may use the hall until 9:00 p.m.;
  - (5) Restaurants, stand-alone bars and alcoholic beverage establishments, not functioning as a hall-for-hire, shall be prohibited;
  - (6) Outdoor dining, outdoor entertainment and open-air entertainment uses shall be prohibited;
  - (7) Private or valet parking for any event at the hall shall be prohibited from using Flamingo Drive, Flamingo Place or Lake Pancoast Drive to facilitate access to the site.
- (c) For apartment buildings located north of 41<sup>st</sup> Street with a minimum of 100 apartment units, a restaurant serving alcoholic beverages shall require conditional use approval and shall comply with the following:
  - (1) The restaurant shall only be open to residents of the apartment building and their invited guests. All invited guests shall be required to park on the subject property.
  - (2) The kitchen shall be limited to a maximum size of 500 square feet.

- (3) The conditional use application for a restaurant with outdoor seating and outdoor dining areas shall specify the proposed maximum number of seats, and locations of seating in the outdoor areas, which shall be subject to Planning Board review and approval.
  - (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment or entertainment establishment shall be prohibited.
  - (5) There shall only be one restaurant on the subject property.
  - (6) The hours of operation of the Restaurant may be from 8 a.m. to midnight (no orders to be taken after 11 p.m.) and for any exterior areas then only until 11p.m. (no orders to be taken after 10 p.m.)
  - (7) Without limiting the foregoing, in the outdoor areas of the restaurant there shall not be any entertainment or Special Events.
- (d) For existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", accessory restaurants serving alcoholic beverages shall require conditional use approval and shall comply with the following:
- (1) The interior restaurant area, inclusive of all seating and back of house, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure.
  - (2) Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards and all such outdoor seating and dining areas shall be located within the internal courtyard. The maximum number of seats shall not exceed 30 and the locations of seating in the outdoor areas shall be subject to Planning Board review and approval.
  - (3) Exterior speakers shall be prohibited, except as may be required under the Florida Life Safety Code.
  - (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.
  - (5) There shall only be one restaurant on the subject property.
  - (6) The hours of operation of the Restaurant may be from 12:00 pm. to 10:00 pm (no orders to be taken after 9:00 p.m.)
  - (7) Adequate loading shall be provided. All loading hours and locations shall be at the discretion of the Planning Board as part of the conditional use permit review.
  - (8) The minimum distance separation between accessory restaurants serving alcoholic beverages shall be 1,500 feet. However, the planning board may allow a lesser distance than 1,500 feet, but in no event shall such use be located at a distance less than 500 feet from another accessory restaurant serving alcoholic beverages. There shall be no variances from this distance separation requirement.

There shall be no variances from the provisions of Section 142-153(b).

**Sec. 142-154. - Accessory uses.**

- (a) The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter.
- (b) Existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", may have accessory office uses and the rental of non-motorized watercraft. These accessory uses shall comply with the following:
  - 1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure.
  - 2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.
  - 3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.
- (c) Apartment buildings located north of 75<sup>th</sup> Street and east of Tatum Waterway Drive and Byron Avenue.
  - 1. The following accessory uses shall be permitted:
    - a. Café
    - b. Retail
    - c. Office
    - d. Personal Service
  - 2. All accessory uses permitted under Sec. 142-154(c) shall comply with the following:
    - a. The minimum distance separation between accessory uses shall be 1,500 feet. However, retail, office or personal service uses may obtain conditional use approval from the planning board to operate at a lesser distance from an accessory use, but in no event shall such use be located at a distance less than 500 feet from an existing accessory use. There shall be no variances from this distance separation requirement.
    - b. The accessory use areas shall not exceed 25 percent of the floor area of the structure.
    - c. The hours of operation for which the use is open to the public may be from 7:00 am to 7:00 p.m. Subject to conditional use approval, the hours of operation for any of the above noted uses may be extended to 10:00 pm
    - d. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.
    - e. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.

**SECTION 2.** That Chapter 130, entitled "Off-Street Parking," Article I entitled "In General" is hereby amended as follows:

**Sec. 130-31 Parking District Established.**

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

\* \* \*

(b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are:

- (1) Located within the architectural district,
- (2) A contributing building within a local historic district, or

(3) Individually designated historic building.

This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

(c) There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located north of 72<sup>nd</sup> Street and east of Crespi Boulevard.

### **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

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

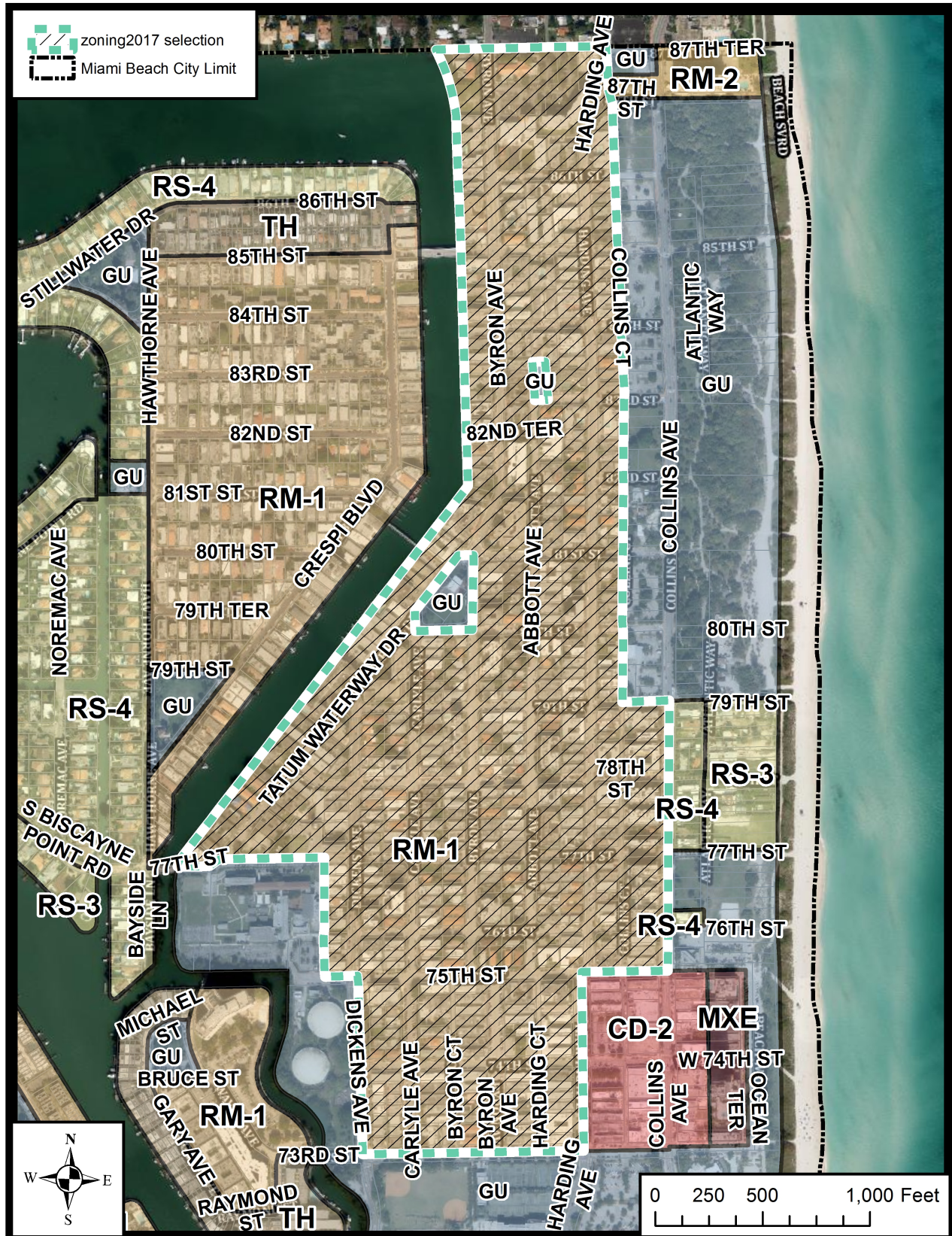
Second Reading: \_\_\_\_\_, 2018

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\March 14, 2018\Tatum Waterway and NR Adaptive Re-Uses - DRAFT ORDINANCE Mar 14 2018 LUDC.docx



# North Beach Adaptive Reuse Parcels



# MIAMI BEACH

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: March 14, 2018

TITLE: **DISCUSSION ON THE CREATION OF A PINK ZONE**

### **HISTORY:**

On October 18, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4L). On October 30, 2017 the item was continued to a date certain of December 11, 2017.

