

MIAMI BEACH

Land Use and Development Committee Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 3, 2019 - 9:00 AM

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

Thomas Mooney, Liaison
Naima De Pinedo, Support Staff

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

Wednesday, April 3, 2019, 9:00 AM

ACTION ITEMS

1. COMPREHENSIVE FEE ADJUSTMENTS

Commissioner John Elizabeth Aleman
February 13, 2019, R5 Q

2. DISCUSSION REGARDING AMENDING SEC. 142-905 OF THE CITY CODE TO PERMIT THE LEASE OF ACCESSORY DWELLING UNITS (ADU'S) FOR NO LESS THAN SIX MONTHS AND ONE DAY WITHIN SINGLE-FAMILY DISTRICTS.

Commissioner Ricky Arriola
November 14, 2018, C4 O (Continued from February 20, 2019)

3. 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 (Deferred from March 6, 2019)

4. 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 (Deferred from March 6, 2019)

DISCUSSION ITEMS

5. 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 March 6, 2019)

6. 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 (Deferred from March 6, 2019)

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

Commissioner John Elizabeth Aleman

February 13, 2019, C4 O (Deferred from March 6, 2019)

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

Commissioner Ricky Arriola

February 13, 2019, R9 J (Continued from March 6, 2019)

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

Commissioner Michael Gongora

February 13, 2019, C4 R (Deferred from March 6, 2019)

10. 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

Commissioner Michael Gongora

February 13, 2019 (C4S)

VERBAL REPORTS

11. DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY.

Commissioner Ricky Arriola

April 26, 2017 Item C4 X (Continued from February 20, 2019)

12. DISCUSSION TO REVIEW THE ROLE OF LAND USE BOARDS IN NEIGHBORHOOD IMPROVEMENT PROJECTS.

Commissioner Mark Samuelian

April 11, 2018 C4 N (Continued from May 23, 2018)

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

Vice-Mayor Michael Gongora

January 16, 2019 C4 X (Deferred from March 6, 2019)

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

Commissioner John Elizabeth Aleman

January 16, 2019, R9 T 2.b (Deferred from March 6, 2019)

15. DISCUSS AN ORDINANCE THAT WOULD MODIFY THE LAND DEVELOPMENT REGULATIONS TO INCENTIVIZE HOTEL DEVELOPMENT ON LINCOLN ROAD.

Commissioner Ricky Arriola

MARCH 13, 2019, C4 X

Updated April 2, 2019

SUPPLEMENTAL

16. DISCUSSION RELATING TO DISTANCE SEPARATION OF CERTAIN RETAIL USES FROM PUBLIC AND PRIVATE SCHOOLS

Commissioner Micky Steinberg
January 16, 2019 (C4 AE)

Updated April 1, 2019

17. DISCUSSION - REDUCING PARKING REQUIREMENTS IN THE COLLINS PARK NEIGHBORHOOD TO INCENTIVIZE DEVELOPMENT

Commissioner Ricky Arriola
March 13, 2019 (C4Y)

Updated April 1, 2019

18. DISCUSSION - AMENDING SEC. 130-33 TO INCENTIVIZE RESILIENT BUILDINGS IN SUNSET HARBOR

Commissioner Ricky Arriola
March 13, 2019 (C4W)

Updated April 1, 2019

DEFERRED ITEMS

19. DISCUSSION REGARDING PROPOSED HISTORIC DESIGNATION OF INTERNATIONAL INN AT 2301 NORMANDY DRIVE.

Commissioner Ricky Arriola
July 25, 2018, C4 K

20. 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



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: April 3, 2019

TITLE: **COMPREHENSIVE FEE ADJUSTMENTS**

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 (Item R5Q). The subject referral pertains to the following comprehensive development fee adjustments:

1. Application of the per-square-foot fee to all types of development applications.
2. Reduction in the per-square-foot fee.
3. A fee adjustment for Conditional Use and Neighborhood Impact Establishment applications.
4. Revisions to the resubmittal and excessive review fees.
5. Increasing the variance fee.

On December 14, 2018, the Finance and City Wide Projects Committee (FCWPC) discussed an item pertaining to developer fees associated with Land Use Boards. The Committee recommended that the City Commission amend Appendix A (fees) to impose a temporary cap on the per square foot fee associated with Land Use Board applications. The Committee recommended an initial cap of \$40,000.00 and asked the Administration to study the figure further.

On January 16, 2019 the City Commission discussed a proposed amendment to Appendix A (Fees) and directed the City Administration to bring back an ordinance amending Appendix A (fees) to create a cap on the per square foot fees for certain land use boards for first reading on February 13, 2019. Additionally, the City Commission directed the City Manager to allow for a temporary 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.

On March 13, 2019 the City Commission approved the cap reading and issued a referral to the Land Use and Development Committee to review recommendations by the City's consultant, Keith & Schnars (K&S) regarding reducing the per square foot fee for projects presented to Land Use Boards as well as the applicability of the fee. K&S also recommended establishing an additional fee for Conditional Use Permits that include Neighborhood Impact Establishments, eliminating the

“Excessive Review Fee” and establishing a “Resubmittal Fee” for projects requiring staff evaluation beyond the two initial reviews, as well as increasing the fee charged for variances.

BACKGROUND

In 2014 a review of the City’s adopted Development Review Fee Schedule was conducted to determine if the fees were still at the appropriate rates 10 years after the prior review. With variations in economic conditions and increased rates for external costs, the fee schedule did not accurately represent the costs to the City, following multiple presentations and favorable recommendations from, Finance and Citywide Projects Committee, Land Use Development Committee, Planning Board and four hearings at City Commission, the fees were adjusted in October of 2015, with the intent to recover costs associated with development , In consideration of ongoing projects, the new fees were not implemented until May of 2016. Additionally, prior fees were honored for projects which had applied for board approval or building permit.

On April 26, 2017, the City Commission referred an item to the Finance and Citywide Projects Committee to discuss the fees charged to developers to appear before the city’s land use boards, City staff conducted internal reviews and engaged the firm of Keith & Schnars to expand on the city’s review, compare City of Miami Beach fees and processes to other cities as well as provide recommendations

The fee review and analysis process included comparing the fee schedule in the City of Miami Beach with the fee schedules in the following municipalities: City of Delray Beach, City of Fort Lauderdale, City of Hollywood, Miami-Dade County, City of Miami, City of Coral Gables, and City of Key West. Meetings were held with city staff and stakeholders to gather background information and data on recent projects and some history on why the fees are not covering enough of the expenses that they are intended to cover. Stakeholder groups included the Miami Dade Preservation League and those who are in the development community, as members of the Chamber of Commerce.

In comparison with other municipal fee schedules, several fees had major variations (higher and lower), whereas others were approximately the same. However, the comparison is not straightforward. Each of those municipalities has different expenses that are intended to be covered by the fees, plus costs vary over time and it may depend on when their fee schedules were adopted. Most of the development review processes in other cities are subsidized by their general fund. Prior to CMB adjusting and updating the fee schedule in 2015, departments like Planning were being subsidized by the general fund by 72%. As such the fee structure that existed at the time was only capturing 28% of the costs associated with the review of projects seeking approval from a land use board as well as the department’s review of plans submitted for permit. After adoption in 2015 and implementation in May of 2016, the fee structure is designed to capture sufficient revenue to offset expense.

Another factor is the Consumer Price Index (CPI-U), which has increased annually in all but one of the past 10 years. A \$20,000 project in 2007 would cost \$23,633 today and a \$100,000 project in 2007 would cost \$118,165 today. CPI-U and other fee increases were not adjusted in the City’s fee schedule until 2015 when the fees were analyzed, revised and a new fee schedule adopted.

Analysis

FINANCE AND BUDGET ANALYSIS

Upon an extensive review of the City’s projected revenues, the Administration does have some

concerns with the impact that a uniform cap on the per square foot fee for certain Land Use Board applications will have on revenues. As such, in order to minimize the impact of modifications to the fee structure on revenues, the Administration is recommending that the per-square-foot fee also be applied to all types of development equally (with some exceptions), and that the fee be reduced from the current 0.50 per-square-foot fee to 0.30 per-square-foot.

Restructured / Reduced fees					
Current			Proposed		
Square foot fee	Applicable to new construction only	\$ 0.50	Applicable to new construction, additions and remodels with exception to minor improvements such as balconies, awnings, and windows		\$ 0.30
Excessive Review Fee	Per hour beyond four hours (per submittal)	\$ 150.00	Resubmittal Fee (per submittal after 2nd review)		\$1,250.00
Variance	Per Variance	\$ 500.00	Per Variance		\$ 750.00
New fees					
Current			Proposed		
Conditional Use Permits (CUP) with Neighborhood Impact Establishment (NIE)	CUP with NIE (no fee for the review of the NIE)	\$ 2,500.00	CUP with NIE review		\$5,000.00

FISCAL IMPACT

The impact is estimated to be a reduction to the General Fund Revenues of between \$125,000 and \$200,000 annually. This estimate takes into consideration the recently adopted \$40,000 cap on the square foot fee and assumes the approval of the new and restructured fee schedule proposed above. However, the impact could rise to approximately \$350,000 if the square foot fee is not applied to additions and remodels or other changes identified above adopted.

CONCLUSION:

The Administration recommends that the attached amendment be transmitted to the City Commission for referral to the Planning Board.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Comprehensive Fee Adjustment	Ordinance
<input type="checkbox"/> Appendix A	Other

**COMPREHENSIVE FEE ADJUSTMENTS
LAND DEVELOPMENT AND PERMITTING FEES**

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, FLORIDA, AMENDING APPENDIX A, "FEE SCHEDULE," FOR PLANNING REVIEW FEES RELATED TO LAND USE BOARD REVIEWS, PURSUANT TO CHAPTER 118, SUBPART B – LAND DEVELOPMENT REGULATIONS, AMENDING THE PER-SQUARE-FOOT FEES AND APPLICABILITY THEREOF, ESTABLISHING AN ADDITIONAL FEE FOR CONDITIONAL USE PERMITS WITH NEIGHBORHOOD IMPACT ESTABLISHMENT USES, ELIMINATING THE "EXCESSIVE REVIEW FEE", ESTABLISHING A RESUBMITTAL FEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Code establishes fees for development review, permitting, and other services to cover the City's costs of implementing the regulations contained therein; and

WHEREAS, the City Administration has reviewed the structure of fees associated with Planning Board, Board of Adjustment, Historic Preservation Board, and Design Review Board applications; and

WHEREAS, in order to better align the amount of permit fees charged with the actual costs incurred by the City Administration in its review of permits land development board applications, the Administration recommends the adoption of this Ordinance; and

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

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

SECTION 1.

Appendix A to the City Code, entitled "Fee Schedule," is hereby amended as set forth in "Exhibit A" to this Ordinance.

SECTION 2. REPEALER

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

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2019.

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: May 8, 2019
Second Reading: June 11, 2019

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

(Sponsored by Commissioner John Elizabeth Aleman)

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COMPREHENSIVE FEE ADJUSTMENTS – APPENDIX A		
	Subpart B. Land Development Regulations	
	Chapter 118. Administration and Review Procedures	
118-6	Cost recovery	
	Review and Report by outside source	TBD
118-7	Fees for the administration of land development regulations	
	General Fees for Public Hearing	
	Application for preliminary evaluation for public hearing	500.00
	Application for public hearing. See Sec. 118-7 for applicable waivers	2,500.00
	Fees for design review board or historic preservation board - For nonprofits proposing art in public places and/or non-commercial artistic murals, graphics and images	Fee may be reduced by a 4/7 th affirmative vote of the city commission via resolution*
	* The nonprofit corporation must be in operation for a minimum of one year, must maintain its tax-exempt status in good standing with the Internal Revenue Service (IRS) and must provide access of its financial statements to the city, in order to assist the city commission in determining the economic viability and/or necessity for the waiver of fees.	
	<u>Additional fee for Application for public hearing which includes a Neighborhood Impact Establishment</u>	<u>2,500.00</u>
	Application for clarification of previously approved board order	1,500.00
	Application for amendment to an approved board order	2,500.00
	Application for extensions of time of a previously approved board (non-	1,500.00

	administrative)	
	Application for after the fact approval	3 times original fee
	Advertisement (Additional fees may apply based on notice requirement for LDR. Comp. Plan and corresponding map amendments)	1,500.00
	Mail Notice (per address)	4.00
	Posting (per site)	100.00
	Withdrawal or continuance prior to public hearing	500.00
	Deferral of a public hearing	1,500.00
118- 162(a), (b)	Amendment of the Land Development Regulations, Zoning Map, Comprehensive Plan, and Future Land Use Map	
	Amendment to the permitted, conditional or prohibited uses in a zoning category (per use)	2,500.00
	Amendment to the permitted, conditional or prohibited uses in the comprehensive plan	2,500.00
	Amendment to the zoning map designation (per square foot of lot area) up to 5,000 sq. ft.	0.50
	Amendment to the zoning map designation (per square foot of lot area) 5,001 sq. ft. and greater	0.70
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) up to 5,000 sq. ft.	0.50
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) 5,001 sq. ft. and greater	0.70
	Amendment to the land development regulations (per section being amended)	10,000.00

	Amendment to the comprehensive plan (per goal, policy, or objective being amended)	10,000.00
118-193	Conditional Use Permit	
	Application for conditional use permit for an assisted living facility (per bed)	100.00
118-253	Design Review	
	Application for Design Review Board approval (per gross square foot of new construction)	.50 <u>.30</u> Up to a maximum of \$40,000
118-321	Land/Lot Split	
	See application fees under General Fees	
118-353	Variances	
	Per variance requested—See section 118-7 for applicable waivers	500.00
118-562, 118-564	Certificate of Appropriateness	
	Application for COA (per gross square foot of new construction)	.50 <u>.30</u> Up to a maximum of \$40,000
118-	Historic Designation	

591		
	Application for district designation (per platted lot)	100.00
	Planning Director determination of architectural significance (142-108)	2,500.00
	Staff Review and Miscellaneous Fees	
	Preliminary zoning review (Dry Run) up to 5,000 sq. ft.	2,500.00
	Preliminary zoning review (Dry Run) per square foot fee beyond 5,000 sq. ft.	0.50 <u>.30</u> Up to a maximum of \$40,000
	Board Order Recording up to 10 pages (11+ pages will be assessed a per page fee)	100.00
	Status Reports	1,000.00
	Progress Reports	2,500.00
	Failure to appear before a board for Status or Progress Report	2,500.00
	Zoning Verification letter (per address or folio - includes 1 hour of research)	250.00
	Zoning Interpretation Letter	1,000.00
	Research per hour fee (beyond four hours per submittal)	150.00
	Excessive Review per hour fee (beyond four hours per submittal) <u>Resubmittal Fee (after second submittal).</u>	150.00 <u>1,250.00 per submittal</u>
	Review of Covenants or Easement	5,000.00
	Modification or release of Covenants or Easement	2,500.00
	Courier (per package)	10.00

	Recording fee (up to 10 pages)	100.00
	Per page recording fee (beyond 10 pages)	10.00
	Paint permit (non-online applications)	75.00
	Signs (not requiring a building permit)	75.00
	Hard copy (paper) submittal conversion of documents to electronic format shall be charged at city's cost from vendor	TBD

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Item 2.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: DISCUSSION REGARDING AMENDING SEC. 142-905 OF THE CITY CODE TO PERMIT THE LEASE OF ACCESSORY DWELLING UNITS (ADU'S) FOR NO LESS THAN SIX MONTHS AND ONE DAY WITHIN SINGLE-FAMILY DISTRICTS.

HISTORY:

On November 14, 2018, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 O).

On February 20, 2019, the Land Use and Development Committee (LUDC) discussed the proposal and recommended that the administration draft an ordinance. The LUDC continued the item to the April 3, 2019 meeting.

