

MIAMI BEACH

Land Use and Development Committee Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 6, 2019 - 1:00 PM

Commissioner John Elizabeth Aleman, Chair
Commissioner Micky Steinberg, Vice-Chair
Commissioner Ricky Arriola, Member
Commissioner Michael Gongora, Alternate

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

Wednesday, March 6, 2019, 1:00 PM

ACTION ITEMS

1. DISCUSSION: PERMITTING OPERABLE STOREFRONTS TO BE APPROVED ADMINISTRATIVELY

Commissioner Ricky Arriola
January 16, 2019 (R9N)

2. ORDINANCE AMENDMENT PERTAINING TO MAIN USE PARKING GARAGES AND PARKING REQUIREMENTS FOR WORKFORCE AND AFFORDABLE HOUSING

Commissioner John Elizabeth Aleman
February 13, 2019 (C4N)

3. DISCUSSION TO STUDY MICRO UNIT DENSITY CALCULATIONS IN THE TOWN CENTER CORE (TC-C) DISTRICT

Commissioner John Elizabeth Aleman
January 16, 2019 (C4AA)

DISCUSSION ITEMS

4. DISCUSSION: HAVING A STUDY CONDUCTED REGARDING THE HOTEL INDUSTRY'S IMPACT ON INFRASTRUCTURE, TOURISM, AND QUALITY OF LIFE.

Commissioner Michael Gongora
September 12, 2018, C4 D (Deferred from February 20, 2019)

5. PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN AS PART OF THE EVALUATION AND APPRAISAL REPORT (EAR)

Commissioner John Elizabeth Aleman
February 13, 2019 (C4O)

VERBAL REPORTS

6. DISCUSSION REGARDING THE PROLIFERATION OF LARGE SQUARE HOMES THAT LOOK THE SAME.

Vice-Mayor Michael Gongora
JANUARY 16, 2019 C4 X (Deferred from February 20, 2019)

7. DISCUSSION TO STUDY THE POTENTIAL VACATION OF ONE ALLEY IN THE TOWN CENTER CORE (TC-C) DISTRICT.

Commissioner John Elizabeth Aleman
JANUARY 16, 2019 C4 AB (Deferred from February 20, 2019)

8. DISCUSSION TO STUDY THE POTENTIAL VACATION OF TWO STREETS IN THE TOWN CENTER CORE (TC-C) DISTRICT.

Commissioner John Elizabeth Aleman
JANUARY 16, 2019 C4 AB (Continued from February 20, 2019, Item 16. B)

9. DISCUSSION REGARDING AN ORDINANCE TO CREATE AN EXEMPTION FROM THE DEFINITION OF "ENTERTAINMENT ESTABLISHMENT" FOR PERFORMANCES CONDUCTED AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION.

Commissioner John Elizabeth Aleman
JANUARY 16, 2019, C4 AD (Deferred from February 20, 2019)

Updated March 6, 2019

10. DISCUSSION: THE CREATION OF AN ADMINISTRATIVE VARIANCE PROCEDURE.

Commissioner John Elizabeth Aleman
JANUARY 16, 2019, R9 T 2.b (Deferred from February 20, 2019)

11. DISCUSSION REGARDING AN AMENDMENT TO MEMBERSHIP COMPOSITION OF HISTORIC PRESERVATION BOARD.

FEBRUARY 13, 2019, C4 Q

12. DISCUSSION REGARDING THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION ABOUT REVIEWING MODIFICATIONS OF THE ZONING REGULATIONS FOR THE 41ST STREET CORRIDOR.

Vice-Mayor Michael Gongora
FEBRUARY 13, 2019, C4 R

13. DISCUSSION REGARDING THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION TO SUPPORT THE CITY'S EFFORT TO STREAMLINE THE TEMPORARY POP-UP STORE PROCESS.

Vice-Mayor Michael Gongora
FEBRUARY 13, 2019, C4 S

14. DISCUSSION REGARDING THE JANUARY 22, 2019 MOTION OF THE COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH REGARDING MEDICAL MARIJUANA DISPENSARIES.

Vice-Mayor Michael Gongora
FEBRUARY 13, 2019 C4 P

Item Withdrawn

SUPPLEMENTAL

15. DISCUSSION REGARDING A CODE CHANGE THAT PERFORMS SIMILAR GRANDFATHERING OF EXISTING STRUCTURES FOR THE PURPOSES OF HARMONIZATION WITH FUTURE ROAD ELEVATION.

Commissioner John Elizabeth Aleman
December 12, 2018 (C4 L)

Updated March 4, 2019

16. DISCUSSION MINOR REVISIONS TO THE TOWN CENTER CORE (TC-C) OVERLAY
ORDINANCE

Commissioner John Elizabeth Aleman
January 16, 2019 (C4 Z)

Updated March 4, 2019

17. DISCUSSION MINIMUM PARKING REQUIREMENTS IN HISTORIC AND CONSERVATION
DISTRICTS

Commissioner John Elizabeth Aleman
January 16, 2019 (C4 AC)

Updated March 4, 2019

18. DISCUSSION REGARDING THE ADDITION OF WATER MANAGEMENT AND CLIMATE
ADAPTATION EXPERTS TO CITY LAND USE BOARDS

Commissioner John Elizabeth Aleman
January 16, 2019 (C4 AG)

Updated March 4, 2019

19. DISCUSSION: SPECIFIC AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS
OF THE CITY CODE TO ADDRESS COMMON VARIANCE REQUESTS.

Commissioner John Elizabeth Aleman
January 16, 2019 (R9 T)

Updated March 4, 2019

20. DISCUSSION – PROPOSED WEST OF WEST (WOW) DISTRICT OVERLAY

Commissioner Ricky Arriola
February 13, 2019 (R9J)

Updated March 5, 2019



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

Item 1.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

**TITLE: DISCUSSION: PERMITTING OPERABLE STOREFRONTS TO BE APPROVED
ADMINISTRATIVELY**

HISTORY:

On January 16, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the subject discussion to the Land Use and Development Committee (LUDC) for consideration and recommendation (item R9N). At the February 20, 2019 LUDC meeting, the item was discussed and continued to the March 6, 2019 meeting, with direction to staff to draft an ordinance allowing for an administrative review process for operable storefronts.

Analysis

PLANNING ANALYSIS

Under the Land Development Regulations (LDR's) of the City Code, any exterior improvements or modifications proposed for buildings that are located in commercial or multi-family zoning districts require the review and approval of the Design Review Board. Sec. 118-260 of the LDR's contains certain exterior improvements that may be reviewed at staff level, such as the replacement of windows, doors, storefront frames and windows. Currently, such administrative review does not extend to alterations to storefronts or façades that would substantially alter the window and door systems from the original configurations.

Glass garage doors, retractable or telescopic wall systems and sliding glass doors are sometimes used to create operable storefronts, primarily on restaurants or cafés, as they allow for a more seamless merger of indoor and outdoor seating for patrons, as well as the blending of interior and exterior spaces. This can directly lead to a more vibrant and active street experience and create a quality pedestrian-oriented streetscape and facade design with more eyes on the street to enhance the sense of security. These building enhancements also lead to increased façade transparency.

This discussion pertains to the current regulations for operable storefronts, which require the review and approval of the Design Review Board (DRB). In order to allow for administrative review of operable storefronts, an amendment to Sec. 118-260 would be required to modify the administrative review procedures relating to storefronts, openings, façade alterations of existing commercial buildings, as well as new construction. Such a modification would expand the review powers of the Planning Director, or designated representative, to have the authority to approve operable storefronts administratively on behalf of the DRB. This would provide staff with more

flexibility to review modifications to commercial storefronts that endeavor to provide an indoor /outdoor component.

In looking at different ways the current regulations could be modified, one concern identified by staff is the proximity of an operable storefront to residential zoning districts. In this regard, as operable storefronts can, potentially, generate more noise and activity than a conventional storefront, certain safeguards would be recommended. The DRB, when reviewing applications for operable storefronts, will typically include conditions related to noise, queuing and, in some instances, hours of operation. As DRB meetings are noticed to all property owners within 375 feet, affected persons tend to participate in the review discussions at the DRB.

The LUDC discussed the item on February 20, 2019 and directed the administration to prepare a draft ordinance, which is attached. The following are the specific proposed revisions to Section 118-260 of the city code that would allow for administrative review of operable storefronts:

Sec. 118-260. - Administrative review procedures.

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

* * *

(4) Modifications to storefronts and/or façade alterations in commercial zoning districts that support indoor/outdoor uses, with the exception of vehicular drive-through facilities, and which are compatible with the architecture of the building. This may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Additionally, compliance with the following shall be required:

a. the property shall not be located within 100 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's official zoning district map;

b. the extent of demolition and alterations to the façade of the building shall not permanently alter the character of the architecture by removing original architectural features that cannot be reversed, as well as by compromising the integrity of the architectural design.

Should the proposed storefront modification not meet any of the above, the proposed modifications to storefronts and/or façade alterations shall require design review board review and approval.

(5) Modifications to storefronts and/or façade alterations utilizing an exterior component within the storefront and/or façade, and which are compatible with the architecture of the building; this may include the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning drop-off and pick-up kiosks, and similar self service facilities. Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services. This shall not apply to vehicular drive-through facilities.

This proposal is specific to those properties that are currently subject to design review approval and would allow for administrative review of more substantial alterations to commercial façades. The DRB process for an operable storefront system is at least three months in length, and costs approximately \$5,000.00. By allowing for administrative review in commercial districts, it would be less onerous on a business owner, and allow for a more streamlined process.

Additionally, staff will be tasked with a more detailed review of any operable storefront proposal, as not all would be the same. This is important because the demolition and alteration of a building façade can, potentially, modify the character of the architecture by removing certain original features that cannot be reversed, as well as by compromising the integrity of the architectural design. If staff determined that a particular operable storefront proposal compromised the architectural integrity of a building, the owner would still have the option of making an application to the DRB.

In those zoning districts and neighborhoods where residential and commercial uses co-exist next to each other, or within the same building, the compatibility issues are part of the DRB review process. While a mix of uses in buildings can promote active, urban and pedestrian-friendly streetscapes, they can also create acoustical and quality of life issues. Specifically, a number of commercial districts in the City are immediately adjacent to residential zoning districts. To address potential compatibility issues, the draft ordinance, as noted above, contains a minimum distance separation requirement from residential zoning districts, for operable storefronts that can be approved administratively.

Also, more specific design criteria is provided, and the planning director's decision must be based upon the criteria listed in the code. The applicant may still seek approval for an operable storefront application from the design review board, or appeal a decision of the planning director pursuant to the procedural requirements of section 118-9. The proposal herein is not applicable to properties located within a locally designated historic district or site.

CONCLUSION:

The Administration recommends that the Land Use and Development Committee endorse the draft ordinance and recommend that the City Commission refer the draft ordinance to the Planning Board.

ATTACHMENTS:

Description	Type
Draft Ordinance	Memo

ADMINISTRATIVE REVIEW OF OPERABLE STOREFRONTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES," AT SECTION 118-260, ENTITLED "ADMINISTRATIVE REVIEW PROCEDURES," TO PROVIDE AN EXCEPTION FOR ADMINISTRATIVE REVIEW OF OPERABLE STOREFRONTS AND/OR FAÇADE ALTERATIONS UTILIZING AN EXTERIOR COMPONENT WITHIN THE STOREFRONT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, to allow for administrative review of operable storefronts as an alternate replacement of fixed storefront systems or modifications, the City desires to amend the administrative review procedures for the structures under the jurisdiction of the Design Review Board to authorize the planning department to administratively review storefront modifications that do not materially modify the design of existing buildings; and

WHEREAS, many commercial enterprises in the City have exterior components separated by a fixed storefront systems, and

WHEREAS, many commercial enterprises in the City have expressed a desire to modify the fixed storefronts with operable systems in order to seamlessly expand the interior space and merge indoor and outdoor spaces and uses; and

WHEREAS, these regulations can directly lead to a more vibrant and active street experience and create a quality pedestrian-oriented streetscape and facade design with more eyes on the street to enhance the sense of security; and

WHEREAS, these regulations will make the public realm more inviting and accommodating to pedestrians; and

WHEREAS, these regulations will enhance the built environment of the City; and

WHEREAS, these administrative reviews will streamline the process for commercial enterprises seeking to do business in the City; and

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

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

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

Sec. 118-260. - Administrative review procedures.

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

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

(2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.

(3) Facade and building alterations, renovations and restorations which are minor in nature.

(4) Modifications to storefronts and/or façade alterations in commercial zoning districts that support indoor/outdoor uses, with the exception of vehicular drive-through facilities, and which are compatible with the architecture of the building. This may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Additionally, compliance with the following would be required:

a. the property shall not be located within 100 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's official zoning district map;

b. the extent of demolition and alterations to the façade of the building shall not permanently alter the character of the architecture by removing original architectural features that cannot be reversed, as well as by compromising the integrity of the architectural design.

Should the proposed storefront modification not meet any of the above, the proposed modifications to storefronts and/or façade alterations shall require design review board review and approval.

- (5) Modifications to storefronts and/or façade alterations utilizing an exterior component within the storefront and/or façade, and which are compatible with the architecture of the building; this may include the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning drop-off and pick-up kiosks, and similar self service facilities. Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services. This shall not apply to vehicular drive-through facilities.
- ~~(4)~~(6) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- ~~(5)~~(7) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- ~~(6)~~(8) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- ~~(7)~~(9) Minor work involving public improvements upon public rights-of-way and easements.
- ~~(8)~~(10) Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
- ~~(9)~~(11) Applications related to exterior balcony, terrace, porch and stairway rails on existing buildings, which have become nonconforming as it pertains to applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life safety codes. Modifications required to address compliance with applicable state life safety codes shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.

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

SECTION 2. CODIFICATION.

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

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2019.

ATTEST:

Mayor Dan Gelber

Rafael E. Granado, City Clerk

First Reading:

Second Reading:

(Sponsor: Commissioner Ricky Ariola)

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language

Item 2.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: ORDINANCE AMENDMENT PERTAINING TO MAIN USE PARKING GARAGES AND PARKING REQUIREMENTS FOR WORKFORCE AND AFFORDABLE HOUSING

HISTORY:

On February 13, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the proposed ordinance amendment to the Land Use and Development Committee. (Item C4 N)

Analysis

PLANNING ANALYSIS

Under Chapter 130 of the City Code (Off-Street Parking), incentives for providing alternative modes of transportation are provided which allow for corresponding reductions in the minimum off-street parking requirements. These alternatives to vehicular parking include short and long term bicycle parking, carpool and vanpool parking, dedicated drop-off and loading for ride share services, scooter parking, and dedicated shower facilities.

Recently, a main use parking structure project proposed to incorporate a number of these alternative modes, but the corresponding reduction in parking spaces resulted in a decrease in the amount of allowable accessory uses within building. Within a main use garage, the allowable accessory uses are limited to a percentage of the space used for parking, and is currently limited to no more than 25% of the square footage of the parking structure. In order to allow for the parking alternatives to be used within main use garages, and still allow for a reasonable amount of accessory uses, a proposal has been drafted to increase the percentage of allowable accessory uses, based upon parking reductions associated with the alternative parking incentives. In this regard, the following is proposed:

Percentage reduction in traditional parking utilizing alternative parking incentives	Percent of square footage that can be used for non-parking uses on site
15 percent	30 percent for commercial and /or residential uses (when permitted);
20 percent	35 percent for commercial and / or residential uses (when permitted)

In addition to this revision, modifications for the allowable percentages of workforce and affordable housing within main use garages is proposed, as well as a zero parking requirement for such housing

units. In this regard, the maximum percentage of allowable accessory uses related to workforce and affordable housing would increase from 25% to 35%. Also, since it is becoming more common for these types of units to be leased to people that do not have a personal vehicle, dedicated parking is not as critical.

Finally, a number of much needed, non-substantive clean-up changes to the text of the relevant sections of the ordinance are proposed.

CONCLUSION:

The item was a dual referral to both the Land Use Committee and the Planning Board, and is scheduled to be considered by the Planning Board on March 26, 2019. The Administration recommends that the attached draft ordinance be recommended for approval by the LUDC.