On December 11, 2017 the Land Use and Development Committee discussed the item and continued it to the February 2018, LUDC. On February 21, 2018 the item was continued to a date certain of March 14, 2018.

### **Analysis**

#### **PLANNING ANALYSIS**

At the December 11, 2017 LUDC, Mr. Brian Falk made a presentation regarding the Project for Lean Urbanism. Lean Urbanism and Pink Zones are ways to encourage small scale economic development. The Land Use Committee continued the item and requested that Mr. Falk provide a more detailed update and proposal tailored to incentivize small business.

The Administration met with Mr. Falk and is supportive of the Pink Zone concept in Miami Beach. In this regard, a defined area and/or type of use should be identified and further explored to see if a lean urbanism approach is suitable.

### **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the item and provide additional policy direction. If there is consensus on further studying the Pink Zone concept for application in the City, it is further recommended that the item be continued to a future LUDC meeting.



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: March 14, 2018

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

**Analysis**

It has become apparent 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.

At its January 17, 2018 meeting, the City Commission referred to the Land Use and Development Committee a discussion item to set policy direction for privately owned seawalls and docks adjacent to City-owned public submerged lands.

On February 2018, the Land Use and Development Committee discussed policy direction for privately owned seawalls and docks adjacent to public submerged Land and directed the Department of Public Works to provide additional information so that a proper direction can be provided. The Public Works Department informed the Committee that the department had maintained, during permit reviews, that no seawall structure shall be allowed to extend further than 4 feet beyond property line into City-owned submerged land. This is in addition to the rule that the new seawall wet face shall not be constructed more than 18 inches from the wet face of the existing seawall. Current boundary and topographic survey used in the permitting shall be no more than 2 years old.

The City has approved 182 seawall permits from 2014 to 2018. Out of this number, 43 permits were issued for seawalls on City-owned submerged lands. These include repairs and replacements. A review identified 5 of the 43 permits, about 11% of these seawall permit applications, showed encroachments and were initially denied before revisions to the plans were made. The City of Miami Beach has approximately 63 miles of seawall, with approximately 14 miles on City-owned submerged land.

**CONCLUSION:**

The following is provided to the members of the committee for discussion and further direction.



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: March 14, 2018

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

### ATTACHMENTS:

Description	Type
R5 C	Memo



**1:10:16 p.m.**

R5 C **PARKING DISTRICTS NO. 6 & 7 - HOTEL AND APARTMENT REQUIREMENTS:**  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 6; TO EXTEND THE BOUNDARIES OF PARKING DISTRICT NO. 7; AND TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 7; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

**10:10 a.m. Second Reading Public Hearing** First Reading on December 13, 2017 - R5 U  
Planning  
Vice-Mayor John Elizabeth Alemán

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2018-4159 adopted.** Motion made by Vice-Mayor Alemán to adopt the Ordinance; seconded by Commissioner Arriola. Ballot vote: 6-1. Against: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

**REFERRAL:**

Land Use and Development Committee

**TO DO:** Comprehensive study on mobility throughout the City with rideshare.

**Thomas Mooney to place on the Committee agenda and to handle.**

**MOTION 1:** Passed

Motion by Vice-Mayor Alemán to approve the item; seconded by Commissioner Arriola. Ballot vote: 6-1. Against: Commissioner Rosen Gonzalez.

**MOTION 2:** Passed

Motion by Commissioner Rosen Gonzalez to refer the item to the Land Use and Development Committee to do a comprehensive study on mobility throughout the City with rideshare. Voice vote: 7-0.

Thomas Mooney, Planning Department Director, introduced the item, which was approved on first reading on December 13, 2017. It expands the boundaries of Parking District 7 one block, specifically as it applies to office and hotel uses. It also amends Parking District 6 along Alton Road to extend RM-1 and RM-2 apartment parking space requirements over to residential buildings permitted in the CD-2 District and minor cleanup language proposed for Parking District 5. The Administration recommends adoption.

Commissioner Rosen Gonzalez stated that this item removes the parking requirement for the future hotel on the corner of Alton Road and 17<sup>th</sup> Street. This area has limited parking. This Ordinance would give the hotel the ability to build without providing parking, and then the City of Miami Beach would be responsible for building a parking lot to accommodate for the rise in traffic. Even if guests use ridesharing services, there will be plenty of hotel staffers that will need to take their cars to work and have to park somewhere. If the City is not requiring parking, could it at least require ridesharing loading zones?

Mr. Mooney stated that the Citywide trend is that ridesharing drop off and pickup has been negatively affecting traffic. They have looked into it to ensure there is an adequate drop off and pickup for ridesharing. It is not something, however, that is required in the City's Code.



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

Item 8.

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

TITLE: **DISCUSSION REGARDING CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS.**

### ATTACHMENTS:

	Description	Type
□	C4 AC	Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Vice-Mayor John Elizabeth Aleman  
DATE: February 14, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO  
DISCUSS CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS.

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### ANALYSIS

Please include in the February 14, 2018 City Commission Agenda, a referral to the Land Use And Development Committee to discuss CD-3 architectural district parking garage heights.

I include supporting documentation of previous Commission discussions for additional information.

Please contact my office at ext. 6437 with any questions or comments.

### Legislative Tracking

Vice-Mayor John Elizabeth Aleman

### ATTACHMENTS:

#### **Description**

- CD-3 Commission Documentation



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

To: Jimmy Morales, City Manager

From: Jonah Wolfson, Commissioner

Date: January 9, 2015

Re: **Commission Agenda Item - Consent Agenda**

Please place on the January 14, 2015 Commission Consent Agenda:

**Referral to the LUDC to discuss regarding general height restrictions in CD-3 districts.**

JW



**Condensed Title:**

An Ordinance pertaining to height regulations for CD-3 properties.

**Key Intended Outcome Supported:**

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

**Supporting Data (Surveys, Environmental Scan, etc** 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

**Item Summary/Recommendation:****SECOND READING – PUBLIC HEARING**

The proposed Ordinance would clarify the existing language governing height in the CD-3 district, as well as give the historic preservation board the discretion to allow certain buildings to go up to a maximum of 75 feet in height along James Avenue between 17<sup>th</sup> Street and Lincoln Road.

On January 21, 2015, the Land Use and Development Committee recommended that the Ordinance be approved and sent to the Planning Board with a favorable recommendation.

On July 8, 2015, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; and 2) approved the Ordinance at First Reading and scheduled a Second Reading Public Hearing for September 2, 2015.

The Administration recommends that the City Commission adopt the Ordinance.

**Advisory Board Recommendation:**

On June 23, 2015, the Planning Board (vote of 5-1), transmitted the subject Ordinance to the City Commission with an unfavorable recommendation. (Planning Board File No. 2264).

**Financial Information:**

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

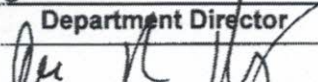

**Financial Impact Summary:**

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

**City Clerk's Office Legislative Tracking:**

Thomas Mooney

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 2, 2015

SECOND READING – PUBLIC HEARING

SUBJECT: CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS

**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 6, "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT", BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS", TO CLARIFY AND AMEND THE MAXIMUM HEIGHT REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

### BACKGROUND

On January 14, 2015, the City Commission (Item C4L), at the request of Commissioner Jonah Wolfson, referred a discussion item to the Land Use and Development Committee (LUDC) regarding proposed amendments to the City Code pertaining to general height restrictions in the CD-3 zoning district. On January 21, 2015, the Land Use Committee discussed the item and recommended that an ordinance amendment be referred to the Planning Board.

