

MIAMI BEACH

Land Use and Development Committee Meeting

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

July 24, 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, July 24, 2019, 9:00 AM

DISCUSSION ITEMS

1. Discussion Regarding a Proposed Development Agreement in Connection with the Historic Designation of International Inn At 2301 Normandy Drive.

Commissioner Ricky Arriola

July 25, 2018 C4 K (Continued From June 12, 2019)

2. Discussion: Ordinance Amendment Pertaining Minimum Hotel Unit Size Requirements for Ground Floor Additions to Contributing Buildings Within the MXE District

Commissioner John Elizabeth Aleman

June 5, 2019 C4 P

3. Discussion: Ordinance Amendment Excepting Office Uses Not Also Operating As An Entertainment Establishment Or Dance Hall From The Definition Of Neighborhood Impact Establishment (NIE)

Commissioner Michael Gongora

June 5, 2019 C4 S

Item Deferred

4. Report On The Matrix Workplan

Land Use and Development Committee

June 5, 2019 R7 I

VERBAL REPORTS

5. Discussion On A Proposed Ballot Question Pertaining To An Increase In FAR Within Existing Parking Garages.

City Manager

May 8, 2019, C4 L (Continued from June 12, 2019)

Item Withdrawn

6. Discussion Regarding Incentivizing New Development To Include Units For Workforce And Affordable Housing Within New Developments That Seek Development, Height, And/Or Zoning Amendments From The City Of Miami Beach.

Commissioner Michael Gongora
May 8, 2019, C4 M (Deferred from June 12, 2019)

Item Deferred

7. Discuss Limiting Big Box Formula Retail And Formula Restaurants In Sunset Harbour.

Commissioner Ricky Arriola
June 5, 2019 C4 Q

8. Discuss Limiting Big Box Formula Retail And Formula Restaurants On Lincoln Road.

Commissioner Ricky Arriola
June 5, 2019 C4 R

9. Discussion Regarding Terminal Island.

Vice-Mayor Joy Malakoff
June 5, 2019 R9 H

10. Discussion To Consider A Conditional Use Amendment To The 600 Block Of Washington Avenue.

Commissioner John Elizabeth Aleman
July 17, 2019 C4 Q

SUPPLEMENTAL

11. Discussion To Create Options For Indoor Ambient Entertainment.

Commissioner John Elizabeth Aleman
January 16, 2019, C4 AD (Continued From June 12, 2019)

Updated July 22, 2019

12. 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 June 12, 2019)

Updated July 22, 2019

DEFERRED ITEMS

13. Discussion To Review The Role Of Land Use Boards In Neighborhood Improvement Projects.

Commissioner Mark Samuelian
April 11, 2018 C4 N (Deferred From June 12, 2019)

ADDENDUM

14. Discussion pertaining to a Transfer of Development Rights (TDR) along the Tatum Waterway Area.

Vice-Mayor Ricky Arriola
July 17, 2019 CR R

Added July 18, 2019



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

Item 1.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: DISCUSSION REGARDING A PROPOSED DEVELOPMENT AGREEMENT IN CONNECTION WITH THE HISTORIC DESIGNATION OF INTERNATIONAL INN AT 2301 NORMANDY DRIVE

HISTORY:

On July 25, 2018, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4K). On September 28, 2018 the Land Use Committee deferred the item to October 31, 2018; the item was then deferred to February 20, 2019. At the February 20, 2019 meeting, the item was deferred to the April 3, 2019 meeting. At the April 3, 2019 meeting, the Committee deferred the discussion to the May 22, 2019 meeting. At the May 22, 2019 meeting, the item was deferred to the June 12, 2019 meeting.

On June 12, 2019, the LUDC discussed the item and continued it to a date certain of July 24, 2019.

Analysis

HISTORIC PRESERVATION BOARD ACTION

On May 9, 2017, the Historic Preservation Board (HPB) adopted a motion requesting that the Planning Department prepare a preliminary evaluation and recommendation report relative to the possible designation of the property located at 2301 Normandy Drive as a local historic site. On October 10, 2017, the HPB reviewed a preliminary evaluation and recommendation report relative to the possible designation of the International Inn historic site located at 2301 Normandy Drive and directed staff to prepare a formal designation report for the International Inn historic site.

Pursuant to Section 118-591 of the City Code, on October 12, 2017 the City Commission was advised of the action of the HPB via LTC 488-2017. No action was taken by the City Commission to modify the proposed designation; therefore, the request for designation moved forward as proposed by the Board.

On June 11, 2018, the HPB continued the proposed historic designation to a date certain of July 10, 2018, at the request of the property owner. On July 10, 2018, the HPB continued the proposed historic designation to a date certain of September 17, 2018. On September 17, 2018, the Planning Department presented the formal designation report for the proposed International

Inn Historic Site and the Board continued the matter to a date certain of January 8, 2019.

On January 8, 2019, the Planning Department presented supplemental information regarding the public interior of the proposed International Inn Historic Site and the Board continued the review of the Historic Designation Report to a date certain of March 11, 2019. On March 11, 2019, the Board discussed the application and continued the matter to the June 10, 2019 meeting.

On June 10, 2019, the Board recommended in favor of the proposed designation. This recommendation of the HPB in favor of historic site designation does not, on its own, result in the designation of the property as an historic site. Subsequent to the recommendation of the HPB, an application for an ordinance amendment designating the International Inn as an historic site will now be submitted to the Planning Board for review and a recommendation to the City Commission. Once this designation ordinance is transmitted to the City Commission, two separate readings will be required before the Commission. The designation of the property as an historic site would only become final after City Commission approval on second reading of the proposed historic site designation.

As indicated previously, it is the intention of staff to schedule the Planning Board hearing for the designation ordinance to coincide with the development agreement and LDR amendments recommended by the property owner. Please note that the proposed designation of the subject property as an historic site is separate and apart from the LDR and development agreement, and may proceed on its own, separate track. However, the property owner wants the proposed ordinance and the designation to legislatively travel together.

PLANNING AND HISTORIC PRESERVATION ANALYSIS

As noted above, the HPB has recommended that the designation of the historic site move forward. The property owner has studied redevelopment options for the subject site and has submitted a draft development agreement for review by the City Attorney, which includes a proposal for certain amendments to the Land Development Regulations; the following is a brief summary of the requested amendments (the "Proposed Amendments"):

1. Allowing for hotel as a main permitted use with accessory uses, for properties within the RM-1 located north of Normandy Drive that have a lot area greater than 30,000 square feet and are designated as local historic sites. Currently hotels are a prohibited use in the RM-1 zoning district.
2. Increase in allowable building height from 55'-0" to 80'-0".
3. A reduction in minimum parking requirements.
4. The elimination of required distance separation for establishments selling or offering alcoholic beverages for consumption on premises.

Pursuant to the draft development agreement, if the proposed amendments are adopted, the property owner would agree to voluntarily consent to and support the designation of the International Inn as an individual local historic site. The property owner has expressed a desire to have the historic site designation coincide with the review of the proposed amendments.

UPDATE

On June 12, 2019, the LUDC reviewed drafts of the proposed development agreement and LDR amendments. The LUDC also heard testimony from representatives of the Police Department

regarding activity at the site and calls for service.

The LUDC continued the item to the July 24, 2019 meeting and requested that the property owner meet with the Police Department to address the ongoing issues at the property. Additionally, the LUDC recommended that the proposed amendments to the LDR's be further studied, particularly as it pertains to required parking, as well as outdoor entertainment and outdoor bars.

Staff has modified the draft LDR's to address outdoor and accessory uses, as well as parking. These changes are included in a revised draft of the proposed LDR amendments, which is attached.

CONCLUSION:

The Administration recommends that the Land Use and Development Committee endorse the draft Development Agreement and proposed amendments to the Land Development Regulations. It is further recommended that the items be transmitted to the full City Commission for referral to the Planning Board.

ATTACHMENTS:

Description	Type
DRAFT LDR Amendment - REVISED	Memo
Draft DA	Memo

International Inn - Proposed Amendments to Land Development Regulations (LDRs)

Section 142-152 – Purpose.

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences. On certain individually designated historic sites as provided herein, hotels, apartment hotels, and suite hotels are authorized. Along Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter) properties shall be entitled to have suite hotels.

Section 142-152 - Main permitted and prohibited uses.

- (a) The main permitted uses in the RM-1 residential multifamily, low density district are:
- (1) single-family detached dwelling;
 - (2) townhomes;
 - (3) apartments;
 - (4) bed and breakfast inn (pursuant to article V, division 7 of this chapter);
 - (5) properties fronting Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter) shall be entitled to have hotels, apartment hotels, and suite hotels; and
 - (6) properties located north of Normandy Drive having a lot area of greater than 30,000 square feet, which are individually designated historic sites, and which had a valid business tax receipt, occupational license or its equivalent for hotel use as of the date of the adoption of the ordinance from which this provision is derived (“Normandy Historic Hotel Sites”) shall be entitled to have hotels, apartment hotels, and suite hotels.
- (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. Notwithstanding the foregoing, accessory uses that are customarily associated with the operation of a hotel, including but not limited to, bars and restaurants, are permitted as provided in section 142-154 of this chapter.

Section 142-153 – Conditional uses.

- (d) For Normandy Historic Hotel Sites, additional conditional uses are accessory outdoor bar counters, provided that an accessory outdoor bar counter is only permitted to be utilized during the hours of operation of the as the bar or restaurant of which it is a part; accessory outdoor entertainment establishment; and accessory neighborhood impact establishment; and accessory open air entertainment establishment as set forth in article V, division 6 of this chapter.

Section 142-154 - Accessory uses.

The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter. **Additionally, hotels located on Normandy Historic Hotel Sites are permitted to have all accessory uses that are customarily associated with the operation of a hotel, including but not limited to retail, bars, restaurants with or without accessory bars, and personal services.**

Section 142-155. - Development regulations and area requirements.

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
5,600	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+</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 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</p>	<p>New construction—800 Non-elderly and elderly low moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses—55</p> <p><u>For Normandy Historic Hotel Sites—80 (for new hotel, apartment, hotel and suite hotel structures and additions)</u></p>

Section 130-32(26) - *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	
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	
Other (e.g., new construction or substantial demolition of contributing building)	1 space per unit
Properties bounded by 62nd Street on the south, 73rd	.5 spaces per unit, up to a maximum of 100 units and 1

Street on the north, Indian Creek on the west and the Atlantic Ocean on the east	
space per unit for all units in excess of 100 units	
Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street	1 space per unit
Individually designated local historic sites	

Normandy Historic Hotel Sites as defined in Section 142-152(a)	The re shall be no historic preservation board may waive some or all of the parking requirement for hotel units and allowable accessory uses customary to a hotel, including bars and restaurants, within any new addition (attached or detached) subject to a traffic operation plan substantiating that any operational parking requirements can be addressed off site. In the event that parking is provided that would have otherwise been required absent this exception, such parking shall be excluded from the calculation of the floor area ratio.
Properties not listed above:	
Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
Other	1 space per unit

Section 130-132 – Fee Calculation.

(c) *Removal of existing parking spaces in a historic district.* Whenever an existing required parking space is removed or eliminated for any building that existed prior to October 1, 1993, which are located within the architectural district, a contributing building within a local historic district, or any individually designated historic building, a fee in lieu of providing parking shall be required if a replacement parking space is not provided pursuant to section 130-36. Such fee shall be satisfied as set forth in subsection (b), above. In no case shall the removal of parking spaces result in less than one parking space per residential unit or 50 percent of the required parking for commercial uses. This subsection shall not prohibit the removal of grade level parking spaces located within the front, side street or interior side yards of a lot, should those

parking spaces be nonconforming. Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces. Notwithstanding the foregoing, existing parking spaces, whether conforming or nonconforming, may be removed from Normandy Historic Hotel Sites as defined in Section 142-152(a), and no fee in lieu payment shall be required for such removal.

* * *

Proposed Amendments to Code of Ordinances

Section 6-4 - Location and use restrictions.

(d) Notwithstanding any other provision in this division, the sale or offering of alcoholic beverages for consumption on the premises of Normandy Historic Hotel Sites shall be exempt from all applicable minimum distance separation requirements pertaining to such sale or offering.