ATTACHMENTS:

Description	Type
📎 Draft Ordinance	Memo

Alternative Parking Incentives For Main Use Garages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," AT SECTION 130-68, ENTITLED "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES" TO PROVIDE FOR ALTERNATIVE PARKING INCENTIVES, INCLUDING NON-PARKING USES, WITHIN MAIN USE COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; AND AMENDING ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS" AND FOR WORKFORCE HOUSING UNIT INCENTIVES, AT SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1.", TO PROVIDE NO PARKING REQUIREMENT WITHIN PARKING DISTRICT NO. 1, FOR WORKFORCE HOUSING, ELDERLY, OR AFFORDABLE HOUSING UNITS LOCATED WITHIN A MAIN USE PARKING GARAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") Land Development Regulations, at Chapter 130, establish the regulations for off-street parking; and

WHEREAS, Chapter 130, entitled "Off-Street Parking," Article III, entitled "Design Standards," at Section 130-68, entitled "Commercial and noncommercial parking garages", of the City Code codifies the requirements, design standards, and criteria for main use commercial and noncommercial parking garages; and

WHEREAS, the rate of private automobile ownership in the City is diminishing significantly and residents are walking, bicycling, and utilizing rideshare services and alternative transit modes of transportation at increasing rates; and

WHEREAS, parking garages within the City have seen a decrease in the demand for and usage of their automobile parking spaces; and

WHEREAS, traffic congestion is a significant concern within the City; and

WHEREAS, alternative modes of transportation need to be encouraged to improve mobility and doing so is in the best interests of the City; and

WHEREAS, annual scooter and motorcycle parking permits are available for Miami Beach residents who are registered with the State of Florida as the scooter or motorcycle owner; and

WHEREAS, the Transportation Element of the City of Miami Beach Comprehensive Plan (Transportation Element) provides that the City shall examine the economic, transportation and recreational impact of strategically limiting parking in certain areas, as a means to reinforce

alternative modes of transportation; and the City shall continuously monitor and update the parking requirements in the Land Development Regulations to result in a better ratio of supply to demand, which implements innovative parking strategies in commercial areas to promote multimodalism; and

WHEREAS, the Transportation Element provides that the City shall require all new developments to include secure short-term and long-term bicycle parking which may include bicycle racks, bicycle lockers, locked rooms or other appropriate enclosures, all as measure to assist in the City goal of reducing the demand for automobile parking; and

WHEREAS, the City desires to reduce greenhouse gas emissions by encouraging walking, bicycling and greater use of mass transit, as well as by promoting LEED location and transportation credits for reduced parking within new construction; and

WHEREAS, the City has adopted citywide incentives to encourage continued utilization of alternate methods of transportation by having residents and visitors either walk, bike, or utilize other modes of transportation other than the single driver vehicle, so as to minimize any increase in traffic congestion, and to reduce the scale and massing of new development to be more compatible with adjacent residential neighborhoods; and

WHEREAS, on October 18, 2017, the City adopted alternative parking incentives to reduce minimum off-street automobile parking requirements through Ordinance No. 2017-4138, in order to implement innovative parking strategies and promote multi-modalism and reduce automobile traffic; and

WHEREAS, the City desires to further implement the alternative parking incentives by creating citywide regulations to encourage main use parking garages to incorporate and utilize the alternative parking incentives that promote activated and walkable urban areas to reduce automobile traffic; 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 130 of the City Code of the City of Miami Beach, entitled “Off-Street Parking”, Article III, entitled “Design Standards” at Section 130-68, entitled “Commercial and noncommercial parking garages”, is hereby amended to read as follows:

Chapter 130 – Off-Street Parking

* * *

ARTICLE III. – DESIGN STANDARDS

* * *

Sec. 130-68 Commercial and noncommercial parking garages

Commercial and noncommercial parking garages (hereinafter jointly “parking garages”) as a main use (main use parking garage), shall be located on a separate lot (not considered as part of a unified development site), shall comply with section 142-1107, entitled “Parking lots or garages on certain lots,” and shall be subject to the following regulations, in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of contained in this article:

(1) A parking garage ~~When~~ located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4, MXE and I-1 districts, and in GU districts adjacent to commercial districts, a ~~commercial or noncommercial~~ parking garage shall comply with the following additional regulations: ~~incorporate the following:~~

- a. Residential (when permitted) or commercial uses at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
- b. Residential (when permitted) or commercial uses above the first level along every facade facing a waterway or the ocean.
- c. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

However, except as may be provided for in subsection (10), in no instance shall the above described residential (when permitted) or commercial square footage space shall not exceed 25 percent of the total floor area square footage of the structure. Additionally, in no instance shall the amount of square footage floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial square footage floor space, be less than 50 percent of the total square footage floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(2) A parking garage ~~When~~ located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts, and the GU districts adjacent to residential districts, shall comply with the following additional regulations: ~~the following regulations shall apply:~~

a. ~~Commercial or noncommercial p~~ Parking garages shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
2. Residential uses above the first level along every facade facing a waterway or the ocean. For main use garages located within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, either residential or office uses shall be permitted facing Indian Creek Drive. Additionally, the historic preservation board may approve a lesser amount of residential or office uses along every facade above the first floor facing Indian

Creek Drive, provided the board determines that the design of the facade satisfies the certificate of appropriateness criteria in chapter 118, article X of the City Code ~~land development regulations~~.

3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

b. In addition, the following shall apply:

1. ~~When a~~ A parking garage is located in the (i) RM-3, or (ii) R-PS4 districts, or (iii) on Collins Avenue between from 25th and to 44th Streets, or (iv) on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage, with space occupied for commercial uses facing the subject RM-3 area.

2. ~~When a~~ A parking garage is located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, the garage may provide parking spaces for adjacent commercial uses also serve commercial uses.

3. ~~When a~~ A parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street, but not fronting on nor separated by an alley, nor property line from a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also may provide parking spaces for adjacent commercial uses. serve commercial uses.

4. Any parking structure permitted under subsections (2)b.2. and 3. that may provide parking spaces for adjacent ~~serve~~ commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.

5. At least one third (1/3) of the parking spaces in any parking structures permitted under subsections (2)b.2. and 3., shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking through the as part of the conditional use permit process.

6. The following uses shall be prohibited uses within the parking garages regulated by this ~~When commercial uses are permitted in the ground floor of parking structures under this subsection (2); dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.~~

~~Except as provided for in subsection (10), below, in no instance shall the above described combined residential and/or commercial space shall not exceed 25 percent of the total square footage floor area of the structure, with the commercial space not exceeding ten percent of the total square footage floor area of the structure. Nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of square footage floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total square footage floor area of the structure, so as to insure that the structure's main use is as a parking garage.~~

(3) ~~Except as provided in subsection (2), above, a parking garage When located in a residential districts, a commercial or noncommercial parking garage shall serve only residential uses except as provided in subsection (2). A commercial or noncommercial parking garage shall provide required parking for any commercial use located within the garage. If commercial uses are allowed on the first floor of the parking garage then the garage shall be required to provide the required parking for that commercial use.~~

(4) Parking garages within the CD-3 district may be 75 feet in height. In all other districts, the height of parking garages shall be 50 feet, unless the underlying district zoning regulations dictate a lesser height for all structures. ~~The height limit shall be 75 feet in the CD-3 district, excluding parking garages within a local historic district and in the GU district; for all other districts (including local historic districts), the height limit shall be the lesser of 50 feet or the maximum height specified in the underlying zoning district; however, the maximum permitted height for residential uses shall be as specified in the underlying zoning district. Notwithstanding the foregoing, for main use parking garages located on non-oceanfront lots within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the maximum height shall be as specified in the underlying zoning district, not to exceed eight stories and 75 feet.~~

(5) Setbacks shall be the same as the pedestal setbacks for the underlying zoning district. For ~~main use~~ parking garages located on non-oceanfront lots within the Collins Waterfront Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the required pedestal setbacks may extend up to a maximum height of eight (8) stories and 75 feet.

(6) The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.

(7) Parking garages that are built solely with public funds may be exempt from the requirements of subsections (1) and (2), above, if meeting the requirement would affect the tax exempt status of the project. The forgoing does not limit the city commission's ability to waive development regulations for GU properties pursuant to ~~as per~~ section 142-425.

(8) For main use parking garages within the GU and CCC districts. Robotic parking systems may be used, notwithstanding the provisions of article III, "Design Standards," referencing minimum parking space dimensions, drive width, interior aisle width, and required markings. Robotic parking system means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas.

~~Under this provision, accessory off-street parking spaces requirements may not be satisfied through the use of robotic parking systems.~~

(9) Parking garages ~~When located in the TC-3 and GU districts located within the TC-3 districts in of the North Beach Town Center Overlay area, shall comply with the following additional regulations: the following regulations shall apply:~~

- a. ~~When a parking garage is located in the TC-3 district, such garage may also have first floor space occupied for commercial uses, subject to conditional use approval.~~
- b. Residential or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk or waterway. The required residential or commercial space may accommodate entrance and exit drives for vehicles, inclusive of ramping running parallel to the street.
- c. When the ~~subject~~ GU site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.
- d. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total square footage ~~floor area~~ of the structure.
- e. Additionally, in no instance shall the amount of square footage ~~floor area~~ of the structure used for parking, exclusive of the required parking for the above-described residential or commercial space, be less than 50 percent of the total square footage ~~floor area~~ of the structure, ~~so as to insure that the structure's main use is as a parking garage.~~
- f. Maximum height: 50 feet. ~~The height limit shall be 50 feet.~~
- g. Setbacks shall be the same as the setbacks for the TC-3 zoning district, except that parking garages on lots with a front yard facing a street right-of-way greater than 50 feet in width, shall have a minimum front yard setback of ten feet.
- h. ~~The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.~~
- i. Signage for commercial uses allowable under this provision shall be governed by the TC-3 district regulations.

* * *

(10) For existing projects that incorporate one or more of the alternative parking incentives provided for in section 130-40, entitled "Alternative parking incentives," of the City Code, which results in an overall reduction in the number of traditional parking spaces for the project, and a reduction in the overall gross square footage of the project, then the percentage of the project that may be used for allowable residential (when permitted) or commercial space shall be as follows:

<u>Percentage reduction in traditional parking utilizing alternative parking incentives</u>	<u>Percent of square footage that can be used for non-parking uses on site</u>
<u>15 percent</u>	<u>30 percent for commercial and /or residential uses (when permitted);</u>

<u>20 percent</u>	<u>35 percent for commercial and / or residential uses (when permitted)</u>
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Variances are not authorized for this subsection (10).

(11) For parking garages that provide workforce housing units, the percentage of square footage that can be used for non-parking uses on site shall be 35 percent of the total square footage.

SECTION 2. Chapter 130 of the City Code of the City of Miami Beach, entitled “Off-Street Parking”, Article II, entitled “Districts; Requirements”, at Section 130-32, entitled “Off-street parking requirements for parking district no. 1”, is amended as follows:

Chapter 130 – Off-Street Parking

* * *

ARTICLE II. – DISTRICTS REQUIREMENTS

* * *

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:

* * *

(6A) Housing for low and/or moderate income non-elderly and elderly persons: As defined in chapter 58, article V.

a. Elderly housing unit(s) have no parking space requirement. Zero parking space per dwelling unit for elderly housing.

b. The parking requirements shall be the same as specified in subsection 130-32(6) above, or one-half of a parking spaces, per dwelling unit, whichever is less, per dwelling unit for non-elderly low and/or moderate income housing. Notwithstanding the above, if when an existing building is renovated and the number of units is increased, or if when units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 118-395(b), entitled “Repair and/or rehabilitation of nonconforming buildings and uses.” Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.

c. For the purposes of this section only, housing for low and/or moderate income non-elderly and elderly persons shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations, utilizing public funds.

c - e. Reserved.

~~d. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.~~

~~e. Reserved.~~

f. A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form by the city attorney, recorded in the public records of the county and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction in this section, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable parking requirements under this Code. The property owner may satisfy the parking requirements by actually providing the additional parking spaces or by reducing the number of residential units. However, a property owner shall not be able to satisfy the parking requirements by the payment of a fee in lieu of providing parking. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income non-elderly and elderly persons in accordance with this section.

g. After approval of the decrease in parking spaces, the premises shall not be used other than as housing for the non-elderly and elderly persons unless and until any parking requirements and all other requirements or limitations of this Code for the district involved and applying to the new use shall have been met.

(6B) Workforce housing shall have the same parking requirements as specified in subsection 130-32(6), above, or alternatively, one-half parking space per unit, whichever is less. Notwithstanding the above, ~~when if~~ an existing building is renovated and the number of units is increased, or ~~when if~~ units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 118-395(b), entitled "Repair and/or rehabilitation of nonconforming buildings and uses." Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.

(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60 square feet of floor area available for seats.

SECTION 4. 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 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 renumbered or relettered 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 _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

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Garages - ORD March 2019 LUDC.docx



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Item 3.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION TO STUDY MICRO UNIT DENSITY CALCULATIONS IN THE TOWN CENTER CORE (TC-C) DISTRICT

HISTORY:

On January 16, 2019 at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 AA).

Analysis

PLANNING ANALYSIS

On November 14, 2018, the City Commission adopted ordinance 2018-4224, establishing the Town Center – Central Core (TC-C) zoning district. Pursuant to the recommendations of the North Beach Master Plan, the ordinance allowed for a housing-type that is new to the City known as a co-living unit, which may also be known as a micro-unit.

Under the land development regulations (LDR's), a co-living unit is a residential unit that is between 375 SF and 550 SF in size. The code requires that buildings with co-living units have a minimum of 20 percent of the gross floor area for amenity space. The ordinance also allows for a total of 312 co-living units within the TC-C district, which represents approximately ten percent (10%) of the total allowable units in the TC-C district.

Co-living and micro units are becoming increasingly common throughout urban cities in the United States. Due to their smaller sizes, it is expected that co-living units will have more attainable rents, while still providing a significant amount of amenities for residents that allow for high levels of social interaction. They are shown to attract young professionals that are not looking for the expense and responsibilities of home ownership and retirees looking to downsize. Attracting such residents is desirable in order to encourage the economic development of the North Beach Town Center.

Pursuant to the Miami Beach 2025 Comprehensive Plan, there is a limitation of 150 dwelling units per acre within the TC-C district. A typical block north of 71st Street within the TC-C district contains approximately 75,250 SF or 1.73 Acres. At the density of 150 units per acre, a 1.73 acre site would allow for a maximum of 259 units. Since the TC-C district allows for a maximum floor area ratio (FAR) of 3.5, such site would allow for a maximum floor area of 263,375 SF. Under current regulations, a 375 SF co-living unit counts the same as a much larger conventional or luxury

unit for density and planning purposes.

A floor area analysis of a 75,250 SF site in the TC-C district indicates that 259 co-living units, at 375 SF for each unit, would require approximately 97,172 SF of floor area for the units alone, and 111,748 SF of floor area including an additional 15% of floor area for circulation and back of house purposes. This represents approximately 42% of available floor area, leaving 151,627 SF or 58% of the available floor area for commercial uses and amenities. By contrast, in a building containing conventional residential units, with an average unit size of 700 SF per unit, the residential uses would require approximately 79% of the available floor area. As such, the lower utilization of overall FAR for a co-living building would likely leave more floor area available for other uses than a building with conventional residential units.

Due to the small size of co-living units, they will likely house fewer people than a conventional housing unit. For planning purposes, it is estimated that a conventional housing unit has 2.5 people per dwelling unit. A report from the Urban Land Institute (ULI) entitled The Macro View on Micro Units indicates that the ability to live alone is one of the primary reasons for people to move into a co-living unit. Because of the size of a co-living unit and the expectation of more attainable rents, it is more likely that they will be made up of single-person households. Because a co-living unit is roughly half the size of a conventional unit, it can be estimated that the planning impact of a co-living unit will be half (1/2) that of a conventional unit, or approximately 1.25 people per dwelling unit.

If a co-living unit counted as half of a conventional unit, a 1.73 acre site could contain up to 518 co-living units. This would require approximately 194,344 SF for the units alone and 223,498 SF including an additional 15% of floor area for circulation and back of house purposes. This would also represent approximately 85% of the allowable floor area. Due to the requirement that 20% of the gross floor area be used for amenities, it is unlikely that a block will contain more than 490 co-living units, which would consume approximately 80% of the available floor area. 51,631 SF or 20% of the available floor area would be available for amenities, including some commercial uses.

CONCLUSION:

Due to the lower population impact and lower floor area utilization rates associated with co-living units, the administration recommends the following amendments to the comprehensive plan and the LDR's for the TC-C district:

- 1) Count a co-living unit as one-half (1/2) of a conventional unit for the purposes of calculating the maximum allowable density and population impact; and
- 2) Double the limit of co-living units within the TC-C district from a total of 312 units to 624 units.

It is expected that such amendments will not result in a greater population impact than if those units were developed as conventional residential units. Since a single block will not be able to accommodate more than 518 co-living units, these modifications will likely result in the development of only one (1) major co-living building.



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Item 4.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION: HAVING A STUDY CONDUCTED REGARDING THE HOTEL INDUSTRY'S IMPACT ON INFRASTRUCTURE, TOURISM, AND QUALITY OF LIFE.

HISTORY:

On September 12, 2018, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the discussion item to the City Commission Goals Conference and the Land Use and Development Committee (Item C4D).

On October 31, 2018, the Land Use Committee discussed the item and recommended that the Administration review the Sedona, AZ tourism study and develop potential options for a draft study scope. The LUDC continued the item to November 28, 2018.

Analysis

Sedona Arizona, with a permanent population of around 10,000, and an area of approximately 19 square miles, attracts more than 3 million tourists annually. Approximately 50% of the area is part of a National Forest, and the town is completely surrounded by National Forest.

Recently, due to concerns over impacts from tourism, The Sedona Chamber of Commerce and Tourism Bureau engaged the Global Sustainable Tourism Council (GSTC) to conduct a sustainability assessment of Sedona's state of tourism development. THE GSTC assesses destinations based on the GSTC Criteria for Destinations (attached), which (according to GSTC), "set recommended policies and systems that contribute to sustainable development and operations of tourism businesses and host communities."

Should Miami Beach decide to engage in a similar assessment of tourism in our community, the following is a potential basic scope for a draft study:

Sustainable Tourism Study Scope for Miami Beach:

Goal:

A comprehensive assessment of the City's tourism sector to inform strategic initiatives for its sustainable destination management, including balancing tourism growth with conservation of natural and cultural resources and minimizing negative impacts.

Evaluation Protocol:

Conduct an onsite evaluation of Miami Beach in accordance with the following:

- Identify stakeholders for consultation
- Arrange stakeholder meetings and site visits
- Collect policy documents in the areas covered by the 'Global Sustainable Tourism Criteria' (GSTC) for analysis.
 - o Meet with public and private stakeholders responsible for the policy areas covered by the GSTC to review the process and goals of the assessment
 - o Review the policy documents addressing the GSTC to identify gaps in the areas of overall governance, economic and investment climate, cultural and heritage protection, and energy and environment.
- Perform an economic analysis that takes into account, at a minimum, our tourist tax revenue and economic indicators.
- Produce a report outlining the final results of the assessment and recommendations for improvements to bring Miami Beach tourism development into compliance with best international practice as set forth in the GSTC.