On May 6, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred the attached ordinance to the Planning Board (Item C4D).

### ANALYSIS

The proposed ordinance amendment would allow lots fronting on James Avenue, bounded by 17th Street to the North and Lincoln Road to the South, to be built up to 75 feet at the discretion of the Historic Preservation Board as long as the properties provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.

On James Avenue between 17<sup>th</sup> Street and Lincoln Road, the current uses are mainly



hotels that are classified as contributing and located within the Museum Historic District. There is a surface parking lot that spans three lots located on the east side of James Avenue that could potentially take advantage of this ordinance. The three lots have stores fronting Collins Avenue, but the rear of the lots face James Avenue. Currently, the surface parking lot has approximately sixty (60) spaces. This ordinance amendment would allow for the redevelopment of the rear of these lots into a seven (7) story structure with a minimum of five (5) stories of parking.

This particular lot is one of the few parcels in the Museum District area (generally from Lincoln Road to 23<sup>rd</sup> Street, between Collins and Washington Avenues) that can readily accommodate a multi-level parking structure. While transitioning to a less automobile dependent transportation network, the parking needs of the larger hotels in the immediate area continue to be apparent. The construction of a multi-level garage at this location could help alleviate the related traffic issues associated with a lack of parking in the area.

Additionally, the City Code already permits buildings up to 7 stories / 80 feet in height for lots fronting 17<sup>th</sup> Street. As such, a future aggregation of properties that includes a lot on 17<sup>th</sup> Street could result in new buildings at up to 7 stories / 80 feet in height, even without the proposed code change.

In the process of reviewing the proposed amendment, planning staff was able to simplify and clarify the height regulations in the CD-3 zoning district. Currently, this section of the code, which was poorly drafted and modified over time, has created problems for both staff reviewing the code, as well as property owners and architects reading the code. In this regard, staff is recommending that the entire section be stricken, and re-written in a more clear and concise form.

The following is a bullet point version of the revised, clarified language proposed within the body of the Ordinance. Other than the amendment proposed for parking structures along James Avenue (*in bold text*), and the removal of the regulations for ocean front lots (there are no longer any ocean front lots in the CD-3 zoning district), there are no other substantive changes proposed:

Maximum Building Height:

- 75 Feet.
- Lots within the architectural district: 50 Feet.
- **Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the North and Lincoln Road to the South, the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.**
- Lots fronting on 17th Street: 80 Feet.
- City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 Feet.
- Notwithstanding the foregoing requirement for the City Center Area, the following additional regulations shall apply:



The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 Feet for the first 50' of lot depth.

The height for lots fronting on Drexel Avenue is limited to 50 Feet for the first 25' of lot depth (except as provided in section 142-1161).

Maximum Number of Stories:

- 7 Stories.
- Lots within the architectural district: 5 Stories.
- ***Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the North and Lincoln Road to the South, the historic preservation board shall have discretion to allow up to seven (7) stories for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property.***
- Lots fronting on 17th Street: 7 Stories.
- City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 Stories, subject to the applicable height restrictions (except as provided in section 142-1161).

PLANNING BOARD REVIEW

On June 23, 2015, the Planning Board (by a 5-1 vote) transmitted the proposed Ordinance to the City Commission with an unfavorable recommendation. The Planning Board, while supportive of the non-substantive text changes proposed, expressed a concern with the proposed height increase, as it could result in an increase in scale, mass and height within an area currently limited to five stories / 50 feet in height.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

SUMMARY

The Planning Board expressed concerns with the proposed Ordinance, particularly as it pertains to a potential increase in scale and mass within an area that currently limits overall building heights to 5 stories / 50 feet. The Administration is understanding of and sensitive to these concerns.

In order to further address the potential scale and height issues associated with a future structure taller than 50 feet in height, particularly as it may be perceived from Collins or Washington Avenue, the Administration has suggested that a minimum setback of 75' be required from Collins and Washington Avenue for any portion of a building above 50 feet in height. This would ensure that a future building above 50 feet in height on James Avenue, with a thru-lot to either Washington or Collins Avenue, would not overwhelm those respective streetscapes.



On July 8, 2015, the City Commission approved the subject Ordinance at First Reading and scheduled a Second Reading Public Hearing for September 2, 2015. The Commission approval included the recommended additional setbacks from Collins and Washington Avenue, which have been incorporated into the text of the legislation for Second Reading.

As indicated previously, in the event that the City Commission is not comfortable with the proposed increase in height for certain structures along James Avenue, the Administration would recommend that this portion of the proposed legislation be stricken, and that the remainder of the Ordinance be approved. As indicated previously, the current text structure of the height regulations for the CD-3 district is clumsy at best, and exceedingly difficult to understand. The proposed re-organization of the text, in a non-substantive manner will help further the stated goals of simplifying and comprehending the code.

#### **CONCLUSION**

The Administration recommends that the City Commission adopt the Ordinance. In the event that the City Commission does not move forward with the aforementioned amendment pertaining to the maximum height of properties on James Avenue, the Administration recommends that the remainder of the proposed Ordinance be adopted.

JLM/JMJ/TRM  
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## CD-3 ARCHITECTURAL DISTRICT PARKING GARAGE HEIGHTS

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 6, "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT", BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS", TO CLARIFY AND AMEND THE MAXIMUM HEIGHT REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach ("City") seeks to encourage and incentivize new development and the preservation and restoration of structures located within the Museum Historic District; and

**WHEREAS**, the City desires to encourage private property owners to redevelop properties to accommodate the off-street parking needs of the surrounding properties; and

**WHEREAS**, the preservation and restoration of the City's contributing buildings furthers the general welfare and is especially important to the citizens of Miami Beach; and

**WHEREAS**, the preservation and restoration of contributing structures is often aided by the construction of new buildings on the same property; and

**WHEREAS**, the City has previously implemented increased height requirements for parking garages; and

**WHEREAS**, the amendment set forth below is necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations" Division 6, "CD-3 Commercial High Intensity District," is hereby amended as follows:

Section 142-337. Development regulations and area requirements.

(a) The development regulations in the CD-3 commercial, high intensity district are as follows:

- (1) Max FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; Lot area greater than 45,000 sq. ft.—2.75; Oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.
- (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.



- (3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
- (4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.
- (b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	<del>75</del> Oceanfront lots— 200 Oceanfront lots within the architectural dist., new construction— 120; ground floor additions to existing structures on oceanfront lots— 50 80 Lots fronting on 17th Street 50 Non-oceanfront lots within the architectural dist. 100 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south	7 Oceanfront lots— 22 Oceanfront lots within the architectural dist., new construction— 13; ground floor additions to existing structures on oceanfront lots— 5 7 Lots fronting on 17th Street 5 Non-oceanfront lots within the architectural dist. 11 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south

		<p>accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.</p>		<p>property line of lots fronting on the south side of Lincoln Rd., Washington Rd., and Lincoln Rd.); except the height for lots fronting on Lincoln Rd. and 16th St. between Drexel and Washington are limited to 50' for the first 50' of lot depth; and except the height for lots fronting on Drexel Avenue are limited to 50' for the first 25' of lot depth (except as provided in section 142-1161)</p> <p><u>75 Feet.</u></p> <p><u>Lots within the architectural district: 50 Feet.</u></p> <p><u>Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the North and Lincoln Road to the South, the</u></p>	<p>property line of lots fronting on the south side of Lincoln Rd., Washington Ave., and Lincoln Rd.); subject to the applicable height restrictions (except as provided in <u>section 142-1161</u>)</p> <p><u>7 Stories.</u></p> <p><u>Lots within the architectural district: 5 Stories.</u></p> <p><u>Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the North and Lincoln Road to the South, the Historic Preservation Board shall have discretion to allow up to seven (7) stories for those properties that provide a minimum of five (5) stories of parking, of which</u></p>
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				<p><u>Historic Preservation Board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five (5) stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 50 feet in height.</u></p> <p><u>Lots fronting on 17th Street: 80 Feet.</u></p> <p><u>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue</u></p>	<p><u>a minimum of 250 spaces must be unencumbered by any use at the property, and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 5 stories in height.</u></p> <p><u>Lots fronting on 17th Street: 7 Stories.</u></p> <p><u>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 Stories, subject to the applicable height restrictions (except as provided in section 142-1161).</u></p>
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				<p><u>and the south property line of those lots fronting on the south side of Lincoln Road); 100 Feet.</u></p> <p><u>Notwithstanding the foregoing requirement for the City Center Area, the following additional regulations shall apply:</u></p> <p><u>The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 Feet for the first 50' of lot depth.</u></p> <p><u>The height for lots fronting on Drexel Avenue is limited to 50 Feet for the first 25' of lot depth (except as provided in section 142-1161).</u></p>	
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## **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 relettered 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 \_\_\_\_\_, 2015.