* * *

Proposed Amendment to the Future Land Use Element of the Comprehensive Plan
Low Density Multi Family Residential Category (RM-1)

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

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay Front Overlay District, both of which are described in the Land Development Regulations. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only. Hotels, apartment hotels, and suite hotels are permitted on Normandy Historic Hotel Sites as described in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be

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

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2019\July 24, 2019\Historic Designation of International Inn - DRAFT LDR AMENDMENTS July 24, 2019 LUDC.docx

This instrument was prepared by (record and return to):

Alexander I. Tachmes, Esq
Shutts & Bowen LLP
200 S. Biscayne Boulevard, Suite 4100
Miami, Florida 33131

(Space reserved for Clerk)

Folio No. 02-3210-011-0620

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into as of the _____ day of _____ 2019, by and among the CITY OF MIAMI BEACH, a Florida municipal corporation (the "City"), and TSAY INTERNATIONAL, INC., a Florida corporation (the "Owner"). Hereinafter, City and Owner are collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the Owner is the owner of the property that is the subject of this Agreement, the legal description of which is attached hereto and made a part hereof as Exhibit "A" (the "Property"), and which currently has an address of 2301 Normandy Drive, Miami Beach, Florida;

WHEREAS, the Property has historically been developed and utilized for hotel use, and its current name is the "International Inn";

WHEREAS, on May 9, 2017, the City's Historic Preservation Board ("HPB") directed the City's Planning Department to prepare a Preliminary Evaluation and Recommendation Report ("Preliminary Designation Report") relative to the possible designation of the Property as an individual local historic site in accordance with Sections 118-591 through 118-593 of the Land Development Regulations of the City's Code of Ordinances (the "Code");

WHEREAS, on October 10, 2017, the HPB reviewed the Preliminary Designation Report and directed the City's Planning Department to prepare a Formal Designation Report for the Property;

WHEREAS, on September 17, 2018, the Planning Department presented the Formal Designation Report to the HPB, and the HPB has subsequently continued the matter to provide the Parties with the opportunity to discuss the terms of this Agreement;

WHEREAS, the Parties acknowledge that the designation of the Property as an individual local historic site in accordance with the Code will have significant implications on the future redevelopment of the Property;

WHEREAS, the Owner has clearly expressed its opposition to the designation of its Property as an individual local historic site without certain amendments to the City's Code, Land Development Regulations, and Comprehensive Plan first being adopted that would allow for the use of the Property as a legal conforming hotel and the ability to redevelop certain portions of the Property, as more fully provided herein;

WHEREAS, prior to proceeding further with the designation process, the City wishes to obtain from the Owner, and Owner is willing to grant, its voluntary consent to the designation of the Property as an individual local historic site, conditioned upon the terms and obligations of this Agreement first being satisfied as provided herein;

WHEREAS, this Agreement, among other things, is intended to and shall constitute a development agreement between the Parties pursuant to Sections 163.3220 through 163.3243, Florida Statutes, the "Florida Local Government Development Agreement Act" and Section 118-4 of the City's Code; and

WHEREAS, having fully considered this Agreement at two duly noticed public hearings in compliance with Section 163.3225 of the Act; having determined that this Agreement is in compliance with the City's Comprehensive Plan and Land Development Regulations as of the Effective Date; and having further determined that it is in the City's best interest to address the issues covered by this Agreement in a comprehensive manner, in compliance with all applicable laws, ordinances, plans, rules and regulations of the City, the City has agreed to enter into this Agreement with the Owner.

All capitalized terms used in the recitals are defined in Section 4 or elsewhere in this Agreement.

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference. All exhibits to this Agreement are hereby deemed a part hereof.

2. Authority and Purpose. This Agreement is entered into pursuant to the authority and procedures provided by the Act, and the Parties intend for this Agreement to be construed and implemented so as to effectuate the purpose and intent of the Act.

3. Mutual Consideration. The Parties agree that the consideration and obligations recited and provided for under this Agreement collectively constitute substantial benefits to both Parties and are, therefore, adequate consideration for this Agreement.

4. Definitions. All capitalized terms in this Agreement shall have the definitions set forth in this Section unless such terms are defined elsewhere in the body of this Agreement.

a. “Act” shall mean the Florida Local Government Development Agreement Act (Sections 163.3220 - 163.3243, Florida Statutes (2018)).

b. “Comprehensive Plan” shall mean the comprehensive plan which the City has adopted and implemented for the redevelopment and continuing development of the City pursuant to Chapter 163 Part II, of the Florida Statutes.

c. “Development Order” means any order granting, denying, or granting with conditions an application for a Development Permit.

d. “Development Permit” shall have the meaning set forth in Section 163.3221(5), Florida Statutes (2018).

e. “Effective Date” is the date when the City records the executed Agreement in the Public Records of Miami-Dade County, as provided in Section 163.3239, Florida Statutes (2018), and Section 12 of this Agreement.

f. “Execution Date” is the date the last of the required Parties executes this Agreement.

g. “Land Development Regulations” shall have the meaning set forth in Section 163.3221(8), Florida Statutes (2018) and shall also include, without limitation, the definition of “land development regulations” in Section 114-1 of the City Code.

5. Proposed Amendments. The Parties acknowledge the importance of preserving and protecting historic hotels, the use of which may no longer be permitted in certain areas of the City under the applicable provisions of the Land Development Regulations. In order to incentivize the preservation and protection of such historic hotels, certain amendments to the City’s Code, Land Development Regulations, and Comprehensive Plan are necessary. The proposed amendments, which are specifically described in Exhibit “B” attached hereto and made a part hereof, will generally allow hotel and hotel accessory uses within existing historic hotels to be considered permitted uses in the RM-1 residential multifamily, low density district in certain limited circumstances under both the Land Development Regulations and Comprehensive Plan, and also provide for certain other amendments that will enable such hotels to (i)

expand, including accessory uses, (ii) develop new structures with greater maximum building height, (iii) remove existing parking spaces, and (iv) eliminate parking requirements for new structures (collectively, the “Proposed Amendments”).

Based upon the foregoing, and concurrent with the adoption and execution of this Agreement, the Parties hereby agree that the City shall promptly initiate and diligently process the Proposed Amendments. Unless and until the Proposed Amendments are adopted and are deemed to be final, non-appealable, and not otherwise subject to challenge in any judicial, administrative or other proceedings (the “Final Amendments”), the City agrees not to proceed further with any public hearing concerning the designation of the Property as an individual local historic site. As provided in Section 7 below, however, in the event that the Proposed Amendments do not become Final Amendments on or before a date that is twelve (12) months from the Effective Date of this Agreement (the “Outside Date”), unless extended by mutual written agreement of the Parties, this Agreement shall terminate and the Parties shall have no further obligations hereunder.

6. Designation of the Property as Local Historic Site. Upon adoption of the Proposed Amendments and the Parties agreeing that the Proposed Amendments are Final Amendments, the City shall notify the Owner in writing confirming same. Upon receipt of this written confirmation from the City, the Owner hereby agrees to voluntarily consent and support the designation of the Property as an individual local historic site in accordance with the Code, subject to the reservation of rights provided in Section 7 below.

7. Reservation of Rights. The Parties acknowledge and agree as follows:

a. In the event that the Proposed Amendments do not become Final Amendments by the Outside Date, this Agreement shall terminate and the Parties shall have no further obligations hereunder. Upon termination of this Agreement, the City may choose to proceed with the designation of the Property as an individual local historic site, and the Owner hereby reserves all rights to object or otherwise contest said designation; and

b. In the event that the City modifies the language of the Proposed Amendments, and such modified language is then adopted and such amendments become Final Amendments by the Outside Date, the Owner shall have the sole and absolute discretion to either accept the Final Amendments, as modified, or terminate this Agreement and reserve all rights to object or otherwise contest the designation of the Property as an individual local historic site; and

8. Permitted Uses and Height. Upon the effectiveness of the Final Amendments, such development regulations shall govern the redevelopment of the Property throughout the term of this Agreement, so that the Parties have certainty with respect to said redevelopment. Notwithstanding subsequent amendments to the Code, Land Development Regulations, and Comprehensive Plan, the Property shall be subject to the following provisions as more fully provided in Exhibit “B”:

a. Hotels, apartments, apartment hotels, and suite hotels shall be permitted, plus all accessory uses that are customarily associated with the operation of a hotel, including but not limited to, bars, restaurants, and accessory outdoor bar counters;

b. Conditional uses shall be permitted for accessory outdoor entertainment, accessory neighborhood impact establishment, and accessory open air entertainment establishment;

c. The permitted height of any new structures in connection with the redevelopment on the Property shall be eighty (80) feet;

d. There shall be no parking requirement for hotel units and accessory uses. Further, all existing parking spaces may be removed and no fee in lieu payment shall be required for the removal of existing parking spaces in connection with the redevelopment of the Property; and

e. The Property and the uses thereon, including bars and restaurants, shall be exempt from distance separation requirements, including but not limited to, from educational facilities, places of worship, other alcoholic beverage establishments and other uses.

Nothing herein shall prohibit the applicability of subsequent amendments to the Code, Land Development Regulations, and/or Comprehensive Plan that would expand the uses and/or increase the intensity of redevelopment permitted on the Property, including amendments to the aforementioned development standards.

9. Intended Redevelopment Plan. Assuming the Owner desires to continue to operate a hotel on-site and in order to ensure the continued viability of the historic hotel structure on the Property upon designation as an individual local historic site, the Owner and/or its successors and assigns may redevelop certain portions of the Property with additional improvements and uses to complement the existing historic hotel structure. As provided above, the maximum height for such redevelopment shall be governed by this Agreement, including the Final Amendments provided herein, the Land Development Regulations, and the Comprehensive Plan. A conceptual massing study prepared by Shulman + Associates is attached hereto as Exhibit "C", which reflects an 8-story tower on the northern portion of the Property (the "Massing Study"). Owner agrees that the 2-story lobby at the southern portion of the Property will be restored at the time of the overall renovation of the Property in accordance with the preservation standards set forth by the Secretary of the Interior, and City staff conceptually supports the 8-story tower on the northern portion of the Property as reflected in the Massing Study. Notwithstanding the above, the Parties acknowledge that the Owner will be required to obtain a Certificate of Appropriateness from the HPB for the redevelopment of the Property in accordance with the City's Code and Land Development Regulations.

10. Cooperation; Expedited Permitting; and Time of Essence. The Parties agree to cooperate with each other to the fullest extent practicable pursuant to the terms and conditions of this Agreement. The Parties agree that time is of the essence for each and every provision hereof. The City shall use its best efforts to expedite the review and approval process of the Proposed Amendments and future applications regarding the redevelopment of the Property, including all applications necessary to proceed with the construction of the uses and improvements contemplated under the Intended Development Plan.

Notwithstanding the foregoing, the Parties acknowledge that this Agreement is not and shall not be construed as a Development Permit, approval or authorization to commence any development, fill, or other land modification, and the City shall not be obligated to issue any approval, including a Development Permit, to the extent that the application does not comply with this Agreement, the Land Development Regulations, the Comprehensive Plan, any applicable building codes, or any other applicable laws, rules, or regulations.

11. Police Power.

a. The Parties hereto recognize and agree that certain provisions of this Agreement require the City and its boards, departments or agencies, acting in their governmental capacity, to consider governmental actions, as set forth in this Agreement. All such considerations and actions shall be undertaken in accordance with established requirements of state statutes and municipal ordinances, in the exercise of the City's jurisdiction under the police power. Nothing contained in this Agreement shall entitle the Owner to compel the City to provide any governmental approvals under its police power save and except to timely process future applications regarding the redevelopment of the Property.

b. The Parties further recognize and agree that these proceedings shall be conducted openly, fully, freely and fairly in full accordance with law and with both procedural and substantive due process to be accorded the applicant and any member of the public. Nothing in this Agreement shall be construed to prohibit the City from duly acting under its police power to approve, approve with conditions, or reject any public hearing application dealing with the Property.

12. Consistency with the City's Comprehensive Plan. The City has adopted and implemented the Comprehensive Plan. The City hereby finds and declares that the provisions of this Agreement dealing with the Property are consistent with the City's Comprehensive Plan and Land Development Regulations (subject to all applicable requirements, permits and approvals).

13. Effective Date; Recordation.

Within fourteen (14) days following approval at two public hearings and execution by all Parties, the City shall record the Agreement in the Public Records of Miami-Dade County, upon which the Agreement will be in effect (the "Effective Date"). The Owner

shall submit a copy of the recorded Agreement to the State of Florida's land planning agency within fourteen (14) days after this Agreement is recorded. The Owner agrees that it shall be responsible for all recording fees and other related fees and costs related to the recording and delivery of this Agreement as described in this Section.

14. Events of Default; Remedies; and Litigation. In the event of any default by any Party, the non-defaulting Party shall have the right to pursue all remedies available at law and equity, including but not limited to injunctive relief and specific performance. In the event of default by the City subsequent to the designation of the Property as an individual local historic site, the Owner may elect to terminate the Agreement and the designation of the Property as such will automatically be deemed void without any further action by the City. In the event of any litigation between the Parties under this Agreement for a breach thereof, the prevailing Party shall be entitled to reasonable attorney's fees and court costs at all trial and appellate levels. BY ENTERING INTO THIS AGREEMENT THE CITY AND OWNER EXPRESSLY WAIVE ANY RIGHTS EITHER MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT. The terms of this Section 13 shall survive the termination of this Agreement.