To further inform this discussion, as well as the aforementioned draft scope, the following attachments are provided:

1. Sustainable Tourism Criteria and Indicators (used in the Sedona Study).
2. Miami Beach Property Tax Revenue vs. Resort Tax from FY 2006 to FY 2018.
3. Miami Beach Homesteaded Property Data from 2011 to 2018.
4. A map showing areas of the City where hotel uses are allowed.

CONCLUSION:

The Administration recommends the LUDC discuss the item and provide appropriate policy direction.

ATTACHMENTS:

Description	Type
□ 1. Sustainable Tourism Criteria and Indicators used in Sedona Study	Memo
□ Data Summary	Memo
□ Zoning Map	Memo



Global Sustainable Tourism Council Criteria

VERSION 1, 1 NOVEMBER 2013

AND

Suggested Performance Indicators

VERSION 1, 10 DECEMBER 2013

FOR

Destinations

Preamble

Sustainable tourism is on the rise: consumer demand is growing, travel industry suppliers are developing new green programs, and governments as well as international agencies are creating new policies to encourage sustainable practices in tourism. But what does “sustainable tourism” really mean? How can it be measured and credibly demonstrated in order to build consumer confidence, promote business prosperity, foster community benefits, and fight false claims?

The Global Sustainable Tourism Council (GSTC) Criteria was created in an effort to reach a common understanding of sustainable destinations. The GSTC Criteria are the minimum undertakings that any tourism management organization should aspire to when considering sustainability in their practices. To satisfy the definition of sustainable tourism, destinations must take an interdisciplinary, holistic and integrative approach which includes four main objectives: (i) demonstrate sustainable destination management, (ii) maximize social and economic benefits for the host community and minimize negative impacts, (iii) maximize benefits to communities, visitors and cultural heritage and minimize impacts, and (iv) maximize benefits to the environment and minimize negative impacts. The GSTC Criteria are designed to be used by all types and scales of destinations.

The GSTC Criteria was created by the tourism community in part as a response to the global challenges of the United Nations’ Millennium Development Goals. Poverty alleviation, gender equity and environmental sustainability (including climate change) are the main cross-cutting issues that are addressed in the GSTC Criteria.

The GSTC Criteria and Indicators were developed based on already recognized criteria and approaches including: the UNWTO destination level indicators, the GSTC Criteria for Hotels and Tour Operators, and other widely accepted principles and guidelines, certification criteria and indicators. They reflect sustainable tourism certification standards, indicators, criteria, and best practices from different cultural and geo-political contexts from around the world. Potential indicators were screened for relevance and practicality, as well as their applicability to a broad range of destination types.

The GSTC Criteria are administered by the Global Sustainable Tourism Council. Some of the expected uses of the criteria by tourism management organizations include the following:

- Serve as basic guidelines for destinations which wish to become more sustainable
- Help consumers identify sound sustainable tourism destinations
- Serve as a common denominator for media to recognize destinations and inform the public about personal sustainability efforts
- Help certification and other voluntary destination level programs ensure that their standards meet a broadly-accepted baseline
- Offer governmental, non-governmental, and private sector programs a starting point for developing sustainable tourism requirements
- Serve as basic guidelines for education and training bodies, such as hotel schools and universities

The criteria indicate what should be done, not how to do it or whether the goal has been achieved. This role is fulfilled by performance indicators, educational materials, and access to tools for implementation from public, NGO and private sector providers all of which are an indispensable complement to the Destination Level GSTC Criteria. The GSTC Criteria for Destinations were conceived as the beginning of a process to make sustainability the standard practice in all forms of tourism.

Criteria Application

It is recommended that all criteria be applied to the greatest extent practical, unless for a specific situation the criterion is not applicable and justification is provided. There may be circumstances in which a criterion is not applicable to a specific tourism destination or destination management organization. This could be due to the local regulatory, environmental, social, economic or cultural conditions. In the case of smaller destinations and communities, it is recognized that limited resources may prevent comprehensive application of all criteria.

Because destinations are comprised by many different enterprises, organizations and individuals, the application of these criteria should include thorough consideration of the cumulative effects of activities. Measurement at the destination scale will usually capture the net result of cumulative effects at the individual scale. However monitoring of impacts is not an end in itself, it should be viewed as a tool for improving the sustainability of the destination. Further guidance on these criteria may be found from the supporting indicators and glossary, which will be published by the Global Sustainable Tourism Council.

Performance Indicators

The performance indicators presented here are designed to provide guidance in measuring compliance with the GSTC Criteria for Destinations (GSTC C-D). They are not intended to be the definitive set or all-inclusive, but to provide a solid sample set for users of the GSTC C-D in developing their own indicator sets.

This set of indicators will be updated periodically, as new information is developed. If you would like to suggest new indicators or other improvements, please send your suggestions to destinations@gstcouncil.org.

Combined Indicators and Criteria

This document is the combined Criteria and the Performance Indicators, for the official text see www.gstcouncil.org

CRITERIA

INDICATORS

SECTION A: Demonstrate effective sustainable management

A1 Sustainable destination strategy

The destination has established and is implementing a multi-year destination strategy that is publicly available, is suited to its scale; that considers environmental, economic, social, cultural, quality, health, and safety, and aesthetic issues; and was developed with public participation.

IN-A1.a. Multi-year destination strategy that includes a focus on sustainability and sustainable tourism and includes environmental, economic, social, cultural, quality, health, and safety issues

IN-A1.b. Multi-year destination plan or strategy that is up-to-date and publicly available

IN-A1.c. Multi-year destination plan or strategy that was developed with public participation

IN-A1.d. Political commitment to implement the multi-year destination plan and evidence of implementation

A2 Destination management organization

The destination has an effective organization, department, group, or committee responsible for a coordinated approach to sustainable tourism, with involvement by the private sector and public sector. This group is suited to the size and scale of the destination, and has defined responsibilities, oversight, and implementation capability for the management of environmental, economic, social, and cultural issues. This group's activities are appropriately funded.

IN-A2.a. An organization has responsibility for a coordinated approach to the management of sustainable tourism

IN-A2.b. The private sector and public sector are involved in the organization and coordination of tourism

IN-A2.c. The tourism organization is suited to the size and scale of the destination

IN-A2.d. Individuals within the tourism organization have assigned responsibilities for sustainable tourism

IN-A2.e. The tourism organization is appropriately funded

A3 Monitoring

The destination has a system to monitor, publicly report, and respond to environmental, economic, social, cultural, tourism, and human rights issues. The monitoring system is reviewed and evaluated periodically.

IN-A3.a. Active monitoring and public reporting of environmental, economic, social, cultural, tourism, and human rights issues

IN-A3.b. Monitoring system is reviewed and evaluated periodically

IN-A3.c. Tourism impact mitigation procedures funded and active

A4 Tourism seasonality management

The destination dedicates resources to mitigate seasonal variability of tourism where appropriate, working to balance the needs of the local economy, community, cultures and environment, to identify year-round tourism opportunities.

IN-A4.a. Specific strategy for marketing off-season events and attracting year-round visitors

CRITERIA	INDICATORS
<p>A5 Climate change adaptation</p> <p>The destination has a system to identify risks and opportunities associated with climate change. This system encourages climate change adaptation strategies for development, siting, design, and management of facilities. The system contributes to the sustainability and resilience of the destination and to public education on climate for both residents and tourists.</p>	<p>IN-A5.a. Current system for climate change adaptation and risk assessment</p> <p>IN-A5.b. Laws or policies to mitigate climate change and encourage technologies to mitigate climate change</p> <p>IN-A5.c. Program to educate and raise awareness among the public, tourism enterprises, and visitors about climate change</p>
<p>A6 Inventory of tourism assets and attractions</p> <p>The destination has an up-to-date, publicly available inventory and assessment of its tourism assets and attractions, including natural and cultural sites.</p>	<p>IN-A6.a. Current inventory and classification of tourism assets and attractions including natural and cultural sites</p>
<p>A7 Planning Regulations</p> <p>The destination has planning guidelines, regulations and/or policies that require environmental, economic, and social impact assessment and integrate sustainable land use, design, construction, and demolition. The guidelines, regulations and/or policies are designed to protect natural and cultural resources, were created with local inputs from the public and a thorough review process, are publicly communicated, and are enforced.</p>	<p>IN-A7.a. Planning or zoning guidelines, regulations and/or policies that protect natural and cultural resources</p> <p>IN-A7.b. Guidelines, regulations, and/or policies that address sustainable land use, design, construction, and demolition</p> <p>IN-A7.c. Planning guidelines, regulations, and/or policies were created with local inputs from the public and a thorough review process</p> <p>IN-A7.d. Planning guidelines, regulations, and/or policies are publicly communicated and are enforced</p>
<p>A8 Access for all</p> <p>Where appropriate, sites and facilities, including those of natural and cultural importance, are accessible to all, including persons with disabilities and others who have specific access requirements. Where such sites and facilities are not immediately accessible, access is afforded through the design and implementation of solutions that take into account both the integrity of the site and such reasonable accommodations for persons with access requirements as can be achieved.</p>	<p>IN-A8.a. Policies supporting access to tourist sites and facilities, including those of natural and cultural importance, for individuals with disabilities and others who have specific access requirements, where appropriate</p> <p>IN-A8.b. Accessibility solutions are designed to take into account the integrity of the site while making reasonable accommodation for people with disabilities</p>

CRITERIA	INDICATORS
A9 Property acquisitions Laws and regulations regarding property acquisitions exist, are enforced, comply with communal and indigenous rights, ensure public consultation, and do not authorize resettlement without prior informed consent and/or reasonable compensation.	IN-A9.a. Policy or legislation, including enforcement provisions, exist IN-A9.b. Policy or legislation that considers indigenous rights, ensures public consultation and authorizes resettlement only when there is informed consent and/or reasonable compensation
A10 Visitor satisfaction The destination has a system to monitor and publicly report visitor satisfaction, and, if necessary, to take action to improve visitor satisfaction.	IN-A10.a. Collection and public reporting of data on visitor satisfaction IN-A10.b. System to take action to improve visitor satisfaction based on monitoring information
A11 Sustainability standards The destination has a system to promote sustainability standards for enterprises consistent with the GSTC Criteria. The destination makes publicly available a list of sustainability certified or verified enterprises.	IN-A11.a. Industry-supported sustainable tourism certification or environmental management system IN-A11.b. Sustainable tourism certification or environmental management system recognized by the GSTC IN-A11.c. Monitoring of tourism business participation in tourism certification or environmental management system IN-A11.d. Publicly available list of sustainably certified or verified enterprises
A12 Safety and security The destination has a system to monitor, prevent, publicly report, and respond to crime, safety, and health hazards.	IN-A12.a. On-going compulsory inspections of fire, food hygiene, and electricity safety for tourism properties IN-A12.b. Safety precautions such as first aid stations at beaches/tourist attraction sites IN-A12.c. System to prevent and respond to crime IN-A12.d. Taxi licensing system with clear pricing and an organized taxi dispatch system at points of visitor entry IN-A12.e. Public reporting of safety and security
A13 Crisis and emergency management The destination has a crisis and emergency response plan that is appropriate to the destination. Key elements are communicated to residents, visitors, and enterprises. The plan establishes procedures and provides resources and training for staff, visitors, and residents, and is updated on a regular basis.	IN-A13.a. Publicly available crisis and emergency response plan that considers the tourism sector IN-A13.b. Financial and human capital to implement the crisis and emergency response plan IN-A13.c. Crisis and emergency response plan developed with input from the tourism private sector and includes communication procedures for during and after a crisis or emergency IN-A13.d. Crisis and emergency response plan provides resources and training for staff, visitors, and residents IN-A13.e. Crisis and emergency response plan is updated on a regular basis

CRITERIA	INDICATORS
A14 Promotion Promotion is accurate with regard to the destination and its products, services, and sustainability claims. The promotional messages treat local communities and tourists authentically and respectfully.	IN-A14.a. Destination promotional messages that represent local communities and visitors authentically and respectfully IN-A14.b. Destination promotional messages that are accurate in their description of products and services
SECTION B: Maximize economic benefits to the host community and minimize negative impacts	
B1 Economic monitoring The direct and indirect economic contribution of tourism to the destination's economy is monitored and publicly reported at least annually. To the extent feasible, this should include visitor expenditure, revenue per available room, employment and investment data.	IN-B1.a. Regular monitoring and reporting of visitor expenditure data, revenue per available room, employment and investment data IN-B1.b. Regular monitoring and reporting at least annually of direct and indirect contributions of tourism IN-B1.c. Collection and public reporting at least annually of tourism-related employment data, disaggregated by gender and age group
B2 Local career opportunities The destination's enterprises provide equal employment, training opportunities, occupational safety, and fair wages for all.	IN-B2.a. Legislation or policies supporting equal opportunities in employment for all, including women, youth, disabled people, minorities, and other vulnerable populations IN-B2.b. Training programs that provide equal access to all, including women, youth, disabled people, minorities, and other vulnerable populations IN-B2.c. Legislation or policies supporting occupational safety for all IN-B2.d. Legislation or policies supporting fair wages for all, including women, youth, disabled people, minorities, and other vulnerable populations
B3 Public participation The destination has a system that encourages public participation in destination planning and decision making on an ongoing basis.	IN-B3.a. System for involving public, private, and community stakeholders in destination management planning and decision making IN-B3.b. Public meeting(s) to discuss destination management issues each year
B4 Local community opinion Local communities' aspirations, concerns, and satisfaction with destination management are regularly monitored, recorded and publicly reported in a timely manner.	IN-B4.a. Regular collection, monitoring, recording, and public reporting of data on resident aspirations, concerns, and satisfaction with destination management IN-B4.b. Collection, monitoring, recording, and public recording of data occurs in a timely manner
B5 Local access The destination monitors, protects, and when necessary rehabilitates or restores local community access to natural and cultural sites.	IN-B5.a. Programs to monitor, protect, and rehabilitate or restore public access by locals and domestic visitors to natural and cultural sites IN-B5.b. Monitoring of behaviour and characteristics of local, domestic and foreign visitors to tourist sites and attractions
B6 Tourism awareness and education The destination provides regular programs to affected communities to enhance their understanding of the opportunities and challenges of tourism, and the importance of sustainability.	IN-B6.a. Program to raise awareness of tourism's role and potential contribution held in communities, schools, and higher education institutions
B7 Preventing exploitation The destination has laws and established practices to prevent commercial, sexual, or any other form of exploitation and harassment of anyone, particularly of children, adolescents, women, and minorities. The laws and established practices are publicly communicated.	IN-B7.a. Laws and a program to prevent commercial, sexual, or any other form of exploitation, discrimination or harassment of residents or visitors IN-B7.b. Laws and program are publicly communicated

CRITERIA	INDICATORS
B8 Support for community The destination has a system to enable and encourage enterprises, visitors, and the public to contribute to community and sustainability initiatives.	IN-B8.a. Programs for enterprises, visitors, and the public to contribute donations to community and biodiversity conservation initiatives and/or infrastructure development
B9 Supporting local entrepreneurs and fair trade The destination has a system that supports local and small- and medium-sized enterprises, and promotes and develops local sustainable products and fair trade principles that are based on the area's nature and culture. These may include food and beverages, crafts, performance arts, agricultural products, etc.	IN-B9.a. Program to support and build capacity of local and small- and medium-sized enterprises IN-B9.b. Program encourages enterprises to purchase goods and services locally IN-B9.c. Program to promote and develop local sustainable products based on local nature and culture IN-B9.d. Program to include local artisans, farmers, and suppliers in the tourism value chain
SECTION C: Maximize benefits to communities, visitors, and culture; minimize negative impacts	
C1 Attraction protection The destination has a policy and system to evaluate, rehabilitate, and conserve natural and cultural sites, including built heritage (historic and archaeological) and rural and urban scenic views.	IN-C1.a. Management system to protect natural and cultural sites, including built heritage and rural and urban scenic views IN-C1.b. Management system to monitor, measure, and mitigate tourism impacts on sites and attractions
C2 Visitor management The destination has a visitor management system for attraction sites that includes measures to preserve, protect, and enhance natural and cultural assets.	IN-C2.a. Administrative mechanism responsible for implementing visitor management plans and operations
C3 Visitor behavior The destination has published and provided guidelines for proper visitor behavior at sensitive sites. Such guidelines are designed to minimize adverse impacts on sensitive sites and strengthen positive visitor behaviors.	IN-C3.a. Cultural and environmental guidelines for visitor behaviour in sensitive sites IN-C3.b. Code of practice for tour guides and tour operators
C4 Cultural heritage protection The destination has laws governing the proper sale, trade, display, or gifting of historical and archaeological artefacts.	IN-C4.a. Laws or regulations to protect historical and archaeological artefacts including those located under water, and evidence of their enforcement IN-C4.b. Program to protect and celebrate intangible cultural heritage (e.g., includes song, music, drama, skills and crafts)
C5 Site interpretation Accurate interpretive information is provided at natural and cultural sites. The information is culturally appropriate, developed with community collaboration, and communicated in languages pertinent to visitors.	IN-C5.a. Interpretive information available to visitors in tourist offices and at natural and cultural sites IN-C5.b. Interpretive information is culturally appropriate IN-C5.c. Interpretive information is developed with community collaboration IN-C5.d. Interpretive information is available in languages pertinent to visitors IN-C5.e. Tour guide training in the use of interpretive information
C6 Intellectual property The destination has a system to contribute to the protection and preservation of intellectual property rights of communities and individuals.	IN-C6.a. Laws, regulations or programs to protect intellectual property rights of local individuals and communities
SECTION D: Maximize benefits to the environment and minimize negative impacts	
D1 Environmental risks The destination has identified environmental risks and has a system in place to address them.	IN-D1.a. Sustainability assessment of the destination within the last five years, identifying environmental risks IN-D1.b. System in place to address identified risks