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

**ATTEST:**

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
Paul Ogilvie  
City Attorney

7/13/15  
Date

First Reading: July 8, 2015  
Second Reading: September 2, 2015

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

Underline = New Language  
~~Strikethrough~~ = Deleted Language  
Underline = Language Added at First Reading

[Sponsored by Commissioner Malakoff]

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## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS SEPTEMBER 2, 2015

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **September 2, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

### 10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, 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," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," By Amending The Requirements And Procedures For The Retention Of Architecturally Significant Single-Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

### 10:05 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, 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," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit Prior To The Issuance Of A Full Building Permit For Architecturally Significant Pre-1942 Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

### 10:10 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code, 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 Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

### 10:15 a.m.

An Ordinance 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 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements," To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

### 10:20 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," To Establish Section 13-309, "Washington Avenue Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue Between 6<sup>th</sup> Street And Lincoln Road; By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," To Establish Parking District 7 To Modify The Parking Requirements For The Properties Fronting Washington Avenue Between 6<sup>th</sup> Street And Lincoln; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

### 10:25 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection B Thereof Regarding The Idle Speed, No Wake Zones By Adding An Idle Speed, No Wake Zone In The Area Of The Miami Beach Marina And Amending The Appendices To Section 66-43, Accordingly; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environment and Sustainability Division at 305.673.7010.*

### 10:30 a.m.

An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Creating Article VI, To Be Entitled "Expanded Polystyrene Sale And Use Restrictions," To Provide Regulations For The Sale And Use Of Expanded Polystyrene Food Service Articles, And To Provide For Enforcement, Penalties, And Waivers For Financial Hardship; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environment and Sustainability Division at 305.673.7010.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk  
City of Miami Beach



**10:11:10 a.m.**

- R5C Single Family Home Development Regulations For Lot Splits  
An Ordinance Amending The Land Development Regulations Of The City Code, 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 Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. **10:10 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on July 8, 2015 - R5M)

**ACTION:** Title of the Ordinance read into the record. **Ordinance 2015-3959 adopted.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item, which was approved at first reading in July. The Ordinance sets forth the lower lot coverage and unit size maximum on lot split applications when the new lots do not follow the lines of the original plotted lines, or when there is a proposal to demolish an architectural significant pre-1942 home.

**City Clerk's Note:** Commissioner Grieco was absent during the vote, but subsequently returned and voted "Yes" on the item.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060

**10:27:07 a.m.**

- R5D CD-3 Architectural District Parking Garage Heights  
An Ordinance 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 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements", To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **10:15 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on July 8, 2015 - R5N)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2015-3960 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Thomas Mooney to handle.**

**AMENDMENT:**

Approve without height increase  
Accept clean up language only

**MOTION 1:**

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco approving the Ordinance with the height increase; Ballot-vote: 4-3. Opposed: Mayor Levine and Commissioners Steinberg and Weithorn. **Motion failed.**



**MOTION 2:**

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance without the height increase, and add clean up language; Ballot-vote: 7-0. **Motion carries; item is approved.**

Thomas Mooney, Planning Department Director, explained that this is an Ordinance amendment that modifies Section 142-337. The intent of the amendment to the Ordinance is two-fold: 1) staff used this as an opportunity to clean up a Section of the Code that was convoluted; and 2) the other part of the Ordinance makes a substantive change for potential parking garages that will be located on James Avenue, between 17<sup>th</sup> Street and Lincoln Road. In this instance, there are benchmarks and thresholds that have to be met in order for a 75-foot height to be obtained. If there is not the will of the Commission to move forward with this proposed language along James Avenue, the Administration would recommend that that particular portion be stricken, but that the remainders of the Ordinance, the cleanup language, move forward to ensure clear reading.

Eve Boutsis, Deputy City Attorney, added for clarification that on June 23, 2015, the Planning Board voted unfavorably for this item by a 5-1 vote.

Discussion held.

Commissioner Malakoff described that this is not valet parking like what people expect; the public thinks that valet parking garage means that it is going to take care of all the valet services of all the hotels and clubs in the vicinity, and that is not the use. These are 250 parking spaces open to the public; one drives into the garage, the attendant gives a ticket, and the attendant drives and park the car. These are 250 parking spaces allocated specifically for the public. She wanted to clarify this, because the word "valet" can be misleading.

Daniel Ciraldo urged the City Commission to vote against the portion that increases the height for the parking garage, as it is a type of spot zoning. What happened was that the developer came and got a project through the Planning Board under zoning that should not exist, and no one caught it in the Planning Department. So rather than the developer coming back and redesigning the garage to fit within the architecturally historic district, they are here now before the Commission seeking to increase the height. Mr. Ciraldo urged a vote against the height increase.

Vice-Mayor Tobin asked Mr. Ciraldo if it were a self-service parking garage, would Mr. Ciraldo's concerns be alleviated.

Mr. Ciraldo responded that overall, the City Commission has to be careful when changing zoning for parking garages.

Mayor Levine believes the issue is the height.

Commissioner Grieco suggested showing the zoning map so they can see that within a very small surrounding area, there are similar heights, if not higher heights allowed just half a block away and in almost all directions. This is a strange carved-out zone with lower heights. Commissioner Grieco asked if there is a way to integrate a discount for Miami Beach residents, to alleviate the concern about cost imposed upon people driving up, such as showing the driver license to the parking attendant.

Monika Entin, Esq., explained that various buildings in the neighborhood have taller height requirements, so it is really this particular block in the middle that has the 50-foot requirement and it is surrounded by these higher construction heights. In regards to the discount for residents, she

distributed to the City Commission a monthly pass log that shows area employees that park in this lot at a discounted rate. There may be some incentives for residents or for area employees receiving monthly passes as well. In regards to what Commissioner Malakoff stated, she thinks it is a full-service garage and, for clarification, Ms. Entin explained that the intention of the proposed garage is to serve the public, she showed as an example that in the current 100-space parking garage, 46 of those are monthly passes, and they are monthly passes from places that are within walking distance.

Discussion held regarding parking difficulties in the area.

Monika Entin, Esq., added that drivers are circling the neighborhood until they find a parking spot. Since they offer discounted rates and a 24-hour period for their garage, they currently have people parking at hotels that are in proximity of their location. This parking garage will take off this traffic off the streets.

Mayor Levine suggested voting on the item without the height and asked for consensus.

Commissioner Grieco is concerned that if the developer does not get the height, they will not build the garage, and there is shortage of parking in the area. Commissioner Grieco added that the City needs parking in that area as a short-term solution, and the height increase is compatible with the surrounding buildings.

Discussion continued.

Ray Breslin suggested adding a residential component to the garage and looking at every individual case.

Motion No. 1 failed.

Thomas Mooney, Planning Department Director, recommended approving the remainder of the Ordinance with the exception of the height increase. They have cleaned up the language to make it clear and easy to understand.

Discussion held.

Motion No. 2 carries with clean-up language and without height increase.