Analysis

PLANNING ANALYSIS

Accessory Dwelling Units (ADU's) are small living units that have their own kitchen and bathroom facilities and are on the same property as a single family home. They are often rented out to provide a family with extra income or made available to a relative looking for additional privacy. Such units can either be attached or detached from the home. They may also be known as granny flats, cottage houses, or secondary dwelling units. It was popular to include such units as part of single-family homes in the early 20th century, including within Miami Beach. However, such units fell into disfavor after World War II when development patterns shifted to a more suburban style, and many cities began to prohibit them.

With rising housing costs in urban areas, many cities are reintroducing the ability to build ADU's in single family areas. This is intended to provide housing that is more attainable to the workforce and to provide homeowners an extra source of income which can help them maintain their homes. Some of the cities that currently allow ADU's include: Austin, TX; Boulder, CO; Miami, FL (certain neighborhoods – ex. Buena Vista); Minneapolis, MN; Portland, OR; and Seattle, WA. In addition, all cities in California are required to allow for the construction of ADU's.

City of Miami Beach

Section 142-905 of the Miami Beach Land Development Regulations (LDR's) permits "Guest/servants quarters" as an accessory use in Single Family Districts. "Guest/servants

quarters” are defined as:

living quarters within a detached or semi-detached accessory building located on the same lot with the main building for use by temporary guests or servants of the occupants of the premises. Such quarters shall not have separate utility meters, shall not be rented or otherwise used as a separate dwelling or have cooking facilities except as set forth in section 142-905.

A separate cooking facility is only allowed when the residence contains at least 3,600 square feet of floor area.

Many single family homes in Miami Beach already contain guest/servant quarters, which are similar in scale and location to ADU's. The difference between the two is that guest/servant quarters cannot be rented out, and as such they do not provide income for homeowners, nor housing that more attainable to the City's workforce.

Currently, the City's Comprehensive Plan includes several incentives to develop workforce and affordable housing in multifamily areas, such as increased density, reduced unit sizes, and parking reductions. Allowing ADU's would be consistent and follow the same path as the previously approved incentives.

Florida Statutes

The Florida Legislature has recognized the benefits of ADUs at assisting to provide housing for low to moderate income persons within Florida Statute 163.31771. That statute provides that “Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.” This provides that such units not count as an additional unit for the purposes of establishing density limits and levels of service.

Additionally, the statute requires that an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.” For reference, the definition of “Moderate-income persons” per the statute is “one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.” According to data published by the Florida Housing Finance Corporation for 2018, the monthly rent for a loft-style unit could reach approximately \$1,653 or for a one bedroom unit, approximately \$1,771.

California Government Code

The State of California has gone further than the State of Florida in this regard and mandated that all local governments in the State allow ADUs to be built in all zoning districts that allow single-family uses. It provides for administrative approval of such units and allows local governments to establish setbacks, lot coverage, minimum and maximum unit sizes, and other requirements. However, it provides that parking requirements not exceed one space per unit or one bedroom, whichever is less, and no parking if the unit is within one-half mile of public transit, or in an historic

district. It also allows for such units to be detached from the primary home or converted from an existing garage. Additionally, the code allows a city the option of requiring owner occupancy of either the primary home or the accessory dwelling unit.

City of Miami Zoning Ordinance (Miami 21 Code)

The City of Miami underwent a process of creating and adopting a new zoning code, known as the Miami 21 Code, between 2005 and 2009. As part of the process, homeowners associations in the City were consulted to determine if they had an interest in allowing ADU's. Several responded that they did want them, and those neighborhoods received a single-family zoning designation that also allowed for ADU's.

The T3-L (Sub-Urban Transect – Limited) district is the single-family district that allows for ADU's. The code provides that the ADU be a maximum size of 450 square feet, only be ancillary to single-family residences, must be architecturally harmonious with the primary home, that a minimum of one parking space be provided, and that any façade abutting another property only utilize clerestory windows along that façade to ensure that a neighbors privacy is not impacted. Additionally the Code requires that the principal dwelling be owner occupied in order to be able to allow for rental of the ADU.

SUMMARY

Attached is an LTC summarizing a recent recommendation of the Affordable Housing Advisory Committee. Specifically, the committee "supports the legalization of accessory dwelling units within the City to encourage workforce/affordable housing."

Several cities are allowing ADUs in order to allow more attainable housing to be constructed in light of increasing housing costs. The Administration believes that ADU's would be a worthwhile and practical tool for addressing workforce and affordable housing in the City.

UPDATE

On February 20, 2019, the LUDC discussed the proposal and recommended that the administration draft an ordinance, which provided for the following, all of which are included in the attached amendment to the LDR's:

1. That ADU's be allowed in all single-family neighborhoods.
2. That the rental of ADU's be limited to homesteaded or owner-occupied properties.
3. That the rental of ADU's for over six months and one day.

The proposed ordinance allows for accessory dwelling units to be attached or detached from the primary home, provided it does not affect the single-family appearance of the residence. Additionally, it provides additional size limitations for ADU's that are consistent with the existing requirements for accessory buildings, with a minimum size requirement of 200 square feet. Staff believes that this 200 square foot minimum proposed will be sufficient as the actual size of the unit can be a percentage of the main home. This is the current regulation for accessory structures and it makes sense as the main home needs to be a minimum size to have a functional ADU.

Because such structures will be habitable, the amendment provides that the height of accessory buildings be measured from the base flood elevation (BFE) plus a freeboard of one (1) foot, to ensure that they are resilient to sea level rise and that they can comply with life-safety requirements of the Florida Building Code and the City Code.


There is also a provision in the draft ordinance that would allow for the grandfathering of existing accessory structures, built prior to January 1, 2019, provided the ADU is not expanded in size. All applicable development regulations, including lot size and setbacks, are addressed within the accessory structures development regulations.

A companion Comprehensive Plan amendment is attached which authorizes ADU's as an accessory use in the "Single Family Residential Category" within the Land Use Element and that such units will contribute to the City's efforts to encourage the development of workforce and affordable housing within the Housing Element.

CONCLUSION:

The Administration recommends that the LUDC transmit the attached ordinance amendments to the Comprehensive Plan and Land Development Regulations to the City Commission for referral to the Planning Board for review and recommendation.

ATTACHMENTS:

Description		Type
	Draft LDR ORD	Memo
	Draft Comp Plan ORD	Memo

**ACCESSORY DWELLING UNITS (ADU)
LAND DEVELOPMENT REGULATIONS**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “LAND DEVELOPMENT REGULATIONS,” BY AMENDING CHAPTER 114 OF THE CITY CODE, ENTITLED “GENERAL PROVISIONS,” SECTION 114-1, ENTITLED “DEFINITIONS” TO ESTABLISH A DEFINITION FOR “ACCESSORY DWELLING UNIT” AND REMOVE THE DEFINITION OF “GUEST/SERVANTS QUARTERS;” AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE IV, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” DIVISION 2, ENTITLED “ACCESSORY USES,” SECTION 142-905, ENTITLED “PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS,” TO REPLACE GUEST/SERVANTS QUARTERS WITH ACCESSORY DWELLING UNIT AS AN ALLOWABLE ACCESSORY USE FOR SINGLE-FAMILY DISTRICTS AND PROVIDE STANDARDS FOR THEIR DEVELOPMENT AND LEASING; AND AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE IV, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” ENTITLED DIVISION 4, “SUPPLEMENTARY YARD REGULATIONS,” SECTION 142-1132, ENTITLED “ALLOWABLE ENCROACHMENTS WITHIN REQUIRED YARDS,” TO ALLOW FOR ACCESSORY DWELLING UNITS AS AN ALLOWABLE USE IN ACCESSORY BUILDINGS AND MODIFY THE MEASUREMENT OF HEIGHT FOR ACCESSORY BUILDINGS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS,...; and

WHEREAS,...; and

WHEREAS,...; 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 114 of the City Code, entitled “General Provisions,” section 114-1, entitled “Definitions,” is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

* * *

Dwelling unit, accessory (ADU) means an independent living quarter that is accessory to a single-family detached dwelling. The ADU can be in an accessory building or attached to the single-family detached dwelling.

* * *

~~Guest/servants quarters means living quarters within a detached or semi-detached accessory building located on the same lot with the main building for use by temporary guests or servants of the occupants of the premises. Such quarters shall not have separate utility meters, shall not be rented or otherwise used as a separate dwelling or have cooking facilities except as set forth in section 142-905.~~

SECTION 2. Chapter 142, entitled “Zoning Districts and Regulations,” Article IV, entitled “Supplementary District Regulations,” Division 2, entitled “Accessory Uses,” Section 142-905, entitled “Permitted accessory uses in single-family districts,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. – ACCESSORY USES

* * *

Sec. 142-905. - Permitted accessory uses in single-family districts.

* * *

- (2) The planning and zoning director may approve a second set of cooking facilities if the residence contains at least 3,600 square feet of floor area and the arrangement of such facilities or conditions at the property shall not result in the creation of an apartment unit. No more than one electric meter shall be placed on the property and that portion of the residence having the second set of cooking facilities shall not be rented. Appeal of the director's decision shall be to the board of adjustment. This limitation shall not apply to an accessory dwelling unit (ADU).
- (3) ~~Guest/servants quarters.~~ An accessory dwelling unit (ADU) is permitted pursuant to the following requirements:
 - a. Maximum number. No more than one (1) ADU shall be permitted per single family lot.

- b. Maximum area. The area of an ADU shall be included in the overall unit size calculation for the site. In no instance shall the total size of the ADU exceed 10 percent of the size of the main home on the subject site, or 1,500 square feet, whichever is less.
- c. Minimum area. An ADU shall be a minimum of 200 square feet. However, this minimum standard shall not authorize exceeding the maximum area identified in subsection (c), above. If the minimum area requirement exceeds the maximum area requirement, an ADU shall be prohibited on the site.
- d. Existing Accessory Structures. For existing accessory structures, built prior to January 1, 2019, the aforementioned maximum and minimum areas shall not be applicable to an ADU, unless the unit is expanded in size.
- e. Location. An ADU may be attached to the primary residence with a separate entrance that is not visible from public rights-of-way, subject to the limitations for the primary structure of the Land Development Regulations. Additionally, the home shall maintain the external appearance of a single-family home. Alternatively, an ADU may be located in an accessory building, subject to the requirements and limitations for accessory buildings in single family districts identified in sub-section 142-1132 (a)(2).
- f. Kitchens. An ADU may contain a full kitchen facility.
- g. Utilities. A separate electric meter may be provided for an ADU.
- h. Lease. Lease of an ADU shall be subject to the following requirements:
 - 1. The use of an ADU on a property that is not owner occupied shall be limited to the use of the family occupying the primary dwelling, temporary guests, or servants of the occupants of the primary dwelling, and shall not be rented or leased.
 - 2. Lease of an ADU to a family unrelated to the family occupying the primary dwelling unit shall only be permitted on properties that are owner-occupied. Proof of homestead exemption shall be provided and maintained on the property. If a property ceases to be owner-occupied the renewal of a lease for an ADU shall be prohibited, and residents of the ADU shall vacate the premises upon termination of the lease. It shall be the responsibility of the applicant to notify the City if the status of a homestead exemption changes.
 - 3. Lease of an ADU to a family (as defined in section 114-1) unrelated to the family occupying the primary dwelling unit for a period not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders, shall be prohibited.

4. Property owners seeking to allow for the lease of an ADU unit to a family unrelated to the family occupying the primary dwelling unit must obtain all applicable fire and building permits, certificate of use, and business tax receipt (BTR), as applicable, permitting the lease of the ADU, subject to the requirements listed above. The application shall provide proof of compliance with the requirements of this subsection. Additionally, the applicant shall provide an affidavit affirming their understanding of the requirements to lease the ADU.
5. Violation of these requirements shall be subject to the enforcement and enhanced penalty standards for leases of single-family homes described in subsection 142-905(b)(5).

(4) Home based business office, as provided in Section 142-1411.

- (5) Leases of single-family homes to a family (as defined in section 114-1) for not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders.

The advertisement, as defined in Section 142-109(b), of single-family homes for a period of less than six months and one day shall not be permitted for single-family districts, and shall be a violation of this Section 142-905(b)(5).

a. Enforcement.

1. Violations of subsection 142-905(b)(5) shall be subject to the following fines. The special master shall not waive or reduce fines set by this subsection.
 - A. If the violation is the first violation: \$20,000.00
 - B. If the violation is the second violation within the preceding 18 months: \$40,000.00
 - C. If the violation is the third violation within the preceding 18 months: \$60,000.00
 - D. If the violation is the fourth violation within the preceding 18 months: \$80,000.00
 - E. If the violation is the fifth or greater violation within the preceding 18 months: \$100,000.00

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for transient rental or occupancy at the single-family residential premises.

2. In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
3. Any code compliance officer may issue notices for violations of this section 142-905(5). Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that

participates in or facilitates the violation of this section 142-905(5). In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records.

4. The advertising or advertisement for the transient rental or occupancy, short-term rental for period(s) of less than six months and one day of the residential property for the purpose of allowing such transient rental or occupancy, short-term rental or rental for period(s) of less than six months and one day at the residential premises is direct evidence that there is a violation of Subsection 142-905(b)(5), which is admissible in any proceeding to enforce Section 142-905(b)(5). The advertising or advertising evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-905(b)(5).
- b. Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-905(b)(5)a, above, for violations of Subsection 142-905(b)(5):
1. Enhanced Penalties for violation of Subsection 142-905(b)(5):
 - A. The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the Code Compliance Department.
 - B. If the offense is a second offense within the preceding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s), or structure(s) exceed 5,000 square feet, then the Special Master must impose an additional fine of \$25,000.00.
 - C. A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 2. Chapter 142, entitled "Zoning Districts and Regulations," Article IV, entitled "Supplementary District Regulations," entitled Division 4, "Supplementary Yard Regulations," Section 142-1132, entitled "Allowable Encroachments Within Required Yards," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 4. – SUPPLEMENTARY YARD REGULATIONS

* * *

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

* * *

- (2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:
- a. *Lot coverage.* Accessory buildings that are not a part of the main building, shall be included in the overall lot coverage calculations for the site, and may be constructed in a rear yard, provided such accessory building (or accessory buildings) does not occupy more than 25 percent of the area of the required rear yard. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard lot but an open uncovered swimming pool shall not be included.
 - b. *Size.* The area of accessory buildings shall be included in the overall unit size calculation for the site. In no instance shall the total size of all accessory building(s) exceed ten percent of the size of the main home on the subject site, or 1,500 square feet, whichever is less.
 - c. *Two-story structures.* The second floor of an accessory building shall not exceed 50 percent of the first floor area.
 - d. *Building separation.* Accessory buildings shall be separated from the main home by a minimum of five feet. open to the sky with no overhead connections.
 - e. *Setbacks.*
 1. *Single story.* A single story accessory building shall not be located closer than seven and one-half feet to an interior rear or interior side lot line, and 15 feet when facing a street. When facing a waterway, the minimum rear setback shall not be less than one-half of the required rear setback.
 2. *Two-story.* A two-story accessory building shall not be located closer than ten feet to an interior side lot line, or the required side yard setback, whichever is greater, 15 feet when facing a street, and a rear setback of 15 feet. When facing a waterway, the minimum rear setback shall not be less than one-half of the required rear setback, or 15 feet, whichever is greater.
 - f. *Height.* Accessory buildings shall be limited to two stories. Height for accessory buildings shall be measured from the base flood elevation plus freeboard of (1) one foot. ~~The maximum height above adjusted grade shall not exceed 12 feet for a one-story structure and 20 feet for a two-story structure.~~ The allowable height exceptions of Section 142-1161 shall not apply to accessory buildings in single-family districts.

- g. *Uses.* Accessory buildings shall be limited to uses that are accessory to the main use, including, but not limited to, garage, carport, pergola, cabana, gazebo, ~~maid's or guest's quarters~~ or accessory dwelling units. Components of the main structure, such as detached bedrooms or any habitable area of the single-family structure shall not be considered accessory uses.
- h. *Utilities.* Accessory buildings may contain heating and air conditioning, washers and dryers, toilets, bar sinks and showers, but may not have full kitchen facilities. Notwithstanding the forgoing, an accessory dwelling unit may have a full kitchen facility. An outdoor built-in barbecue grill or similar cooking equipment shall be allowed as an accessory use, as may be permitted by the fire marshal and in accordance with the regulations contained in any applicable safety code or Florida Building Code.