15. Waiver. No waiver of any right or obligation of either Party shall occur unless the waiver is in writing and signed by both Parties. No failure by the City or Owner to insist upon strict performance of any covenant, agreement, term or condition of this Agreement or to exercise any right or remedy available to such Party by reason of the other Party's default hereunder shall constitute a waiver of any such right to insist upon performance or of such default.

16. Notices. Any notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given if delivered by hand, sent by recognized overnight courier (such as Federal Express) or mailed by certified or registered mail, return receipt requested, in a postage prepaid envelope, and addressed as follows:

If to the City at: City of Miami Beach, City Hall
1700 Convention Center Drive
Miami Beach, Florida 33139
Attn: City Manager

With a copy to: City of Miami Beach, City Hall
1700 Convention Center Drive
Miami Beach, Florida 33139
Attn: City Attorney

If to Owner at: Tsay International, Inc.
2301 Normandy Drive
Miami Beach, FL 33141
Attn: Belsa Tsay

With a copy to: Alexander I. Tachmes, Esq.
Shutts & Bowen, LLP
200 S. Biscayne Blvd.
Suite 4100
Miami, Florida 33131

Notices shall be deemed given on the date of receipt or refusal to accept receipt.

17. Governing Laws. This Agreement shall be governed and construed in accordance with the laws of the State of Florida, without reference to principles of conflicts of laws. The Owner and the City agree that Miami-Dade County, Florida is the appropriate and exclusive state court venue, and that the U.S. District Court, Southern Division of Florida is the appropriate and exclusive federal court venue, in connection with any litigation between the Parties with respect to this Agreement.

18. Construction. Both Parties to this Agreement have participated fully in the negotiation and preparation hereof; and accordingly, this Agreement shall not be more strictly construed against either of the Parties hereto. In construing this Agreement, captions, and section and paragraph headings shall be disregarded and the use of any gender shall include every other and all genders.

19. Severability. In the event any term or provision of this Agreement be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be construed as deleted as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.

20. Entire Agreement; Modification. This Agreement, together with the documents referenced herein, constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof, and there are no other agreements, representations or warranties other than as set forth herein. Neither Party shall be bound by any agreement, condition, warranty nor representation other than as expressly stated in this Agreement. This Agreement may not be changed, altered or modified except by an instrument in writing signed by both Parties hereto, subject to the requirements for the amendment of development agreements in the Act.

21. Binding Effect. The obligations imposed pursuant to this Agreement upon the Owner and upon the Property shall run with and bind the Property as covenants running with the Property and shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees and assigns for an initial term of thirty (30) years from the Effective Date, after which time it may be extended for a period of ten (10) years after approval by the City at a public hearing, unless an instrument has been recorded agreeing to release, amend, or modify this Agreement in whole, or in part, as provided herein.

22. No Third Party Beneficiaries. Nothing in this Agreement shall be deemed to create any right in any person not a party hereto, and nothing contained in this

instrument shall be construed in any respect to be an agreement in whole or in part for the benefit of any third party, other than the successors and permitted assigns of the Parties hereto.

23. Corporate Obligations. It is expressly understood that this Agreement and the obligations issued hereunder are solely corporate obligations, and that no personal liability will attach to, or is or shall be incurred by, the incorporators, stockholders, officers, directors, elected or appointed officials (including, without limitation, the Mayor and City Commissioner of the City) or employees, as such of Owner or City, and of any successor corporation or any of them, under or by reason of the obligations, covenants or agreements contained in this Agreement or implied therefrom; and that any and all such personal liability, either at common law or in equity or by constitution or statute, of, and any of all such rights and claims against, every such incorporator, stockholder, officer, director, elected or appointed official (including, without limitation, the Mayor and City Commissioner of the City) or employee, as such, or under or by reason of the obligations, covenants or agreements contained in this Agreement or implied therefrom are expressly waived and released as a condition of, and as consideration for, the execution of this Agreement.

24. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which, when taken together, shall constitute one and the same agreement.

[SIGNATURE PAGES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Agreement as set forth below.

Signed, sealed and delivered
in the presence of:

CITY OF MIAMI BEACH,
a Florida municipal corporation

Print Name: _____

Print Name: _____

By: _____

Name: _____

Title: _____

Attest: _____

City Clerk

STATE OF FLORIDA)

) SS:

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, as _____ of the City of Miami Beach, a municipal corporation, on behalf of the Corporation. He is personally known to me or has produced _____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

Typed or Printed Name of Notary

My Commission expires:

Serial No., if any: _____

TSAY INTERNATIONAL, INC., a Florida corporation

By: _____
Name: Belsa Tsay
Title: President

Print Name: _____

Print Name: _____

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by Belsa Tsay, as President of TSAY INTERNATIONAL, INC., a Florida corporation on behalf of the company. She is personally known to me or has produced _____ as identification and who did/did not take an oath.

NOTARY PUBLIC
Typed or printed Name of Notary
My Commission expires:
Serial No., if any _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lots 15, 16, 17 and 18, in Block 40, of Miami View Section of Isle of Normandy, Part 3, according to the Plat thereof, as recorded in Plat Book 40, at Page 33, of the Public Records of Miami-Dade County, Florida.

DRAFT

EXHIBIT B

PROPOSED AMENDMENTS

DRAFT

MIAMI BEACH

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

Item 2. COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: DISCUSSION: ORDINANCE AMENDMENT PERTAINING MINIMUM HOTEL UNIT SIZE REQUIREMENTS FOR GROUND FLOOR ADDITIONS TO CONTRIBUTING BUILDINGS WITHIN THE MXE DISTRICT

HISTORY:

On June 5, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4P).

Analysis

BACKGROUND

Currently, existing hotel buildings within the MXE district are permitted to have rooms with a minimum unit size of 200 square feet, which is consistent with the layout and interior partitions of historic buildings. However, new construction of hotel units, either as a roof-top addition (if permitted), or a ground level addition (whether attached or detached), must meet the minimum hotel unit size of 335 square feet.

PLANNING ANALYSIS

The minimum hotel unit size regulations for new construction within the MXE, which were adopted in 1989, mandate a larger unit size that appeals to a certain type of traveler. In today's evolving travelling platforms, more diversity and flexibility in unit sizes is sought, due to the changing nature of leisure and business travel.

In order to provide more flexibility for infill hotel projects in the MXE district, the following is a potential amendment to Chapter 142, Article II, Divisions 13 of the LDR's:

Sec. 142-545. - Development regulations.

The development regulations in the MXE mixed use entertainment 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)
			Existing structures: Apartment units—400		

All uses—2.0 Except convention hotel development (as set forth in section 142-841)— 3.5	N/A	N/A	Non-elderly and elderly low and moderate income housing— 400	Existing structures: Apartment units—550 Hotel units— N/A New construction: Apartment units—800 Hotel units— N/A	Architectural district: Oceanfront—150 Non-oceanfront—
			Workforce housing— 400		50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-1161)
			Hotel units— in a local historic district/site —200 Otherwise: 15%: 300— 335 85%: 335+ New construction: Apartment units—550 Hotel units: 15%: 300— 335 85%: 335+ <u>Hotel units</u> <u>within</u> <u>ground level</u> <u>additions to</u> <u>existing</u> <u>structures,</u> <u>whether</u> <u>attached or</u> <u>detached -</u> <u>200</u>		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

The aforementioned modification is consistent with what is currently permitted within existing structures in the MXE district, as well as a separate ordinance amendment pending before the planning board, which would permit 200 square foot units within allowable roof-top additions. Additionally, the proposal herein, while a reduction in the minimum hotel unit size permitted, would not prevent developments that propose larger hotel room sizes. In this regard, the proposed modification would allow property owners more flexibility with regard to the type of hotel unit being provided.

CONCLUSION:

The Administration recommends that the Land Use and Development Committee transmit the aforementioned ordinance amendment to the full City Commission for referral to the Planning Board.



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

Item 3.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: DISCUSSION: ORDINANCE AMENDMENT EXCEPTING OFFICE USES NOT ALSO OPERATING AS AN ENTERTAINMENT ESTABLISHMENT OR DANCE HALL FROM THE DEFINITION OF NEIGHBORHOOD IMPACT ESTABLISHMENT (NIE)

HISTORY:

On June 5, 2019, at the request of Commissioner Michael Gongora, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4S).

Analysis

BACKGROUND

We Work Offices, which have two locations in the City, seek to provide free beer and wine for their office tenants; each of these locations have an occupant content that exceeds 300 persons. Additionally, by serving beer and wine, this office use also meets the technical definition of an alcoholic beverage establishment.

Under section 142-1361 of the city code, an alcoholic beverage establishment that has an occupant content exceeding 300 persons is considered a neighborhood impact establishment (NIE). Establishments meeting NIE thresholds require Planning Board approval for a CUP.

PLANNING ANALYSIS

The NIE regulations in section 142-1361 were designed to address alcohol uses such as destination restaurants, bars, nightclubs and entertainment establishments. These regulations were not intended to apply to office uses that provide free beer and wine to tenants on occasion.

The following is a potential amendment to Chapter 142, Article V, Divisions 6 of the LDR's, to create an exception from the definition of an NIE, for office uses only, which are not operating as an entertainment establishment or dance hall, from the definition of neighborhood impact establishment (NIE):

DIVISION 6. – ALCOHOLIC BEVERAGE AND ENTERTAINMENT ESTABLISHMENTS

Sec. 142-1361. - Definitions.

For the purpose of this division, the following terms, phrases and words shall have the meaning given in this section:

After-hours dance hall means a commercial establishment where dancing by patrons is allowed, including, but not limited to, restaurants and entertainment establishments, which by its nature as an establishment not licensed or operating as an alcoholic beverage establishment, is not subject to the regulations on hours of sale for alcoholic beverage establishments contained in section 6-3 of this Code.

Entertainment means any live show or live performance or music amplified or nonamplified. Exceptions: Indoor movie theater; big screen television and/or background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation.

Neighborhood impact establishment means:

(1) An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 300 or more persons as determined by the chief fire marshal; or

(2) An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 200 or more persons as determined by the chief fire marshal.

Notwithstanding the above, an office use, not also operating as an entertainment establishment, where the self-service of beer and/or wine is offered for consumption on the premises only, and only for office employees and office clients, shall not be considered a neighborhood impact establishment, regardless of occupant content.

Open air entertainment establishment means a commercial establishment which provides entertainment, as defined in this section, indoors or in an enclosed courtyard or area which by its design is open to the outside, thereby enabling the entertainment to be audible outdoors.

Outdoor entertainment establishment means a commercial establishment which provides outdoor entertainment as defined in this section.

The aforementioned modification is not expected to have an adverse impact on surrounding properties, as large offices are primarily located in commercial districts. Additionally, the serving of alcohol would be limited to existing office occupants only.

CONCLUSION:

The Administration recommends that the Land Use and Development Committee transmit the aforementioned ordinance amendment to the full City Commission for referral to the Planning Board.



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

Item 4.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **REPORT ON THE MATRIX WORKPLAN**

HISTORY:

In order to ensure that the City's regulations and processes relating to private development projects are fair, balanced and efficient, the city solicited proposals from qualified firms to provide data-driven regulatory and process reviews, peer and best practice recommendations and recommendations for process improvement (both administrative and legislative). The goal of this comprehensive effort is to ensure that the regulations and processes affecting private development are efficient and streamlined. Specifically, the goals are to:

- Attract sustainable and resilient development;
- Safeguard quality of life within neighborhoods;
- Promote historic preservation;
- Improve both the customer experience and staff process.

The Matrix Consulting Group, LLC was chosen to review the City's regulations and processes related to private development.

On May 22, 2019, the Land Use Development Committee (LUDC) reviewed the report of the Matrix Group and recommended that the City Commission accept the recommendations of the administration, and requested that the administration provide a timeline for the recommendations moving forward. On June 5, 2019 the City Commission adopted Resolution No. 2019-30863 endorsing the administrations recommendations based on the Matrix study.

The adoption of this resolution included a referral of the work plan to the LUDC. Additionally, any required amendments to the LDR's were referred to the LUDC and Planning Board, as well as the Historic Preservation Board, for those modifications that intersected with historic preservation.

Analysis

ACTION PLAN

The Matrix study contained 33 initial recommendations, five of which staff has recommended not move forward. 11 of the initial recommendations have already been implemented by staff. The attached work plan provides details on each of the recommendations moving forward, as well as tentative timelines for those recommendations that are either pending or in the process of

implementation. In accordance with the recommendation of the LUDC, and the adopted City Commission Resolution, this work plan will be updated periodically as a discussion item at the LUDC.

Several of the recommendations in the attached work plan require legislative action. Planning staff will continue to review the LDRs to identify amendments that will implement the recommendations of the Matrix study. Attached are three draft ordinances, which are specific to the recommendations in the work plan. The following is a summary of the proposed amendments:

1. Single Family Development Regulations (Matrix Recommendation 23)

The draft ordinance simplifies the single-family home development regulations. In this regard, staff is proposing to simplify how lot coverage and unit size is calculated for single-family homes, as well as consolidating supplementary regulations that pertain to single-family properties into one section of the LDR's. The ordinance also proposes the elimination of the Design Review Board (DRB) requirement for homes utilizing the understory regulations.