Handout or Reference Materials:

1. Notice in The Miami Herald – Ad 1060
2. 1667 James Avenue Parking Lot Monthly Passes and Transient Area Parkers distributed by Monika Entin.
3. Color prints of 1667 James Avenue Proposed Garage Site, rendering and map.





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Item 9.

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

TITLE: **DISCUSSION ON EMPTY STOREFRONTS AND HOW THE CITY CAN INCENTIVIZE LANDLORDS TO FIND TENANTS TO ACTIVATE OUR STREETS.**

### ATTACHMENTS:

Description	Type
C4 G	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Kristen Rosen Gonzalez  
DATE: March 7, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -  
DISCUSSION ON EMPTY STOREFRONTS AND HOW THE  
CITY CAN INCENTIVIZE LANDLORDS TO FIND TENANTS TO ACTIVATE OUR  
STREETS.

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### **RECOMMENDATION**

Please add a referral to Land Use and Development Committee regarding the following:

How many storefronts are currently empty and have been empty for more than six months?

Can we incentivize landlords so they find tenants and we once again activate our streets?

### **Legislative Tracking**

Commissioner Kristen Rosen Gonzalez



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Item 10.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

TITLE: **DISCUSSION REGARDING THE OPEN SPACE MODIFICATION FOR SMALL CONDOMINIUM BUILDINGS.**

**ATTACHMENTS:**

Description	Type
□ C4 H	Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Michael Gongora  
DATE: March 7, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO  
DISCUSS THE OPEN SPACE MODIFICATION FOR SMALL CONDOMINIUM  
BUILDINGS.

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### **ANALYSIS**

Please place on the March 7 consent agenda, a referral to the Land Use and Development Committee to discuss open space modification for small condominium buildings and use of their roof as private space vs. public space. Please notify the South of Fifth Neighborhood Association when it comes before the Land Use and Development Committee. Please feel to contact my Aide, Diana Fontani Martinez, for further details at extension 6722.

### **Legislative Tracking**

Commissioner Michael Gongora



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Item 11.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

**TITLE: COLLINS AVENUE GU LOTS (WEST LOTS) PROPOSED ORDINANCE PERTAINING TO THE WAIVER OF THE DRB PROCESS**

**HISTORY:**

On March 7, 2018, at the request of Commissioner Ricky Arriola, the City Commission referred the subject ordinance to the Land Use and Development Committee and the Planning Board (Item R9J).

**Analysis**

The subject ordinance pertains to the existing lots located on the west side of Collins Avenue, between 79th and 87th Streets. All of these lots, commonly referred to as the "West Lots", are City owned and zoned Government Use (GU).

In 2017, the City Comprehensive Plan was amended to change the current Future Land Use Map (FLUM) category of the west lots from RM-1 to Public Facility (PF). Additionally, the Public Facility (PF) portion of the Comprehensive Plan was amended to allow for commercial uses as a permitted use. This change brought previously approved uses (e.g. Ocean Rescue) into compliance with the comprehensive plan, and provided more flexibility for future uses.

Additionally in 2017, Sec. 142-425(d) of the City Code, pertaining to waivers for GU properties, was amended to provide the City Commission the authority to consider waivers for certain private uses located on the west lots. Specifically, for private uses approved by the City Commission for a period of 10 years or less, the City Commission is now able to consider a waiver of development regulations. Prior to this amendment, GU waivers on the west lots were limited to government facilities/uses, cultural organizations and not-for-profits.

Currently, the only exception to this GU waiver provision is the design review processes. The mandatory requirement for Design Review Board (DRB) review was put in place in the 1990's in order to ensure that permanent buildings and projects located on GU sites went through a comprehensive public review process. This provision was never intended for temporary or 'pop-up' uses, which are short term in nature.

In order to provide more flexibility for future temporary and 'pop-up' uses on the west lots, including the proposal for the North Beach Yard, a minor revision to Sec. 142-425(d) of the City Code is proposed. As noted in the attached draft ordinance, in addition to being able to waive all other development regulations, the City Commission would have the discretion to consider a waiver of the design review processes. As drafted, this discretion to waive the design review processes would only apply to the west lots.

It is important to note that even if the Commission should decide to consider granting any development waiver for a future project on the west lots, including a potential waiver of the DRB process, two public hearings would still be required (at the Planning Board and the City Commission). Both of these public hearings would be noticed to all surrounding property owners.

**CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the proposal and recommend that the draft ordinance be transmitted to the City Commission with a favorable recommendation by the Planning Board.

**ATTACHMENTS:**

Description	Type
 Draft Ordinance	Memo



## **NORTH BEACH GU LOTS – WAIVER OF DRB PROCESS**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," BY AMENDING SECTION 142-425, ENTITLED "DEVELOPMENT REGULATIONS" TO ALLOW THE CITY COMMISSION TO WAIVE THE DESIGN REVIEW PROCESS FOR TEMPORARY USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79<sup>TH</sup> STREET AND 87<sup>TH</sup> STREET; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, the City Commission desires to exempt said lots from the Design Review Process for those uses that will exist for periods of less than 10 years within the West Lot Area; 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, entitled "Zoning Districts and Regulations", Article II, entitled "District Regulations", Division 9, entitled "GU Government Use District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

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

- (a) The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

- (b) Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the city commission in a manner consistent with the comprehensive plan. Upon the expiration of a lease to the city or other government agency, the district shall revert to the zoning district and its regulations in effect at the initiation of the lease.
- (c) Setback regulations for parking lots and garages when they are the main permitted use are listed in subsection 142-1132(n).
- (d) Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of GU property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permittee variances and shall not be eligible to waive any regulations as described in this paragraph. However, not-for-profit, educational, or cultural organizations as set forth herein, ~~or private uses on the GU lots fronting Collins Avenue between 79<sup>th</sup> and 87<sup>th</sup> Streets approved by the City Commission for a period of 10 years or less,~~ shall be eligible for a City Commission waiver of development regulations as described in this paragraph, except for the historic preservation and design review processes. Additionally, private uses on the GU lots fronting Collins Avenue between 79<sup>th</sup> and 87<sup>th</sup> Streets approved by the City Commission for a period of 10 years or less, shall be eligible for a City Commission waiver of the development regulations as described in this paragraph, including, but not limited to the design review process.

## **SECTION 2. REPEALER**

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

## **SECTION 3. CODIFICATION**

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

## **SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

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

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

**ATTEST:**

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

First Reading:     April 11, 2018

Second Reading:   May 16, 2018

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\March 14, 2018\NB GU Lots - Waiver of DRB - ORD Mar  
2018 LUDC.docx



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Item 12.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

TITLE: **DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ Deauville Beach Resort - 6701 Collins Ave. Memo Mar 14, 2018 LUDC	Memo



# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

SUBJECT: **DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT**

### HISTORY

On March 7, 2018, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item R9K).

### ANALYSIS

The Deauville Hotel, located at 6701 Collins Avenue was constructed in 1957 and designed by noted local architect Melvin Grossman. The subject structure is an excellent example of the Post War Modern (MiMo) style of architecture and is classified as a contributing building within the North Beach Resort Local Historic District.

One of the most noticeable features of the building is its dramatic porte-cochere, comprised of sweeping intersecting parabolic curves, creates a defining entry point for this once all-inclusive resort. Stepped horizontal planes rise from the street to the second floor lobby entrance along the building's façade, providing shelter and a clear pedestrian procession from Collins Avenue. The two-story structure to the south of the property contains ground level retail spaces with an enormous two story height ballroom space above, made legendary by the 1960s appearance of the Beatles on the "Ed Sullivan Show". An elongated honey comb pattern of ornamental hollow clay blocks forms a distinctive screening mechanism for the ballroom façade on Collins Avenue. The hotel units are contained within a 15-story tower with continuous horizontal windows and projecting concrete eyebrows located at the north end of the property.



*The New Deauville Hotel on Collins Avenue and the Ocean at Night on Miami Beach*

ODK 773 1960

The hotel is currently vacant and not operating due to a fire in July, 2017. While permits have been applied for, no serious building activity is taking place.