SECTION 4. Repealer.

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

SECTION 5. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be 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.

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

[Sponsor: Commissioner Ricky Arriola]

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2019\April 3, 2019\Accessory Dwelling Units - LDR
ORD April 2019 LUDC.docx

**ACCESSORY DWELLING UNITS (ADU)
COMPREHENSIVE PLAN AMENDMENT**

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, ENTITLED “LAND DEVELOPMENT REGULATIONS,” AT POLICY 1.2, “SINGLE FAMILY RESIDENTIAL CATEGORY (RS),” TO ALLOW FOR ACCESSORY AND CONDITIONAL USES AS PROVIDED FOR IN THE LAND DEVELOPMENT REGULATIONS AND TO PROVIDE THAT ACCESSORY DWELLING UNITS DO NOT COUNT TOWARDS MAXIMUM DENSITY LIMITS; AND AMENDING CHAPTER 3, ENTITLED “HOUSING ELEMENT,” OBJECTIVE 1, ENTITLED “CREATION AND/OR PRESERVATION OF AFFORDABLE HOUSING” AND “OBJECTIVE 3,” ENTITLED “ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES,” TO PROVIDE FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS IN ORDER TO ENCOURAGE THE DEVELOPMENT OF HOUSING AT AN ATTAINABLE RATE; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, ; and

WHEREAS, ; and

WHEREAS, ; 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:

* * *

Single Family Residential Category (RS)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development.

Uses which may be permitted: Single family detached dwellings.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, including Accessory Dwelling Units, 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: 7 residential units per acre. Accessory Dwelling Units shall not count towards the maximum density limit.

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.

* * *

SECTION 2. The following amendments to the City's 2025 Comprehensive Plan Housing Element are hereby adopted:

* * *

CHAPTER 3

HOUSING ELEMENT

* * *

OBJECTIVE 1: CREATION AND/OR PRESERVATION OF AFFORDABLE HOUSING

* * *

Policy 1.9

The City shall provide for the development of Accessory Dwelling Units in the "Single Family Residential Category" future land use designation in order to encourage the development of

housing that is affordable to the workforce, and very low to moderate-income persons, subject to the restriction in the Land Development Regulations.

* * *

OBJECTIVE 3: ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES.

* * *

Policy 3.6

The City shall provide for the development of Accessory Dwelling Units in the “Single Family Residential Category” future land use designation in order to encourage the development of housing that is affordable to the workforce, and very low to moderate-income persons that is distributed throughout the City, subject to the restriction in the Land Development Regulations.

* * *

SECTION 2. REPEALER.

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

SECTION 3. 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 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 _____, 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

[Sponsor: Commissioner Ricky Arriola]

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Item 3.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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 Harmonizaztion -
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Item 4.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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).

On March 6, 2019 the LUDC discussed the item and continued it to April 3, 2019. Direction was given to the administration to further study and evolve the membership categories on the HPB and DRB for a water management expert.

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 city land use boards: historic preservation board (HPB), design review board (DRB) and planning board (PB). The Board of Adjustment is responsible for variances and appeals of administrative decisions, and therefore, not recommended to be changed for this purpose. City staff has had internal discussions regarding potential options for integrating water management and climate change experts into the land use board review process. Current board composition includes:

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 design review board (DRB), historic preservation board (HPB) and planning board (PB). The DRB, HPB and PB 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.

Planning Board

All regular voting members of the board shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:

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

(2) One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;

(3) One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;

(4) One person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:

a. Has earned a college degree in historic preservation;

b. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or

c. Is recognized by the city commission for contributions to historic preservation, education or planning; and

(5) Three persons who are citizens at large or engaged in general business in the city.

The administration recommends that the relevant code sections for each board be revised, so that a water management expert can be included by amending the at large category.

1. Additionally, the administration is creating 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 City Manager's 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 and would include representation from other key disciplines, including planning, building, fire, parking and parks would ensure a holistic approach to the internal review process.

UPDATE

On March 6, 2019, the LUDC discussed the item and recommended that the water management expert be a separate membership category, with full voting rights. Currently, both the DRB and HPB have two categories each, for at large members. PB has a category for three at large seats.

The administration is proposing to replace one of the at large membership categories with a water management specialist, as follows:

Historic Preservation Board

(3) ~~Two~~ One at large members, who ~~has~~*ve* resided in one of the city's historic districts for at least one year, and who ~~has~~*ve* demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.

(4) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

Design Review Board

(5) ~~Two~~ One citizens at large.

(6) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

Planning Board

(5) ~~Three~~ Two *persons who are citizens at large or engaged in general business in the city.*

(6) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

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 the following membership category as a voting member of the DRB, HPB and PB:

A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline,

Such amendment shall be drafted in accordance with the membership framework noted in the update section above, and 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.



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

Item 5.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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 former 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

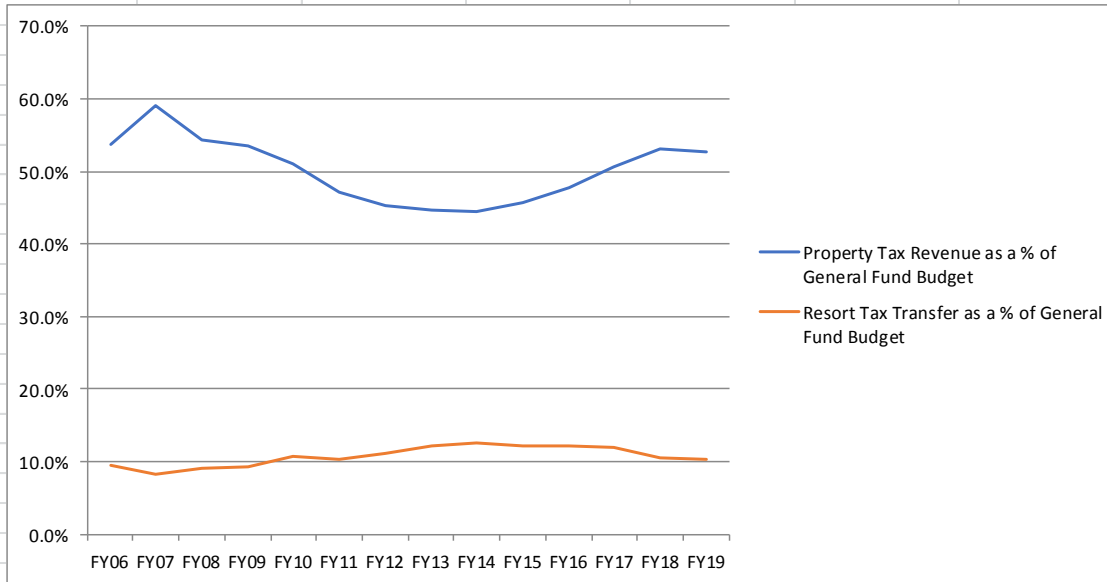
CRITERIA	INDICATORS
D2 Protection of sensitive environments The destination has a system to monitor the environmental impact of tourism, conserve habitats, species, and ecosystems, and prevent the introduction of invasive species.	IN-D2.a. Maintained and updated inventory of sensitive and threatened 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)



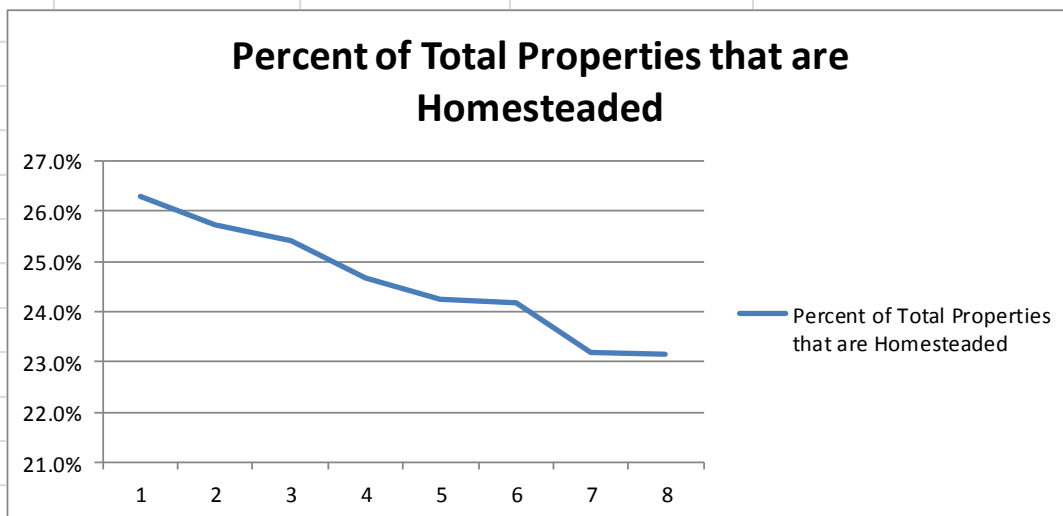
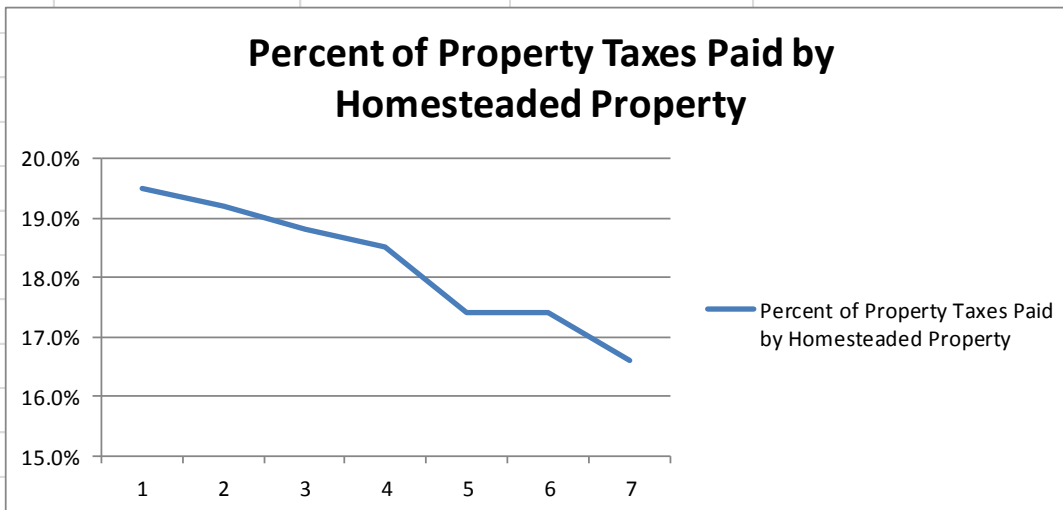
Miami Beach Property Tax Revenue vs. Resort Tax FY 2006 – FY 2018

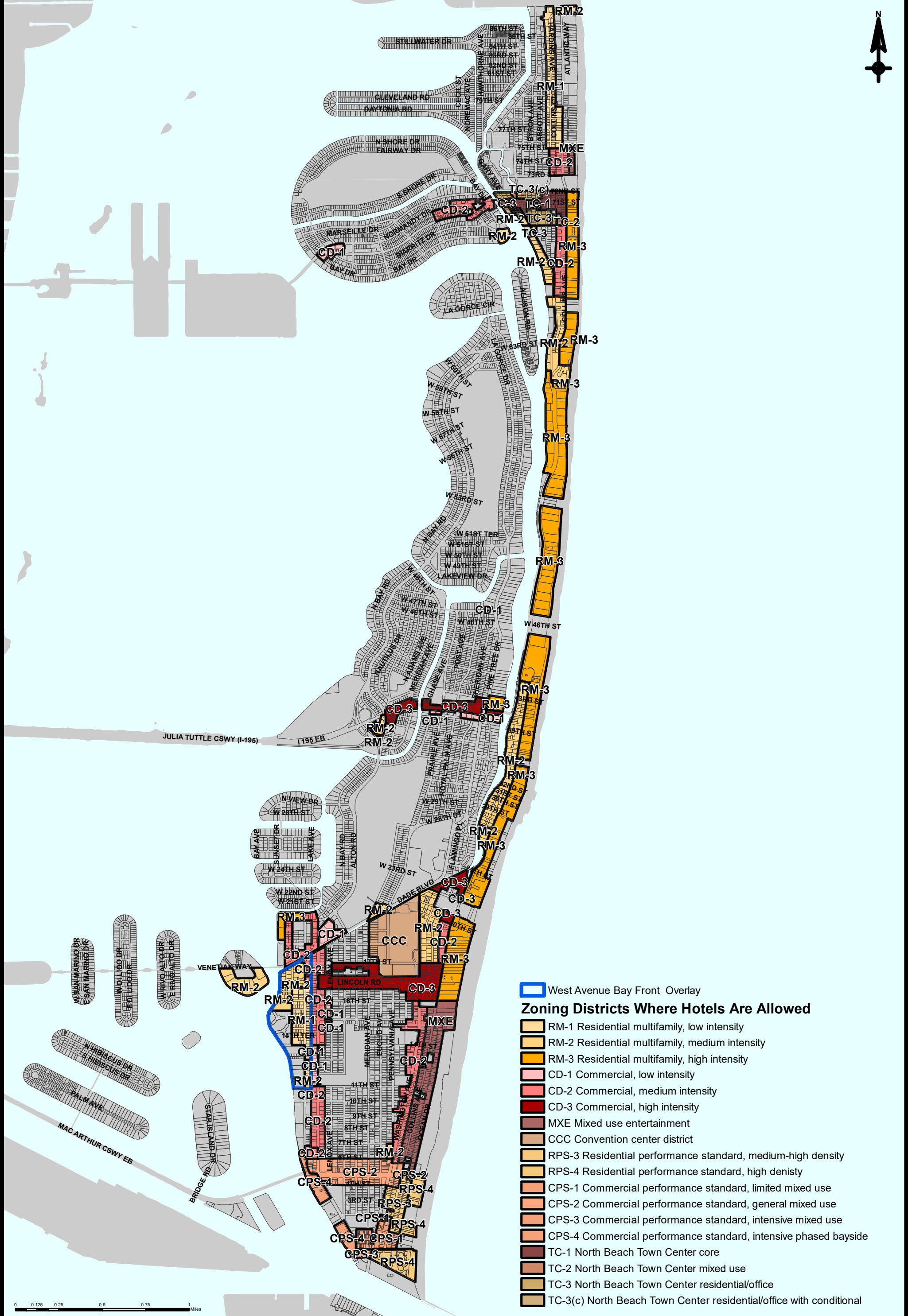
Fiscal Year	General Fund Adopted Budget	Change in General Fund Adopted Budget	Property Tax Revenue	Property Tax Revenue as a % of General Fund Budget	Resort Tax Transfer to GF	Resort Tax Transfer as a % of General Fund Budget
FY06	207,925,117	23.6%	111,778,090	53.8%	19,571,309	9.4%
FY07	237,673,096	14.3%	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





Item 6.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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.



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Item 7.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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 8.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

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

ATTACHMENTS:

Description	Type
☐ LUDC Memo - April 3, 2019	Memo
☐ Code Comparison Chart	Memo
☐ 1344 15 Street - Plans	Memo
☐ 1425 Bay Road - Plans	Memo
☐ 1414 West Avenue - Plans	Memo

MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

SUBJECT: **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 (LUDC), pursuant to item R9J. On March 6, 2019 the LUDC discussed the item and continued the matter to April 3, 2019.

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.
- **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 owners, 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 one to two 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 one parking space per four seats in excess of 60 seats.

Currently, unless part of a separate parking district, restaurants require one parking space per four 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 two 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 – five feet.

Current minimum setback is 20 feet.

- b. Side Facing a street – five 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 – five feet

Current minimum setback is 10 % of lot depth.