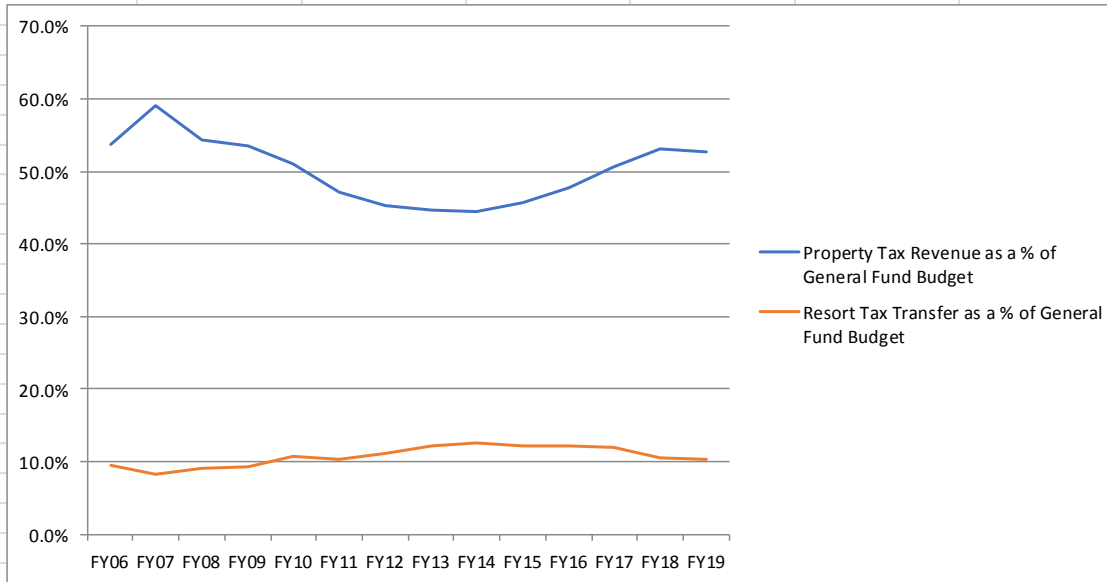
CRITERIA	INDICATORS
D2 Protection of sensitive environments The destination has a system to monitor the environmental impact of tourism, conserve habitats, species, and ecosystems, and prevent the introduction of invasive species.	IN-D2.a. Maintained and updated inventory of sensitive and threatened wildlife and habitats IN-D2.b. Management system to monitor impacts and to protect ecosystems, sensitive environments, and species IN-D2.c. System prevents the introduction of invasive species
D3 Wildlife protection The destination has a system to ensure compliance with local, national, and international laws and standards for the harvest or capture, display, and sale of wildlife (including plants and animals).	IN-D3.a. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) IN-D3.b. Regulations and standards for controlling harvesting or capture, display, sale, of plants and animals
D4 Greenhouse gas emissions The destination has a system to encourage enterprises to measure, monitor, minimize, publicly report, and mitigate their greenhouse gas emissions from all aspects of their operation (including emissions from service providers).	IN-D4.a. Program to assist enterprises to measure, monitor, minimize, and publicly report greenhouse gas emissions IN-D4.b. System to assist enterprises to mitigate greenhouse gas emissions
D5 Energy conservation The destination has a system to encourage enterprises to measure, monitor, reduce, and publicly report energy consumption, and reduce reliance on fossil fuels.	IN-D5.a. Program to promote energy conservation and measure, monitor, reduce, and publicly report energy consumption IN-D5.b. Policies and incentives to reduce reliance on fossil fuels, improve energy efficiency, and encourage the adoption and use of renewable energy technologies
D6 Water Management The destination has a system to encourage enterprises to measure, monitor, reduce, and publicly report water usage.	IN-D6.a. Program to assist enterprises to measure, monitor, reduce, and publicly report water usage
D7 Water security The destination has a system to monitor its water resources to ensure that use by enterprises is compatible with the water requirements of the destination community.	IN-D7.a. Management system to ensure that water use by enterprises and water requirements of the destination community are balanced and compatible
D8 Water quality The destination has a system to monitor drinking and recreational water quality using quality standards. The monitoring results are publicly available, and the destination has a system to respond in a timely manner to water quality issues.	IN-D8.a. Management system to monitor and publicly report on drinking and recreational water quality IN-D8.b. Monitoring results are publicly available IN-D8.c. System to respond in a timely manner to water quality issues
D9 Wastewater The destination has clear and enforced guidelines in place for the siting, maintenance and testing of discharge from septic tanks and wastewater treatment systems, and ensures wastes are properly treated and reused or released safely with minimal adverse effects to the local population and the environment.	IN-D9.a. Regulations for the siting, maintenance, and testing of discharge from septic tanks and wastewater treatment systems, and evidence of their enforcement IN-D9.b. Regulations to ensure the size and type of waste water treatment is adequate for the location, and evidence of their enforcement IN-D9.c. Program to assist enterprises to effectively treat and reuse wastewater IN-D9.d. Program to ensure proper treatment of wastes and safe reuse or release with minimal adverse effects to local population and environment

CRITERIA	INDICATORS
D10 Solid waste reduction The destination has a system to encourage enterprises to reduce, reuse, and recycle solid waste. Any residual solid waste that is not reused or recycled is disposed of safely and sustainably.	IN-D10.a. Waste collection system that maintains public records on the amount of waste generated IN-D10.b. Solid waste management plan that is implemented, and has quantitative goals to minimize, and ensure safe sustainable disposal of waste that is not reused or recycled IN-D10.c. Program to assist enterprises to reduce, reuse, and recycle waste IN-D10.d. Program to reduce the use of bottled water by enterprises and visitors
D11 Light and noise pollution The destination has guidelines and regulations to minimize light and noise pollution. The destination encourages enterprises to follow these guidelines and regulations.	IN-D11.a. Guidelines and regulations to minimize noise and light pollution IN-D11.b. Program to encourage enterprises to follow guidelines and regulations to minimize noise and light pollution
D12 Low-impact transportation The destination has a system to increase the use of low-impact transportation, including public transportation and active transportation (e.g., walking and cycling).	IN-D12.a. Program to increase the use of low-impact transportation IN-D12.b. Program to make sites of visitor interest more accessible to active transportation (e.g., walking and cycling)



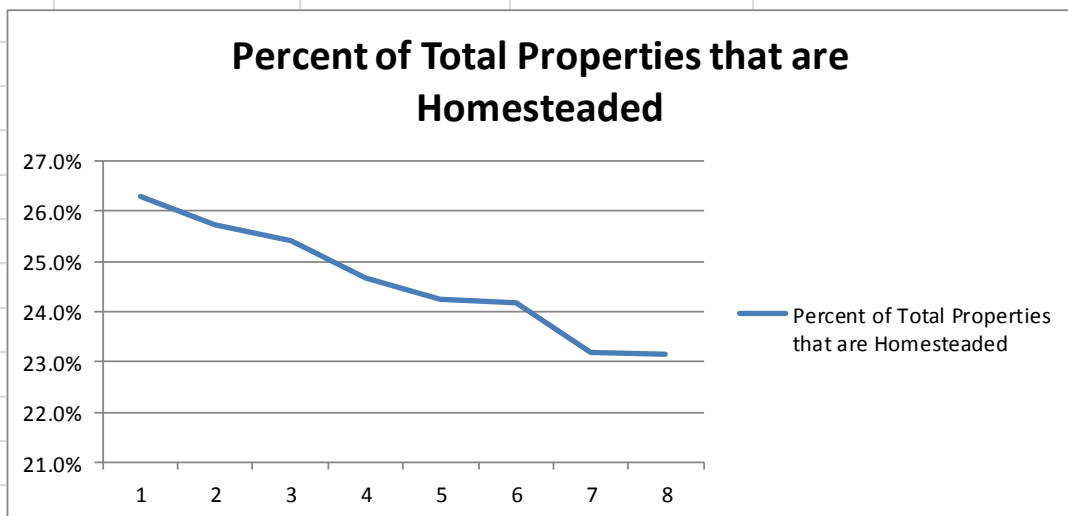
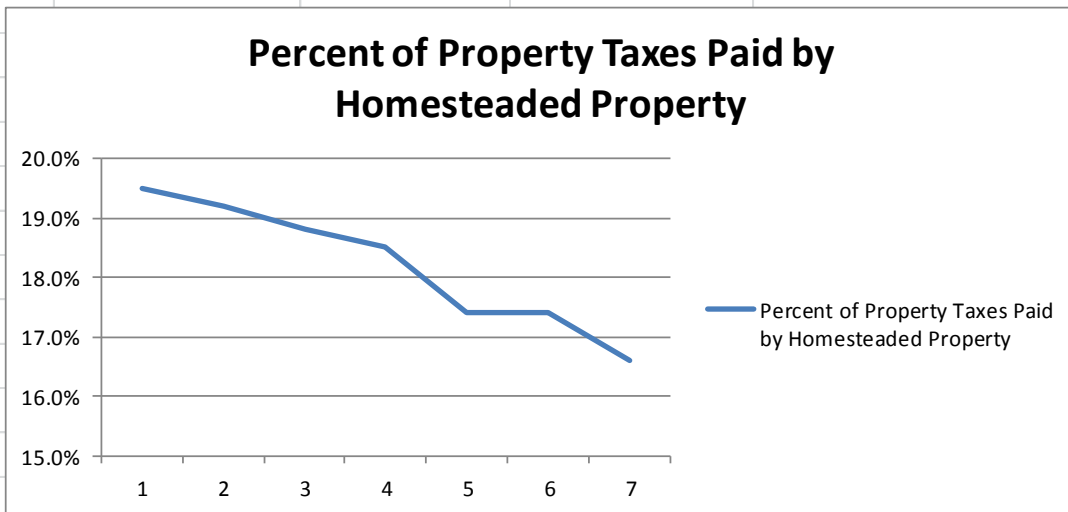
Miami Beach Property Tax Revenue vs. Resort Tax FY 2006 – FY 2018

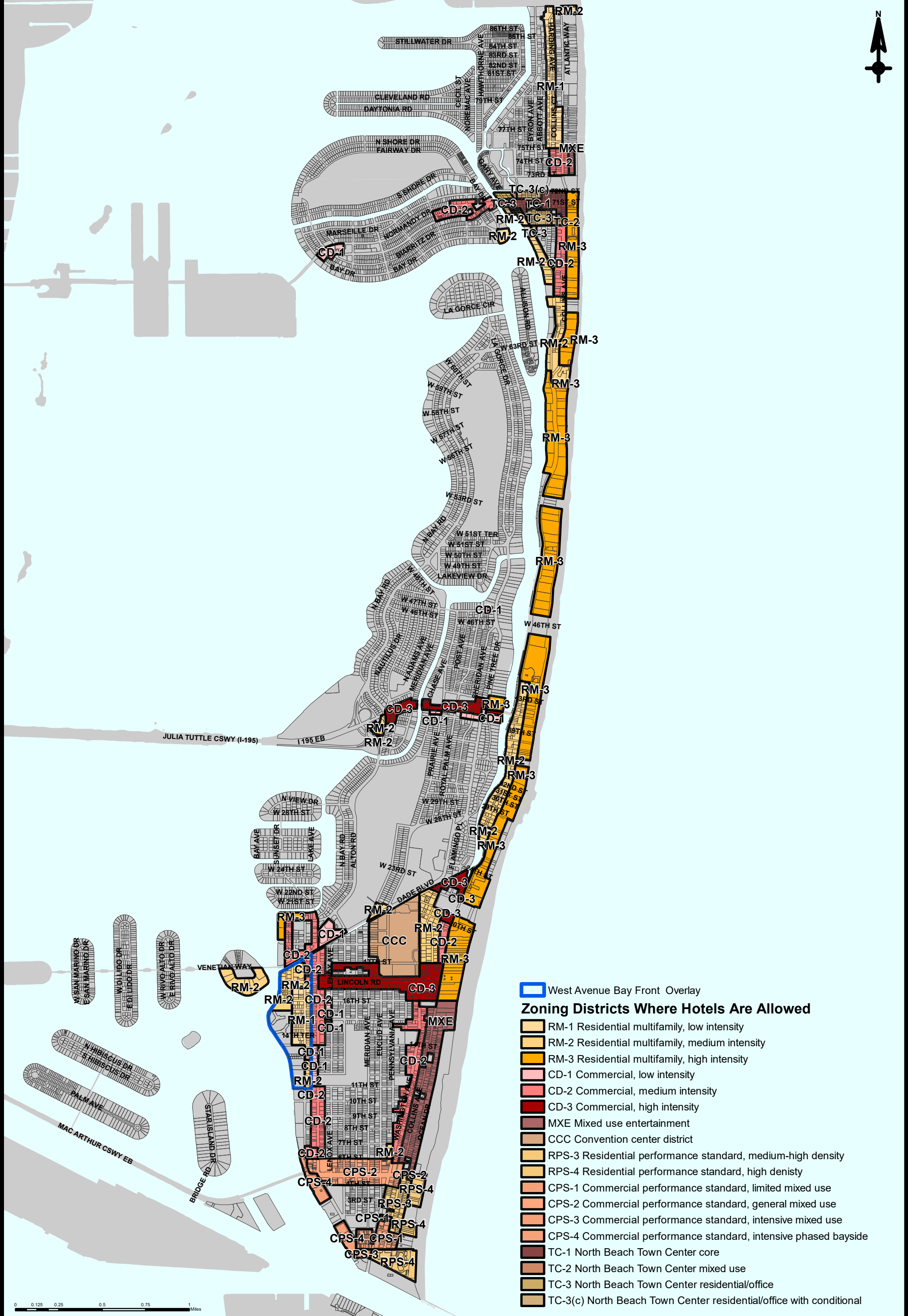
Fiscal Year	General Fund Adopted Budget	Change in General Fund Adopted Budget	Property Tax Revenue	Property Tax Revenue as a % of General Fund Budget	Resort Tax Transfer to GF	Resort Tax Transfer as a % of General Fund Budget
FY06	207,925,117	23.6%	111,778,090	53.8%	19,571,309	9.4%
FY07	237,673,096	14.3%	140,307,954	59.0%	19,571,309	8.2%
FY08	230,624,537	-3.0%	125,332,978	54.3%	20,696,309	9.0%
FY09	235,366,925	2.1%	125,938,204	53.5%	21,865,440	9.3%
FY10	226,336,026	-3.8%	115,732,599	51.1%	24,415,990	10.8%
FY11	237,518,114	4.9%	112,144,615	47.2%	24,465,440	10.3%
FY12	244,336,740	2.9%	110,394,099	45.2%	26,965,440	11.0%
FY13	256,280,000	4.9%	114,317,000	44.6%	30,965,000	12.1%
FY14	264,093,000	3.0%	117,411,000	44.5%	32,965,000	12.5%
FY15	280,079,000	6.1%	127,904,000	45.7%	34,084,000	12.2%
FY16	300,354,000	7.2%	143,309,000	47.7%	36,609,000	12.2%
FY17	317,252,000	5.6%	160,781,000	50.7%	37,609,000	11.9%
FY18	330,850,000	4.3%	175,544,000	53.1%	34,950,000	10.6%
FY19	345,645,000	4.5%	182,333,000	52.8%	35,836,000	10.4%



Miami Beach Homesteaded Property Data, 2011- 2018.

Year	Homesteaded Properties	Total Parcels	Percent of Total Properties that are Homesteaded	Percent of Property Taxes Paid by Homesteaded Property
2011	15,254	58,045	26.3%	19.5%
2012	14,761	57,368	25.7%	19.2%
2013	14,448	56,859	25.4%	18.8%
2014	14,097	57,108	24.7%	18.5%
2015	13,735	56,631	24.3%	17.4%
2016	13,749	56,858	24.2%	17.4%
2017	13,213	57,017	23.2%	16.6%
2018	13,178	56,902	23.2%	NA







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Item 5.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN AS PART OF THE EVALUATION AND APPRAISAL REPORT (EAR)

HISTORY:

On February 13, 2019 at the request of Commissioner John Elizabeth Aleman, the City Commission referred the item to the Land Use and Development Committee and the Planning Board (Item C4 O). This is status update of the process.

Analysis

PLANNING ANALYSIS

The City of Miami Beach Comprehensive Plan is a state mandated document that guides the decisions of the city as it pertains to addressing the needs of existing and future residents and businesses. The plan provides general regulations for growth, development, infrastructure, housing, parks and recreation, and more. The goals, objectives, and policies of the comprehensive plan are then implemented through more detailed documents such as the land development regulations, city code, storm water master plan, and the resiliency strategy/strategic plan. The comprehensive plan and plan amendments are adopted by ordinance per Florida Statute 163, Part II. All ordinances adopted by the city must be consistent with the standards set within the comprehensive plan.

Presently the City of Miami Beach is undergoing an EAR process to update the comprehensive plan for consistency with state law and to address changing conditions and needs in the city. Such updates are required every seven years, pursuant to Section 163.3191, Florida statutes. As part of the EAR process, the city and our consultants have gathered data and performed analyses on existing conditions and trends in the City. Other plans and strategies that the city has formulated are being taken into account, including the storm water master plan, resiliency strategy / strategic plan (under development), the transportation master plan, and the urban land institute (ULI) report.