The simplification of the single-family home development regulations will accomplish three things: (1) the regulations will be easier for lay-persons to understand; (2) the regulations will be easier for design professionals to understand and meet code requirements; and (3) they will help to simplify and expedite permit review.

2. Pre-1942 Single Family Home Regulations (Matrix Recommendation 22)

This draft ordinance is intended to reduce the number of single-family home applications requiring DRB approval. Staff is proposing a modification to the single-family home regulations that would allow new homes which replace pre-42 homes to be reviewed administratively, provided the new home is designed with a reduced lot coverage and unit size. This ordinance would expand administrative authority to review new construction of replacement homes, under certain circumstances, in addition to staff current authority to review modifications and alterations to pre-42 single-family homes. This will reduce the number of applications to the DRB for alterations and help to expedite the review of projects which are retaining pre-42 homes.

3. Increased Administrative Authority for Commercial and Multifamily Projects Outside Historic Districts (Matrix Recommendation 29)

This ordinance would increase the administrative authority for staff to review alterations and modifications to multifamily and commercial structures that are not located in a local historic district. This would help to reduce DRB applications for minor alterations and additions, as well as expedite permit review.

With regard to a reduction in the review time for land use board applications (recommendation 29), the administration recommends that the LUDC discuss and deliberate policy options. There is a current requirement for a 30 day notice for all land use board applications. The required notice includes a newspaper ad, individual mail notices sent to all property owners within 375 feet of the subject property, and an individual sign posted on the subject property. Reducing the notice requirements would address this recommendation, and the administration has developed two potential options to achieve this:

- a. Reduce the existing notice requirements from the current 30 days to 15 days prior to the hearing date.
- b. Reduce the notice requirements to the minimum required under state statute. We are working

with the City Attorney's office to verify these requirements, as they have been recently modified by the State Legislature.

Option b, meeting minimum state statutes, would have the biggest impact on expediting the review of LUB applications. Option a, while reducing the timeframe for noticing, does not actually reduce the notice requirements (e.g. mailing and posting), which are the most time consuming. Staff will continue to review the existing application process, including the introduction of the internal development review committee (DRC) for efficiencies that will reduce review time.

CONCLUSION:

The administration recommends the following:

1. The LUDC endorse and refer the three attached ordinances discussed herein and recommend approval at the Planning Board.
2. Discuss and provide appropriate policy direction regarding options a & b, regarding modifications to the minimum notice requirements for land use boards.
3. The Matrix Recommendation Workplan be continued to the September 18, 2019 LUDC meeting.

ATTACHMENTS:

Description	Type
❏ Matrix Workplan - Chart	Memo
❏ Draft Ordinance - Simplification of SF Regs	Memo
❏ Draft Ordinance - Pre 1942 SF Regs	Memo
❏ Draft Ordinance - DRB Staff Level Regs	Memo

#	Recommendation	Department	Staff Recommendation	Status	Action Required	Action Plan	Timeline / Date Effective
1	Cross-train reviewers to review similar but multiple disciplines. Reducing the number of individual departments reviewing permit applications.	All	Where Feasible	In-Progress	Administrative	The Building Department has begun cross training amongst reviewers in the building flooding and roofing disciplines.	Estimated cross training completion October 2019
2	Cross-train administrative staff responsible for the intake and routing of applications and plans so that they have an understanding of the disciplines involved. Expand their responsibilities to include conducting completeness checks at the intake of both initial applications and resubmittals.	Building	Agreed	Continuous	Administrative	Clerical staff is responsible for intake and routing and is currently trained in a cursory review of the applications and plans. However that level of staff is not formally trained in reviewing plans and therefore any misinformation provided on applications and plans would be caught by plan reviewers. We do provide permit tech training to continue to improve the competencies of our team.	In action in perpetuity
3	Cross-train reviewers to review similar but multiple disciplines. Reducing the number of individual departments reviewing building permit applications.	Building	Agreed	In-Progress	Administrative	The Building Department has begun cross training amongst reviewers in the building flooding and roofing disciplines.	Estimated cross training completion October 2019
4	Transition to digital application and plan set submission for the Drop-off Building Permit Process.	Building	Agreed	In-Progress	Administrative	Currently configuring and testing online applications and plans submission	Estimated October 2019 to start transitioning drop-off permit types to online app and plan submittal
5	Transition the current walk-thru permitting process to an electronic application submission that is reviewed the next business day.	Building	Agreed	In-Progress	Administrative	We will explore the possibility of having dedicated staff that will review online submission with a one day turn around time. Currently we are configuring and testing online applications and plans that do not require plan review.	June 2019 - December 2019
6	Examine ways to reduce the number of temporary certificate of occupancies applied issued.	Building	Agreed	Implemented	Administrative	We have begun to require a letter from the owner or contractor on projects that have gone beyond three TCO renewals. We will also explore a fee increase on subsequent renewals after the first.	Effective May 1, 2019
7	Update policies and procedures to require all comments to be readdressed at the time of resubmittal.	Building	Agreed	Implemented	Administrative	A requirement to address all comments before re-submittal was incorporated into the resubmission checklist.	Effective May 17, 2019
8	Require the applicant to resubmit a complete plan set upon each resubmission. Permit Clerks should be allowed to process credit card payments at their terminal after receiving proper training.	Building	Agreed	In-Progress	Administrative	This will be the standard requirement once plans begin to be submitted electronically	Estimated after October 2019
9	Ensure proper policies are in place related to the determination of fees, especially for private provider permits for smaller scale project where minimum fees are assessed.	Building	Agreed	In-Progress	Administrative	iPad for payments have been installed at each permit counter.	Estimated start July 2019
10	The Building webpage should be streamlined to provide relevant information through less searching. An overview of the application and review process should be provided through a graphic.	Building	Agreed	Continuous	Administrative	Department SOP's are constantly being developed and revised as needed.	Ongoing
11	Require all reviewers to sign off or indicate not applicable on all plan sheets. Reviewers should sign each plan sheet versus completing the approval cover letter for walk through permits. Maintaining integrity throughout the review and construction process.	Building - Lead, All	Agreed	Implemented	Administrative	The Building department is constantly looking to innovate and improve. A graphic for the process if being developed.	Ongoing
12		Building - Lead, All	Agreed	Implemented	Administrative		Effective 6/6/19
13		Building - Lead, All	Agreed	Implemented	Administrative		Effective 6/6/19

14	Create the position of Permit Coordinator to provide oversight of the entire development review and permitting process. The Permit Coordinator would also serve as a liaison to the development community to resolve issues.	City Manager	Agreed	Pending	Legislative	Further analysis is required post adoption of the FY 2019/2020 budget.	
15	Conduct public hearings for land development regulation text amendments to once per quarter (initially) versus the current philosophy of conducting hearings at will throughout the year. Three year goal is to conduct public hearing for land development regulation text amendments	Planning	Agreed	To Be Implemented After Code Rewrite	Legislative	Pending Code Rewrite	Pending Code Rewrite
16	Other review departments should receive notice regarding projects being reviewed by the four Planning Boards and be provided an opportunity to "opt in" to commenting or providing recommended conditions of expansion	Planning	Agreed	Implemented	Administrative	The Development Review Committee was established May 9, 2019. The first meeting for the DRB and HPB was held in July. All Boards will be incorporated by August/September. The DRC does not apply to applications to the BOA.	Jul-19
17	expand participation in pre-application meetings and use them as an opportunity for broad input from the City on all issues potentially affecting a project. Do not require applicants to identify what board their project is subject to before attending the pre-application meeting	Planning	Agreed	Implemented	Administrative	The Development Review Committee was established May 9, 2019. The first meeting for the DRB and HPB was held in July. All Boards will be incorporated by August/September. The DRC does not apply to applications to the BOA.	Jul-19
18	Consider requiring staff-issued Planning permits for some complex projects that don't require Board approval but that do review staff review to ensure that all site issues are addressed prior to architectural review.	Planning	Not Recommended	N/A	Legislative	No Action At This Time	N/A
19	Transition to electronic packets for all land use boards.	Planning	Agreed	Pending	Legislative	This requires the purchase, training and deployment of electric devices to board members. Further analysis and discussion with the Boards is required post adoption of the FY 2019/2020 budget.	
20	Conduct public hearings for land development regulation text amendments at the first reading of the ordinance.	Planning	Not Recommended	N/A	Policy	No Action At This Time	N/A
21	Rewrite the land development regulation portion of the adopted City codes and ordinance to incorporate best practices.	Planning	Agreed	In-Progress	Legislative	A RFQ for the Resiliency Code Rewrite was issued June 7, 2019 with a close date of July 23, 2019 (RFQ2019-209-ND). A time line for the completion of this recommendation will be established after the procurement process.	In Procurement Process
22	Modify the approval authority for single family homes constructed pre-1942 and not located in a local historic district. Staff should have the authority to review and approve these permit types	Planning	Agreed	In-Progress	Legislative	Staff will be presenting an ordinance to accomplish this recommendation.	Earliest adoption by Fall 2019
23	Conduct a review of project types to identify more projects that can be approved at the staff level without Board review. Single family residences in particular should be fast tracked with staff review if possible.	Planning	Agreed	In-Progress	Legislative	Staff will be presenting an ordinance to accomplish this recommendation.	Earliest adoption by Fall 2019

24	Consider moving the authority for issuing variances to the city Board of Adjustment so that the Land Use boards responsible for determining compliance with regulations are not also responsible for issuing variances.	Planning	Not Recommended	N/A	Legislative	No Action At This Time	N/A
25	Ensure that all planning staff involved in development review is included in the development and review of proposed land use text amendments.	Planning	Agreed	Implemented	Administrative	All Planning Technical Staff is involved in the development and review of proposed land use text	Implemented
26	The Planning Webpage should be expanded to provide more relevant information on the webpage versus a link to the municipal code. Additional information should be provided for each land use boards and review authority and approval.	Planning	Agreed	In-Progress	Administrative	The Planning Webpage is currently being updated to provide relevant information and process instructions.	Fall 2019
27	Create a manual or series of handouts detailing specific historic design standards.	Planning	Agreed	In-Progress	Administrative	Manuals and hand outs are being created/updated for both historic and nonhistorical design standards.	Fall 2019
28	Exclude interiors from Historic Preservation Board review and transition to staff review.	Planning	Not Recommended	N/A	Legislative	No Action At This Time	N/A
29	Reduce the timeline for conducting a public hearing for land use boards between 4 and 6 weeks after application is received.	Planning	Generally agreed	In-Progress	Legislative	Further research is required for this recommendation. Staff will be proposing an amendment to the notice requirements, this will help to reduce the application review time, but additional modifications to the application process may be required.	Fall 2019
30	Ensure holistic approach to resiliency standards including discordance between elevated and non-elevated building in or near historic areas.	Planning	Agreed	Continuous	Legislative	The LDRs have been updated over time to achieve this goal. However, this goal will also be incorporated into the code rewrite.	See Recommendation 22
31	In conjunction with streamlining regulations to reduce the use of variances, HPB's jurisdictions should be to determine historic appropriateness only.	Planning	Not Recommended	N/A	Legislative	No Action At This Time	N/A
32	Include other review agencies in the Planning review, and where possible identify and ensure resolution of issues that would otherwise potentially delay or derail a project once it reaches the building permit stage.	Planning - Lead, All	Agreed	Implanted	Administrative	See Recommendation 17	See Recommendation 17
33	Implement a Development Review Committee of staff responsible for transportation, public works, floodplain management, urban forestry to participate in pre-application meetings and review projects before they are seen by the community level use board.	Planning - Lead, All	Agreed	Implanted	Administrative	See Recommendation 17	See Recommendation 17

Simplification of Single-Family Regulations

Section 114-1. – Definitions

Lot coverage means the area of the lot covered by the ground floor of all principal and accessory buildings, plus all areas covered by the roofs of such buildings as for example, covered porches and roof overhangs. ~~percentage of the total area of a lot that, when viewed directly from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided, however, that exterior unenclosed private balconies, and awnings shall not be included in determining the building area.~~

* * * *

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

(a) The review criteria and application requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Compliance with regulations and review criteria.*

- a. Permits for new construction, alterations or additions to existing structures shall be subject to administrative (staff level) review by the planning director or designee the design review board (DRB), or historic preservation board (HPB) as applicable, in order to determine consistency with the review criteria listed in this section.
- b. In complying with the review criteria located in this section, the applicant may choose either to adhere to the development regulations identified in sections 142-105 and 142-106 administratively through staff level review or seek enhancements of the applicable development regulations as specified therein, where permitted, through approval from the historic preservation board or design review board, in accordance with the applicable design review or appropriateness criteria.
- c. Notwithstanding the foregoing, for those structures located within a locally designated historic district, or individually designated as an historic structure or site, the review and approval of the historic preservation board (HPB) may be required.
- d. Notwithstanding the foregoing, for those structures constructed prior to 1942 and determined to be architecturally significant, in accordance with section 142-108 herein, the review and approval of the design review board (DRB) shall be required.