It is important to note that these greatly 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.

For ease of reading, attached is a column comparison of the existing code and what is being proposed.

PLANNING ANALYSIS

Changing dynamics within any area of a city may warrant a re-evaluation of neighborhood uses and development regulations from time to time. In this regard, at the macro level, the proposal put forth by the property owners reflects a bold vision with attractive concept renderings and visuals. However, when reviewed at the micro level, the administration has identified several issues 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 (indicted 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 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 five 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 five 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 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 AND UPDATE

At the March 6, 2019 meeting, the LUDC expressed a desire to continue the dialogue with regard to the WOW proposal, and continued the item to the April 3, 2019 meeting. As indicated previously, while complimentary of the property owners bold and forward thinking vision for the area, the administration believes that the proposal put forth in its present form is still 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 and context sensitive infill development. This has been achieved through carefully designed regulations that place emphasis on resiliency, context and urban design. 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.

At the March 6, 2019 LUDC meeting, a request was made to include examples of recently approved projects in the proposed area. Attached are the site plan, first floor plan and elevations / perspectives of three recent projects:

1. 1414 West Avenue: This particular lot, at the southwest corner of 14th Terrace and West Avenue, has been vacant since the early 2000's, and has had a number of different development approvals. The latest approved project is attached. It should be noted that this particular project was allowed to move forward with a three lot aggregation, as all three parcels were combined prior to the adoption of the West Avenue Bayfront Overlay regulations.
2. 1425 Bay Road: This project is currently pending before the Design Review Board (DRB) and is scheduled to be considered on April 2, 2019.
3. 1344 15th Terrace (Treehouse): This project was approved by the DRB in 2016 and is fully complete.

As also indicated previously, the Administration believes that 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 recommends that the proposal move forward when all of the properties within the proposed overlay area are acquired or controlled by the entities proposing the changes to the neighborhood.

The Administration would also recommend that if the discussion for the WOW district continues to evolve, the following be considered by the property owner:

1. A block-by-block approach to creating the vision contemplated should be explored, as right-of-way vacations and development agreements would not be needed. If this approach is explored, revised criteria and regulations should be developed that maintain the current standards for pervious area, context sensitive development and meeting minimum landscape standards. Such standards could, potentially, be achieved within the confines of an entire block, provided the development proposal included the whole block, or a substantial portion of it.

2. If the introduction of commercial uses advances within the overlay area, such uses may be better suited as accessory to residential uses, as opposed to a main permitted use.
3. Reductions in the amount of parking storage being proposed should be explored. In this regard, since the proposal emphasizes walkability, there should not be a need for storing vast amounts of vehicles on site. The amount of off-street vehicle storage also reduces pervious area for drainage and landscaping.

CONCLUSION

In view of the foregoing analysis, and pursuant to the previous direction of the LUDC, the Administration recommends that the LUDC continue the discussion of the concepts proposed, particularly as they may evolve, and provide any appropriate policy direction.

JLM/SMT/TRM/MAB

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2019\April 3, 2019\WOW - MEMO April 2019 LUDC.docx

WOW Proposal Comparison with Current Regulations		
	Proposed Regulation (WOW Proposal)	Current Regulation (RM-1/West Avenue Overlay)
1	Main Permitted Uses	
a	Restaurants limited to 60 seats. Over 60 seats and up to 100 seats allowed as a Conditional Use.	Restaurant and outdoor cafes not permitted.
b	Individual retail uses limited to 3,500 SF.	Retail uses not permitted
c	Commercial uses would not be allowed on any roof-top.	Commercial uses currently not allowed on any roof-top.
d	Outdoor speakers would not be allowed except for life-safety purposes.	Outdoor speakers currently not prohibited
2	Main Use Parking Garages	
	Allowing commercial or non-commercial parking lots and garages as a main permitted use.	Commercial or non-commercial parking lots and garages are a Conditional Use.
3	Off-Street Parking Requirements	
a	No parking requirements for residential uses provided a minimum of 25% of the building area is for residential uses.	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.	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).	Unless part of a separate parking district, these uses require one space per 200-300 square foot of floor area.
4	Lot Aggregation	
	Elimination of lot aggregation requirements.	West Avenue Overlay District restricts lot aggregation to no more than 2 contiguous lots.
5	Yard Elevation	
	Elimination of the requirement for minimum yard elevation.	Minimum yard elevation of 6.56 feet NGVD required.
6	Setback Requirements	
a	Front – 5 feet.	Front – 20 feet.
b	Side Facing a Street – 5 feet.	Side Facing a Street – The greater of 10 feet or 8% of lot width.
c	Side Interior – Zero	Side Interior – The greater of 10 feet or 8% of lot width.
d	Rear - 5 feet	Rear – 10 % of lot depth.
7	Lot Coverage	
	Reduce or remove maximum lot coverage for lots greater than 65 feet in width.	Maximum lot coverage of 45% for lots greater than 65 feet in width. May be waived by DRB or HPB.
8	Landscape Requirements	
	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.

NOTES LEGEND

- 1 NEW GARDEN ROCK DRIVEWAY - PERMEABLE SURFACE
- 2 PROPERTY LINE
- 3 NEW LANDSCAPE AREA
- 4 NEW PAVERED WALKWAY
- 5 EXIST. CONCRETE SIDEWALK
- 6 EXIST. STREET PARKING

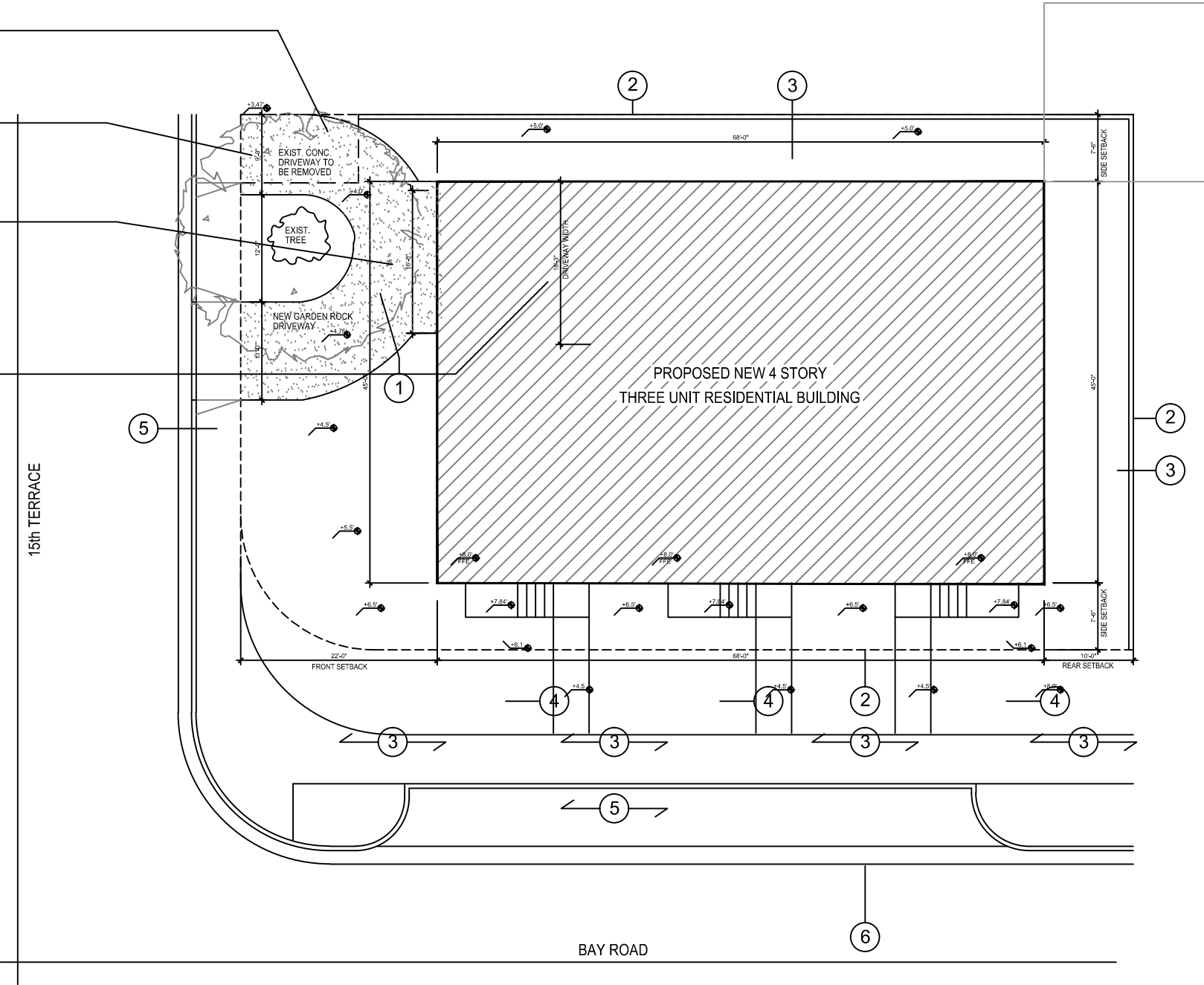
- VARIANCE REQUEST #1
SETBACK ENCROACHMENT FOR
EXIST. DRIVEWAY SLAB & NEW
ROCK DRIVEWAY
- VARIANCE REQUEST #2
ONE WAY DRIVEWAY WIDTH
REDUCED FROM 11'-0" TO 9'-0"
- VARIANCE REQUEST #3
GARAGE DOOR WIDTH REDUCED
TO 16'-0" WIDTH
- VARIANCE REQUEST #4
REDUCE DRIVEWAY/BACK-OUT
DIMENSION FROM 22'-0" TO 18'-3"

BASIS FOR VARIANCE REQUESTS:

1. EXISTING SPECIMEN BANYAN TREE. PROJECT AND CITY GOALS ARE TO SAVE THE TREE. THIS WILL REQUIRE THE REDUCTION OF A DRIVEWAY WIDTH.

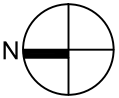
2. EXISTING CONC. DRIVEWAY & CURB CUT. THIS DRIVEWAY IS EXISTING AND ENCROACHES ON THE REQUIRED SETBACK. GOAL IS TO KEEP THE DRIVEWAY AS IT CANNOT BE WIDENED WITHOUT REMOVING THE TREE.

PARKING BACK-OUT DIMENSION AND REDUCTION IN GARAGE DOOR WIDTH. SUPPORTED BY MINIMAL USE AS THERE IS VERY LOW DENSITY OF THREE RESIDENTIAL UNITS SHARING ONE DRIVEWAY. CONDITIONS JUSTIFY VARIANCES.

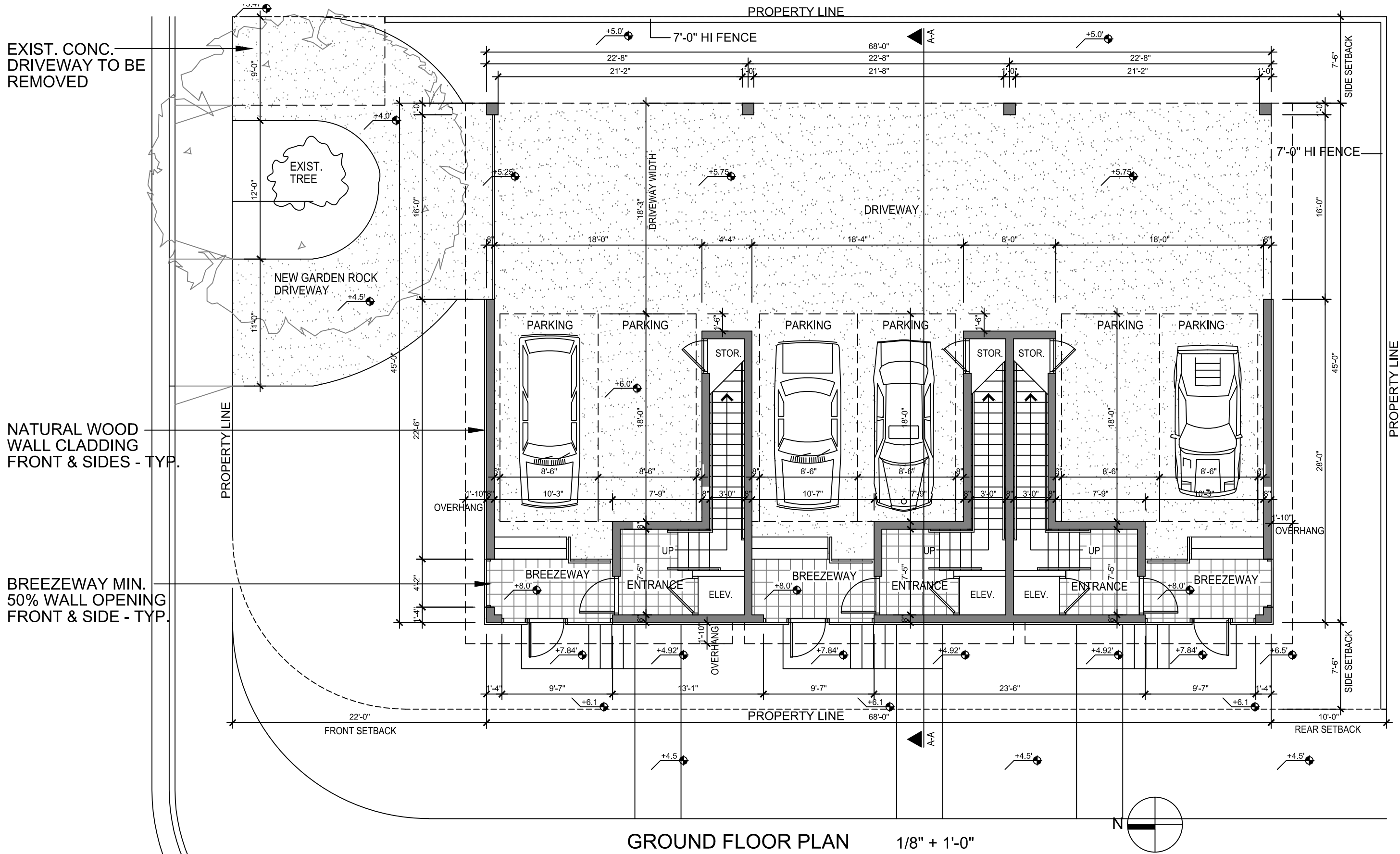


SITE PLAN

1/16" = 1'-0"