A public meeting took place on January 28, 2019 to solicit input from residents and stakeholders. The comments were primarily focused on issues related to sea level rise, the environment, and incentivizing workforce and affordable housing. Attached is a summary of the comments that were provided by residents. The information gathered at this meeting, as well as any subsequent feedback, will be utilized to determine best practices for policies to incorporate into the plan, while addressing the needs of residents and other stakeholders.

City staff, in conjunction with our consultants, is in the process of drafting specific goals, objectives, and policies that address updates to state statutes and the changing conditions and needs of the city. It is expected that the draft amendments will proceed pursuant to the following schedule:

- April 3, 2019 – Land Use and Development Committee
- April 30, 2019 – Planning Board
- June 5, 2019 – City Commission 1st Reading/Transmittal to State Hearing
- June 7, 2019 - Amendments are transmitted to State Review Agencies
- September 11, 2019 – Adoption Hearing

CONCLUSION:

The Administration recommends that the LUDC discuss the item, ask questions and continue it to the April 3, 2019 meeting.

ATTACHMENTS:

Description	Type
□ Public Workshop Summary	Memo

MEETING SUMMARY

LOCATION: City Commission Chambers

DATE: Monday, January 28, 2019

TIME: 6:00 P.M. – 8:00 P.M.

SUBJECT: City of Miami Beach Comprehensive Plan Update

STAFF PRESENT:

Heidi Siegel, AICP	Keith & Schnars – Planning
Erin Sita, AICP	Keith & Schnars – Planning
Kristen Nowicki, AICP	Keith & Schnars – Planning
Thomas Mooney, AICP	City of Miami Beach – Planning
Rogelio A. Madan, AICP	City of Miami Beach – Planning
Frank Arbelaez, AICP	City of Miami Beach – Planning

The community meeting held January 28, 2019 for the update of the Miami Beach Comprehensive Plan was an opportunity to gather public input.

OPENING PRESENTATION:

Commissioner John Elizabeth Aleman provided a welcome to the attendees, and introduced Planning Director Tom Mooney to discuss the importance of the City's Comprehensive Plan, as well as the City's commitments to sustainability, multi-modal transportation, and historic preservation. A Power Point presentation was given by Heidi Siegel of K&S to provide a background on the Comprehensive Plan amendment process and the work that the City has done since the last Comprehensive Plan update.

There were approximately 28 attendees. Two members of the City Commission, Commissioner John Elizabeth Aleman and Commissioner Joy Malakoff, were also in attendance.

DISCUSSION / KEY COMMENTS:

Many community members asked questions or provided comments about concerns in their neighborhoods and the City. The major takeaways are noted below:

- Additional consideration of the needs of single family neighborhoods
- Preservation of single family neighborhoods
- Concern regarding streets being raised causing pollution in Lake Surprise
- Resolving conflict between resiliency and single family neighborhoods
 - This subject was mostly in reference to addressing sea level rise without major impact to the character of the neighborhood
- Transfer of Development Rights to create more parks

- Need to identify appropriate areas to encourage redevelopment vs. preservation (focus on the more valuable contributing properties)
- A need for real incentives to get workforce housing units built
- A need for an “inclusive threshold” to ensure that the workforce housing incentive is to scale with the size of the project
- Inclusivity in regard to public amenity provision (such as benches, sun shelters).
- 41st Street Master Plan
- Resiliency & Sea Level Rise
- Business development on Washington Avenue
- Biscayne Bay – houseboats or housing at the marina to address future population growth
- Solar energy – incentives/promotion desired
- Ask Federal government for assistance to sea level rise issues
- Alternative energy sources, such as windmills
- Consider sound mitigation in the Intergovernmental Coordination Element to address the sounds from the new, taller, cruise ships docked at the Port of Miami
- Water pollution and seagrass decline
- Support for Citywide tree planting program
- Address seawall height and raising them for resiliency, citywide.
- Include PACE programs in the Comprehensive Plan, including seawalls, to support legislative agenda

NEXT STEPS:

- Complete the amendments
- City of Miami Beach
 - Local Planning Agency (Planning Board) – Public Hearing
 - City Commission Transmittal Hearing – Public Hearing
 - Transmit to the Florida Department of Economic Opportunity
- State issues Objections, Recommendation and Comments Report (ORC)
- City of Miami Beach
 - City Commission Adoption Hearing– Public Hearing



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Item 6.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION REGARDING THE PROLIFERATION OF LARGE SQUARE HOMES THAT LOOK THE SAME.**

ATTACHMENTS:

Description	Type
 C4 X	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Rosen Gonzalez and Vice-Mayor Michael
Gongora
DATE: January 16, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE
REGARDING THE PROLIFERATION OF LARGE SQUARE HOMES THAT
LOOK THE SAME.

RECOMMENDATION

Develop appropriate legislation.

ANALYSIS

Please place a referral to the Land Use and Development Committee regarding the proliferation of large square homes that look the same.

Maybe the City could sponsor an architectural contest to design what could be our new architectural style. Miami Beach cannot just be "big box." There must be a way to regulate this.

Legislative Tracking

Commissioner Rosen Gonzalez and Vice-Mayor Michael Gongora



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Item 7.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION TO STUDY THE POTENTIAL VACATION OF ONE ALLEY IN THE TOWN CENTER CORE (TC-C) DISTRICT.**

ATTACHMENTS:

Description	Type
C4 AB	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner John Elizabeth Aleman
DATE: January 16, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO
STUDY THE POTENTIAL VACATION OF ONE ALLEY AND TWO STREETS
IN THE TOWN CENTER CORE (TC-C) DISTRICT.

ANALYSIS

Please place on the January 16, 2019 City Commission Agenda a referral to have Planning Department staff study and make recommendations regarding the potential vacation of one alley and two streets in the Town Center Core (TC-C) District to support development plans.

For additional information, please contact my office at extension 6437.

Legislative Tracking

Commissioner John Elizabeth Aleman



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

Item 8.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION TO STUDY THE POTENTIAL VACATION OF TWO STREETS IN
THE TOWN CENTER CORE (TC-C) DISTRICT.
(VERBAL REPORT)**



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

Item 9.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION REGARDING AN ORDINANCE TO CREATE AN EXEMPTION FROM THE DEFINITION OF “ENTERTAINMENT ESTABLISHMENT” FOR PERFORMANCES CONDUCTED AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	C4 AD	Memo
<input type="checkbox"/>	C4 AD Lincoln Rd BID Reso	Memo
<input type="checkbox"/>	Revised draft ordinance	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: January 16, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE - AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," BY AMENDING SECTION 114-1 THEREOF, ENTITLED "DEFINITIONS," TO CREATE AN EXEMPTION FROM THE DEFINITION OF "ENTERTAINMENT ESTABLISHMENT" FOR PERFORMANCES CONDUCTED AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

See attached Memorandum and draft Ordinance.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner John Elizabeth Aleman

ATTACHMENTS:


Description

- ▢ Referral to Land Use Development Committee Amending Definition of Entertainment Volume
- ▢ Additional Information

COMMISSION MEMORANDUM

To: Mayor Dan Gelber
Members of the City Commission
Jimmy L. Morales, City Manager

cc: Rafael Granado, City Clerk

From: Raul J. Aguila, City Attorney 

Date: January 16, 2019

Subject: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE REGARDING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS PERTAINING TO ENTERTAINMENT ESTABLISHMENTS, IN ORDER TO CREATE AN EXEMPTION FOR PERFORMANCES CONDUCTED AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION.

Pursuant to the request of Commissioner John Elizabeth Alemán, the above-referenced discussion item has been placed on the January 16, 2019 City Commission meeting agenda as a referral to the Land Use and Development Committee (the "Committee").

A draft Ordinance is attached for the Committee's consideration.

Please do not hesitate to contact me if you have any questions.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," BY AMENDING SECTION 114-1 THEREOF, ENTITLED "DEFINITIONS," TO CREATE AN EXEMPTION FROM THE DEFINITION OF "ENTERTAINMENT ESTABLISHMENT" FOR PERFORMANCES CONDUCTED AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Code defines "entertainment establishment" as a "commercial establishment with any live or recorded, amplified or nonamplified performance, (excepting television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations)"; and

WHEREAS, the Mayor and City Commission desire to amend the definition of "entertainment establishment" to create an exemption for performances that are conducted at a volume that does not interfere with normal conversation.

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

SECTION 1. Chapter 114, entitled "General Provisions," is amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

* * *

Entertainment establishment means a commercial establishment with any live or recorded, amplified or nonamplified performance, (excepting television, radio and/or recorded background music, and any other performance played or conducted at a volume that does not interfere with normal conversation, and indoor movie theater operations). Entertainment establishments may not operate between the hours between the hours of 5:00 a.m. and 10:00 a.m., except as provided for under subsection 6-3(3)(b).

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2018.

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

(Sponsored by Commissioner John Elizabeth Alemán)

Underline denotes new language
~~Strikethrough~~ denotes removed language



ALEXANDER I. TACHMES, ESQ.
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EMAIL ATachmes@shutts.com

January 10, 2019

The Mayor and Commissioners of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33140

**RE: Item C4 AD of January 16, 2019 Commission Meeting - Proposed Code
Amendment to Definition of "Entertainment"**

Dear Mayor and Commissioners:

We are writing in strong support of the code amendment being proposed by Commissioner Aleman to the definition of "entertainment." In our opinion, the current definition in your code of "entertainment" is likely unconstitutional and subject to challenge. The proposed amendment would cure the legal problem with the definition as discussed below.

If a business has "entertainment," as defined in the code, onerous requirements and restrictions are triggered. However, the code provides that recorded music played at a volume that doesn't interfere with normal conversation is exempt from the definition of "entertainment." The noise ordinance and zoning code understandably focus on the volume of the music being played because higher volumes can disturb neighbors. So, if the music is played low enough so that it doesn't interfere with normal conversation, then it is not "entertainment" and not deserving of stricter regulation.

The constitutional problem arises because the definition of "entertainment" in your code is arbitrary and treats music differently depending on its source, even if the music is all being played at the exact same decibel levels. For example, if a restaurant is playing a song on the radio at 50 decibels (assuming that decibel level doesn't interfere with normal conversation), then it is not "entertainment." However, under your current code, if the same exact song is being played at the same exact decibel level by a DJ or a live performer, it is "entertainment" and subject to heavy regulation. That disparate enforcement based on the source of the music is improper.

Assuming music is being played at exactly the same volume regardless of the source, then there is no rational basis to distinguish (a) recorded music from a radio from (b) music played by a DJ from (c) music being performed live. Given the strict review of free speech

restrictions under the Constitution, the above definition is very likely illegal as there is no rational or logical basis to treat the same music differently depending on its source.

The disparate enforcement based on the source of the music is also illogical. The code noise regulations are driven by the volume of music and nothing else. As long as the volume is acceptable, the music should be allowed regardless of the source.

We support the amendment and respectfully request its adoption. Thank you.

Sincerely,

Shutts & Bowen LLP

A handwritten signature in blue ink, appearing to read "Alexander I. Tachmes".

Alexander I. Tachmes, Esq.

AIT/sm

cc: Raul Aguila, City Attorney
Jimmy Morales, City Manager
Thomas Mooney, Planning Director

RESOLUTION 18-19-06

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE LINCOLN ROAD BUSINESS IMPROVEMENT DISTRICT, INC., EXPRESSING SUPPORT FOR THE REASONABLE ALLOWANCE OF ENTERTAINMENT AND PERFORMANCES CONDUCTED AT AMBIENT LEVELS AT BUSINESS ESTABLISHMENTS IN THE CITY OF MIAMI BEACH

WHEREAS, on April 15, 2015, the Mayor and City Commission of the City of Miami Beach (“City Commission”) adopted Resolution No. 2015-28992, creating a special assessment district to be known as the Lincoln Road Business Improvement District, Inc., (“LRBID”), for a term of ten (10) years, to stabilize and improve the Lincoln Road retail business district; and

WHEREAS, the LRBID is comprised of the owners of seventy-six (76) properties abutting and surrounding Lincoln Road; and

WHEREAS, the LRBID wishes to encourage the development of a vibrant Lincoln Road mixed-use neighborhood, thereby providing a dynamic setting for businesses and area residents alike; and

WHEREAS, currently, the Code of the City of Miami Beach defines “entertainment establishment” very broadly and, in zoning districts where such establishments are restricted or prohibited, does not allow for performances conducted at ambient levels; and

WHEREAS, during its meeting on January 16, 2019, the City Commission is set to vote to refer an ordinance to the Land Use and Development Committee that, if approved and implemented, would create an exemption from the definition of “entertainment establishment” for performances conducted at a volume that does not interfere with normal conversation; and

WHEREAS, the LRBID agrees with the concept underpinning the aforementioned legislation, as the provision of entertainment helps create more meaningful and memorable experiences for those frequenting businesses across the City of Miami Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE LINCOLN ROAD BUSINESS IMPROVEMENT DISTRICT, INC.:

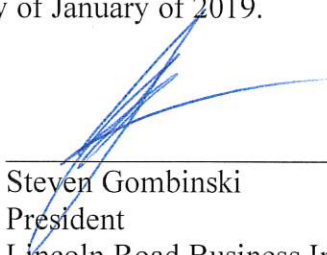
Section 1. The Executive Committee of the LRBID hereby expresses its support for granting businesses in the City of Miami Beach reasonable flexibility to provide in-door entertainment, including performances conducted at ambient levels, to their patrons.

Section 2. The Executive Committee of the LRBID hereby unanimously expresses its support for the continued discussion and consideration, at the Land Use and Development

Committee and other relevant forums, of the above-mentioned ordinance and businesses' provision of entertainment to their guests.

Section 3. The Executive Committee of the LRBID hereby directs the Executive Director of the LRBID to transmit a copy of this resolution to the City Commission and the City Manager of the City of Miami Beach.

Approved and presented by the Executive Committee of the Lincoln Road Business Improvement District on this 14th day of January of 2019.



Steven Gombinski
President
Lincoln Road Business Improvement District, Inc.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," BY AMENDING SECTION 114-1 THEREOF, ENTITLED "DEFINITIONS," TO CREATE AN EXEMPTION FROM THE DEFINITION OF "ENTERTAINMENT ESTABLISHMENT" FOR PERFORMANCES CONDUCTED INDOORS AT A VOLUME THAT DOES NOT INTERFERE WITH NORMAL CONVERSATION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Code defines "entertainment establishment" as a "commercial establishment with any live or recorded, amplified or nonamplified performance, (excepting television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations)"; and

WHEREAS, the Mayor and City Commission desire to amend the definition of "entertainment establishment" to create an exemption for performances that are conducted indoors at a volume that does not interfere with normal conversation.

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

SECTION 1. Chapter 114, entitled "General Provisions," is amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

* * *

Entertainment establishment means a commercial establishment with any live or recorded, amplified or nonamplified performance, (excepting television, radio and/or recorded background music, and any indoor performance played or conducted at a volume that does not interfere with normal conversation, and indoor movie theater operations). Entertainment establishments may not operate between the hours between the hours of 5:00 a.m. and 10:00 a.m., except as provided for under subsection 6-3(3)(b).

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney _____
Date

First Reading:
Second Reading:

(Sponsored by Commissioner John Elizabeth Alemán)

Underline denotes new language
~~Strikethrough~~ denotes removed language



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

Item 10.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION: THE CREATION OF AN ADMINISTRATIVE VARIANCE
PROCEDURE.**

ATTACHMENTS:

Description	Type
R9 T2b	Memo

Vice-Mayor Góngora stated that the regular ticket there is an option to fight it; there is not a chance with a red light camera. He will vote against the expansion.

Discussion held.

6:52:57 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

R9 T DISCUSS FINANCE AND CITYWIDE PROJECTS COMMITTEE REFERRAL PERTAINING TO DEVELOPMENT FEES AND CODE PROCESSES.

Planning

ACTION: Discussion held. Commissioner Alemán moved staff recommendation and referred Item 4 to the Finance and Citywide Projects Committee; seconded by Commissioner Samuelian; Voice vote: 6-0; **Thomas Mooney to handle.**

REFERRALS:

1. Refer the attached draft ordinance pertaining to City Commission referrals and private applications for LDR and Comprehensive Plan Amendments to the Planning Board. **Michael Belush to place on the Board Agenda. Thomas Mooney to handle.**
2. Refer the following items to the February 2019 Commission Committees:
 - a. A referral to the Land Use and Development Committee regarding specific amendments to the Land Development Regulations of the City Code to address common variance requests. **Thomas Mooney to place on the Committee Agenda and to handle.**
 - b. A referral to the Land Use and Development Committee regarding the creation of an Administrative Variance procedure. **Thomas Mooney to place on the Committee Agenda and to handle.**
 - c. A referral to the Land Use and Development Committee and Finance and Citywide Projects Committee regarding an update of the Land Development Regulations of the City Code and the creation of a Resiliency Code. **Thomas Mooney to place on the Committee Agenda and to handle.**
3. Refer to the Finance and Citywide Projects Committee provide policy direction regarding the creation of a process for applying future credits to previously paid Land Use Board fees more than an established cap on per square foot fees. **John Woodruff and Thomas Mooney to handle.**

DIRECTION:

Bring an amendment to Appendix A (Fees) to the City Commission for First Reading on February 13, 2019. Additionally, the City Manager to allow for a hold on per square foot fees for Design Review and Historic Preservation Board applications that exceed \$40,000, until an amendment to appendix A is adopted at second reading. Such a hold would be applicable until a second reading adoption of an amendment to Appendix A, and any relevant development application would be required to acknowledge such.