Maintenance of Designated Properties and Demolition by Neglect

Section 118-532(g) of the City Code provides a mechanism for the City to initiate the demolition by neglect process for a designated property. Such process may be initiated if it is determined by the Historic Preservation Board, Planning Director or Building Official that a designated property has fallen into one or more of the following categories:

- A state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity;
- A state of disrepair, so as to potentially jeopardize the safety of the public and surrounding structures;
- A state of disrepair that results in the property failing to meet the minimum maintenance standards.

The following is a summary of the demolition by neglect process:

1. After 48 hours' notice to the owner of intent to inspect, the City may enter and inspect the property.
2. Upon completion of the inspection, a report delineating the findings of the inspection, as well as any remedial action required to address any violation of the required minimum maintenance standards, shall be immediately transmitted to the property owner. The City may require that the property owner retain a professional structural engineer to complete a structural evaluation report to be submitted to the City.
3. Upon receipt of such report, the property owner shall substantially complete any remedial or corrective action within 30 days of receipt of the report, or within such time as deemed appropriate by the Building Official, in consultation with the Planning Director. Such time may be extended at the discretion of the City's Building Official.

If the property owner refuses access to the property, and/or fails to undertake and substantially complete the required action noted above, within the specified time frame, the City may, at the expense of the owner, file an action seeking an injunction ordering the property owner to allow access to the property and/or take the required remedial and corrective action to restore the building's compliance with minimum maintenance standards. Additionally, the City may seek civil penalties (up to \$5,000 per day), for each day that the remedial and corrective action is not taken).

**CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the item and provide appropriate policy direction.

*JLM/SMT/TRM*

*Attachments*





Deauville

6701

YIELD TO PEDESTANS

























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Item 13.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

**TITLE: DISCUSSION REGARDING HOW THE TALL HEDGES, SOME SOARING UP TO 6- FEET TALL, ON PRIVATE PROPERTIES, LOCATED ADJACENT TO, DRIVEWAYS AND SIDEWALKS, POSE A DANGER TO PEDESTRIANS AND OBSTRUCT WALKABILITY.**

**(VERBAL REPORT)**



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

Item 14.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 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.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Substitute Draft Ordinance	Memo

**North Beach Town Center FAR Overlay  
Land Development Regulations**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF  
MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS  
AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION  
20, "TC NORTH BEACH TOWN CENTER DISTRICTS,"**

**PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN  
EFFECTIVE DATE.**

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**,; and

**WHEREAS**, the amendments set forth below are necessary to accomplish 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 20, "TC North Beach Town Center Districts," at Section 142-737 is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**DIVISION 20  
TC NORTH BEACH TOWN CENTER DISTRICTS**

\* \* \*

Sec. 142-736. - Main permitted uses, conditional uses, accessory uses, and prohibited uses.

~~(a) Land uses in the TC-1 town center core district shall be regulated as follows:~~

~~(1) The main permitted uses in the TC-1 district are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in chapter 6; apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter). The ground~~

~~story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). The provisions of chapter 6 concerning distance separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.~~

- ~~(2) The conditional uses in the TC-1 district are adult living congregate facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment, neighborhood impact establishment, open air establishment, nursing homes; religious institution; video game arcades; public and private institutions; and schools and major cultural dormitory facilities as specified in section 142-1332.~~
- ~~(3) The accessory uses in the TC-1 district are those uses permitted in article IV, division 2 of this chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in chapter 6; provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.~~
- ~~(4) The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this division. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).~~
- ~~(b) Land uses in the TC-2 town center mixed-use district shall be regulated the same as for uses in the TC-1 town center core district.~~
- ~~(c) Land uses in the TC-3 town center residential office district shall be regulated as follows:~~
  - ~~(1) The main permitted uses in the TC-3 district are single-family detached dwelling, townhomes, apartments and offices.~~
  - ~~(2) The conditional uses in the TC-3 district are apartment hotel, hotel, and suite hotel (pursuant to section 142-1105 of this chapter); adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).~~
    - ~~a. In areas designated TC 3(c) on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in chapter 6, with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in chapter 6, and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.~~
  - ~~(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, division 2 of this chapter, except that apartment hotels, hotels, and suite hotels may have accessory uses based upon the criteria below:~~
    - ~~a. Hotels, apartment hotels, and suite hotels in the TC-3 district may include a dining room operated solely for registered hotel visitors and their guests, located inside the building and~~



~~not visible from the street, with no exterior signs, entrances or exits except as required by the Florida Building Code.~~

- ~~b. Hotels, apartment hotels, and suite hotels in the TC-3(c) district may include accessory restaurants or alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 when approved as part of the conditional use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and alcoholic beverage establishments on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.~~
- ~~c. Hotels and suite hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.~~
- ~~(4) The prohibited uses in the TC-3 district are hostels, accessory dance halls, accessory entertainment establishments, accessory neighborhood impact establishments, accessory outdoor entertainment establishment; accessory open air or outdoor entertainment establishment as set forth in article V, division 6 of this chapter, accessory outdoor bar counter and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations). However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).~~
- ~~(5) There shall be no variances to these provisions.~~
- ~~(d) (a) Ordinances elsewhere in these land development regulations that refer to the zoning districts that existed prior to this amendment, i.e., RM-1, CD-2, and CD-3, shall remain applicable to the properties lying within these TC-1, -2 and -3 districts, as if each such reference was amended to correspond to the new TC districts (RM-1 as to TC-3; CD-2 as to TC-2; and CD-3 as to TC-1(c) and TC-1), unless a provision in the TC districts expressly addresses the matter, in which case the TC regulation shall control.~~

(b) Land use in the TC districts shall be regulated as follows:

<u>General Use Category</u>	<u>TC-1 (c)&amp; TC-1 *****</u>	<u>TC-2</u>	<u>TC-3*</u>	<u>TC-3 (c)*</u>
<u>Single Family Detached Dwelling</u>	-	-	<u>P</u>	<u>P</u>
<u>Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Uses</u>	<u>P</u>	<u>P</u>	-	<u>C</u> ****
<u>Alcoholic Beverage Establishments</u>	<u>P</u>	<u>P</u>	<u>C</u> ***	<u>C</u> ***
<u>Apartments &amp; Townhomes</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Apartment Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Suite Hotel</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Hostel (pursuant to section 142-1105)</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>New Construction of Structures 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards</u>	<u>C</u>	<u>C</u>	-	-
<u>Outdoor Entertainment Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Neighborhood Impact Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Open Air Entertainment Establishment</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Religious Institution</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Video Game Arcade</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Public and Private Institutions</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Major Cultural Dormitory Facilities (as specified in section 142-1332)</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Accessory Outdoor Bar Counter</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>
<u>Pawnshops</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Alcoholic Beverage Establishments located in any open area above the ground floor</u>	<u>**</u>	<u>**</u>	<u>**</u>	<u>**</u>
<u>Accessory Dance halls</u>	-	-	<u>N</u>	-

P = Main Permitted Use, C = Conditional Use, N = Not Permitted, A = Accessory only

\*(1) There shall be no variances to these provisions. Hotels and suite hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.

\*\* (2) Outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).

\*\*\* (3) Limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and alcoholic beverage establishments on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.

\*\*\*\* (4) In areas designated TC-3(c) on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in chapter 6, with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in chapter 6, and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.

\*\*\*\*\* (5) The primary means of pedestrian ingress and egress for any use identified as a conditional use in the TC-1(c) district shall not be permitted within 200 feet of an RM-1 district boundary. This shall not apply to emergency egress.