Site Plan



GROUND FLOOR PLAN

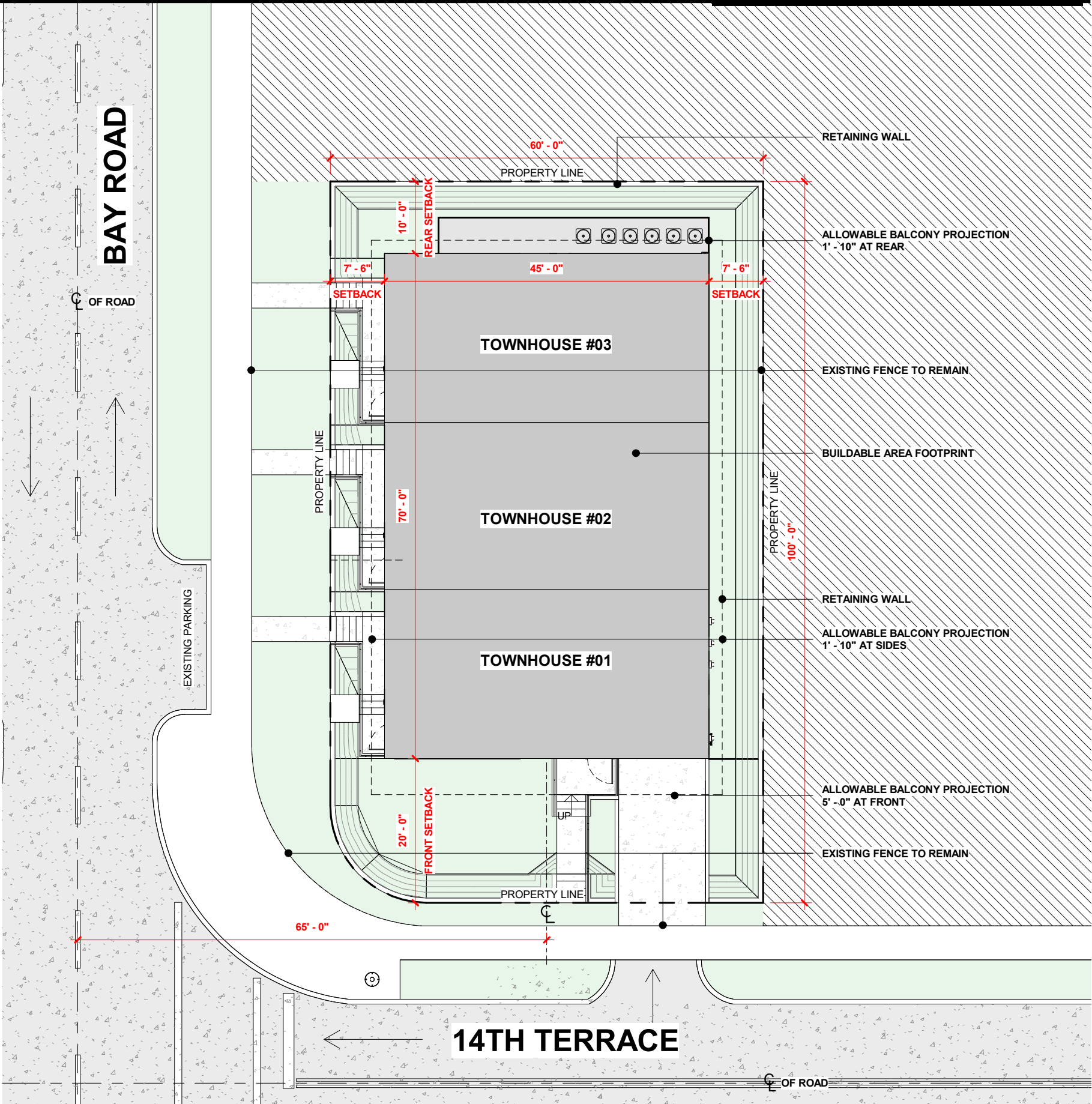
1/8" = 1'-0"



Project Rendering - View From Southwest

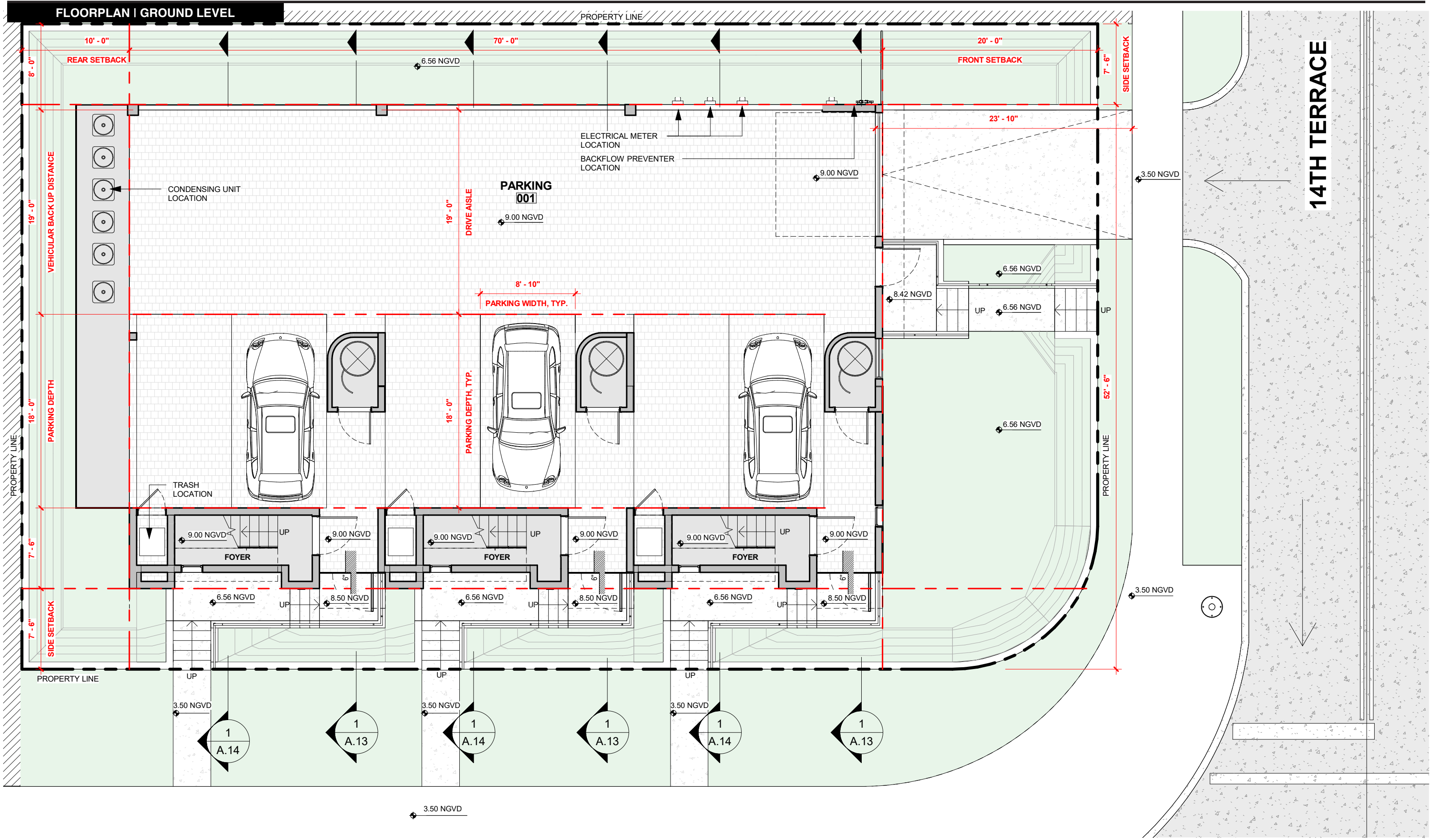


Project Rendering - View From Southwest



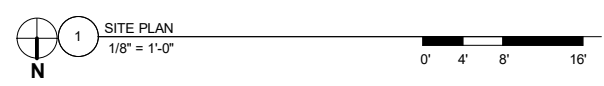
SUBMISSION
PROJECT
ADDRESS

DESIGN REVIEW BOARD
SUBMISSION (REVISED)
MARCH 12, 2019
1425 BAY ROAD
MIAMI BEACH, FL 33139



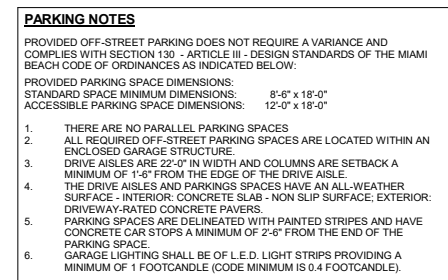






ALL ELEVATIONS NOTED
ARE N.G.V.D. U.O.N.

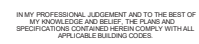
SHEET **A-100**



SHEET **A-201**

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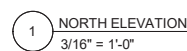
CasaLuna LLC
1414 WEST AVENUE MIAMI
BEACH, FL 33139

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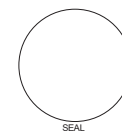
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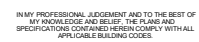


IN MY PROFESSIONAL JUDGEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLANS AND SPECIFICATIONS CONTAINED HEREIN COMPLY WITH ALL APPLICABLE BUILDING CODES.

SHEET **A-501**

JRVAN^x

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BEACH, FL 33139

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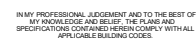
Project Number
1612

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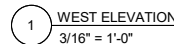
CasaLuna LLC
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BEACH, FL 33139

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SHEET TITLE

Project Number
1612

SHEE



Item 9.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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

HISTORY:

On February 13, 2019, at the request of Vice-Mayor Michael Gongora, the City Commission referred the subject discussion item to the Land Use and Development Committee (LUDC), pursuant to item C4R.

On March 6, 2019 the LUDC deferred the item to April 3, 2019, with direction to the administration to meet with the 41st Street Committee.

Analysis

Planning staff attended the March 12, 2019 meeting of the Mayors 41st Street Blue Ribbon Committee, and participated in the agenda item pertaining to zoning regulations. The following is a summary of the topics discussed:

1. Extending an invitation to Bernard Zyscovich to address the Committee regarding ideas for a master plan.
2. Discussion to further develop the Gayle Plan, which was put together by the planning firm retained by the 41st committee last year. The Gayle plan recommended wider sidewalks, more pedestrian and non-vehicular accessibility, as well as more canopy and shade.
3. The potential leveraging of city owned properties for catalyst projects in the area. This may include the issuance of multiple requests for proposals (RFP) for creative public/private projects that would spur economic growth, as well as more active uses along the corridor

It is important to note that the 41st Street area is zoned CD-3, which is the most intense commercial district in the City. As such, all the regulations are currently in place for a great deal of flexibility and variety of uses including restaurants, cafes, mixed-use projects and retail. Having said that, the only item that may require revisiting in the future would be parking requirements for residential and hotel projects. However, specific proposals should be submitted, prior to considering any changes to the minimum parking requirements for these uses.

CONCLUSION:

In view of the foregoing, Administration recommends that the LUDC discuss and conclude the item. If at some point in the future specific recommendations from the 41st Street Committee are made, the item can be re-referred for consideration.

Item 10.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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

HISTORY:

On February 13, 2019, at the request of Vice-Mayor Michael Gongora, the City Commission referred the subject discussion item to the Land Use and Development Committee (LUDC), pursuant to item C4S. On March 6, 2019 the LUDC deferred the item to April 3, 2019.

Analysis

Recently, the City introduced a pop-up special event permit allowing businesses to temporarily activate retail space in vacant storefronts. Attached is LTC 067-2019, which provides a summary of the new process.

This new process allows for pop-up type businesses to open in a shorter time frame. Permits can be issued for a maximum of 90 days by the same applicant. Establishments that intend to sell food and beverage will be subject to all applicable state regulatory requirements and are expected to file resort taxes with the City.

CONCLUSION:

In view of the process established, as noted above, the Administration recommends that the LUDC conclude the item.

ATTACHMENTS:

Description	Type
□ LTC - Pop Up Uses Special Event Permit	Memo

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC# **067-2019**

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 5, 2019

SUBJECT: **New Pop-Up Venue Special Event Permits**

The purpose of the is LTC is to inform the Mayor and Commission that the Tourism and Culture Department is launching a new city-wide initiative for building owners with vacant spaces.

The City of Miami Beach will begin issuing "Pop-Up" Special Events Permits ("PU-SEP") to businesses interested in pressure testing the Miami Beach market for possible long-term activation. The City recognizes Pop-up Activations as temporary retail spaces that can be used to promote and sell products of all types, ranging from food and beverage, clothing, or unique gifts. The premise was initiated from the belief that a long-term lease can act as a barrier to businesses looking to see if there is any appetite for their product within a specific geographic region, or an activation with a short shelf life (new brand launch, existing brand pop up, etc.). Displays are hung up, products are stocked, neighbors begin talking, and the business opens in a much shorter time frame. The concept has the potential for low overhead, low risk, and is a great way to introduce yourself to the market, generate buzz, increase sales, and extend the reach and exposure.

Traditionally, to establish a business within the City, an operator would need to apply for an annual business tax receipt ("BTR"). This process serves to ensure that the business follows land use, building and fire regulations compliance. Although a crucial process for liability and safety, it is not currently designed to license "pop-up" uses. As we work towards providing "pop-up" licensing opportunities, through an ordinance for Commission approval, we have identified this process to implement quickly and safely.

Landlords or businesses interested in a temporary establishment "pop-up" permit in a vacant storefront, must first identify the use of the space. If the space is currently established as a restaurant, a pop-up restaurant is recommended. If the space is licensed for retail, a clothing or art retail business would be compatible. We call this "use for use" - the easiest and fastest way to get the PU-SEP.

Establishments that remain "use for use" will be assessed a onetime permit fee of \$250, payable to the City of Miami Beach. Permits can be issued for a maximum of 90 days, by the same applicant. Operators will visit www.eventsmiamibeach.com, where they will find the Pop-Up Special Events application link. This new permit application will be available in the City's CSS (Citizens' Self Service) portal. Applicants will need to provide a letter of approval from the building owner/landlord, proof of insurance, proposed date range, a detailed description of the activation, hours of operation consistent with the intended space use, a floor plan inclusive of a safety plan for intended use which denote sq. ft., egress, exit lighting, etc. Establishments that intend to sell food and beverage will be subject to all applicable state regulatory requirements and are expected to file resort taxes with the City.

Once the application is received, it will be reviewed by special events, zoning, code compliance and fire departments for approval. Review times will be no more than ten (10) days if, as recommended, the activation is "use for use". City staff will be available to guide interested establishments who require a change of use, if required. Changing a use will add additional time and may include additional costs.

Should you have any questions, please contact Linette Nodarse at LinetteNodarse@miamibeachfl.gov or (305) 673-7000, x6385.

Attachment: Pop-Up Special Event Process

JM/MM/AM

Pop-up Shops through SEP – (No deposit, no late fees)

Must provide signed letter of support from building owner/ landlord

- SEP – Requirements (only use for use)
 - Visit www.eventsmiamibeach.com to be directed to the application link
 - Fees include an application fee of \$250, payable to the City of Miami Beach
 - Permit can be issued for a maximum of 90 days, by the same applicant (*when applying choose a range of dates*)
 - Detailed description of activation
 - Must provide certificate of insurance
 - If activation includes the sale of food and beverage, applicant must obtain all applicable state regulatory requirements and file resort taxes with the city
 - Hours of operation must be inline with the intended use
 - Must provide a life floor plan of the space (safety plan for intended use) must denote sq. ft., egress, exit lighting, etc.

INTERNAL REVIEWS:

- Zoning review: previous BTR and active CO.
- Fire Department: review life safety and issue temp occ. Load.
- Code: Active code violations for address

- SEP – Requirements (inconsistent with previous use)
 - Apply for Special Events permit at www.eventsmiamibeach.com to be directed to the application link
 - Fees include an application fee of \$250 and a permit fee of \$250, payable to the City of Miami Beach
 - Permit can be issued for a maximum of 90 days, by the same applicant (*when applying choose a range of dates*)
 - Detailed description of activation
 - Must provide certificate of insurance
 - If activation includes the sale of food and beverage, applicant must obtain all applicable state regulatory requirements and file resort taxes with the city
 - Hours of operation must be inline with the intended use
 - Must provide a life floor plan of the space (safety plan for intended use) must denoting sq. ft., egress, exit lighting, etc.

INTERNAL REVIEWS:

- Building to verify that new use can be associated with existing CO
 - When “no” – change of CO must be completed- can be done as walkthrough, providing as is plans and new use plans
- Zoning review: previous BTR and active CO.
- Fire Department: review life safety and issue temp occ. Load.
- Code: Active code violations for address

MIAMI BEACH

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

Item 11. COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY

HISTORY:

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

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

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

Analysis

PLANNING ANALYSIS

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

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

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

Conditional Uses

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

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

Accessory Uses

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

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

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

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

As it pertains to minimum parking requirements, staff is concerned with the impact of requiring off-street parking for a couple of reasons. First, since the proposed accessory uses would be within existing structures, there would be no physical way to locate parking spaces within a property. Also, by requiring a parking impact fee, even if it were the less expensive annual fee in lieu, this added cost could be a deterrent to potential operators. Finally, even if parking could be provided on site, the availability of parking storage would be more of an incentive to drive. As demonstrated in the square footage limitations in the draft ordinance, these proposed adaptive accessory uses are

intended to serve the area neighborhood, and not be destination establishments.