Thomas Mooney, Planning Department Director, stated that Finance and Citywide Projects Committee's first recommendation was to refer an attached draft ordinance that is part of the package that closes the Commissioner loophole, which allows developers and property owners to



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Item 11.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

**TITLE: DISCUSSION REGARDING AN AMENDMENT TO MEMBERSHIP
COMPOSITION OF HISTORIC PRESERVATION BOARD.**

ATTACHMENTS:

Description	Type
 C4 Q	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: February 13, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT
COMMITTEE - AMENDMENT TO MEMBERSHIP COMPOSITION OF
HISTORIC PRESERVATION BOARD.

RECOMMENDATION

See attached Memorandum.

Legislative Tracking

Office of the City Attorney


ATTACHMENTS:

Description

- ▢ Memorandum

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Joy Malakoff 

DATE: February 13, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE MEETING OF AN AMENDMENT TO MEMBERSHIP COMPOSITION OF HISTORIC PRESERVATION BOARD.

Please refer an amendment to Section 118-103 of the Code, which provides for the membership composition to the City's Historic Preservation Board, to the Land Use and Development Committee.

My proposed amendment would amend:

1. Section 118-103(a)(3) -- to require that the two at large positions be filled by individuals who **currently** reside in one of the City's historic districts (for at least a year prior to appointment). As it now reads, the Code is so broad that it allows an at large member to qualify for appointment to the HPB if, at any time during that member's lifetime, the member has resided in a historic district for a year. As with anything else, historic districts are neighborhoods, and neighborhoods change over time, necessitating evaluation of new needs and priorities. I think it would be more productive to have the at large members be **current** residents of a City historic district (for at least a year).
2. Sections 118-103(a)(1) and (a)(2) each provide for one member who is a representative of, respectively (i) MDPL, and (ii) Dade Heritage Trust. I continue to believe that this is critical, so that these two very important preservation societies have a voice on the Board. However, I think the HPB would be better served by limiting the MDPL and DHT membership categories to the two ex officio positions. Perhaps we can craft a simple requirement which would not allow the other 5 HPB board members to be either MDPL or DHT members during their term on the HPB. Again, I think this would encourage broader diversity on the Board and, as a result, also make the Board's deliberations more productive.

Thank you for your attention to this matter.



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Item 12.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

**TITLE: DISCUSSION REGARDING THE MAYOR'S 41 STREET BLUE RIBBON
COMMITTEE'S MOTION ABOUT REVIEWING MODIFICATIONS OF THE
ZONING REGULATIONS FOR THE 41ST STREET CORRIDOR.**

ATTACHMENTS:

Description	Type
□ C4 R	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Michael Gongora
DATE: February 13, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION ABOUT REVIEWING MODIFICATIONS OF THE ZONING REGULATIONS FOR THE 41ST STREET CORRIDOR.

ANALYSIS

Please place on the February 13th Commission, a referral to the Land Use and Development Committee regarding the Mayor's 41 Street Blue Ribbon Committee's Motion about reviewing modifications of the zoning regulations for the 41st Street corridor.

Please feel free to contact my Aide Diana Fontani, should you require additional information.

Legislative Tracking

Vice-Mayor Michael Gongora

ATTACHMENTS:

Description

▯ LTC 048-2019

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

048-2019

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 25, 2019

SUBJECT: Mayor's 41st Street Blue Ribbon Committee Motions

The purpose of this Letter to the Commission ("LTC") is to inform the Commission of four (4) motions passed by the Mayor's Blue Ribbon 41st Street Committee during their January 10, 2019, meeting.

Members Present: Seth Gadinsky (Chair), Betty Behar, Michael Burnstine, Francisco Diez-Rivas, Jerri Hertzberg Bassuk and Robin Jacobs

Member Absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 1) MOTION:** To explore the possibility of reestablishing a sub-station on 41st Street and reaching out to business owners to volunteer the use of their vacant property as a pop-up police department station on 41st Street.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 2) MOTION:** To prioritize improving the lighting on the 41st street corridor, specifically to allocate the 41st Street Quality of Life Funds towards lighting the trees on the 41st Street corridor.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 3) MOTION:** To review modifications of the zoning regulations for the 41st Street corridor.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

4) MOTION: To support the City's effort to streamline the temporary pop-up store process.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Robin Jacobs

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

cc: Kathie Brooks, Assistant City Manager
Heather Shaw, Tourism, Culture, and Economic Development Interim Director



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Item 13.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION REGARDING THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION TO SUPPORT THE CITY'S EFFORT TO STREAMLINE THE TEMPORARY POP-UP STORE PROCESS.

ATTACHMENTS:

Description	Type
□ C4 S	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Michael Gongora
DATE: February 13, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION TO SUPPORT THE CITY'S EFFORT TO STREAMLINE THE TEMPORARY POP-UP STORE PROCESS.

ANALYSIS

Please place on the Feb 13th Commission agenda, a referral to Land Use and Development Committee to discuss the Mayor's 41 Street Blue Ribbon Committee's motion to support the City's effort to streamline the temporary pop-up store process. See attached LTC.

Please feel free to contact my Aide Diana Fontani should you require additional information.

Legislative Tracking

Vice-Mayor Michael Gongora

ATTACHMENTS:

Description

- ▯ LTC 048-2019: 41 Street Committee Motion 4

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

048-2019

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 25, 2019

SUBJECT: Mayor's 41st Street Blue Ribbon Committee Motions

The purpose of this Letter to the Commission ("LTC") is to inform the Commission of four (4) motions passed by the Mayor's Blue Ribbon 41st Street Committee during their January 10, 2019, meeting.

Members Present: Seth Gadinsky (Chair), Betty Behar, Michael Burnstine, Francisco Diez-Rivas, Jerri Hertzberg Bassuk and Robin Jacobs

Member Absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 1) MOTION:** To explore the possibility of reestablishing a sub-station on 41st Street and reaching out to business owners to volunteer the use of their vacant property as a pop-up police department station on 41st Street.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 2) MOTION:** To prioritize improving the lighting on the 41st street corridor, specifically to allocate the 41st Street Quality of Life Funds towards lighting the trees on the 41st Street corridor.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

- 3) MOTION:** To review modifications of the zoning regulations for the 41st Street corridor.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Jerri Hertzberg Bassuk

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

4) MOTION: To support the City's effort to streamline the temporary pop-up store process.

Motion entertained by: Seth Gadinsky (Chair)

Motion made by: Robin Jacobs

Motion seconded by: Betty Behar

Motion passed: 6-0

Member absent: Yechiel Ciment, Eric Hankins, Jeremy Wachtel

cc: Kathie Brooks, Assistant City Manager
Heather Shaw, Tourism, Culture, and Economic Development Interim Director



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Item 14.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION REGARDING THE JANUARY 22, 2019 MOTION OF THE
COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH REGARDING
MEDICAL MARIJUANA DISPENSARIES.**

(ITEM WITHDRAWN)

Item 15.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION REGARDING A CODE CHANGE THAT PERFORMS SIMILAR GRANDFATHERING OF EXISTING STRUCTURES FOR THE PURPOSES OF HARMONIZATION WITH FUTURE ROAD ELEVATION.

HISTORY:

On December 12, 2018, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 L). On February 20, 2019 the item was continued to the March 6, 2019 meeting.

Analysis

PLANNING ANALYSIS

Due to the impacts of sea level rise, the City of Miami Beach is currently undergoing a process of elevating roads to ensure that they do not flood and remain passable. As part of these projects, a harmonization process takes place with adjacent properties, which may be at a different elevation than the road. In single family districts this process often involves raising or sloping yards and driveways to match the new roadway elevation.

There are some instances where attached or detached accessory or non-habitable structures may have been built at a lower elevation than the primary home or roadway. These structures were likely built prior to recent amendments to the land development regulations (LDR's) for single-family homes and are therefore legally non-conforming as to current LDR requirements, such as setbacks, lot coverage, and unit size.

The proposed code amendment provides for the ability to rebuild accessory structures at a higher elevation. The raising of such structures must be part of the raising of an existing yard, provided that the ground-level elevation accessory structure is no higher than the ground-floor elevation of the primary residential structure. To accomplish this, the amendment would grandfather the structures for non-conforming setbacks, provided there is a minimum setback of five (5) feet from any property line. The structures would also be grandfathered in terms of unit size and lot coverage. The proposal also requires that the rebuilt structure be harmonious with the primary structure.

Additionally, for code consistency purposes, the proposed ordinance moves existing requirements for nonconforming single-family homes from the "Single Family Districts" division in Chapter 142

(Section 142-105) to the article for “Nonconformances” in Chapter 118 (Section 118-395).

The proposed amendment will facilitate harmonization with future road elevation projects. It is intended to be a practical measure to support residents in adapting their own private properties for sea level rise, climate change, and for the City's municipal infrastructure project plans.

CONCLUSION:

The Administration recommends that the LUDC forward the proposed ordinance to the City Commission, with a recommendation to transmit the proposed ordinance to the Planning Board for review and recommendation.

ATTACHMENTS:

Description	Type
 Draft ORDINANCE	Memo

SINGLE FAMILY ACCESSORY STRUCTURE HARMONIZATION
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IX, ENTITLED "NONCONFORMANCES," AT SECTION 118-395, ENTITLED "REPAIR AND/OR REHABILITATION OF NONCONFORMING BUILDINGS AND USE", TO INCORPORATE EXISTING REQUIREMENTS FOR NONCONFORMING SINGLE FAMILY STRUCTURES AND ALLOW FOR THE RAISING OF CERTAIN ACCESSORY AND NON-HABITABLE STRUCTURES; AND AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, AND RS-4 SINGLE FAMILY DISTRICTS," AT SECTION 142-105, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS" TO REMOVE REQUIREMENTS FOR NONCONFORMING SINGLE FAMILY STRUCTURES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, ...

WHEREAS, ...

WHEREAS, ...

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

Section 1. The City Code of the City of Miami Beach, Chapter 118, entitled "Administration and Review Procedures," Article IX, entitled "Nonconformances," at Section 118-395, entitled "Repair and/or rehabilitation of nonconforming buildings and use," is hereby amended as follows:

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

*

*

*

(b) *Nonconforming buildings.*

*

*

*

(8) *Single Family Districts:* Notwithstanding the above, the following shall apply to existing single-family structures in single-family districts:

a. Existing single-family structures nonconforming with respect to sections 142-105 and 142-106, may be repaired, renovated, rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of chapter 118, article IX, "nonconformance." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, through no fault of the owner, such structure may be replaced regardless of the above-noted regulations existing at the time of destruction.

- b. Existing garages, carports, pergolas, cabanas, gazebos, guest/servant quarters, decks, swimming pools, spas, tennis courts, sheds, or similar accessory structures, may be rebuilt with the non-conforming setbacks, unit size, and lot coverage at a higher elevation, in accordance with the following:
1. The yard elevation of the property shall be raised to a minimum of adjusted grade;
 2. The structure shall be re-built in the same location as originally constructed; provided that, the re-built structure has no less than a five foot setback from all property lines;
 3. The ground level elevation of the re-built addition shall not exceed the ground level elevation of the primary structure or the elevations allowed by the land development regulations or the Florida building code.
 4. The structure shall be rebuilt to be harmonious with the primary structure.

Section 2. The City Code of the City of Miami Beach, Chapter 142, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Division 2, entitled "RS-1, RS-2, RS-3, and RS-4 Single Family Districts," at Section 142-105, entitled "Development Regulations and Area Requirements," is hereby amended as follows:

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

* * *

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

* * *

(5) *Lot coverage (building footprint).*

* * *

~~e. *Nonconforming structures.* Existing single-family structures nonconforming with respect to sections 142-105 and 142-106, may be repaired, renovated, rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of chapter 118, article IX, "nonconformance." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, through no fault of the owner, such structure may be replaced regardless of the above-noted regulations existing at the time of destruction.~~

SECTION 3. 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 4. CODIFICATION.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2019

Second Reading: _____, 2019

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2019\February 20, 2019\SF Accessory Structure Harmonizazion -
ORD Feb 2019 LUDC.docx



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Item 16.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

**TITLE: DISCUSSION MINOR REVISIONS TO THE TOWN CENTER CORE (TC-C)
OVERLAY ORDINANCE**

HISTORY:

On January 16, 2019 at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 Z).

Analysis

PLANNING ANALYSIS

On November 14, 2018, the City Commission adopted ordinance 2018-4224, establishing the Town Center – Central Core (TC-C) zoning district. The ordinance implemented the voter approved FAR increase by allowing for additional height, along with additional urban design criteria. The ordinance also established a public benefits program which allows developers additional height beyond the base maximum height of 125 feet under certain circumstances.

At the adoption hearing an amendment was made to the ordinance that allowed lots greater than 50,000 SF and located north of 71st Street to have an additional 20 feet of building height, for a maximum height of 220 feet, by participating in the public benefits program. As the public benefits program was contemplated with a maximum height of 200 feet, several of the options were drafted to provide an additional 75 feet beyond the base maximum height. As the sites over 50,000 SF located north of 71st Street now have the ability to go up to 220 feet in height, which is technically an additional 95 feet, the following correction for the public benefits options, which provides for additional height, is proposed:

“An a Additional 75 feet of height to achieve the “Public Benefit Maximum Height,” as described in section 142-743 (b)(2) above 125 feet shall be provided for this option.”

Additionally, the public benefits program provides an option for a “Contribution to Pubic Benefits Fund” of \$3 per square foot of floor area located above 125 feet in order to achieve the “Public Benefits Maximum Height. The code requires that this fee be paid prior to a development obtaining a building permit.

This portion of the discussion item pertains to whether the code should be amended to allow the contribution to be paid at the time of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO), whichever comes first. It should be noted however, that the code currently waives the requirement for a contribution into the public benefits fund for developments that obtain a building permit

by August 24, 2020 and a TCO by February 24, 2023. It is therefore not expected that any revenue will be collected in the North Beach Public Benefits Fund for a minimum of four (4) years. This particular incentive was designed to facilitate and encourage expedited development within the TC-C area. As such, the Administration would not recommend modifying the requirement for those not meeting the aforementioned expedited development timeframes. If the code were to be modified to allow the required contribution into the public benefits fund to be paid at the time a TCO is obtained, additional time will likely pass before any revenue is collected in the North Beach Public Benefits fund.

The administration has looked at whether there would be an issue with including the public benefit fee in the financing of a project. We are not aware of any law that would prohibit this. Further, since it is an impact fee similar to other City code mandated fees, we do not anticipate that there would be an issue with including this fee in an overall financing package. That said, lending institutions may have different internal rules and standards for all types of impact and code mandated fees.

The LUDC may also wish to consider a modification to the public benefits option for LEED platinum certification to incorporate an option that allows for the contribution to the public benefits fund at a rate of \$3 for each 0.5 square foot located above 125 feet, should the LEED platinum certification not be achieved by the time a temporary certificate of occupancy (TCO) is obtained. This change mirrors the provision in the public benefit option for providing off-site workforce or affordable housing. This would result in an applicant not having to post a bond in the amount of ten percent (10%) of the total construction valuation if they don't expect to achieve the LEED Platinum Certification, and would instead require a higher per square foot rate for the public benefit contribution. If the developer does expect to achieve LEED platinum certification, they may proceed with posting the 10% bond and obtain a full refund at the later date.

CONCLUSION:

The Administration recommends that the LUDC direct the administration to draft an ordinance amendment regarding maximum building height and the public benefits provisions of LEED platinum certification, in accordance with the framework set forth above. It is further recommended that the LUDC recommend that the City Commission transmit the proposed ordinance to the Planning Board for review and recommendation.

Item 17.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION MINIMUM PARKING REQUIREMENTS IN HISTORIC AND CONSERVATION DISTRICTS

HISTORY:

On January 16, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion item to the Land Use and Development Committee (Item C4 AC).

Analysis

BACKGROUND

Chapter 130 of the land development regulations of the city code sets forth the minimum parking requirements for new construction and additions to existing buildings. For residential apartment uses, the following is a summary of the current requirements:

Parking District No. 1:

- Apartment buildings in RM-1 or RM-2 zoning districts on lots that are 65 feet in width or less: No parking requirement.
- 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.
- 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.
- 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.

Parking Districts 2 through 8:

- Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.

- Apartment buildings on lots wider than 50 feet:
 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.
- Designated guest parking: Developments of 20 units or less shall have not designated guest parking requirements. Multifamily 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.

Additional Regulations for Parking District 5:

- For apartment buildings located within parking district no. 5, there shall be no designated guest parking requirement; there shall be no parking requirement for existing structures utilized for residential apartments; one space per unit for new construction and/or additions utilized for residential apartments.

North Shore National Register District:

- Zero spaces per unit for:
 1. Buildings on lots that are 65 feet in width or less;
 2. development sites with six units or less, regardless of lot width;
 3. New buildings on development sites with existing buildings that do not contain off-street parking, where total number of new units does not exceed the number of existing units.
- One 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.
- 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.

Normandy Isles National Register District:

- For existing apartment and apartment-hotel buildings, which are classified as "contributing", 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.

PLANNING ANALYSIS

This analysis pertains to minimum off-street parking requirements for residential uses within historic and conservation districts. In this regard, most lots within such districts are not well equipped to accommodate the storage of vehicles, due to factors such as the dimensions and location of existing buildings that are being retained, the size of the lot and the difficulty with providing the necessary driveways and back-up dimensions. Additionally, the storage of vehicles makes it more

difficult to address the urban form of the larger, as-built context, and promotes more vehicular circulation in and around a given site.