(2) *Review criteria.* Staff level review shall encompass the examination of architectural drawings for consistency with the review criteria below:

- a. The existing conditions of the lot, including, but not limited to, topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.
- b. The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent

buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies that delineate the location of adjacent buildings and structures shall be required in evaluating compliance with this criterion.

- c. The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.
- d. The dimensions of all buildings, structures, setbacks, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.
- e. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.
- f. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the placement of the upper floor and shall take into account the established single family home context within the neighborhood.
- g. The construction of an addition to main existing structure shall be architecturally appropriate to the original design and scale of the main existing structure; the proposed addition may utilize a different architectural language or style than the main existing structure, but in a manner that is compatible with the scale and massing of the main existing structure.
- h. The construction shall be in conformance with the requirements of article IV, division 7 of this chapter with respect to exterior facade paint and material colors.

(3) *Application requirements for DRB or HPB review.*

- a. DRB or HPB applications shall follow the application procedures and review criteria, specified in chapter 118, article VI, design review procedures or article X, historic preservation, of these land development regulations (as applicable), board by-laws, or as determined by the planning director, or designee. ~~However, the fee for applications to the DRB for non-architecturally significant homes constructed prior to 1942 and all home constructed after 1942 shall be \$150.00.~~

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

- (1) *Lot area, lot width, lot coverage, unit size, and building height requirements.* The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)*	Maximum Lot Coverage for a 2-story Home (% of lot area)**	Maximum Unit Size (% of Lot Area)	Maximum Building Height, which shall not exceed two stories above the base flood elevation, plus freeboard in all districts***
RS-1	30,000	100	30%	50%	28 feet - flat roofs.

RS-2	18,000	75	30%	50%	31 feet - sloped roofs.
RS-3	10,000	50 - Oceanfront lots. 60 - All others	30%	50%	24 feet - flat roofs. 27 feet - sloped roofs. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
RS-4	6,000	50	30%	50%	24 feet - flat roofs. 27 feet- sloped roofs.
		*Except those lots fronting on a cul-de-sac or circular street as defined in lot width	**Single story homes shall follow the requirements of section 142-105(b)(4)b.		*** Height shall be measured from the required base flood elevation for the lot, plus freeboard, measured to the top of the structural slab for a flat roof and to the mid-point of the slope for a sloped roof. Single story homes shall follow the requirements of section 142-105(b)(4)b

- (2) *Maximum number of stories.* The maximum number of stories shall not exceed two above the base flood elevation, plus freeboard.
- (3) *[Limitation on contiguous lots.]* No more than two contiguous lots may be aggregated, with the exception of the following:
 - a. Lot aggregation for the purpose of expanded yards, or for the construction of accessory pools, cabanas, tennis courts, and similar accessory structures, when detached from the main home with a minimum separation of 15 feet, which may be aggregated to no more than three contiguous lots; or
 - b. Lot aggregation for the construction of a new home located in the middle of a site consisting of three lots, provided the sum of the side yard setbacks of the main structure are equivalent to the width of the smallest of the three aggregated lots, and the overall unit size and lot coverage of the main home shall be based upon the combined size of the largest two lots.
- (4) *Unit size requirements.*
 - a. Minimum unit size: 1,800 square feet.

- b. For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single-family home, measured from the exterior faces of exterior walls. However, the unit size of a single-family home shall not include the following, unless otherwise provided for in these land development regulations:
 1. Uncovered steps.
 2. Attic space, providing structural headroom of less than seven feet six inches.
 3. ~~These portions of covered terraces,~~Open breezeways, connected to more than one structure, which consist of roof protection from the elements and are open on all sides, or open porches that are attached to or part of the principal structure, and that do not project more than ten feet from the main home building(s).
 4. ~~Single-story e~~Covered terraces and opened porches, which, with the exception of supporting structures, are open on at least three sides, and are part of a detached single-story accessory structure located within a rear yard, provided such terrace or porch does not exceed two percent of the lot area.
 5. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
 6. ~~Those portions of covered~~ Covered exterior unenclosed private balconies that do not project more than six feet from the building.
- c. For two story homes with an overall lot coverage of 25 percent or greater, at least 35% of the physical volume of the second floor along the front, street side or interior side shall be setback a minimum of five feet from the edge of ~~not exceed 70 percent of the first floor of the main home, inclusive of any enclosed parking structure.~~ The DRB or HPB may forego this requirement, in accordance with the applicable design review or appropriateness criteria.
- d. Non-air conditioned understory space located below minimum flood elevation, plus freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor has been elevated above existing grade in order to meet minimum flood elevation requirements, including freeboard, the following shall apply to the understory area(s). For purposes of this subsection, 'understory' means the air-conditioned and/or non-air-conditioned space(s) located below the first elevated habitable floor.
 1. ~~The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from the lowest level slab provided.~~
 2. ~~Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.~~
 3. ~~The area under the first habitable floor of the main structure shall consist of non-air conditioned space. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.~~
 4. ~~The parking garage area and the non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations.~~

The use of the understory ~~is shall be~~ for non-habitable purposes and the ~~city intent~~ ~~is to facilitate solely~~ non-habitable use of the area, which area may be subject to flooding.

~~e. Subject to the review and approval of the design review board or historic preservation board, as applicable, t~~The following ~~may~~ shall apply to the understory area(s):

1. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions, and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent on each side.
2. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.
3. Understory building access. Enclosed, air-conditioned elevator and stair vestibules, for access to the first habitable level of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and air-conditioned building access shall be limited to no greater than three percent of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.
4. Enclosed, non-air-conditioned areas, for parking and storage, may be permitted and shall not count in the unit size calculations, provided such areas do not exceed 600 square feet. Any portion of such enclosed parking and storage area exceeding 600 square feet shall count in the unit size calculations.
5. All parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria.
6. The maximum width of all driveways at the property line shall not exceed 15 percent of the lot width, and in no instance shall be less than nine feet in width and greater than 18 feet in width.
7. At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be measured from the front setback of the principal structure to the front property line and the required street side yard shall be measured from the street side setback of the principal structure to the street side property line. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

8. A continuous soffit shall be lowered a minimum of two feet from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s).
9. Understory ground elevation. The minimum elevation of the understory ground shall be constructed no lower than future crown of road as defined in chapter 54, of the city Code. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.
10. Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be setback a minimum of five feet from each side of the underneath of the slab of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.

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

- a. *General*. For lots aggregated after September 24, 2013, when a third lot is aggregated, as limited by subsection 142-105(b)(3), the calculation of lot coverage shall be determined by the two lots on which the house is located.
- b. *One-story structures*. One-story structures may exceed the maximum lot coverage noted in subsection 142-105(b)(1) above, through staff level review and shall be subject to the setback regulations outlined in section 142-106, but in no instance shall the ~~lot coverage building footprint~~ exceed ~~5040~~ percent of the lot area. For purposes of this section, a one-story structure shall not exceed 18 feet in height for flat roof structures and 21 feet for sloped roof structures (measured to the mid-point of the slope) as measured from the minimum flood elevation. ~~However, for five percent of the lot coverage, the height may be increased up to 24 feet for a single flat roof structure or 27 feet for a single sloped roof structure (measured to the mid-point of the slope). The length of any wall associated with this higher height shall not exceed 25 feet.~~
- c. *Calculating lot coverage*. For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on ~~three~~ four or more sides, shall be included in the lot coverage calculation. ~~However, outdoor covered areas, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and not covered by an enclosed floor above, shall not be included in the lot coverage calculation in accordance with the following:~~
 1. ~~When attached to the main home building(s) with a projection of ten feet or less, such outdoor covered area shall not be included in the lot coverage calculation.~~

- ~~2. When detached from the main home building(s), or part of an attached structure projecting more than ten feet from the main home building(s), such outdoor covered areas shall not be included in the lot coverage calculation, provided, that such outdoor covered area(s) do not exceed two percent of the lot area.~~

~~For purposes of this section, a pergola shall be defined as a garden walk or terrace formed by two rows of columns or posts with an open framework of beams and cross rafters over which plants may be trained.~~

- d. *Garages.* A maximum of 500 square feet of garage space shall not be counted in lot coverage if the area is limited to garage, storage and other non-habitable uses and the garage conforms to the following criteria:
 1. The garage is one story in height and not covered by any portion of enclosed floor area above. Enclosed floor area shall be as defined in section 114-1.
 2. The vehicular entrance(s) of the garage is not part of the principal facade of the main house.
 3. The garage is constructed with a vehicular entrance(s) perpendicular to and not visible from the right-of-way, or the entrance(s) is set back a minimum of five feet from the principal facade of the main house when facing a right-of-way.
 - 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.
 - f. *Demolition of architecturally significant single-family homes.* Proposed new construction that exceeds the original building footprint of a demolished architecturally significant single-family home shall follow the provisions of section 142-108.
- (6) *Roof decks.* Roof decks shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Built in planters, gardens or similar landscaping areas, not to exceed three and one-half feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.
 - (7) *Height exceptions.* The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed ten feet above the roofline of the structure. In general, height exceptions that have not been developed integral to the design intent of a structure

shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.

- a. Chimneys and air vents, not to exceed five feet in height.
- b. ~~Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, and belfries, and covered structures, which are open on all sides, and are not intended for habitation or to extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below, and shall be setback a minimum of ten feet from the perimeter of the enclosed floor below.~~
- c. Radio and television antennas.
- d. Parapet walls, only when associated with a habitable roof deck or when used to screen roof top mechanical equipment. When associated with a habitable roof deck, the parapet shall not to exceed three and one-half feet above the finished roof deck height, and set back a minimum of ten feet from the perimeter of the enclosed floor below. When used to screen mechanical equipment, the parapet walls shall not exceed the height of the equipment being screened.
- e. Rooftop curbs, not to exceed one foot in height.
- f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
- g. Skylights, not to exceed five feet above the main roofline, and provided that the area of skylight(s) does not exceed ten percent of the total roof area of the roof in which it is placed.
- h. Air conditioning and mechanical equipment not to exceed five feet above the main roofline and shall be required to be screened in order to ensure minimal visual impact as identified in the general section description above.
- i. Rooftop wind turbines, not to exceed ten feet above the main roofline.
- j. Covered structures, which are open on all sides, and do not extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below, and shall be setback a minimum of ten feet from the perimeter of the enclosed floor below.

(8) *Exterior building and lot standards.* The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

- a. *[Exterior bars.]* Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.
- b. *Minimum yard elevation requirements.*
 1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as

outlined in paragraph c., below, the minimum elevation requirements shall still apply.

2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing single-family homes individually designated as historic structures, or to properties with single-family homes designated as "contributing" within a local historic district.
- c. *Maximum yard elevation requirements.* The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:
 1. *Front Yard.* The maximum elevation within a required front yard shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required front yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
 2. *Interior Side Yards* (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - (A) When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - (B) When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - (C) Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required side yards.
 3. *Side Yard Facing a Street.* The maximum elevation within a required side yard facing a street shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required side yard facing a street, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
 4. *Rear Yard.* The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
 - (A) *Waterfront.* The maximum elevation shall not exceed the base flood elevation, plus freeboard.
 - (B) *Non-waterfront.* The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:

- i. When the average grade of an adjacent lot along the abutting rear yard is equal or greater than adjusted grade, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - ii. When abutting a vacant property, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - iii. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both rear yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required rear yards.
- 5. *Stormwater retention.* In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations, as determined by the Public Works Department.
- 6. *Retaining wall and yard slope requirements.* Within the required front yard and within the required side yard facing a street the following shall apply:
 - (A) Within the first four feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
 - (B) When setback a minimum of four feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
 - (C) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of section 142-105.
 - (D) The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).
- (9) *Lot split.* All new construction for homes on lots resulting from a lot split application approved by the planning board shall be subject to the review and approval of the design review board (DRB) or historic preservation board (HPB), as applicable. The following shall apply to all newly created lots, when the new lots created do not follow the lines of the original platted lots and/or the lots being divided contain an architecturally significant, pre-1942 home that is proposed to be demolished.
 - a. The maximum lot coverage for a new one-story home shall not exceed 40 percent of the lot area, and the maximum lot coverage for a new two-story home shall not exceed 25 percent of the lot area, or such lesser number, as determined by the planning board.
 - b. The maximum unit size shall not exceed 40 percent of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board.

Sec. 142-106. - Setback requirements for a single-family detached dwelling.