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

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

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

CONCLUSION:

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

ATTACHMENTS:

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

DRAFT

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

Sec. 142-151. - Purpose.

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

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

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

Sec. 142-153. - Conditional uses.

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

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

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

Sec. 142-154. - Accessory uses.

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

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

Sec. 130-31 Parking District Established.

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

* * *

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

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

(3) Individually designated historic building.

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

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

SECTION 3. CODIFICATION.

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

SECTION 4. REPEALER.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

Mayor

ATTEST:

Rafael E. Granado City Clerk

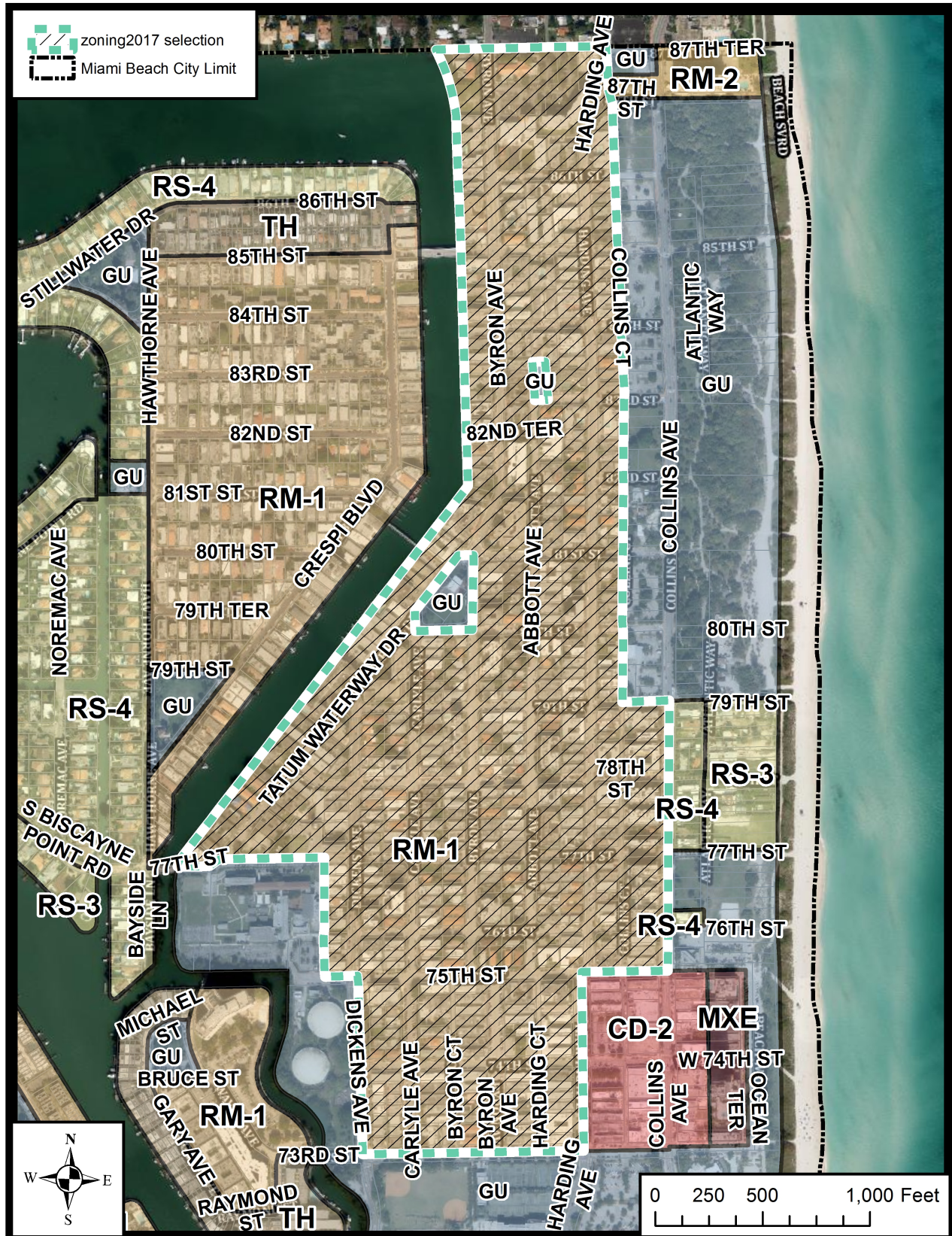
First Reading: _____, 2018

Second Reading: _____, 2018

Verified by: _____
Thomas Mooney, AICP
Planning Director

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

North Beach Adaptive Reuse Parcels





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

Item 12.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

**TITLE: DISCUSSION TO REVIEW THE ROLE OF LAND USE BOARDS IN
NEIGHBORHOOD IMPROVEMENT PROJECTS.**

ATTACHMENTS:

Description	Type
□ C4 N	Memo
□ Draft Ordinance	Memo
□ WANA Recommendation	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Mark Samuelian
DATE: April 11, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO REVIEW
ROLE OF LAND USE BOARDS IN NEIGHBORHOOD IMPROVEMENT
PROJECTS.

ANALYSIS

A review of the role the Land Use Boards should have in neighborhood improvement projects and the policies set forth pertaining these roles as it concerns such projects as to include streetscape enhancements, street raising, installation of rails, etc.

Miami Beach City Code Sec. 118-252 (on role of Land Use Boards):

(2) Except for stormwater pump stations and related apparatus installed by the City, all public improvements upon public rights-of-way and easements shall be reviewed by the Design Review Board. For purposes hereof, public improvements shall include, structures, streetscape projects, street improvements or redesign, modifications to street lighting or signage, landscaping projects, medians, master screening plans for stormwater pump stations and related apparatus, and above ground utilities; provided, however, that public improvements shall not include routine maintenance, utility repair work, and stormwater pump stations and related apparatus installed by the City.

Legislative Tracking

Commissioner Mark Samuelian

ATTACHMENTS:

Description

- Language Defining Role of Land Use Boards

Sec. 118-252. - Applicability and exemptions.

(a) Applicability.

(1) All building permits for new construction, public interior areas, interior areas that face a street or sidewalk, demolitions and wrecking, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, and exterior surface finishes and materials, shall be subject to review under the design review procedures except as provided in subsection (b) of this section. No building permit shall be issued without the written approval by the design review board or staff as provided for in these regulations.

(2) Except for stormwater pump stations and related apparatus installed by the City, all public improvements upon public rights-of-way and easements shall be reviewed by the Design Review Board. For purposes hereof, public improvements shall include, structures, streetscape projects, street improvements or redesign, modifications to street lighting or signage, landscaping projects, medians, master screening plans for stormwater pump stations and related apparatus, and above ground utilities; provided, however, that public improvements shall not include routine maintenance, utility repair work, and stormwater pump stations and related apparatus installed by the City.

DRB REVIEW OF PUBLIC PROJECTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, AT CHAPTER 118, ENTITLED "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE VI "DESIGN REVIEW PROCEDURES, BY MODIFYING SECTION 118-252, ENTITLED "APPLICABILITY AND EXEMPTIONS" TO EXCLUDE FROM DESIGN REVIEW BOARD REVIEW CITY APPLICATIONS RELATING TO STORMWATER PUMP STATIONS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the City Code, at Section 118-252 provides that the Design Review Board is to review all above ground public works improvements within the City's rights-of-way or on City property; and

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

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

SECTION 1. That Chapter 118, entitled "Administrative and Review Procedures" at Article VI "Design Review Procedures, Section 118-252 entitled "Applicability and exemptions," of the City's Land Development Code is hereby amended follows:

* * *

CHAPTER 118 ADMINISTRATIVE AND REVIEW PROCEDURES

* * *

ARTICLE VI DESIGN REVIEW PROCEDURES

* * *

Sec. 118-252. - Applicability and exemptions.

(a) Applicability.

- (1) All building permits for new construction, public interior areas, interior areas that face a street or sidewalk, demolitions and wrecking, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, and exterior surface finishes and materials, shall be subject to review under the design review procedures except as provided in subsection (b) of this section. No

building permit shall be issued without the written approval by the design review board or staff as provided for in these regulations.

- (2) ~~Except for stormwater pump stations and related apparatus, installed by the City, s~~ Significant public improvements upon public rights-of-way and easements are reviewed by the Design Review Board. For purposes hereof, public improvements shall include, but not be limited to, structures, streetscape projects, street improvements or redesign, modifications to street lighting or signage, landscaping projects, medians, stormwater pump stations and related apparatus, master screening plans for stormwater pump stations and related apparatus and above ground utilities; however, public improvements shall exclude raising of streets and sidewalks by less than six inches, routine maintenance and utility repair work. ~~Public improvements shall not include stormwater pump stations and related apparatus.~~
- (3) The review and approval of all new single family home construction, in accordance with subsection 142-105(d)(7).

(b) Exemptions. Exemptions to these regulations include all of the following provided no new construction or additions to existing buildings are required:

- (1) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building, excluding public interior areas and interior areas that face a street or sidewalk; however, the planning director may approve such building permit applications for minor work on the exterior of buildings.
- (2) Any permit necessary for the compliance with a lawful order of the building official, fire marshal or public works director related to the immediate public health or safety.
- (3) All single-family dwellings are exempt from the design review regulations, with the exception of exterior surface color samples and finishes, and the review and approval of all new single family home construction in accordance with subsection 142-105(d)(7). However, all building permits for new construction, alterations or additions to existing structures shall be subject to compliance with section 142-105, and all demolition permits must be signed by the planning director, or designee. This exception shall not apply to applicable public improvements on City rights of ways.
- (4) All properties located within designated historic districts and designated historic sites.

* * *

Sec. 118-260. - Administrative review procedures.

- (a) The planning director or designated representative, shall have the authority to approve, approve with conditions or deny an application on behalf of the board, for the following:
 - (1) Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way, any waterfront or public park. For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.

- (2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
- (3) Facade and building alterations, renovations and restorations which are minor in nature.
- (4) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- (6) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- (7) Minor work involving public improvements upon public rights-of-way and easements; this shall not include the raising of streets and sidewalks in excess of six inches.
- (8) Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.

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

SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2018
Second Reading: _____, 2018

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

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2018\May 23, 2018\DRB Review of Public Projects - DRAFT
ORD.docx

From: Granado, Rafael
Sent: Tuesday, May 22, 2018 2:16 PM
To: Mooney, Thomas; Aleman, John; Gongora, Michael (MGongora@beckerlawyers.com); Rosen Gonzalez, Kristen; Arriola, Ricky
Cc: Granado, Rafael; De Pinedo, Naima
Subject: West Avenue Neighborhood Association (WAvNA) - Recommendation

Good afternoon Commissioners,

At the request of the West Avenue Neighborhood Association (WAvNA), I am forwarding to you the below email regarding Agenda Discussion Item # 8 – May 23, 2018 Land Use and Development Committee.

Regards,

MIAMI BEACH

Rafael E. Granado, Esq., City Clerk
OFFICE OF THE CITY CLERK
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7411 rafaelgranado@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: WAvNA - West Avenue Neighborhood Association [<mailto:wavna305@gmail.com>]
Sent: Tuesday, May 22, 2018 12:16 PM
To: Granado, Rafael
Cc: West Avenue Neighborhood Association; Gayle Durham; Shawn Patrick Bryant
Subject:

City Clerk Rafael Granado--

Please include this email in the packet for May 23, 2018, Land Use Board.

RE: Agenda Item 8:

DISCUSSION TO REVIEW THE ROLE OF LAND USE BOARDS IN NEIGHBORHOOD IMPROVEMENT PROJECTS.

The West Avenue Neighborhood Association is in support of having all neighborhood improvement projects going before the Design Review Board (DRB). We want the City to return to following City Code 118-252 that is stated below.

During the Mayor Levine / Bruce Mowry Regime, the City of Miami Beach did not follow this City Code. As a result, public comment was restricted and less than acceptable projects were delivered by the City within the West Avenue Neighborhood. For example, Green Space park-

like areas received no Design Review Board overview. The former City Engineer was allowed to solely design these Green Space areas himself. Despite his commitments and promises to have the neighborhood residents participate in the design process he did not honor his commitments/promises and the neighborhood was left with an area that had ZERO design elements planned into the space.

The former City Engineer Bruce Mowry also did not submit Streetscape Projects to go before the DRB despite the requirement to do so.

We **MUST** have all projects outlined in the City Code put before the Design Review Board. That will allow all residents the opportunity to have input and public comment into future projects.

Sec. 118-252. - Applicability and exemptions.

(a)

Applicability.

(1)

All building permits for new construction, public interior areas, interior areas that face a street or sidewalk, demolitions and wrecking, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, and exterior surface finishes and materials, shall be subject to review under the design review procedures except as provided in subsection (b) of this section. No building permit shall be issued without the written approval by the design review board or staff as provided for in these regulations.

(2)

Except for stormwater pump stations and related apparatus installed by the City, all public improvements upon public rights-of-way and easements shall be reviewed by the Design Review Board. For purposes hereof, public improvements shall include, structures, streetscape projects, street improvements or redesign, modifications to street lighting or signage, landscaping projects, medians, master screening plans for stormwater pump stations and related apparatus, and above ground utilities; provided, however, that public improvements shall not include routine maintenance, utility repair work, and stormwater pump stations and related apparatus installed by the City.

Regards,

S

Shawn Patrick Bryant

West Avenue Neighborhood Association

West Avenue Neighborhood Association (WAvNA)

West Avenue Board of Directors:

Gayle Durham - President

Shawn Patrick Bryant - Vice President

Brian Keene - Secretary/Treasurer

Travis Copeland

Corinne Kirkland
Gregg Chislett
Tim Carr

wavna305@gmail.com
[facebook/wavna30](#)
[twitter/wavna305](#)



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

Item 13.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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



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

Item 14.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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 15.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: **DISCUSS AN ORDINANCE THAT WOULD MODIFY THE LAND DEVELOPMENT REGULATIONS TO INCENTIVIZE HOTEL DEVELOPMENT ON LINCOLN ROAD.**

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	C4 X	Memo
<input type="checkbox"/>	Draft Ordinance	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: March 13, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO
DISCUSS AN ORDINANCE THAT WOULD MODIFY THE LAND
DEVELOPMENT REGULATIONS TO INCENTIVIZE HOTEL
DEVELOPMENT ON LINCOLN ROAD.

ANALYSIS

I ask the Land Use and Development Committee to discuss ways to incentivize hotel use on Lincoln Road and encourage preservation of the historic strip. The presence of more hotel units along Lincoln Road will provide an added captive audience that will patronize our local restaurants and retailers.

Legislative Tracking

Commissioner Ricky Arriola

CD-3 LINCOLN ROAD HOTELS

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, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ON LINCOLN ROAD BETWEEN ALTON ROAD AND WASHINGTON AVENUE; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS" BY AMENDING THE MINIMUM HOTEL UNIT SIZE FOR NEW HOTEL UNITS AND THE MAXIMUM BUILDING HEIGHT FOR HISTORIC BUILDINGS ON LINCOLN ROAD; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS" BY PROVIDING ADDITIONAL REGULATIONS FOR ROOFTOP ADDITIONS FOR HISTORIC BUILDINGS ON LINCOLN ROAD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City's land development regulations include several restrictions that have made the development of hotel units undesirable on Lincoln Road; and

WHEREAS, changes in patterns and norms regarding the use of automobiles in urban areas such as Miami Beach, has changed the need for excessive parking in hotels, particularly in the Lincoln Road neighborhood; and

WHEREAS, the pedestrian friendly and vibrant character of Lincoln Road promotes a guest experience which is consistent with smaller hotel units to encourage activation on the street; and

WHEREAS, provisions for additional height and flexibility with development above contributing structures would promote responsible hotel development on Lincoln Road, while preserving the contributing structures that exist; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development and the preservation of certain contributing structures on Lincoln Road.