All of the historic and conservation districts south of 44th Street and north of 63rd Street, have easy access to multiple modes of transit (e.g. County buses and City trolleys). In light of this access, as well as the prioritization of the pedestrian and non-vehicular modes of transit in the city's transportation master plan, the administration believes that the minimum parking requirements for these areas should be adjusted. Specifically, while a prohibition of vehicular storage on smaller sites in these areas would be ideal, such a proposal may be ahead of its time. As an alternative, removing the required parking for residential uses on smaller development sites would be a good step in the interim.

In this regard, staff has found that the market, as opposed to an engineering handbook on suburban parking, is a better guide for establishing whether off street vehicular storage is needed, and how much storage would be needed. Additionally, by not having to construct on site vehicular storage, the cost savings could allow for additional units, as well as increase the probability for such units to serve the city's workforce. In general, residential housing that serves the workforce, does not have the same demand for on-site vehicular storage.

In order address this, the administration would suggest that within historic and conservation districts, minimum off-street parking requirements, including any guest parking requirement, should be eliminated for the following, regardless of lot size or number of residential units:

1. Properties in close proximity to transit; specific geographic boundaries would be identified.
2. New construction and additions to existing buildings.
3. Properties which are 100 feet or less in width

For all other properties within historic and conservation districts, the minimum parking requirement should be no more than one space per residential unit, regardless of unit size. Additionally, the guest parking requirement should be eliminated and the historic preservation board should have the ability to waive parking requirements, as currently permitted in the North Shore and Normandy Isles districts.

The Administration believes that legislation addressing the above would be worthwhile, and recommends that a draft ordinance based upon the parameters above be prepared for consideration by the Land Use Committee at the May meeting.

CONCLUSION:

The Administration recommends that the LUDC direct staff to prepare a draft ordinance, in accordance with the parameters set forth above, and continue the item to the May 22, 2019 LUDC meeting.

Item 18.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION REGARDING THE ADDITION OF WATER MANAGEMENT AND CLIMATE ADAPTATION EXPERTS TO CITY LAND USE BOARDS

HISTORY:

On January 16, 2019, pursuant to item C4 AG and at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion item to both the Land Use and Development Committee (LUDC) and the Sustainability and Resiliency Committee (SRC).

Analysis

PLANNING AND ENVIRONMENTAL ANALYSIS

The ULI Miami Beach advisory services panel report includes a recommendation to add climate or water management experts to the historic preservation board (HPB) and design review board (DRB). City staff has had internal discussions regarding potential options for integrating water management and climate change experts into the land use board review process. The City Manager's READY team discussed potential options and recommends the following:

1. The land development regulations (LDR's) should be amended to add a professional with water management expertise within an existing membership category of the DRB and HPB. The DRB and HPB currently consist of seven (7) members with the following composition:

Design Review Board

(1) Two architects registered in the United States;

(2) An architect registered in the State of Florida or a member of the faculty of a school of architecture, urban planning or urban design in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a professional practicing in the fields of architectural design or urban planning;

(3) One landscape architect registered in the State of Florida;

(4) One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning; or resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and

(5) Two citizens at large.

Historic Preservation Board

- (1) A representative from the Miami Design Preservation League (MDPL), selected from three names nominated by such organization.*
- (2) A representative from Dade Heritage Trust (DHT), selected from three names nominated by such organization.*
- (3) Two at large members, who have resided in one of the city's historic districts for at least one year, and who have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.*
- (4) An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures.*
- (5) An architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed (to practice) in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation.*
- (6) A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.*

The administration would recommend that the relevant code sections for each board be amended, so that a water management expert can be included within the different membership categories.

2. The creation an internal development review committee (DRC). In an effort to identify appropriate solutions for water management challenges earlier on in the planning and development process, the READY team also recommended the creation of an internal development review committee (DRC). Based on the complexity of a proposed project, the DRC would review anything from a basic site plan and civil drawings prior to fully developed plans, prior to the application being considered by a land use board. Members of the DRC would include key city staff with knowledge of citywide water management goals, including staff from public works, CIP, environment and sustainability, and the new water management DCP (Jacobs Engineering).

The committee would be able to focus on water management and resiliency strategies without the distraction of design discussion, preservation issues, time-consuming deliberations, and overwhelming public input and objection. Additionally, representation from other key disciplines, including planning, building, fire, parking and parks would ensure a holistic approach to the internal review process.

CONCLUSION:

In order to address the recommendations of the ULI in a holistic manner, the administration recommends that:

1. Staff shall draft an ordinance amendment to the applicable sections of the LDR's, to add a professional with water management expertise within existing membership categories of the DRB and HPB. Such amendment shall be transmitted to the City Commission for referral to the Planning Board.
2. The administration create an internal development review committee (DRC), in accordance

with the framework described above.



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Item 19.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: DISCUSSION: SPECIFIC AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE TO ADDRESS COMMON VARIANCE REQUESTS.

HISTORY:

On January 16, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item R9 T – 2.b).

Analysis

PLANNING ANALYSIS

Per Section 118-353 (d) of the land development regulations of the city code, in order to authorize any variance from the terms of the land development regulations, “special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.” There are certain variances which are regularly requested and granted by the board of adjustment, design review board, and historic preservation board. Rather than being the exception to the rule, variance requests accompany most development proposals that are presented before the aforementioned boards. Several of the requests are quite common and usually granted by the applicable board.

Below is a list of commonly approved variance requests, along with potential amendments to the land development regulations (LDR’s), which would eliminate the need for these variances. Additionally, specific recommendations are listed regarding code changes that could eliminate the need for such variances.

1) Variance to reduce the distance separation requirements from alcoholic beverage establishment to a school and places of worship. A minimum of 300 feet is necessary between alcoholic beverage establishments and schools. These variances are almost always granted with conditions, such as for a bonafide restaurant only, or with limited hours. There are certain commercial districts that due to their abutting a school create the need for numerous establishments to request such a variance. This request is especially common for businesses along Espanola Way and Washington Avenue due to the proximity to Fienberg/Fisher Elementary.

The administration recommends creating special districts in the city that remove separation from

educational facilities and places of worship in very specific areas where such uses are desired. The special district can incorporate the conditions that are typically imposed by the board of adjustment. The administration recommends the following areas:

- Espanola Way/Washington Avenue area around Fienberg/Fisher Elementary
- 41st Street
- North Beach Town Center.

2) Variance to waive the minimum number of required seats for restaurants to sell beer and wine (30 seats), full alcohol service (60 seats), or outdoor cafes (20 seats). This is regulated by Section 6-6 of the city code. The minimum number of seats does not include those seats located on a sidewalk. If the variances were not granted this requirement would prevent venues that may wish to be small and intimate from obtaining alcoholic beverage licenses and prevent the adaptable reuse of many historic buildings that have small retail bays. As such, variances for the minimum seat requirements are frequently granted by the board of adjustment in commercial districts.

The administration recommends modifying or reducing the minimum seat requirement for restaurants and outdoor cafes to serve alcohol.

3) Variance of minimum required side and rear setbacks for roof-top additions to historic buildings to follow existing non-conforming side setbacks. Rooftop additions to historic buildings must conform to new required setbacks. These variances are typically granted due to the structural gymnastics that are required to setback a roof-top addition from the existing building walls. The variances allow the additions to utilize existing structural supports of the historic building.

The administration recommends modifying the side-setback requirements for rooftop additions to allow them to follow the side setbacks of the existing non-conforming historic building, subject to the Certificate of Appropriateness and Rooftop Addition criteria.

4) Variance for minimum and average unit size for rooftop additions to historic buildings. Historic buildings may often have non-conforming units that are smaller than what can be built in a new building. Variances are often sought for additions to historic buildings so that the size of new units matches those of the original historic building in order to allow for continuation of historic building lines in the new addition.

The administration recommends modifying the minimum unit size requirements for rooftop additions to historic buildings so that they are able to match the size of the existing non-conforming building, provided it complies with the maximum density requirements of the Comprehensive Plan.

5) Variance of minimum side setbacks for mechanical equipment for existing buildings with non-conforming side setbacks. Variances are often sought to allow for the encroachment of mechanical equipment into side yards for existing buildings. The City Commission recently adopted code amendments to allow encroachments into side-yards for mechanical equipment in the RS, TH, and RM-1 districts. Such allowances are currently not permitted in the RPS, RM-2 and RM-3 districts, which require side setbacks.

The administration recommends extending the allowances currently permitted in the RS, TH, and RM-1 districts to the RPS, RM-2 and RM-3 districts.

6) Variance for setbacks of residential portions of mixed-use buildings in commercial districts. Residential and hotel portions of mixed-use buildings in the CD-1, CD-2, and CD-3 districts are required to follow the setbacks of the RM-1, RM-2, or RM-3 district, as applicable. Often these setbacks are impractical in commercial districts. In 2016, the City Commission adopted Washington Avenue zoning incentives which modified the setbacks for hotels. This may be a good guide for modifying these setbacks throughout the City.

The administration recommends refining minimum interior setbacks for hotel and residential uses in commercial districts (CD-1, CD-2, and CD-3), using the Washington Avenue Zoning Incentives as guide.

7) Variance of side and rear pool setbacks for existing pre-1942 architecturally significant homes. The LDR's provide for reduced setbacks for architecturally significant pre-1942 homes and projections. The placement of the home may require that variances be obtained for pools and pool decks to be built, as the rear yards may not be sufficiently large to accommodate currently required setbacks.

The administration recommends incorporating a setback reduction for pools and pool decks into the incentives for the retention and preservation for pre-1942 architecturally significant homes. A reduction to five (5) feet may be warranted.

8) Variance of minimum dock projection requirements. Chapter 66-113 of the city code requires that boat slips, docks, wharves, dolphin poles, mooring piles, or structures of any kind not extend into any canal or waterway more than 10% of the width of the canal. Often Miami-Dade DERM requires that docks and other marine structures encroach further into a canal so as to not impact sea grass beds, and for other environmental reasons. Consequently variances are often sought from the 10% limitation when applicants seek to construct new docks or boat lifts. The DERM regulations allow for a structure to encroach up to 25% of the width of the canal or waterway, ensuring that at least 50% of the width of the waterway remains clear and allow for conformance to DERM requirements.

The administration recommends an amendment to the code to conform to Miami-Dade County's waterway projection limits.

9) Variance of fence heights. Currently interior side fences are measured from grade in all districts, except the RS-1 and RS-2 districts where the lot has been raised to adjusted grade. Due to the need to raise lots in many areas of the City, variances are often sought to allow the height of a fence to be measured from adjusted grade.

The administration recommends an amendment allowing the maximum height of interior side yard fences to be measured from the adjusted grade on sites that have approval for adjusted grade.

10) Variance of accessory structure height. The maximum height for accessory structures is currently measured from adjusted grade. Often accessory structures contain guest/servant quarters, which may be habitable. Per the requirements of the Florida building code and the city code, the minimum elevation of a habitable floor in any structure must be located at an elevation of

base flood elevation plus a one foot of freeboard (BFE +1). As a result of current limitations, it is difficult for accessory structures to be built with the same resilience of the primary structure, even if a three foot height variance is granted.

The administration recommends an amendment to measure the maximum height of accessory structures from BFE plus the City of Miami Beach Freeboard.

11) Variance of allowable encroachments to allow for planters. The LDR's list specific items which are permitted as an allowable encroachment. Planters are currently not listed as an allowable encroachment.

The administration recommends adding planters to the list of allowable encroachments in Section 142-1132, along with a reasonable limit for the depth and height of the projection.

12) Variance for installation of fences where the finished side is required to face neighbors. The LDR's require the finished side of a fence to face neighbors. There are numerous occasions where a neighbor has their own fence or significant landscaping and they are comfortable with the unfinished side facing their property. Miami-Dade County allows for such exceptions with a signed affidavit from the affected neighbor.

The administration recommends providing a similar exception to not require a fence to not have a highly finished material facing a neighbor with an affidavit from an affected neighbor.

13) Variance for relocation of signs. Variances are often sought for the relocation of signage due to the strict limitations of sign code. Since a building may be approved without tenants, the variances for signage are often sought after a building has been approved and built.

The administration recommends the following amendments to the sign code:

- Modify requirements for vertical retail center signage.
- Modify requirements for the location of Building ID signs so that they are not required to be located on a parapet.
- Modify requirements for monument signs.
- Allow the location of signs to be approved administratively per review criteria.

14) Variance for minimum drive aisles widths. The LDR's require two-way drive isles to be a minimum of 22 feet. For smaller buildings such widths are not always necessary, as they don't generate significant traffic.

The administration recommends reducing the two-way drive isle width for buildings with fewer than 25 units to be as low as 18 feet.

15) Variance for exceeding the maximum allowable height of porches and terraces. Chapter 142-1132 (o)(6) allows for porches, platforms, and terraces up to 30 inches above grade elevation to encroach up to 25 percent into a required setback. Recent amendments regarding the City of Miami Beach Freeboard requirements, which provide for a higher elevation of ground floors, creates a need for porches, platforms, and terraces which exceed 30 inches in order to be able to provide access and ADA accessibility into buildings. As a result, variances are sought to raise the

height of porches, platforms, or terraces beyond 30 inches.

The administration recommends allowing the maximum height of porches, platforms, and terraces to be measured from adjusted grade, as opposed to grade.

16) Variance for exceeding the maximum allowable height by a maximum of three feet for commercial properties in historic districts. Within all commercial districts, the design review board 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 section of the code is designed to provide the DRB with the flexibility to allow for higher first floor heights in order to accommodate future street and sidewalk elevations, as well as the required slopes for ramps accessing upper level parking areas. However, this provision does not apply to historic districts or overlay districts, nor to commercial buildings immediately adjacent to a residential district not separated by a street. However, an applicant may seek a height variance of not more than three feet from the historic preservation board. As a result, new commercial construction seeking to elevate the first floor, and or provide parking at upper levels, often request up to three-foot height variances, so that the project can maximize resiliency.

The administration recommends allowing the same five foot increase in height at the first floor, currently permitted outside of historic and overlay districts, be permitted citywide in commercial districts, including properties immediately adjacent to residential districts.

CONCLUSION:

The administration recommends that a comprehensive ordinance be drafted pursuant to the recommendations above, in an effort to streamline the code and development processes. Such ordinance can be transmitted to the City Commission for referral to the Planning Board.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 6, 2019

TITLE: **DISCUSSION – PROPOSED WEST OF WEST (WOW) DISTRICT OVERLAY**

HISTORY:

On February 13, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred a discussion regarding the creation of a 'West of West Avenue / WOW' district to the Land Use and Development Committee. (Item R9J).

Analysis

BACKGROUND

A proposal has been put forth by a property owner within the area generally bounded by 16th Street to the North, 14th Street to the south, the alley of Alton Court to the east, and Bay Road to the west. As noted on the draft LDR and comprehensive plan amendments attached, which were drafted by the property owners, this area would be known as the "Alton Beach Bayfront Overlay." It is more commonly referred to as the 'West of West Avenue' or 'WOW' area.

The properties within the subject area are currently zoned RM-1, Residential Multifamily Low-Intensity, and they are also located within the West Avenue Bay Front Overlay, which was created in 2002. This overlay provides district specific land development regulations and land-use incentives to property owners and developers who retain existing structures and/or provide new infill structures that maintain the low-scale, as-built character predominant in the existing low intensity (RM-1) underlying residential zoning district. This overlay allows for the adaptive reuse of existing single-family and multifamily residential structures, including limited office and transient uses (suite hotel and bed & breakfast inns). Hostels, hotels, and alcoholic beverage establishments are not permitted within the overlay.

The following is a summary of recent changes to the RM-1 zoning district, which were adopted in 2017 and are applicable city wide, to require more resilient construction:

- **Yard Requirements:** Established minimum yard elevation requirements (6.56' NGVD), and raised maximum yard elevation allowed in required yards.
- **Stormwater retention:** Requires that sites be designed with adequate infrastructure to retain all stormwater on site.

Lot Coverage: Established maximum lot coverage requirements of 45% for lots greater than 65 feet in width.

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- **Minimum ground floor requirements:** Established a minimum height of 12 feet above BFE + 1' for ground floor parking or amenity areas.
- **Surface materials:** Requires all parking and driveway areas to consist substantially of permeable materials.
- **Active Outdoor spaces:** requires that active outdoor spaces that promote walkability, social integration, and safety at the ground level.

- **Lot Aggregation:** Limits lot aggregation to no more than 2 contiguous lots.
- **Building Heights:** Raised the height limit from 50 feet to 55 feet for buildings with parking and non-habitable amenity uses on the ground floor.
- **Setbacks:**
 - Increased the side setbacks for parking to comply with the building setbacks.
 - Increased the side setbacks for buildings from a minimum of 7.5 feet to 10 feet for lots greater than 65 feet in width.
- **Parking:** Reduced parking requirements.

It is important to note that the lot aggregation limits adopted for RM-1 districts city wide in 2017 were already applicable to the West Avenue overlay.

CURRENT PROPOSAL

The following is a summary of the proposed changes to the LDR's for the 'Alton Beach Bayfront Overlay', as drafted by the property owner, and the corresponding current code requirements:

1. Expanding the main permitted uses to include restaurants, outdoor cafes, retail uses, and personal service establishments, with the following additional limitations:
 - a. Restaurants limited to 60 seats. Over 60 seats and up to 100 seats allowed as a Conditional Use.
 - b. Individual retail uses limited to 3500 SF.
 - c. Commercial uses would not be allowed on any roof-top.
 - d. Outdoor speakers would not be allowed except for life-safety purposes.

Currently none of these uses are permitted.

2. Allowing commercial or non-commercial parking lots and garages as a main permitted use.

Currently these uses are a Conditional Use.

3. A reduction in minimum off-street parking requirements.

- a. No parking requirements for residential uses provided a minimum of 25% of the building area is for residential uses.