**Sec. 142-737. - Development regulations.**

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

District	Maximum Floor Area	Maximum Building	Maximum Number of
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	Ratio (FAR)	Height	Stories
<u>TC-1 (c) Town Center Core</u>	<u>3.5</u>	<u>150 feet</u>	
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25	<del>125</del> <u>135</u> feet. Buildings fronting on 71st Street shall be subject to the additional setbacks as follows: stories 1—4 shall be setback 10 feet and above the forth story the building shall be setback 25 feet.	<del>12</del> stories
	For lots greater than 45,000 sq. ft.—2.75		
TC-2 Town Center Mixed-use	1.5; except for mixed-use buildings where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	<del>50</del> <u>55</u> feet	<del>5</del> stories
TC-3 Town Center Residential Office	1.25	45 <u>50</u> feet	4 stories
		<del>Waterfront lots—50 feet</del>	<del>Waterfront lots—5 stories</del>



		<p>Parking garages as a main use—See subsection 130-68(9).</p>	<p><del>Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017</del></p>
		<p>The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height</p>	

		above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	
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District	Minimum Lot Area	Minimum Lot Width	Minimum Apartment Unit Size (square feet)	Average Apartment Unit Size (square feet)
<u>TC-1(c) and TC-1 Town Center Core</u>	Commercial—None	Commercial—None	New construction—550 Workforce housing—400	New construction—550 Workforce housing—400
TC-2 Town Center Mixed-use	Residential—6,250 sq. ft.	Residential—50 feet	New construction—550 Workforce housing—400	New Construction—800 Workforce housing—400
TC-3 Town Center Residential Office			Rehabilitated building—400	Rehabilitated building—No minimum
			Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	Non-elderly and elderly low and moderate income housing—400 Workforce housing—400
			Hotel units 15%: 300—335 85%: 335+	Hotel units—N/A

- (b) *Setback requirements:* The minimum setback requirements for the ~~TC-1, TC-2 and TC-3~~ TC districts are as follows. This includes all buildings, regardless of use, and subterranean parking structures. The minimum setbacks define the buildable area of the lot.

District	Front	Side Facing a Street	Interior Side	Rear
TC-1 Town Center Core	Frontages along 71st Street shall have a setback of 10 feet for the first 4 stories and a setback of 25 feet above the 4th story; other frontages shall have a setback of 5 feet	5 feet	10 feet when abutting a TC-3 district or a future alley designated on the infill regulating plan; otherwise it shall be 0 feet.	0 feet* abutting an alley or where there is a side lot line abutting 71st Street; otherwise 10 feet. *Properties between Collins Avenue and Harding Avenue must provide access to the interior of the block for service vehicles as determined by the design review process.
TC-2 Town Center Mixed use	5 feet	5 feet	10 feet when abutting a TC-3 district or a future alley designated on the infill regulating plan; otherwise it shall be 0 feet.	0 feet* abutting an alley or where there is a side lot line abutting 71st Street; otherwise 10 feet. *Properties between Collins Avenue and Harding Avenue must provide access to the interior of the block for service vehicles as determined by the design review process.
TC-3 Town Center Residential Office	15 feet	7.5 feet for lots 50 feet wide or less 10 feet for lots greater than 50 feet in width	7.5 feet for buildings up to 33 feet in height; 10 feet for buildings 33 feet or more in height; 10 feet for lots abutting a TC-1 district	10 feet

<u>District</u>	<u>Property line abutting</u>	<u>Building Height</u>	<u>Setback Requirements</u>
<b><u>TC-1 (c) and TC-1 Town Center Core</u></b>	<u>72nd Street</u>	<u>0 to 75 feet</u>	<u>10 feet</u>
		<u>above 75 feet</u>	<u>45 feet</u>
	<u>71st Street</u>	<u>0 to 55 feet</u>	<u>10 feet</u>
		<u>above 55 feet</u>	<u>35 feet</u>
	<u>69th Street</u>	<u>0 to 35 feet</u>	<u>10 feet</u>
		<u>above 35 feet</u>	<u>50 feet</u>
	<u>Collins Avenue</u>	<u>0 to 45 feet</u>	<u>10 feet</u>
		<u>above 45 feet</u>	<u>50 feet</u>
	<u>Harding Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Abbott Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Byron Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Carlyle Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Dickens Avenue</u>	<u>0 to 150 feet</u>	<u>10 feet</u>
	<u>Indian Creek Drive</u>	<u>0 to 150 feet</u>	<u>15 Feet</u>
	<u>Bonita Drive</u>	<u>0 to 135 feet</u>	<u>10 feet</u>
	-	-	-
	<u>Interior Side</u>	<u>0 to 45 feet</u>	<u>0 feet</u>
		<u>above 45 feet</u>	<u>15 feet</u>
	<u>Rear</u>	<u>0 to 150 feet</u>	<u>0 feet abutting an alley, otherwise 10 feet. Properties between Collins Avenue and Dickens Avenue must provide access to the interior</u>



			<u>of the block for service vehicles as determined by the design review process</u>
<b><u>TC-2 Town Center Mixed-Use</u></b>	<u>Street</u>	<u>0 to 55 feet</u>	<u>5 feet</u>
	<u>Interior Side</u>	<u>0 to 55 feet</u>	<u>5 feet</u>
	<u>Waterfront</u>	<u>0 to 55 feet</u>	<u>30 feet *</u>
<b><u>TC-3 (c) and TC-3 Town Center Residential Office</u></b>	<u>Bonita Drive (running north-south)</u>	<u>0 to 50 feet</u>	<u>15 feet</u>
	<u>Bonita Drive (running east-west)</u>	<u>0 to 50 feet</u>	<u>7.5 feet</u>
	<u>Indian Creek Drive</u>	<u>0 to 50 feet</u>	<u>15 feet</u>
	<u>Byron Avenue</u>	<u>0 to 50 feet</u>	<u>10 feet</u>
	<u>Interior Side</u>	<u>0 to 50 feet</u>	<u>7.5 feet</u>
	<u>Rear</u>	<u>0 to 50 feet</u>	<u>10 feet</u>
	<u>Waterfront</u>	<u>0 to 50 feet</u>	<u>30 feet *</u>

- \*(1) *Waterfront setbacks.* Notwithstanding the above, ~~for waterfront properties the minimum setback shall be 30 feet from the bulkhead. However,~~ if public waterfront walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the design review board may allow the waterfront setback to be decreased to not less than 15 feet. Design and use of waterfront walkways shall be in conformance with the NBTC design standards referenced in section 142-738.
- (2) *Surface parking lots.* In the ~~TC-1(c),~~ TC-1 and TC-2 districts, the minimum setback for surface parking lots shall be the same as for buildings plus an additional five feet for landscaping adjacent to all streets. In the TC-3 district the minimum setback for surface parking lots shall be five feet adjacent to interior side lot lines, zero feet abutting an alley and the same as for building setbacks on all other sides.
- (3) ~~*Rooftop features.* In the TC-3 district, stairwell and elevator bulkheads and other rooftop features permissible in section 142-1161 extending above the roofline of a building shall be required to be set back from the main building one foot for every one foot in height above the top of the roof deck of each level, with the exception of parapet walls which shall not exceed 3.5 feet in height.~~

(4) Maximum tower floorplate. The maximum floor plate size for the tower portion of a building (above 75 feet in height) shall be 10,000 square feet, including balconies, per floor.