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

SECTION 1. That Section 130-33, "Off Street parking requirements for parking districts nos. 2, 3, 4, 5, 6 and 7" is hereby amended as follows:

Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7

(4) *Hotel, suites hotel, motel, or motor lodge:* One space per unit, except as follows:

Properties located within a local historic district or National Register Historic District north of 63rd Street	
New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
<u>New hotel units within attached additions to contributing historic buildings on Lincoln Road between Alton Road and Washington Avenue</u> Other (e.g., new construction or substantial demolition of contributing building)	<u>No off-street parking requirement</u> 1 space per unit

*

*

*

SECTION 2. That Section 142-337, "Development regulations and area requirements" is hereby amended as follows:

Section 142-337. Development regulations and area requirements

(c) Minimum Unit Size (Square Feet)

Commercial—N/A
New construction—550
Rehabilitated buildings—400
Non-elderly and elderly low and moderate income housing—400
Workforce housing—400
Hotel unit:
15%: 300—335
85%: 335+

For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. For the construction of new hotel units in attached additions to contributing historic buildings with a lot line on Lincoln – 200.

* * *

Maximum Building Height

75 feet.

Lots within the architectural district: 50 feet.

Lots fronting Lincoln Road on the north side containing a contributing building and with an attached addition providing a minimum of 100 hotel units, where the addition is setback at least 75 feet from the Lincoln Road property line - 75

Lots fronting on 17th Street: 80 feet.

City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.

Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017. Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply:

The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth. The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).

* * *

SECTION 3. That Section 142-1161, "Height regulation exceptions" is hereby amended as follows:

Section 142-1161. Height regulation exceptions.

* * *

(d) Rooftop additions.

(1) Restrictions. There shall be no rooftop additions to existing structures in the following areas: oceanfront lots within the Miami Beach Architectural District in the RM-3 or CD-3 zoning districts; non-oceanfront lots fronting Ocean Drive in the MXE zoning district. No variance from this provision shall be granted.

(2) Additional regulations. Existing structures within an historic district shall only be permitted to have habitable one-story rooftop additions (whether attached or detached), with a maximum floor to ceiling height of 12 feet except as hereinafter provided. Notwithstanding the foregoing, a multistory rooftop addition may be permitted for properties fronting Lincoln Road on the north side, provided such addition is setback at least 75 feet from Lincoln Road and provided such addition is cantilevered over a contributing building. No variance from this provision shall be granted. The additions shall not be visible when viewed at eye level (5'—6" from grade) from the opposite side of the adjacent right-of-way; for corner properties, said additions shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way. Notwithstanding the foregoing, the line-of-sight requirement may be modified as deemed appropriate by the historic preservation board based upon the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and architecture of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements. The placement and manner of attachment of additions (including those which are adjacent to existing structures) are subject to historic preservation board approval.

* * *

SECTION 4. Repealer.



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

Item 16.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: DISCUSSION RELATING TO DISTANCE SEPARATION OF CERTAIN RETAIL USES FROM PUBLIC AND PRIVATE SCHOOLS

HISTORY:

On January 16, 2019, at the request of Commissioner Micky Steinberg, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 AE).

On February 20, 2019, the Land Use and Development Committee (LUDC) discussed the item and recommended that the City Attorney's Office draft an ordinance for consideration. The LUDC continued the item to the April 3, 2019 meeting.

Analysis

PLANNING AND LEGAL ANALYSIS

The attached ordinance creates definitions for stores primarily selling vaping, smoking and related paraphernalia products. The ordinance also sets forth minimum distance separation requirements from public and private schools, as well as provides for the prohibition of these uses in certain areas of the City.

In addition to discussing the regulations set forth in the draft ordinance, the administration recommends that the LUDC also consider the following recent motion from the Quality Education Committee (QEC):

The Miami Beach Committee for Quality Education request the Miami Beach Commission to restrict any establishments that sell tobacco and smoke products and/or paraphernalia and accessories to be located more than 300 feet from schools, and that 41st Street be designated a prohibition zone with no waiver/variance provisions.

A similar ordinance, pertaining to the prohibition of these uses in certain areas of the City, was recently referred to the Planning Board by the City Commission. In order to avoid duplication, it is recommended that these ordinances be combined for legislative purposes.

CONCLUSION:

The Administration recommends that the LUDC transmit the attached ordinance amendment to the City Commission for referral to the Planning Board for review and recommendation.

ATTACHMENTS:

Description	Type
 Draft ORD	Memo

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Distance Separation and Prohibition on Vaping and Smoke Shops

ORDINANCE NO. _____

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 114, ENTITLED "GENERAL PROVISION," AT SECTION 114-1, ENTITLED "DEFINITIONS," TO ESTABLISH DEFINITIONS FOR RETAIL TOBACCO PRODUCTS DEALER, RETAIL VAPE PRODUCTS DEALER, RETAIL SMOKING DEVICES DEALER, TOBACCO/VAPE DEALER, CIGAR/HOOKAH BAR, AND RELATED DEFINITIONS; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO PROHIBIT TOBACCO/VAPE DEALERS; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTION 142-335, ENTITLED "PROHIBITED USES," TO PROHIBIT TOBACCO/VAPE DEALERS; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, ENTITLED "OVERLAY DISTRICTS," DIVISION 12, ENTITLED "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," AT SECTION 142-870.11, ENTITLED "COMPLIANCE WITH REGULATIONS," TO PROHIBIT TOBACCO/VAPE DEALERS; AND CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SPECIALIZED USE REGULATIONS," ESTABLISHING DIVISION 11, TO BE ENTITLED "TOBACCO AND VAPING PRODUCTS," TO PROHIBIT TOBACCO/VAPE DEALERS IN PROXIMITY TO ELEMENTARY, MIDDLE, AND SECONDARY SCHOOLS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, U.S. Food and Drug Administration (FDA) reported that more than 2 million middle and high school students used e-cigarettes in 2017, and nearly 10.7 million teens are at risk for e-cigarette use and potential addiction; and

WHEREAS, new research has started to shed light that e-cigarettes can be just as or more dangerous and addicting than tobacco products; and

WHEREAS, the Journal of Pediatrics published study identifies 5 cancer causing toxins in the urine of 16-year-old adolescents who inhaled e-cigarette vapor; and

WHEREAS, the U.S. Center for Disease Control (CDC) indicates that 9 out of 10 smokers begin smoking before the age of 18; and

WHEREAS, those minors that smoke are at a greater risk of nicotine addiction, reduction in lung growth, reduced lung function, and early on-set of cardiovascular disease; and

WHEREAS, properties fronting Lincoln Road, between Collins Avenue and Alton Road, are within the CD-3 Commercial, High Intensity District, and (generally) eastward of Lenox

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Avenue are also located within the locally designated Flamingo Park Historic District as well as the National Register Architectural District; and

WHEREAS, Lincoln Road is an iconic shopping area in the City of Miami Beach (the “City”); and

WHEREAS, the Lincoln Road corridor has historically been composed of low intensity retail, service and retail establishments, which primarily serve City residents; and

WHEREAS, Lincoln Road is a premier street in Miami Beach that provides residents and visitors with a unique cultural, retail, and dining experience, which is vital to Miami Beach’s economy, especially the tourism industry; and

WHEREAS, in order to ensure consistency with the recently-adopted Lincoln Road Master Plan, and to ensure the integrity of the Lincoln Road experience, the City Commission recommends revising the list of prohibited uses for the subject area; and

WHEREAS, properties fronting Ocean Drive and Collins Avenue that have a zoning designation of MXE Mixed Use Entertainment are located in the Ocean Drive/Collins Avenue Historic District, as well as the Miami Beach Architectural National Register Historic District; and

WHEREAS, Ocean Drive, Collins Avenue, and Washington Avenue are also premier streets in Miami Beach, all of which provide residents and visitors with a unique cultural, retail, and dining experience and are vital to Miami Beach’s economy, especially the tourism industry; and

WHEREAS, the Alton Road Gateway area is the primary entrance to the South Beach neighborhood of the City of Miami Beach, and provides an important aesthetical impression to residents, guests and workers; and

WHEREAS, retail tobacco products dealers, retail vape dealers, and retail smoking device dealers are uses which may negatively affect surrounding areas; and

WHEREAS, it is the intent of the City to limit the proliferation of establishments which may negatively affect the subject areas; and

WHEREAS, the City Commission finds that it is in the best interest of residents to limit the exposure of tobacco and vape-related products to children and adolescents; and

WHEREAS, the City Commission finds that it is in the best interest of its residents, businesses, and visitors to adopt regulations to protect the public health, safety, welfare, and morals; 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 City Code of the City of Miami Beach, Chapter 114, entitled “General Provision,” at Section 114-1, entitled “Definitions,” is hereby amended as follows:

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Chapter 114 – GENERAL PROVISIONS

Sec. 114-1. – Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Cigar/hookah bar means an alcoholic beverage establishment which is combined with a retail tobacco products dealer, and where smoking of the tobacco products sold at the establishment is permitted on the premises. Such an establishment must comply with all of the requirements for an alcoholic beverage establishment.

* * *

Retail tobacco products dealer means the holder of a retail tobacco products dealer permit that is authorized to sell tobacco products.

Retail smoking devices dealer means any retail establishment that sells smoking devices.

Retail tobacco products dealer permit means a permit issued by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or successor agency, pursuant to section 569.003, Florida Statutes, as amended that authorizes the sale of tobacco products.

Retail vape products dealer means any retail establishment that sells vapor-generating electronic devices and components, parts, and accessories for such products.

* * *

Smoking means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

Smoking devices mean any of the following devices:

- (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic smoking pipes, with or without screens, permanent screens, or punctured metal bowls.
- (2) Water pipes;
- (3) Carburetion tubes and devices;
- (4) Chamber pipes;
- (5) Carburetor pipes;
- (6) Electric pipes;
- (7) Air-driven pipes;
- (8) Chillums;
- (9) Bongs; or
- (10) Ice pipes or chillers.

* * *

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Tobacco products means loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.

Tobacco/vape dealer means a commercial establishment that is a retail tobacco products dealer, retail vape products dealer, or retail smoking device dealer. This definition shall exclude a cigar/hookah bar.

* * *

Vapor means aerosolized or vaporized nicotine, or other aerosolized or vaporized substance produced by a vapor generating electronic device or exhaled by the person using such a device.

Vapor-generating electronic device means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine or tetrahydrocannabinol (THC) product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

Section 2. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 5, entitled “CD-2 Commercial, Medium Intensity District,” at section 142-311, entitled “Alton Road Gateway Area Development Regulations,” is hereby amended as follows:

Chapter 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 5. – CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-311 – Alton Road Gateway Area Development Regulations.

* * *

(b) The following regulations shall apply to the properties located within the Alton Road Gateway Area; where there is conflict within this division, the regulations below shall apply:

- (1) **Prohibited uses.** In addition to the prohibited uses identified in Section 142-305, the following uses shall also be prohibited: accessory outdoor bar counters, hostels, hotels, apartment hotels, suite hotels, outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, bars, dance halls,

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entertainment establishments (as defined in Section 114-1), exterior alcoholic beverage service after 12:00 a.m., interior alcoholic beverage service after 2:00 a.m., package stores, any use selling gasoline, storage and/or parking of commercial vehicles on site other than the site at which the associated trade or business is located, (in accordance with Section 142-1103), pawnshops, secondhand dealers of precious metals/precious metals dealers, check cashing stores, convenience stores, occult science establishments, souvenir and t-shirt shops, ~~and~~ tattoo studios, and tobacco/vape dealers.

Section 3. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 6, entitled “CD-3 Commercial, High Intensity District,” at section 142-335, entitled “Prohibited uses,” is hereby amended as follows:

Chapter 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 6. – CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

Sec. 142-335 – Prohibited uses.

The prohibited uses in the CD-3 commercial, high intensity district are

- (1) pawnshops;
- (2) secondhand dealers of precious metals/precious metals dealers; ~~and~~
- (3) accessory outdoor bar counter, except as provided in article IV, division 2 of this chapter and in chapter 6-; and
- (4) tobacco/vape dealers.

For properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue, the following additional uses are prohibited:

- (1) Check cashing stores;
- (2) medical cannabis dispensaries (medical marijuana dispensaries);
- (3) convenience stores;
- (4) grocery stores;
- (5) occult science establishments;
- (6) pharmacy stores;
- (7) souvenir and t-shirt shops; and
- (8) tattoo studios.

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Section 4. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article III, entitled “Overlay Districts,” Division 12, entitled “Art Deco MiMo Commercial Character Overlay District,” at section 142-870.11, entitled “Compliance with Regulations,” is hereby amended as follows:

Chapter 142 – ZONING DISTRICTS AND REGULATIONS

* * *

DIVISION 12. - ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT

* * *

Sec. 142-870.11. - Compliance with regulations.

The following regulations shall apply to the overlay district. There shall be no variances allowed from these regulations. All development regulations in the underlying zoning district and any other applicable overlay regulations shall apply, except as follows:

(a) The following limitations shall apply to the commercial uses listed below:

* * *

(13) Tobacco/vape dealers shall be prohibited in the overlay district.

Section 5. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article V, entitled “Specialized Use Regulations,” establishing Division 11, to be entitled “Tobacco and Vaping Products,” is hereby established as follows:

Chapter 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE V. – SPECIALIZED USE REGULATIONS

* * *

DIVISION 11. – TOBACCO/VAPE DEALERS

Sec. 142-1510. Intent.

It is the intent of this division to limit access and exposure of tobacco and vaping products to children and adolescents due to their addictive nature and damaging effects on health. It is also the intent to limit the proliferation of tobacco, vaping, and smoking device product dealers in areas where the City encourages tourism, and to minimize the negative implications that these types of businesses may portray to the City’s visitors seeking a unique vacation destination.

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Sec. 142-1511. Locations prohibiting the sale of tobacco and vape products.

(a) Tobacco/vape dealers are prohibited in the following locations:

(1) Within 300 feet of any property used as a public or private school elementary, middle, or secondary school. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit from the establishment which contains the tobacco/vape dealer to the nearest point of the property used for a public or private elementary, middle, or secondary school.

(2) In those specific areas that have been identified in the underlying zoning district in Chapter 142, Article II or overlay districts in Chapter 142, Article III of the City Code.

(b) Determination of minimum distance separation. When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning director or designee that the minimum distance separation has been properly satisfied.

(c) Variances from the requirements of this section shall be prohibited.

Sec. 142-1512. Penalties, enforcement, and appeals.

(a) Penalties and enforcement.

(1) The city manager has the authority to suspend or revoke a business tax receipt following notice and hearing, or to summarily suspend a business tax receipt pending a hearing pursuant to section 102-385 of the City Code.

(2) A violation of this division shall be subject to the following fines:

A. If the violation is the first offense, a person or business shall receive a civil fine of \$1,000.00;

B. If the violation is the second violation within the preceding six months, a person or business shall receive a civil fine of \$3,000.00;

C. If the violation is the third violation within the preceding six months, a person or business shall receive a civil fine of \$5,000.00; and

D. If the violation is the fourth or subsequent violation within the preceding six months, a person or business shall receive a civil fine of \$7,500.00 and the business tax receipt shall be revoked.

(3) Enforcement. The code compliance department shall enforce this division. This shall not preclude other law enforcement agencies from any action to assure compliance with this division and all applicable laws. If a violation of this division is observed, the enforcement officer will be authorized to issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions

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and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten days after service of the notice of violation, and that the failure to appeal the violation within ten days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

(4) *Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.*

A. A violator who has been served with a notice of violation must elect to either:

- i. Pay the civil fine in the manner indicated on the notice of violation; or
- ii. Request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten days of the service of the notice of violation.

B. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this City Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

C. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the police officer or code compliance officer. The failure of the named violator to appeal the decision of the police officer or code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

D. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the 61st day following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien.

E. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

F. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the service of the notice of violation.

G. The special master shall not have discretion to alter the penalties prescribed in subsection (a)(2).

SECTION 6. REPEALER.

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

SECTION 7. CODIFICATION.