Currently there is no parking requirement for buildings on lots 65 feet in width or less, otherwise 1 to 2 parking spaces are required per unit, depending on the unit size. Additionally, guest parking is currently required for more than 20 units.

- b. No parking requirement for restaurants with less than 60 seats, and 1 parking space per 4 seats in excess of 60 seats.

Currently, unless part of a separate parking district, restaurants require 1 parking space per 4 seats.

- c. No parking requirement for retail store, grocery store or personal service establishments (these uses limited to 3500 SF).

Currently, unless part of a separate parking district, these uses require one space per 200-300 square foot of floor area.

4. Elimination of lot aggregation requirements.

Currently the West Avenue Overlay District restricts lot aggregation to no more than 2 contiguous lots.

5. Elimination of the requirement for minimum yard elevation.

Currently the code requires a minimum yard elevation of 6.56 feet NGVD.

6. Modifies the setback requirements as follows:

- a. Front – 5 feet.

Current minimum setback is 20 feet.

b. Side Facing a street – 5 feet.

Current minimum setback is the greater of 10 feet or 8% of lot width.

c. Side Interior – Zero

Current minimum setback is the greater of 10 feet or 8% of lot width.

d. Rear - 5 feet

Current minimum setback is 10 % of lot depth.

It is important to note that these reduced setbacks would also eliminate the maximum lot coverage of 45%.

7. An exemption from complying with the minimum landscape requirements of the City Code.

Currently, minimum landscape standards are set forth in chapter 126 of the city code.

PLANNING ANALYSIS

Changing dynamics within any area of a city may warrant a re-evaluation of neighborhood uses and development regulations. In this regard, at the macro level, the proposal put forth by the property owner reflects a bold vision with attractive concept renderings and visuals. However, when reviewed at the micro level, the administration has identified several concerns with the draft regulations, as follows:

Uses. Further evaluation of the need for commercial uses within the proposed boundaries of the West Avenue overlay neighborhood is needed. Unlike other more isolated RM-1 residential districts in the City, the subject area is less than a block away from an established commercial district, with commercial uses located in the CD-2 Commercial Medium Intensity Area immediately to the east along both sides of Alton Road. Additionally, to immediate west of the overlay is an RM-3, high intensity residential zoning district, which already permits accessory commercial uses at the ground level.

Location of Uses. The concept plans show parking located on the entirety of the ground floor, with an elevated second floor (indicated as 'first floor' on the site plan), with commercial uses indicated along a central 'spine' at this second level. Primarily residential uses surround the perimeter of the district. As the perceived intent is to create a central commercial corridor along a landscaped spine, the need to reduce the setbacks surrounding the perimeter of the district to five (5') feet does not seem warranted. The existing setback requirements of between ten and twenty feet allow transition areas to mitigate the height from the lower surrounding street levels to the elevated first floor. These transition yards currently allow for elevated porches, platforms and terraces within the required setbacks. As proposed, with a minimum 5 foot setback, there will be no room to provide any adequate transition areas.

Off-Street Parking. Although a reduction is required off-street parking is proposed, a seemingly excessive amount of off-street vehicular storage is proposed, at the first level. Given the walkability of the area and proximity to transit it is suggested that these areas dedicated to vehicle storage can be better planned and programmed.

Traffic and Circulation. With the intensification of uses, as well as the closure of one or more streets, review of vehicular and pedestrian circulation requires further study.

Servicing and Loading. Considering the elevated commercial spine, and lack of alleys, with the exception of Alton Court, loading and servicing of the commercial uses requires much further study and analysis.

Minimum Setbacks and Landscape. The significant reduction in minimum setbacks and the proposed exemption from the minimum landscape requirements is a serious concern. With the proposal for zero interior side setbacks and only a 5 foot setback required facing a street or along a rear property line, there is almost no room to provide pervious landscape areas at grade. This will likely have serious impacts on tree canopy and on-site storm water retention. Additionally, with what essentially amounts to the removal of required parking for the intended uses, the overabundance of parking contemplated by the ground floor plan seems excessive. Elevating yards while maintaining pervious areas would be more resilient. Further, there is nothing in the draft ordinance that would require what appears abundant landscaping shown in the concept renderings and site plan.

Lot Aggregation. The elimination of the lot aggregation limitations could allow the construction of very massive structures, which is contrary to recent amendments to the RM-1 district city-wide, and which were put in place specifically to ensure the lower scale nature of the residential low intensity districts. The current West Avenue Bay

specifically to ensure the lower scale nature of the residential low intensity district. The current West Avenue Day Front Overlay district was one of the first areas of the City where limitations on lot aggregation were implemented.

Land Ownership and Property Acquisition. The concept plan relies completely on the realization of an elevated central commercial corridor along a heavily landscaped spine, which includes ALL of the properties within the currently identified boundaries. However, the property owners who are proposing this overlay own or control only a limited number of these properties. It should also be noted that there are many residential condominiums in the subject area with numerous owners, which may make it difficult to assemble the parcels and effectuate the vision proposed. Below is the latest site plan presented with an overlay (in red) of the properties with a condominium form of ownership.



SUMMARY

While complimentary of the property owners vision for the area, the administration believes that the proposal put forth in its present form is premature, as it is not possible to realize the totality of the overlay proposal absent an entity having control of all the affected properties. In this regard, in order to realize the proposed vision, separate right-of-way vacations, as well as a development agreement, would be required, in addition to the proposed amendments to the land development regulations and the comprehensive plan. All three of these components, the roadway vacation, the development agreement, and the LDR and comprehensive plan amendments, should be considered together, not separately, as they are all interconnected. In this particular instance, if only the LDR and comprehensive plan amendments drafted by the property owner were to move forward, in some form, they would permit piecemeal development in a manner contrary to established regulations.

The current RM-1 development regulations for the area allow for sustainable, forward thinking and context sensitive infill development. This has been achieved through carefully designed regulations that place emphasis on resiliency, context and urban design. Applying the proposed regulations, in a piecemeal fashion, would result in infill construction that is incompatible with the current built form, including recently approved projects. In this regard, the proposal for eliminating lot aggregation limits, reducing minimum setbacks, exempting minimum landscaping requirements and removing lot coverage requirements may work, in some manner, within a larger, holistic development. This would require further study, particularly in light of the limited visuals and perspectives proposed.

However, such an holistic approach is not currently proposed; only city code amendments are currently proposed. In order for the proposed WOW district vision to be successful, the property owner will need to provide the complete framework, which also includes a development agreement and roadway vacation proposal. As such, the administration believes that the proposal should not move forward until such time as all of the properties within the proposed overlay area are acquired or controlled by the entities proposing the changes to the neighborhood. At that point, a corresponding roadway vacation and development agreement can be provided to complete the framework.

CONCLUSION:

In view of the foregoing analysis, the Administration recommends that the LUDC conclude the item without a recommendation. If at some point in the future these concepts evolve, particularly in terms of property control, the item can be re-referred for consideration. Additionally, some of the elements proposed can be evaluated as part of the comprehensive review of the land use regulations.

ATTACHMENTS:

Description		Type
	Draft LDR Amendment	Memo
	Draft Comp Plan Amendment	Memo

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE III “OVERLAY DISTRICTS,” TO ALLOW THE CREATION OF DIVISION 14 “ALTON BEACH BAYFRONT OVERLAY;” PROVIDING FOR INCLUSION IN THE CITY CODE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the “City”) seeks to incentivize new mixed-use properties that will harmoniously co-exist and be managed in a cohesive manner; and

WHEREAS, small-business uses are economic drivers which help improve the community aesthetic, property values, and community presence; and

WHEREAS, the City is encouraging small-businesses, such as retail, restaurants, and offices that will serve the local residences within walking distance; and

WHEREAS, a revision to the Land Development Regulations would allow for the renovation and activation of this portion of the City; and

WHEREAS, over the years the City has been negatively impacted by sea level rise; and

WHEREAS, the City promotes the renovation of structures to improve conditions of structures, which will reduce the impacts of sea level rise; and

WHEREAS, the City is desirous of improving the vehicular traffic in the and the surrounding neighborhoods and improve the pedestrian environment of the neighborhoods; 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. The following amendments to the City’s LDR’s is hereby adopted:

* * *

DIVISION 14. - ALTON BEACH BAYFRONT OVERLAY

Sec. 142-____. - Location and purpose.

- (a) The regulations of this division shall apply to properties within the following boundaries, which shall be known as the Alton Beach Bayfront Overlay:
 - i. The overlay regulations of this division shall apply to the properties, as they are configured as of June 1, 2018. The subject overlay district shall be bounded by 13th Street on the south, east of the centerline of West Avenue until 14th Street, north of 14th Street, east of the centerline of Bay Road on the west, 15th Street on the north, and west of the centerline of Alton Court on the east.
- (b) The purpose in identifying this overlay district is to improve the negative conditions created by sea level rise, cultivate pedestrianism in the area, reduce vehicular traffic, increase bicycle use, and encourage small commercial establishments which would service the area. Expansion of this district shall only be permitted by amendment to these regulations.
- (c) These overlay district regulations are intended to achieve a compatible relationship between existing residential uses and new commercial uses in the neighborhood.
- (d) Nothing in this overlay district should be interpreted to allow for an increase in FAR. The maximum allowable FAR shall be consistent with the maximum allowable FAR in the RM-1 zoning district: 1.25.

Sec. 142-____. - Development regulations and area requirements.

- (a) The following overlay regulations shall apply to those properties located within the Alton Beach Bayfront Overlay District which have an underlying zoning designation of (RM-1) Residential Multifamily Low Intensity. All development regulations in the underlying zoning district shall apply, in addition to:
 - i. Permitted uses:
 - a. Restaurants, outdoor cafes, retail uses, personal service establishments, commercial or noncommercial parking lots and garages; and professional offices. The following limitations shall apply to these commercial uses:
 - 1. Restaurants shall be limited to 60 seats, as of right. Restaurants may seek in excess of 60-seats as a Conditional Use, with a maximum of 100-seats.
 - 2. Except as may be required for Fire or Building Code/Life Safety Code purposes, no speakers, of any kind, shall be affixed, installed, or otherwise located on the exterior of any structures in this district.
 - 3. There shall be no commercial use of any rooftop amenity for properties located within district.
 - 4. Individual retail uses shall not exceed 3,500 SF.
 - ii. Prohibited uses:

- a. Funeral home;
- b. Nursing homes;
- c. Pawnshops;
- d. Video game arcades;
- e. Any use selling gasoline;
- f. Self-storage warehouse;
- g. Hostels;
- h. Pawnshops;
- i. Secondhand dealers of precious metals/precious metals dealers;
- j. Check cashing stores;
- k. Medical cannabis dispensaries (medical marijuana dispensaries);
- l. Occult science establishments;
- m. Souvenir and t-shirt shops;
- n. Tattoo studios;
- o. Entertainment establishments; including no disc jockeys (DJs);
- p. Outdoor entertainment establishment;
- q. Neighborhood impact establishment;
- r. Open air entertainment establishment; and ;
- s. Dance halls;
- t. Accessory outdoor bar counters;
- u. Stand-alone bars;
- v. Adult entertainment establishments;
- w. Bed and Breakfasts; or
- x. Hotels.

iii. Parking Regulations

- a. *New Construction.* There shall be no off-street parking requirement for residential components in new construction or conversions of existing structures, to a mixed commercial/residential use, where a minimum of 25 percent of the gross floor area of the building consist of residential uses.
- b. *Restaurant and outdoor cafes.* There shall be no parking requirement for individual restaurant establishments of 60 seats or less. For individual establishments over 60 seats, not to exceed a maximum of 100 seats, there shall be one space per four seats, in excess of 60 seats. A fee in lieu of providing parking may be paid to the City in lieu of providing required parking on-site.
- c. *Retail stores, food stores, personal service establishments:* There shall be no parking requirement for individual establishments of 3,500 square feet or less.

- (b) Lot aggregation. The limitations of lot aggregation in Section 142-155 (a)(3)(g) of the Code shall not apply to properties located within Alton Beach Bayfront Overlay District.

- (c) Minimum yard elevations. Lots located within this overlay district shall be exempt from the minimum yard elevations contained in Section 142-155 of the Code.

Sec. 142-_____. – Setback requirements

- (a) The setback requirements for the Alton Beach Bayfront Overlay are as follows:

	Front	Sides Interior	Sides Facing a Street	Rear
At –grade	Five feet (5')	Zero feet (0')	Five feet (5')	Five feet (5')

- i. All other setback requirements in the underlying zoning district shall apply.

Sec. 142-_____. – Minimum landscape requirements

- (a) Properties located within this overlay district shall be exempt from the minimum landscape requirements of Section 126-6 of the Code, unless otherwise stated below. This exemption shall apply to those properties that provide a minimum of thirty percent (30%) permeable area for storm water retention. Permeability may be achieved through green roofs, blue roofs, on-site cisterns, water retention vaults, or native vegetation.
- (b) Nothing in this section shall be interpreted to reduce the street tree requirements of Section 126-6 of the Code.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED "FUTURE LAND USE ELEMENT;" "OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS," AT POLICY 1.2 CREATING THE ALTON BEACH BAYFRONT OVERLAY AND "LOW DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-1)," TO MODIFY THE ALLOWABLE USES WITHIN THE ALTON BEACH BAYFRONT OVERLAY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, over the years the City of Miami Beach (the "City") has been negatively impacted by sea level rise; and

WHEREAS, sea level rise and flooding concerns may be proactively improved through the employment of new and innovative design and construction methods;

WHEREAS, the goal of the overlay district is to enable design and have developments undertake solutions that will minimize the impacts of sea level rise and flooding on their properties; and

WHEREAS, the City seeks to encourage new mixed-use properties that will harmoniously co-exist with existing developments and be managed in a cohesive manner; and

WHEREAS, the City is desirous of improving the vehicular traffic in the and the surrounding neighborhoods and improve the pedestrian environment of the neighborhoods; and

WHEREAS, the City desires to encourage and incentivize area property owners to reduce vehicular trips and alleviate traffic congestion through the redevelopment of properties to include uses that are an integral part to a community, which result a cultivation of pedestrianism in an area, increase bicycle use, and reduce vehicular trips; and

WHEREAS, the City is encouraging small-businesses, such as retail, restaurants, and offices that will serve the local residences within walking distance; and

WHEREAS, small-business uses are economic drivers which help improve the community aesthetic, property values, and community presence; and

WHEREAS, a revision to the Comprehensive Plan would allow for the renovation and activation of this portion of the City; and

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

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

SECTION 1. The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

* * *

CHAPTER 1

FUTURE LAND USE ELEMENT

OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

* * *

Policy 1.2

The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

* * *

Alton Beach Bayfront District

Purpose: To provide support for residential projects with active retail uses on the ground floor, and parking where needed for the neighborhood.

Uses which are Permitted: In addition to the residential uses permitted under the RM-1 Residential Multifamily Low Intensity zoning district regulations, various types of commercial uses are permitted, including: restaurants, retail uses, personal service establishments, commercial or noncommercial parking lots and garages; and professional offices.

Other uses which may permitted are accessory uses that are incidental and customarily associated with the main permitted uses are sidewalk cafes, off-street parking and loading, and other similar accessory uses.

Conditional uses permitted are restaurants in excess of sixty (60) seats, with a maximum of one-hundred (100) seats.

Density limits shall be consistent with the Land Development Regulations for the RM-1 Residential Multifamily Low Intensity zoning district. The maximum allowable floor area ratio of 1.25 shall be consistent with the maximum allowable floor area ratio in the RM-1 Residential Multifamily Low Intensity zoning district.

AND

* * *

Low Density Multi Family Residential Category (RM-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low density multi family residential areas.

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south. For properties located within the Alton Beach Bayfront District, bounded by 13th Street on the south, east of the centerline of West Avenue until 14th Street, north of 14th Street, west of the centerline of Bay Road on the west, 15th Street on the north, and west of the centerline of Alton Court on the east, the following uses are permitted: restaurants, outdoor cafes, retail uses, personal service establishments, commercial or noncommercial parking lots and garages, and professional offices.

Non-conforming buildings containing nonconforming hotel uses, located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50% of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including but not limited to, the number of hotel units and accessory food and beverage uses, the nonconformity of the building is lessened, and required parking for the reconstruction is satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 50% of the daily trips on adjacent, two-lane, arterial roadways, and improving the resiliency of the building.

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay Front Overlay District, both of which are described in the Land Development Regulations. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only. However, bed and breakfast inns and suite hotels are prohibited in the Alton Beach Bay Front Overlay.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 60 dwellings units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.25, except for the following:

- the west side of Collins Avenue between 76th and 79th Streets shall not exceed a floor area ratio of 1.4; and
- Public and private institutions on a lot area equal to or less than 15,000 sq. ft shall not exceed a floor area ratio of 1.25, or for a lot area greater than 15,000 sq. ft. the floor area ratio shall not exceed 1.4

SECTION 2. ALTON BEACH BAYFRONT OVERLAY

The “Alton Beach Bayfront Overlay” shall be designated on the City’s Future Land Use Map for the properties located in the areas bounded by 13th Street on the south, east of the centerline of West Avenue until 14th Street, north of 14th Street, east of the centerline of Bay Road on the west, 15th Street on the north, and west of the centerline of Alton Court on the east, as identified in the map attached hereto as Exhibit “A,” and incorporated herein by reference.

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 4. CODIFICATION.

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

SECTION 5. TRANSMITTAL.

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

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

PASSED and ADOPTED this ____ day of _____ 2018.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Raul Aguila, City Attorney

Date: _____

First Reading/Transmittal: _____, 2018

Second Reading/Adoption: _____, 2018

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language