(a) The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Front yards:* The minimum front yard setback requirement for these districts shall be 20 feet.

- a. One-story structures may be located at the minimum front yard setback line.
- b. Two-story structures shall be set back a minimum of ten additional feet from the required front yard setback line.
- c. [Reserved.]
- d. At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.
- e. In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required front yard be sodded or landscaped pervious open space.

(2) *Side yards:*

- a. The sum of the required side yards shall be at least 25 percent of the lot width.
- b. Side, facing a street.
 1. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.
 2. At least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.
 3. In the event that an existing single family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required side yard area facing a street consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space if the side yard area facing a street is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required side yard area facing a street be sodded or landscaped pervious open space.
- c. Interior sides.
 1. For lots greater than ~~60~~65 feet in width each interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.
 2. For lots ~~60~~65 feet in width or less each interior side yard shall have a minimum of seven and one-half feet.

- d. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. ~~The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation.~~ The elevation (height) of the open space provided shall not exceed the elevation of the first habitable floor ~~maximum permitted elevation height of the required side yard~~, and at least ~~75~~ 50 percent of the required interior open space area shall be sodded or landscaped previous open space. The additional open space may contain mechanical equipment. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through historic preservation board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.
- e. Nonconforming yards.
1. If a single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet all setback regulations existing at the time, unless otherwise exempted under chapter 118, article IX of these land development regulations.
 2. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.
 3. ~~When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least five feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall apply to the construction of a second floor addition to single-family homes constructed prior to September 6, 2006, and to the linear extension of a single-story building, as long as the addition does not exceed 18 feet in height for a flat roof structure and 21 feet~~

~~for a sloped roof structure (measured to the mid-point of the slope), as measured from the minimum flood elevation. If the linear extension is two-stories, the second floor shall meet the minimum required yards and the recessed area created by this setback shall not be accessible or habitable. Notwithstanding the foregoing, if an existing interior side yard is less than five feet, the minimum side yard for any new construction or addition on that side shall be ten percent of the lot width or seven and one-half feet, whichever is greater.~~

- (3) *Rear:* The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

(b) Allowable encroachments within required yards.

(1) Accessory buildings. In all 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 enclosed 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. 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. 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. 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.
- (2) *Awnings.* awnings attached to and supported by a building wall may be placed over doors or windows in any required yard, but such awnings shall not project closer than three feet to any lot line.
- (3) *Boat, boat trailer, camper trailer or recreational vehicle storage.* Accessory storage of such vehicles shall be limited to a paved, permanent surface area within the side or rear yards, no such vehicle shall be utilized as a dwelling and such vehicles shall be screened from view from any right-of-way or adjoining property when viewed from five feet six inches above grade.
- (4) *Carports.* Carports shall be constructed of canvas and pipe for the express purpose of shading automobiles and shall have a minimum required interior side yard setback of four feet. The carport shall be permitted to extend into any front yard, provided such carport is at least 18 inches from the property line or sidewalk, and provided it is attached to the main building. When the main entrance to a house is located on a side of the house facing the street, the carport shall be permitted to extend into the side yard facing the street, provided such carport is at least 18 inches from the property line or sidewalk and provided it is attached to the main building. The side of the carport that faces the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five feet from the rear property line. When a carport is detached it shall not be located in the required front or side-facing-the-street yards. Carports shall not be permitted to exceed 20 feet in width, 20 feet in unobstructed view between the grade and the lower ceiling edge of the carport of at least seven feet shall be maintained. Only one carport shall be erected within a required yard. Carports constructed prior to the adoption of this section shall be considered as legal nonconforming structures. Such nonconforming canopies may be repaired or replaced; however, the degree of their nonconformity shall not be increased thereby.
- (5) *Central air conditioners, emergency generators and other mechanical equipment.* Accessory central air conditioners, generators and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, provided that:

 - a. They are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street.
 - b. The maximum height of the equipment including attached screening elements, shall not exceed five feet above current flood elevation, with a maximum height

not to exceed ten feet above grade, as defined in subsection 114-1, of the lot at which they are located.

c. If visible from the right-of-way, physical and/or landscape screening shall be required.

d. Any required sound buffering equipment is located outside the minimum five-foot yard area specified in subsection (f)(1) of this section.

e. If the central air conditioning and other mechanical equipment do not conform to subsections (1), (2), (3), and (4) above, then such equipment shall follow the setbacks of the main structure.

(6) Driveways. Driveways and parking spaces leading into a property shall have a minimum setback of four feet from the side property lines. Driveways and parking spaces parallel to the front property line shall have a minimum setback of five feet from the front property line. Driveways and parking spaces located within the side yard facing the street shall have a minimum setback of five feet to the rear property line.

(7) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:

a. Within the required front yard, fences, walls and gates shall not exceed five feet, as measured from grade. The height may be increased up to a maximum total height of seven feet if the fence, wall or gate is set back from the front property line. Height may be increased one foot for every two feet of setback. For properties zoned multifamily and located within a locally designated historic district or site, fences shall be subject to the certificate of appropriateness review procedure, and may be approved at the administrative level.

b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet. Within RS-1 or RS-2 single-family district, in the event that a property has approval for adjusted grade, the overall height of fences, walls and gates may be measured from adjusted grade, provided that the portion of such fences, walls or gates above four feet in height consists of open pickets with a minimum spacing of three inches, unless otherwise approved by the design review board or historic preservation board, as applicable.

c. All surfaces of masonry walls and wood fences shall be finished in the same manner with the same materials on both sides to have an equal or better quality appearance when seen from adjoining properties. The structural supports for wood fences, walls or gates shall face inward toward the property.

d. Chain link fences are prohibited in the required front yard, and any required yard facing a public right-of-way or waterway (except side yards facing on the terminus of a dead end street in single-family districts) except as provided in this section and in section 142-1134.

f. Barbed wire or materials of similar character shall be prohibited.

- (8) Hedges. There is no height limitations. Hedge material must be kept neat, evenly trimmed and properly maintained. For corner visibility regulations see section 142-1135.
- (9) Hot tubs, showers, saunas, whirlpools, toilet facilities, swimming pool equipment, decks. Hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a required rear yard, provided such structure does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line. Swimming pool equipment may be located in the rear and/or side yard when it is at least five feet from a rear or interior side lot line; however, when a side yard faces a street, swimming pool equipment shall be located at least ten feet from the property line with landscaping or fencing constructed in a manner that prevents it being viewed from the street. Freestanding, unenclosed facilities including surrounding paved or deck areas shall adhere to the same setback requirements as enclosed facilities.
- (10) Lightpoles.
- a. Lightpoles shall have a maximum height of ten feet. Lightpoles shall be located seven and one-half feet from any property line except that when such property line abuts a public right-of-way, or waterway there shall be no required setback.
 - b. All light from lightpoles shall be contained on-site or on any public right-of-way as required by the city Code.
- (11) Marine structures. Seaward side yard setbacks for boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind shall not be less than seven and one-half feet. This requirement pertains to the enlargement of existing structures as well as to the construction of new structures. It is further provided that any boat, ship, or vessel of any kind shall not be docked or moored so that its projection extends into the required seaward side yard setback, and the mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to a boat dock. Land side decks may extend to the deck associated with the marine structure. Lighting associated with, but not limited to, the deck, or marine structure shall be installed in such a manner to minimize glare and reflection on adjacent properties and not to impede navigation. The maximum projection of a marine structure shall be determined by the county department of environmental resource management. If a dock or any kind of marine structure/equipment whether it is or is not attached to a dock projects more than 40 feet into the waterway or it extends beyond the maximum projection permitted under section 66-113, the review and approval of the applicable state and county authorities shall be required. In the event any dock, boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind are proposed to extend greater than 40 feet from a seawall adjacent to conditional use approval from the planning board, in accordance with chapter 118, article IV of the city Code, shall also be required.
- (12) Ornamental fixtures or lamps. Requirements for ornamental fixtures and lamps shall be as follows:
- a. Ornamental fixtures and lamps are permitted to be placed on walls or fences when they are adjacent to a public street, alley, golf course or waterway. The total height of the combined structure shall not exceed the required fence or wall height by more than two feet.

b. Ornamental fixtures and lamps shall be located with a minimum separation of eight feet on center with a maximum width of two feet.

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

(1) Belt courses.

(2) Chimneys.

(3) Cornices.

(4) Exterior unenclosed private balconies.

(5) Ornamental features.

(6) Porches, platforms and terraces up to 30 inches above the grade elevation of the lot, as defined in chapter 114. Such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding five feet in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.

(7) Roof overhangs.

(8) Sills.

(9) Window or wall air conditioning units.

(10) Bay windows (not extending floor slab).

(11) Walkways: Maximum 44 inches. May be increased to a maximum of five feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedures, as applicable, and pursuant to chapter 118, article VI, of the city Code. Notwithstanding the foregoing, when required to accommodate ADA access to an existing contributing building within a local historic district, or National Register District, an ADA walkway and ramp may be located within a street side or interior side yard, with no minimum setback, provided all of the following are adhered to:

a. The maximum width of the walkway and ramp shall not exceed 44 inches and five feet for required ADA landings;

b. The height of the proposed ramp and landing shall not exceed the finished first floor of the building(s); and

c. The slope and length of the ramp shall not exceed that which is necessary to meet the minimum Building Code requirements.

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

- (12) Electric vehicle charging stations and fixtures, located immediately next to an off-street parking space, shall be permitted where driveways and parking spaces are located.
- (13) Electrical transformers and associated concrete pads, as required by Florida Power and Light (FPL) may be located up to the front or street side property line.
- (14) Satellite dish antennas. Satellite dish antennas are only permitted in the rear yard. Antennas shall be located and sized where they are not visible from the street. Satellite dish antennas shall be considered as an accessory structure; however the height of the equipment including its base to the maximum projection of the antenna, based upon maximum operational capabilities, to the top part of the antenna shall not exceed 15 feet. If it is attached to the main structure it may not project into a required yard.
- (15) Swimming pools. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:
- a. Rear yard setback. A six-foot minimum setback from rear property line to swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure associated or not associated with a swimming pool, provided, however, that swimming pool decks may extend to the property line and be connected to a dock and its related decking when abutting upon any bay or canal. There shall be a minimum seven and one-half-foot setback from the rear property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool. For oceanfront properties, the setback shall be measured from the old city bulkhead line.
 - b. Side yard setback. A seven and one-half-foot minimum required setback from the side property line to a swimming pool deck, or platform, the exterior face of an infinity edge pool catch basin, or screen enclosures associated or not associated with a swimming pool. Nine-foot minimum required setback from side property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.
 - c. Side yard facing a street. A ten-foot setback from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.
 - d. Walk space. A walk space at least 18 inches wide shall be provided between swimming pool walls and fences or screen enclosure walls. Every swimming pool shall be protected by a sturdy non-climbable safety barrier and by a self-closing, self-locking gate approved by the building official.
 - 1. The safety barrier shall be not less than four feet in height and shall be erected either around the swimming pool or around the premises or a portion thereof thereby enclosing the area entirely, thus prohibiting unrestrained admittance to the swimming pool area.
 - 2. Where a wooden type fence is to be provided, the boards, pickets, louvers, or other such members shall be spaced, constructed and erected so as to make the fence not climbable and impenetrable.

3. The walls, whether of the stone or block type, shall be so erected to make them non-climbable.
 4. Where a wire fence is to be used, it shall be composed of two-inch chainlink or diamond weave non-climbable type, or of an approved equal, with a top rail and shall be constructed of heavy galvanized material.
 5. Gates, where provided, shall be of the spring lock type so that they shall automatically be in a closed and fastened position at all times. They shall also be equipped with a gate lock and shall be locked when the swimming pool is not in use.
- e. *Visual barriers for swimming pools.* Accessory swimming pools when located on any yard, facing a public street or alley, shall be screened from public view by a hedge, wall or fence not less than five feet in height. The hedge shall be planted and maintained so as to form a continuous dense row of greenery as per the requirements of this division. The maximum height of the visual barrier shall be pursuant to article IV, division 5 of this chapter.
 - f. *Corner properties.* For corner lots with a home built prior to 2006, a ten-foot setback from the front property line and from the side lot line facing the street to the swimming pool, deck, platform or screen enclosure. For corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.
 - g. *Homes with two fronts, or thru lots, within single-family districts.* Lots with two fronts, as defined by section 114-1 of the City Code, shall be permitted to place a pool and pool deck, with a minimum ten-foot setback from the front property line, at the functional rear of the house.
- (16) The following regulations shall apply for fences, lightpoles or other accessory structures associated with court games.
- a. In a required front yard the maximum height of fences shall be ten feet and the fences shall be set back at least 20 feet from the front property line.
 - b. In a required side and required rear yard the maximum height of fences shall be ten feet and the fences shall be set back at least 7½ feet from the interior side or rear property line. When the fence faces a street, the maximum height shall be ten feet and the fence shall be set back at least 15 feet from the property line. For oceanfront properties, the rear lot line shall be the old city bulkhead line.
 - c. Accessory lighting fixtures, when customarily associated with the use of court games, shall be erected so as to direct light only on the premises on which they are located. The maximum height of light fixtures shall not exceed ten feet when located in a required yard; otherwise, the maximum height shall not exceed 20 feet. Light is permitted to be cast on any public right-of-way.
 - d. All chainlink fences shall be coated with green, brown or black materials.
 - e. When fences are located in required yards, they shall be substantially screened from view from adjacent properties, public rights-of-way, and waterways by landscape materials.
 - f. Any play surface, whether paved or unpaved, when associated with such court games, shall have the following minimum required yards: front—20 feet; interior side—7½ feet; any side facing on a street—15 feet; rear—7½ feet.