- (c) *Required storefront frontage.* The ground story frontage of a building along 71st Street and Collins Avenue shall house active uses that contribute to a daily vibrant street life, including retail uses, eating and drinking establishments or cultural uses, for a minimum depth of 25 feet from the street facade along a minimum of 75 percent of the building frontage, which shall have glass storefronts. The remaining frontage may be used for lobby and access for upper story uses. Offices and residential uses are prohibited on the ground story street frontage of these streets unless the use is located on a mezzanine or at least 25 feet back from the street facade.
  - (1) *Retail kiosks.* Notwithstanding sections 70-5, 70-41 and 142-874, open air kiosks for retail sales or food service may be placed in or on the edge of surface parking lots or approved urban plazas in the TC-1 district. Such kiosks shall be permanent structures, designed and located to enhance and enliven the pedestrian environment and must receive design review approval. Self-service kiosks and vending machines are prohibited. No storage shall be allowed outside of the kiosks.
- (d) *Open space.* For lots in the TC-1(c), TC-1 and TC-2 district, lot area over 20,000 square feet shall have ground level open space which shall comprise a minimum of five percent of the lot area. Such open space shall be located adjoining the front or side street of the site, or within a central courtyard area that is fully accessible to the public from the front or street side of the property; and shall be designed and maintained according to the urban plaza design standards in the NBTC design standards referenced in section 142-738.
- (e) *[Reserved.]*
- (f) *[Alleys.]* Alleys shall be provided to benefit property owners and the general public by providing parking, service and delivery access to the rear of all lots, thereby improving traffic flow and eliminating driveways that create vehicle/pedestrian conflicts on public sidewalks. Motor vehicle parking, service and delivery access shall be from an alley wherever one exists, or where a new alley or service corridor can be created by dedication or easement. The location of new alleys shall be determined by the design review process with the intent to ensure that all properties within a block will have existing or future service access from the rear. Generally, the alley will be located in the required setback area along the rear or interior side lot line; however, this may be adjusted to optimize vehicular and pedestrian access to the subject property as well as to the surrounding properties. Where an alley does not exist, the property owner shall dedicate sufficient width (the area within the required setback) to provide the alley abutting his property. Where it is not feasible to construct an alley at the time of redevelopment of any property, as determined by the planning director, the developer shall execute and record a covenant effecting such dedication upon certification by the planning director that the construction of an alley has become feasible. The planning director may accept a perpetual access easement for an alley in lieu of dedication of an alley if he determines such would be appropriate under the circumstances of any particular property. The developer shall maintain the area until the city builds the alley.
- (g) *Encroachments.* No encroachments shall be allowed in the required setback areas except as follows; otherwise, encroachments shall be governed by section 142-1142:
  - (1) In the TC-1(c), TC-1 and TC-2 districts, no encroachments shall be allowed in the first 7.5 feet above ground level adjacent to all streets.
  - (2) In the TC-3 district, no encroachment shall be allowed in the first five feet of setback area measured from the property line adjacent to all streets.
  - (3) In all districts, no encroachment shall be allowed in the first 18 feet above ~~grade~~ the minimum base flood elevation abutting an existing or future alley.
- (h) *[Signs.]* Signs shall be regulated by chapter 138 and as permitted by section 138-174 and by the NBTC design standards referenced in section 142-738.

- (i) *Streetscape improvements.* In all TC districts, the developer/property owner is required to construct all streetscape improvements substantially in accord with the NBTC design standards referenced in section 142-738 as part of any development or redevelopment project.

Sec. 142-738. - Design review standards.

All development shall substantially conform to the "Design Review Standards for the North Beach Town Center TC Zoning Districts", also known as the "NBTC design standards", as adopted and amended periodically by the design review board. The NBTC design standards are available from the planning department or on the web at [miamibeachfl.gov/planning](http://miamibeachfl.gov/planning), by clicking on "Design Review".

Sec. 142-739. - Parking.

- (a) *Off-street parking for motorized vehicles.*

- (1) *Purpose.* Parking regulations in the North Beach Town Center are intended to: provide centralized public parking garages to serve the town center and minimize the amount of on-site parking required for individual lots, thereby reducing building bulk and maximizing ground floor space available for retail and restaurant uses; enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments by encouraging shared parking; reduce diffused, inefficient, single-purpose reserved parking; encourage ground floor retail uses and public facilities; promote walking, bicycling and transit ridership to help reduce the demand for parking within the district; avoid public facilities; promote walking, bicycling and transit ridership to help reduce the demand for parking within the district; avoid adverse parking impacts on neighborhoods adjacent to the town center; maximize on-street parking where possible; increase visibility and accessibility of parking; provide flexibility for redevelopment of small sites; and for the preservation of historic buildings; promote early prototype mixed-use projects using flexible and creative incentives.

- (2) *[Governing provisions.]* Required parking in the North Beach Town Center is governed by chapter 130, off-street parking, except as modified herein:

- a. Minimum parking requirements for the TC-1(c), and TC-1 town center core district are set forth in parking district no. 4 in section 130-33, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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.
- b. Minimum parking requirements for the TC-2 town center mixed-use district are set forth in parking district no. 1 in section 130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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. Minimum parking requirements for the TC-3 town center residential office district are set forth in parking district no. 1 in section 130-32, except that apartment buildings shall provide: 1.0 space per unit for units between 550 and 799 square feet; 1.25 spaces per unit for units between 800 and 999 square feet; 1.5 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.
- d. Parking requirements may be met either on-site or off-site within a distance of 800 feet from the subject lot, subject to subsection 130-36(b).
- e. Mixed-use development is encouraged to utilize the shared parking calculations in section 130-221. Parking for residential uses may be included in the shared parking calculation at a rate of 50 percent for daytime weekdays, 70 percent for daytime weekends, and 100 percent for all other times. Shared parking shall be designated by appropriate signage and markings. The shared parking facility may be located off-site within 800 feet of the uses served, subject to subsection 130-36(b).

f. Developments that provide a significant public amenity such as an urban plaza (minimum 3,000 square feet) in accord with the NBTC design standards referenced in section 142-738, or floor area for a public library (minimum 6,000 square feet and maximum 15,000 square feet) may be exempted from parking requirements for all uses on the site at a rate of one parking space for every 500 square feet of urban plaza space or one parking space for every 250 square feet of library space.

g. New construction of "live-work" projects shall meet the parking requirements for either residential or commercial uses, whichever is greater, but shall not be required to meet the parking requirement for both uses. For purposes of this section, a "live-work" unit is defined as a unit containing both a residential and commercial component within the same unit.

(b) *Bicycle parking.* Short-term and long-term bicycle parking shall be provided for new construction or substantial rehabilitation over 1,000 square feet according to the minimum standards in the table below.

- (1) Short-term bicycle parking (bicycle racks) serves people who leave their bicycles for relatively short periods of time, typically for shopping, recreation, eating or errands. Bicycle racks should be located in a highly visible location near the main entrance to the use.
- (2) Long-term bicycle parking includes facilities that provide a high level of security such as bicycle lockers, bicycle cages and bicycle stations. These facilities serve people who frequently leave their bicycles at the same location for the day or overnight.

Land Use	Minimum Short-term Bicycle Parking Spaces (whichever is greater)	Minimum Long-term Bicycle Parking Spaces (whichever is greater)
Commercial nonretail	4 per project or 1 per 10,000 square feet	1 per 10% of employees; 2 for 5,000 square feet and under; 3 for 5,001—20,000 square feet; 6 for 20,001—50,000 square feet; 10 for 50,000 square feet and over
Retail	1 per business, 4 per project or 1 per 5,000 square feet	1 per 10% of employees; 2 for 5,000 square feet and under; 3 for 5,001—20,000 square feet; 6 for 20,001—50,000 square feet; 10 for 50,000 square feet and over
Restaurants, bars, nightclubs	1 per 10 seats or occupants	1 per 10% of employees
Hotel	2 per hotel or 1 per 10 rooms	1 per 10% of employees
Multifamily residential	4 per project or 1 per 10 units	1 per unit



- (c) *[More than minimum requirement encouraged.]* Developers are encouraged to provide more than the minimum requirement as appropriate for the particular uses in a building. The minimum required vehicular parking may be reduced by: One space for every five long-term bicycle parking spaces, and/or one space for every ten short-term bicycle parking spaces, not to exceed a total of 15 percent of the required vehicle parking spaces.
- (d) *[Exemption from vehicle parking requirements.]* Nonresidential uses that provide showers and changing facilities for bicyclists shall be exempted from vehicle parking requirements at a rate of two vehicle parking spaces for each separate shower up to a maximum of eight parking spaces.
- (e) *[TC-1 and TC-2 districts.]* In the TC-1(c), TC-1 and TC-2 districts, short-term bicycle parking spaces may be provided in the public right-of-way, subject to design review, in situations where suitable space near the entrance to the building or storefront is not available on private property. Bicycle parking in the public right-of-way shall be approved by the public works department and shall not encroach on the pedestrian thoroughway zone.

## **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.

**ATTEST:**

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

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

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

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

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

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