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

SECTION 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) 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

(Sponsored by: Commissioners Joy Malakoff and Micky Steinberg)

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

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Item 17.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: DISCUSSION - REDUCING PARKING REQUIREMENTS IN THE COLLINS PARK NEIGHBORHOOD TO INCENTIVIZE DEVELOPMENT

HISTORY:

On March 13, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4Y).

Analysis

BACKGROUND

Attached is the current parking utilization report for the Collins Park area, prepared by the Parking Department. This report includes on-street parking and surface lots, and depicts utilization trends over time.

PLANNING ANALYSIS

The attached draft ordinance was prepared by a property owner within the Collins Park area, and proposes strategic reductions in off-street parking requirements, as well as a reduction in the minimum hotel unit sizes, for properties located within the Convention Center District, bounded by the Atlantic Ocean on the east, Washington Avenue on the west, 23rd Street on the north and 17th Street on the south.

In this regard, the proposal would reduce the minimum unit size for hotel units to a minimum of 200 square feet. Currently, the minimum unit size for hotel units is between 300 and 335 square feet. Additionally, the proposed ordinance creates parking district no. 9, and sets forth the following minimum off-street parking requirements for this district, as follows:

1. *Hotel units: No parking requirement.*
2. *Restaurant, outdoor café or bar: No parking requirement for an individual establishment of less than 100 seats, provided that the restaurant, outdoor café, or bar use is within 1,200 feet of any parking garage, whether public or private. If a restaurant, outdoor café or bar exceeds 100 seats, the parking requirement shall be one space for every four seats or bar stools or one space per 60 square feet of space not used for seating in excess of the foregoing limitation.*
3. *Retail store, or food store, or personal service establishment: There shall be no parking requirement for individual establishments of 2,500 square feet or less, whether as a primary or*

accessory use, provided that the use is within 1,200 feet of any parking garage, whether public or private. If the use exceeds 2,500 square feet, the parking requirement shall be one space for every 300 square feet of floor area in excess of the foregoing limitation.

4. *Any building or structure erected in parking district no. 9 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.*

The administration is supportive of the proposed reduction in the minimum unit size for hotels, particularly since the district contains a number of historic structures, and is within walking distance of the recently renovated convention center. With regard to the proposed parking regulations, the administration is supportive of the creation of parking district no. 9, as well as the proposed minimum parking requirements in the draft ordinance. However, in order to provide a more streamlined review process, and allow for regulations that can be applied and administered more effectively, the following modifications are proposed for the parking requirements in district 9:

- Restaurant, outdoor café or bar: No parking requirement for an individual establishment of less than ~~400~~ 200 seats, provided that the restaurant, outdoor café, or bar use is within 1,200 feet of any parking garage, whether public or private. If a restaurant, outdoor café or bar exceeds ~~400~~ 200 seats, the parking requirement shall be one space for every four seats or bar stools or one space per 60 square feet of space not used for seating in excess of the foregoing limitation. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building.
- Retail store, or food store, or personal service establishment: There shall be no parking requirement for individual establishments of ~~2,500~~ 5,000 square feet or less, whether as a primary or accessory use, provided that the use is within 1,200 feet of any parking garage, whether public or private. If the use exceeds ~~2,500~~ 5,000 square feet, the parking requirement shall be one space for every 300 square feet of floor area in excess of the foregoing limitation. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building.

As noted in the background section, the demand for parking within the existing area has trended downward. Additionally, the completion of the Collins Park Garage on 23rd Street will provide additional off-street parking. As any new construction utilizing the reductions herein is not expected to become operational until, or after the completion of the Collins Park garage, the administration does not anticipate any negative impacts associated with the reduced parking requirements proposed.

CONCLUSION:

The Administration recommends that the LUDC transmit the attached ordinance amendment, with the proposed revisions to minum off-street parking noted above, to the City Commission for referral to the Planning Board for review and recommendation.

ATTACHMENTS:

Description	Type
□ Parking Utilization Report - Collins Park	Memo

City of Miami Beach Parking Utilization Trend
Collins Park Neighborhood

METERED LOT HOURS (OFF-STREET)

Zone	FY15	FY16	FY17	FY18	FY18 to FY15	Variance %	FY18 to FY16	Variance %	FY18 to FY17	Variance %
P48	11,490	19,582	16,007	23,596	12,106	105%	4,014	20%	7,589	47%
P49	228,999	369,381	336,300	315,482	86,483	38%	(53,899)	-15%	(20,818)	-6%
P51	27,430	28,195	26,336	24,705	(2,725)	-10%	(3,490)	-12%	(1,631)	-6%
P52	88,809	60,397	48,581	39,959	(48,850)	-55%	(20,438)	-34%	(8,622)	-18%
TOTAL OFF-STREET HOURS	356,728	477,555	427,224	403,742	47,014	13%	(73,813)	-15%	(23,482)	-5%

METERED CURBSIDE HOURS (ON-STREET)

Zone	FY15	FY16	FY17	FY18	FY18 to FY15	Variance %	FY18 to FY16	Variance %	FY18 to FY17	Variance %
6X	696,482	310,041	276,128	276,381	(420,101)	-60%	(33,660)	-11%	253	0%
15A	78,074	48,068	36,629	45,958	(32,116)	-41%	(2,110)	-4%	9,329	25%
15X	122,042	71,181	69,714	63,083	(58,959)	-48%	(8,098)	-11%	(6,631)	-10%
TOTAL ON-STREET HOURS	896,598	429,290	382,471	385,422	(511,176)	-57%	(43,868)	-10%	2,951	1%

TOTAL METERED HOURS	1,253,326	906,845	809,695	789,164	(464,162)	-37%	(117,681)	-13%	(20,531)	-3%
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Sec. 130-31. - Parking districts established.

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

...

(8) Parking district no. 9 – Convention Center District. Parking district no. 9 includes those properties from the erosion control line on the east to the east side of Washington Avenue on the west bounded by 23rd Street on the north and 17th Street on the south as depicted in the map below:

...

Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, ~~and 8,~~
and 9.

...

(e) Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 9, off-street automobile parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 in section 130-32

- (1) Hotel units: No parking requirement.
 - (2) Restaurant, outdoor café or bar: No parking requirement for an individual establishment of less than 100 seats, provided that the restaurant, outdoor café, or bar use is within 1,200 feet of a any parking garage, whether public or private. If a restaurant, outdoor café or bar exceeds 100 seats, the parking requirement shall be one space for every four seats or bar stools or one space per 60 square feet of space not used for seating in excess of the foregoing limitation.
 - (3) Retail store, or food store, or personal service establishment: There shall be no parking requirement for individual establishments of 2,500 square feet or less, whether as a primary or accessory use, provided that the use is within 1,200 feet of any parking garage, whether public or private. If the use exceeds 2,500 square feet, the parking requirement shall be one space for every 300 square feet of floor area in excess of the foregoing limitation.
 - (4) Any building or structure erected in parking district no. 9 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.
-

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.5	Commercial— None Residential— 7,000	Commercial— None Residential— 50	Commercial— N/A New construction— 550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335 85%: 335+ <u>For hotel structures located within the Convention Center District, generally bounded by the Atlantic Ocean on the east, Washington Avenue on the west, 23rd Street on the north and 17th Street on the south, hotel units shall be a</u>	Commercial— N/A New construction— 800 Rehabilitated buildings— 550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units— N/A	50 (except as provided in section 142-1161). Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district

			<p><u>minimum of 200 square feet.</u></p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200</p>		<p>not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017</p> <p>Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley</p>
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			square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		
					Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.

Sec. 142-337. - Development regulations and area requirements.

...

- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
Commercial— None Residential— 7,000	Commercial— None Residential— 50	Commercial—N/A New construction— 550 Rehabilitated buildings—400	Commercial— N/A New construction— 800	75 feet. Lots within the architectural district: 50 feet. Lots fronting on 17th

		<p>Non-elderly and elderly low and moderate income housing—400 Workforce housing—400</p> <p>Hotel unit: 15%: 300—335 85%: 335+</p> <p><u>For hotel structures located within the Convention Center District, generally bounded by the Atlantic Ocean on the east, Washington Avenue on the west, 23rd Street on the north and 17th Street on the south, hotel units shall be a minimum of 200 square feet.</u></p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above</p>	<p>Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A</p>	<p>Street: 80 feet. City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.</p> <p>Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created</p>
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		<p>described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>		<p>after 7/26/2017</p> <p>Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply:</p> <p>The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth.</p> <p>The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).</p>
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Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ <u>For hotel structures located within the Convention Center District, generally bounded by the Atlantic Ocean on the east, Washington Avenue on the west, 23rd Street on the north and 17th Street on the south, hotel units shall be a minimum of 200 square feet.</u> For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses—65 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over</p>

		square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200
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Sec. 142-246. - Development regulations and area requirements.

...

- (b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ <u>For hotel structures located within the Convention Center District, generally bounded by the Atlantic Ocean on the east, Washington Avenue on the west, 23rd Street</u></p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>150 Oceanfront lots—200 Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)</p>

		<p><u>on the north and 17th Street on the south, hotel units shall be a minimum of 200 square feet.</u></p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>		
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Item 18.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: DISCUSSION - AMENDING SEC. 130-33 TO INCENTIVIZE RESILIENT BUILDINGS IN SUNSET HARBOR.

HISTORY:

On March 13, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4W).

Analysis

BACKGROUND

Currently, if existing buildings propose a change of use, and exceed the existing thresholds of 3,500 square feet per establishment and/or 10,000 square feet in the aggregate, there is an option to enter the annual fee-in-lieu program. Depending upon the type of use, this can sometimes be expensive. In order to provide an incentive for existing private developments to be more resilient, for example by raising existing first floors to be at or above the elevation of the recently raised streets and sidewalks, modifications to the minimum parking requirements are recommended, including reductions in minimum off-street parking requirements.

- Attached is the current parking utilization report for the Sunset Harbor area, prepared by the Parking Department. This includes on-street metered parking, the P46 surface lot and the Sunset Harbor Garage (SHG). The report depicts utilization trends over time, and shows the parking trend since the SHG became operational. With regard to the SHG, according to the Parking Department it does not reach capacity and has not since its inception, even during peak periods such as Art Basel.

PLANNING ANALYSIS

Parking district 5 contains off-street parking requirements that are specific to the Sunset Harbor neighborhood. Specifically, Sec. 130-33(b) provides for the following minimum requirements in parking district no. 5:

1. *Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages:* No parking requirement for an individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area. Otherwise, one parking space per four seats and one parking space per 60 square feet of floor area not used for seating shall be required. Establishments with more than 100 seats and an occupancy load in excess of 125 persons shall be subject to the conditional use procedures in section 118-193 of the City Code.
2. *Retail store, or food store, or personal service establishment:* There shall be no parking

requirement for individual establishments of 3,500 square feet or less. This may apply up to a total aggregate square footage of 10,000 square feet per development site. An establishment over 3,500 square feet (or over a total aggregate over 10,000 square feet) shall provide one space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area.

3. *Developments of less than 10,000 square feet of new construction or uses that exceed the maximum described sizes in (b)(1) and (2) [above]:* Parking may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building. For new construction that is between 10,000 to 15,000 square feet, a one-time fee shall be paid prior to the issuance of the building permit. New construction that is greater than 15,000 square feet shall provide all the required parking on site.
4. *Removal of existing parking spaces:* No existing required parking space may be eliminated, except through the provisions of section 130-35, or through the payment of the one-time fee in lieu of providing the parking in effect at the time, which shall be paid prior to the approval of a building permit, provided such elimination of parking spaces does not result in an FAR penalty (exceeding permitted floor area ratio).

For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 in section 130-32.

In order to provide incentives for making existing buildings more resilient, as well as to provide additional clarity, the following modifications are proposed for the parking requirements in district 5:

- *Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages:* No parking requirement for an individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area. Otherwise, For those portions of the establishment exceeding 100 seats and/or 3,500 square feet of floor area, one parking space per four seats and one parking space per 60 square feet of floor area not used for seating shall be required. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132. Establishments with more than 100 seats and an occupancy load in excess of 125 persons shall be subject to the conditional use procedures in section 118-193 of the City Code.
- *Retail store, or food store, or personal service establishment:* There shall be no parking requirement for individual establishments of 3,500 square feet or less. ~~This may apply up to a total aggregate square footage of 10,000 square feet per development site. An establishment over 3,500 square feet (or over a total aggregate over 10,000 square feet) shall provide one space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132.~~
- *Developments of less greater than 10,000 square feet of new construction or uses that exceed the maximum described sizes in (b)(1) and (2) [above]:* ~~Parking may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building. For new construction that is between 10,000 to 15,000 square feet, in lieu of providing required parking on site, a one-time fee shall may be paid prior to the issuance of the building permit, for that portion of new construction between 10,000 and 15,000 square feet. All portions of n~~New construction that is greater than 15,000 square feet shall provide all the required parking on site.

- *Removal of existing parking spaces:* No existing required parking space may be eliminated, except through the provisions of section 130-35, or through the payment of the one-time fee in lieu of providing the parking in effect at the time, which shall be paid prior to the approval of a building permit, provided such elimination of parking spaces does not result in an FAR penalty (exceeding permitted floor area ratio).
- *Modifications to existing structures to meet raised street and sidewalk levels:* There shall be no parking requirement for existing structures that raise the entire ground or first floor of the structure to meet or exceed the height of the abutting sidewalk(s). The parking requirement for any addition, up to 10,000 square feet, may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building. Additionally, any existing required parking spaces, which are located at the first level or open to the sky at the roof level, may be eliminated, without paying a fee in lieu of parking.

As noted in the background section, given the availability of parking within the Sunset Harbor garage, there is not expected to be any negative impacts associated with a reduced parking requirement.

CONCLUSION:

The Administration recommends that the LUDC transmit the proposed revisions to parking district 5, noted above, in the form of an ordinance amendment, to the City Commission for referral to the Planning Board for review and recommendation.

ATTACHMENTS:

Description	Type
□ Parking Utilization Report - Sunset Harbor	Memo

City of Miami Beach Parking Utilization Trend
Sunset Harbor Neighborhood

ATTENDED GARAGE HOURS

Zone	#	Name	FY15	FY16	FY17	FY18	FY18 to FY15	Variance %	FY18 to FY16	Variance %	FY18 to FY17	Variance %
South	G10	Sunset Harbor	572,768	647,908	614,254	621,006	48,238	8%	(26,902)	-4%	6,752	1%
TOTAL GARAGES HOURS**			572,768	647,908	614,254	621,006	48,238	8%	(26,902)	-4%	6,752	1%

**Parking garage rate increase went into effect in May 2018

METERED LOT HOURS (OFF-STREET)

Zone	FY15	FY16	FY17	FY18	FY18 to FY15	Variance %	FY18 to FY16	Variance %	FY18 to FY17	Variance %
P46	95,855	86,828	58,140	84,852	(11,003)	-11%	(1,976)	-2%	26,712	46%
TOTAL OFF-STREET HOURS	95,855	86,828	58,140	84,852	(11,003)	-11%	(1,976)	-2%	26,712	46%

METERED CURBSIDE HOURS (ON-STREET)

Zone	FY15	FY16	FY17	FY18	FY18 to FY15	Variance %	FY18 to FY16	Variance %	FY18 to FY17	Variance %
4B	275,757	188,973	218,043	248,334	(27,423)	-10%	59,361	31%	30,291	14%
TOTAL ON-STREET HOURS	275,757	188,973	218,043	248,334	(27,423)	-10%	59,361	31%	30,291	14%

TOTAL METERED PARKING HOURS			371,612	275,801	276,183	333,186	(38,426)	-10%	57,385	21%	57,003	21%
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TOTAL ATTENDED & METERED HOURS			944,380	923,709	890,437	954,192	9,812	1%	30,483	3%	63,754	7%
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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 19.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 2019

TITLE: **DISCUSSION REGARDING PROPOSED HISTORIC DESIGNATION OF
INTERNATIONAL INN AT 2301 NORMANDY DRIVE.
(ITEM DEFERRED)**



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

Item 20.

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 3, 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.**

(ITEM DEFERRED TO JUNE 12, 2019)