- g. Landscaping, when associated with tennis courts, shall be allowed to equal the height of the fence. The area between the tennis court fence and the front lot line shall be landscaped and approved by the planning and zoning director prior to the issuance of a building permit.

Demolition of Pre-42 Single-Family Home Regulations

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

(a) *Criteria for the demolition of an architecturally significant home.* Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall; or independently may, make a determination whether the home is architecturally significant according to the following criteria:

- (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof.
- (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
- (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
- (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit for the existing structure was issued, according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the date of construction shall be as determined by the Miami-Dade County Property Appraiser.

Any applicant requesting a determination as to the architectural significance of any single-family home constructed prior to 1942 shall pay upon submission [of] all applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. Public notice shall be required in accordance with section 118-8, subsections (b) Mail notice, and (c) Posting. Within ten days of posting any required notice, interested persons may submit information to the planning director to take into consideration in evaluating the application. The director shall file the determination with the city clerk no later than five (5) days after the decision is made.

(b) *Appeals.* The decision of the planning director, or designee, which shall bear the presumption of correctness, pertaining to the architectural significance of a single-family home, may be appealed to the board of adjustment, pursuant to the requirements of section 118-9. No demolition permit may be issued within any appeal period, and if an appeal is filed, while the appeal is pending.

(c) *[Pre-application conference.]* An applicant may have a pre-application conference with the planning director, or designee, prior to the submission of a request or an application to discuss any aspect of this section. Such pre-application conference and any statements by the planning director, or designee, shall not create any waiver of, or estoppel on, the requirements of, or any determination to be made, under this section.

(d) *Total demolition procedures for a pre-1942 home.*

- (1) A building permit for the total demolition of any single-family home constructed prior to 1942 shall only be issued following the final determination (after the expiration of time or exhaustion of all appeals) by the planning director, or designee, or the DRB, that the subject structure is not an architecturally significant home. A property owner may proceed directly to the DRB, pursuant to subsection 142-108(g); in this instance, a demolition permit shall only be issued in accordance with subsection 142-108(f).

- (2) A request for such determination by the planning director, or designee, shall be processed by the planning department within ten business days of its submission.
 - (3) In the event the planning director, or designee, determines that a single-family home constructed prior to 1942 is architecturally significant, ~~a demolition permit shall require the review of the DRB. The DRB, if required to review a replacement structure, may~~ shall explore with the property owner reasonable alternatives to demolition such as, but not limited to, reducing the cost of renovations, minimizing the impact of meeting flood elevation requirements, and designating the property as an historic structure or site. The DRB shall not have the authority to deny a request for demolition.
- (e) *Partial demolition procedures for an architecturally significant home.*
- (1) A building permit for partial demolition to accommodate additions or modifications to the exterior of any architecturally significant single-family home constructed prior to 1942 shall be issued only upon the prior final approval by the planning director, or designee, unless appealed as provided in subsection (3) below. In the event an architecturally significant single-family home is proposed to be substantially retained, the mail notice requirements in subsection 142-108(a) shall not be required and a property owner may proceed directly to the design review board, pursuant to subsection 142-108(g), or agree to have the partial demolition reviewed and approved by staff, pursuant to subsection 142-108(e)(4); in either instance, a demolition permit shall only be issued in accordance with subsection 142-108(f).
 - (2) An application for such approval shall be processed by the planning department, as part of the building permit process.
 - (3) An appeal of any decision of the planning department on such applications shall be limited to the applicant, shall be in writing, shall set forth the factual and legal bases for the appeal, and shall be to the DRB.
 - (4) Review of applications for partial demolition shall be limited to the actual portion of the structure that is proposed to be modified, demolished or altered. Repairs, demolition, alterations and improvements defined below shall be subject to the review and approval of the staff of the design review board. Such repairs, alterations and improvements include the following:
 - a. Ground level additions to existing structures, not to exceed two stories in height, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such ground level additions
 1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;
 2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
 - b. Roof-top additions to existing structures, as applicable under the maximum height requirements specified in chapter 142 of these land development regulations, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such roof-top additions:

1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;
 2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
- c. Replacement of windows, doors, roof tiles, and similar exterior features or the approval of awnings, canopies, exterior surface colors, storm shutters and exterior surface finishes, provided the general design, scale, massing, arrangement, texture, material and color of such alterations and/or improvements are compatible with the as-built scale and character of the subject home and the surrounding single-family residential neighborhood. Demolition associated with facade and building restorations shall be permitted, consistent with historic documentation.
 - d. Facade and building restorations, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - e. Demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - f. The demolition and alteration of rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - g. The demolition of non-architecturally significant accessory buildings.
- (f) *Issuance of demolition permits for architecturally significant single-family homes.*
- (1) Emergency demolition orders. This section shall not supersede the requirements of the applicable building code with regard to unsafe structures and the issuance of emergency demolition orders, as determined by the building official.
 - (2) A demolition permit for the total demolition of an architecturally significant single-family home constructed prior to 1942, shall not be issued unless all of the following criteria are satisfied:
 - a. Approval of the Design Review Board has been obtained for the replacement construction. However, if a new home is proposed with a lot coverage of 25% or less and unit size of 40% or less, Design Review Board approval shall not be required.
 - b. The issuance of a building permit process number for new construction;
 - ~~b-c.~~ The building permit application and all required plans for the new construction shall be reviewed and approved by the planning department;
 - ~~e-d.~~ All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;

- ~~d.e.~~ A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by urban forestry in the environment and sustainability department.
- (3) The demolition permit shall require that all debris associated with the demolition of the structure shall be re-cycled, in accordance with the applicable requirements of the Florida Building Code.
- (g) *New construction requirements for properties containing a single-family home constructed prior to 1942.*
- (1) In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to 1942, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:
- a. The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 118-251(a)1—12 of the land development regulations of the City Code.
 - b. The DRB review of any new structure, in accordance with the requirements of chapter 118, article VI, shall include consideration of the scale, massing, building orientation and siting of the existing structure on the subject site, as well as the established building context within the immediate area.
 - c. The overall lot coverage of proposed new buildings or structures shall not exceed the maximum limits set forth in section 142-105.
 - d. Lot coverage requirements for a single story home. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 percent of the lot area; at the discretion of the DRB, the lot coverage may be increased to a maximum of 50 percent of the lot area, if the DRB concludes that the one-story structure proposed results in a more contextually compatible new home. For purposes of this section, a one-story structure shall not exceed 18 feet in height as measured from minimum flood elevation. A restrictive covenant, in a form acceptable to the city attorney, shall be required, ensuring, for the life of the structure, that a second story is not added.
 - e. Lot coverage requirements for lot splits and lot aggregations. The above regulations shall also be a limitation on development in all lots within a single site that may be split into multiple lots or multiple lots that are aggregated into a single site, at a future date. When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.
 - f. Notwithstanding the above, if a new home is proposed with a lot coverage of 25% or less and a unit size of 40% or less, the design of the replacement home may be reviewed and approved by the planning director or designee, and Design Review Board approval shall not be required for the new home. However, any subsequent addition exceeding 25% lot coverage and /or 40% unit size shall require the review and approval of the DRB.
- (2) *Regulations for additions to architecturally significant homes which are substantially retained and preserved.* In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home

constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

- a. *Review criteria.* The proposed addition and modifications to the existing structure may be reviewed at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. The design of any addition to the existing structure shall take into consideration the scale, massing, building orientation and siting of the original structure on the subject site.
- b. *Lot coverage.* The total lot coverage may be increased to, but shall not exceed 40 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. In the event the lot coverage of the existing structure exceeds 40 percent, no variance shall be required to retain and preserve the existing lot coverage and a second level addition shall be permitted, provided it does not exceed 60 percent of the footprint of the existing structure; no lot coverage variance shall be required for such addition.
- c. *Unit size.* The total unit size may be increased to, but shall not exceed 60 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- d. *Heights for RS-3 and RS-4.* For lots zoned RS-4 with a minimum lot width of 60 feet, or lots zoned RS-3, the height for ground level additions not to exceed 50 percent of the lot coverage proposed, may be increased up to 26 feet for a flat roofed structure and 29 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- e. *Heights for RS-1 and RS-2.* For lots zoned RS-1 or RS-2, the height for ground level additions not to exceed 50 percent of the lot coverage proposed may be increased up to 30 feet for a flat roofed structure and 33 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- f. *Courtyards.* The minimum courtyard requirements specified in subsection 142-106(2)d. may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- g. *Front setback.* Two-story structures or the second floor may encroach forward to the 20-foot front setback line, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- h. *Second floor requirements.* The maximum second floor area of 70 percent specified in subsection 142-105(b)(3)c may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

- i. *Two-story ground level additions.* The construction of a ground floor addition of more than one story shall be allowed to follow the existing interior building lines, provided a minimum side setback of five feet is met, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
 - j. *Projections.* Habitable additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or side yard for a distance not to exceed 25 percent of the required yard, up to the following maximum projections:
 - 1. Interior side yard: Five feet.
 - 2. Street side yard: Seven feet six inches.
 - 3. Rear yard: Fifteen feet.
 - k. *Fees.* The property owner shall not be required to pay any city planning or public works department fees associated with the renovation and restoration of the existing single-family home; except that any and all non-city impact fees and other fees shall still be required.
 - l. *[Applicability.]* The above regulations shall also be applicable to:
 - 1. Any single-family home designated as an historic structure by the historic preservation board, and not located within a locally designated historic district.
 - 2. Any single-family home constructed prior to 1966, if the owner voluntarily seeks a determination of architectural significance and if such home has been determined to be architecturally significant in accordance with section 142-108(a).
- (3) *Appeals.* An appeal of any decision of the DRB shall be to a special master appointed by the city commission, in accordance with the procedures set forth in subsection 118-537(b) of these land development regulations. Thereafter review shall be by certiorari to the circuit court.
- (h) *Exceptions.* The following areas of work shall not require determinations of the planning director, or designee, under this section: interior demolitions including plumbing, electrical and mechanical systems, and renovations to the exterior of nonarchitecturally significant structures.

Expansion of Staff Level Review of DRB Projects

Sec. 118-260. - Administrative review procedures.

- (a) The planning director or the director's 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~~ 30 feet 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~~ 10,000 square feet.
 - (2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
 - (3) Facade and building alterations, renovations and restorations which are minor in nature.
 - (4) Modifications to storefronts and/or façade alterations in commercial zoning districts that support indoor/outdoor uses, which are compatible with the architecture of the building, except for vehicular drive-through facilities. Such modifications may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Applications submitted pursuant to this subsection (a)(4) shall comply with the following regulations:
 - a. the property shall not be located within 300 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's zoning district map; and
 - b. the extent of demolition and alterations to the façade of the building shall not permanently alter the character of the building's architecture by removing original architectural features that cannot be easily replaced, or by compromising the integrity of the architectural design.Should the proposed storefront modification not comply with any of the above regulations, the proposed modifications to storefronts and/or façade alterations shall require design review board review and approval.
 - (5) Modifications to storefronts and/or façade alterations utilizing an exterior component within the storefront and/or façade, which are compatible with the architecture of the building (including, without limitation, the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning

drop-off and pick-up kiosks, and similar self service facilities; but excluding vehicular drive-through facilities). Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services.

- (6) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- (7) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- (8) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- (9) Minor work involving public improvements upon public rights-of-way and easements.
- (10) Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
- (11) Applications related to exterior balcony, terrace, porch and stairway rails on existing buildings, which have become nonconforming as it pertains to applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life safety codes. Modifications required to address compliance with applicable state life safety codes shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.

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

MIAMI BEACH

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

Item 5.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **DISCUSSION ON A PROPOSED BALLOT QUESTION PERTAINING TO AN INCREASE IN FAR WITHIN EXISTING PARKING GARAGES.**

ATTACHMENTS:

Description	Type
C4 L	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: May 8, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -
DISCUSSION ON A PROPOSED BALLOT QUESTION PERTAINING TO AN
INCREASE IN FAR WITHIN EXISTING PARKING GARAGES.

RECOMMENDATION

The administration recommends that the City Commission refer the item to the Land Use and Development Committee for its review and recommendation.

ANALYSIS

BACKGROUND

Under the current code, required parking that is enclosed within a structure is exempt from floor area ratio (FAR) calculations. The Administration has observed increasing instances where required parking, or portions of required parking, are no longer needed due to changes in use or intensity within a particular building. As such, if existing parking spaces within an enclosed structure are no longer 'required parking', these spaces could, potentially, be converted to other uses, provided the building site on which the spaces are located has available FAR. However, should the existing building site meet or exceed the maximum zoned FAR, the now excess (non-required) parking spaces would become legal non-conforming FAR.

Under Chapter 118, Article IX of the Land Development Regulations (LDRs) of the City Code, governing nonconformances, a nonconforming building or use cannot be expanded. Accordingly, when enclosed parking spaces within a structure become nonconforming FAR, because they are no longer needed but still per code 'required' parking spaces, those spaces cannot be converted, modified or expanded. This creates a situation where the building then has essentially abandoned underutilized space.

In order to allow enclosed parking spaces that are legal nonconforming as to FAR to be converted to another use, an amendment to Chapter 118, Article IX of the LDRs would be required. Pursuant to City Charter Section 1.03(c), such amendment would require the approval of the City's voters:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio . . .

unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

The amendment proposed would allow a property to convert, modify, or expand nonconforming FAR, which would result in an increase in zoned FAR “by zoning, transfer, or any other means” pursuant to City Charter Section 1.03(c).

ANALYSIS

Over the last five years, the data has shown that the demand for off-street parking in the City has steadily declined, both within public and private parking facilities. There are myriad reasons for this decline, including the proliferation of ride share services, such as Uber and Lyft, as well as an increase in the use of alternative modes of transportation, including busses, trolleys, bicycles and now electric scooters. Additionally, within urban areas such as Miami Beach, car ownership and usage has also declined, particularly among millennials.

In order to better utilize and adaptively re-use the increasing amount of vacant parking spaces within existing structures, the conversion of nonconforming FAR associated with non-required parking spaces is highly practical and desirable. This will allow more flexibility for existing buildings, particularly with regard to accessory uses.

If this discussion is referred to the Land Use and Development Committee, the City Attorney’s Office will draft a ballot question, which the Administration is proposing to place on the November 5, 2019 ballot. The Administration recommends that the item be discussed by the Land Use and Development Committee, prior to consideration of the ballot question by the full City Commission.

CONCLUSION

The Administration recommends that the City Commission refer the item to the Land Use and Development Committee for its review and recommendation for placement on the November 5, 2019 ballot.

Legislative Tracking

Planning



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

Item 6.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: DISCUSSION REGARDING INCENTIVIZING NEW DEVELOPMENT TO INCLUDE UNITS FOR WORKFORCE AND AFFORDABLE HOUSING WITHIN NEW DEVELOPMENTS THAT SEEK DEVELOPMENT, HEIGHT, AND/OR ZONING AMENDMENTS FROM THE CITY OF MIAMI BEACH.

ATTACHMENTS:

Description	Type
C4 M	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Michael Gongora
DATE: May 8, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -
DISCUSSION REGARDING INCENTIVIZING NEW DEVELOPMENT TO
INCLUDE UNITS FOR WORKFORCE AND AFFORDABLE HOUSING
WITHIN NEW DEVELOPMENTS THAT SEEK DEVELOPMENT, HEIGHT,
AND/OR ZONING AMENDMENTS FROM THE CITY OF MIAMI BEACH.

ANALYSIS

Please place on the May 8 Commission Meeting, a referral to Land Use and Development Committee on incentivizing new development to include units for workforce and affordable housing within new developments that seek development, height and/or zoning amendments from the City of Miami Beach. There is presently a bill pending in the State of Florida which would ban a requirement to include affordable housing but even if it passes I do not believe it would ban incentivizing inclusion of these units. Please feel free to contact my Aide Diana Fontani Martinez.

Legislative Tracking

Commissioner Michael Gongora

ATTACHMENTS:

Description

- Miami Herald Article - "Bill would ban affordable housing mandates in Florida "

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MIAMI-DADE COUNTY

Florida House passes bill that could stop cities from requiring affordable housing

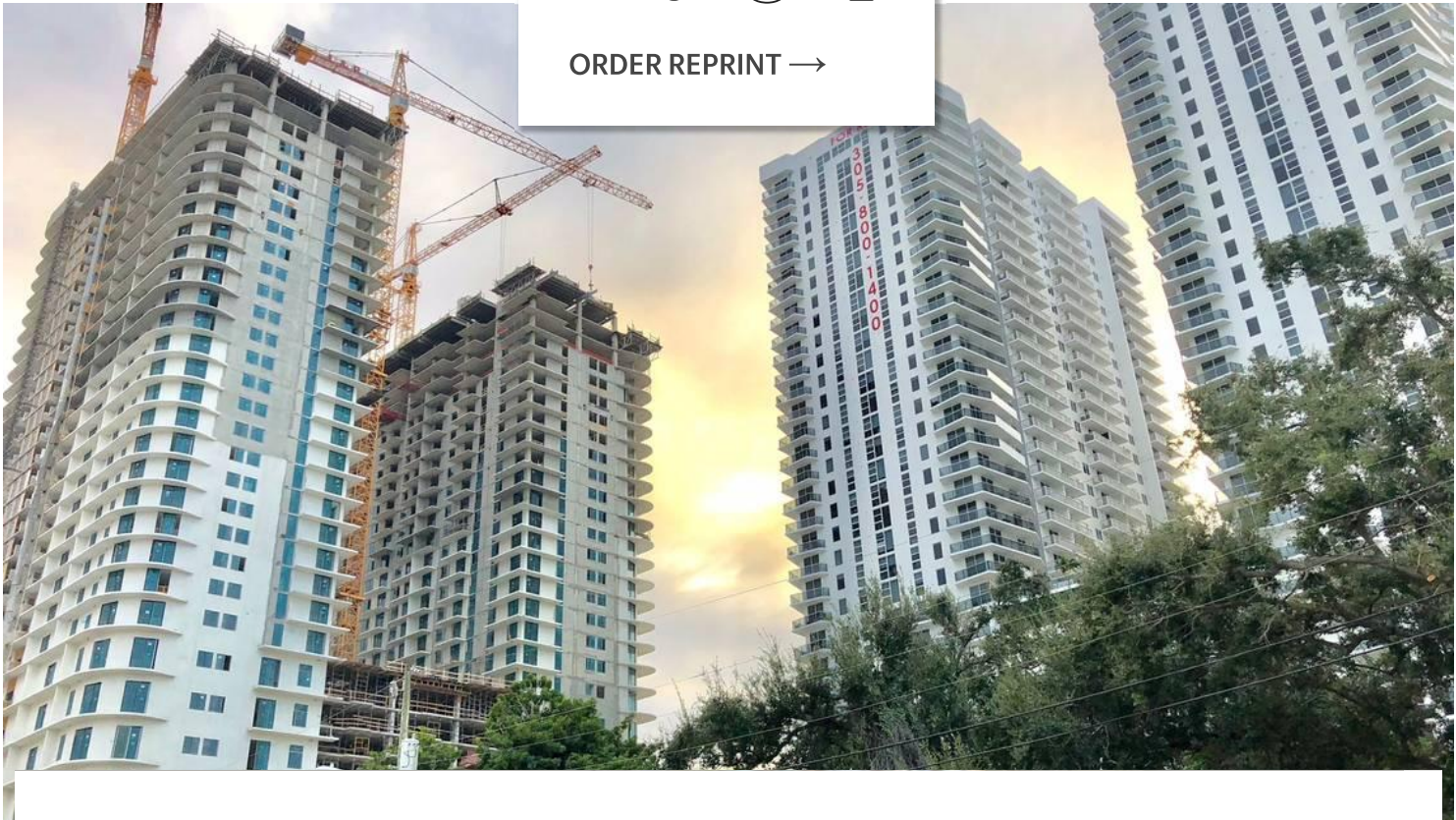
BY **ELIZABETH KOH**, **RENE RODRIGUEZ**, AND **JOEY FLECHAS**

APRIL 27, 2019 06:30 AM, UPDATED APRIL 29, 2019 08:45 AM



ORDER REPRINT →



In late 2018, Miami commissioners for the first time passed a ordinance that requires developers in a small 30-block area north of downtown to [set aside a percentage of units for residents with low incomes](#), a measure that was seen by advocates as a small but crucial step toward addressing Miami's housing affordability crisis.

The measure's sponsor, Commissioner Ken Russell, believes the concept could be expanded if successful on a small scale. But if a bill moving through the Florida Legislature passes, the city's first mandatory inclusionary zoning law might be its last.

House lawmakers voted largely on party lines Thursday to place limits on local governments' ability to set ceilings for rents or home sale prices, despite concerns from some Democrats that the move could imperil mandatory affordable housing requirements that counties and municipalities can enact now.

[HB 7103](#), which passed on a 72-37 vote, would preempt local governments from establishing their own rules on a number of development-related issues that could affect housing prices and cities' ability to spend building fees and shorten the window of time the public has to review new construction projects.

The bill's sponsor, Rep. Jason Fischer, R-Jacksonville, told Jacksonville radio station WJCT that he believes rent and price controls lead to higher prices, [making more housing unaffordable](#).

"The underlying belief though is that in the marketplace, people should be able to voluntary exchange and when you start having mandates and [the] state setting price controls, you create all kinds of distortions in the market," he told WJCT earlier this month.

Fischer's proposal is part of conservative lawmakers' broader focus on preempting local governments' powers, among the priorities of House Speaker Jose Oliva, R-Miami Lakes.

The bill would also prohibit local governments from establishing a maximum rent or sale price for homes as is done for affordable housing, and it adds a series of restrictions on a municipality's ability to mandate such price-controlled housing units be set aside for any particular group of people. The bill contains other provisions that would set restrictions on impact fees tied to building permits and reduce the time period departments have to review a permit application from 30 days to five.

A similar companion bill in the Senate has passed through all relevant committees but has not yet been scheduled for a floor vote.

Among a series of bills rapidly taken up by the House Thursday, the measure passed with little debate. Rep. Joe Geller, D-Aventura, urged other lawmakers to vote against the bill.

Some Democrats had raised questions on Wednesday night, when the bill was positioned for a House floor vote, about how the legislation might affect affordable funding.

Fischer cast the legislation as expanding cities' toolkits.

"What we are saying is [cities] can enter into voluntary agreements. They can provide incentives. They have a plethora of things," he said, in response to a question from Rep. Anna Eskamani, D-Orlando. "They just can't use the abusive power of government to mandate it."

Fischer returned repeatedly to the option of incentive programs, which are explicitly allowed under the bill.

In Miami, Russell pushed for the mandatory affordable units by giving developers more density to offset the lower revenue from units set aside for people in lower income categories. He argues the bill limits the menu of options for local governments to tackle the affordability problem.

"I see this legislation as an overreach of the state government trying to preempt home rule of municipalities and protect developers with a broad statewide blanket," Russell said. "Every city is different, and the crisis that is facing Miami should be dealt with by the municipal legislators who are elected locally and have the purview to change zoning laws."



Miami Commissioner Ken Russell Joey Flechas JFLECHAS@MIAMIHERALD.COM

A spokesman for Miami said city administrators are tracking the bill and actively opposing it, though the city's planning and legal departments are still analyzing the bill's potential impacts. Planning Director Francisco Garcia said the city believes that under the proposed law, developers would still be able to voluntarily offer income-restricted units in exchange for more buildable density.

County officials are watching closely, too. Miami-Dade administrators think the law would eliminate a county program requiring below-market housing pricing on developments built on county property around Metrorail stations. Some county zoning laws require at least 12.5 percent of units in "rapid transit" zones be priced for "workforce housing" buyers — people making up to 140 percent of the median income for Miami-Dade.

"We're definitely tracking this legislation," Miami-Dade zoning director Nathan Kogon said Thursday.

Read Next

MIAMI-DADE

You can now live at a Metrorail Station on South Dixie Highway. And it's just the start.

APRIL 15, 2019 6:41 PM

Alana Greer, an attorney and co-founder of the Community Justice Project, sees problems with the bill. She said the amended version that passed the House uses language so broad that it could hamper a range of affordable housing projects.

“The way this bill has been drafted would unintentionally bar almost all other efforts to produce affordable housing, including public land and public dollars,” said Greer, whose organization is a nonprofit group of lawyers working with grassroots groups in low-income communities of color.



Problems with a contractor performing renovations at the Civic Towers in Allapattah have led to delays and frustrated affordable housing tenants living in a construction zone.

By Emily Michot

As an example, Greer said that if the city solicited bids for affordable housing on city land, a development permit would theoretically trigger this law and invalidate the solicitation.

Some experts argue that inclusionary zoning laws have produced mixed results in other parts of the country. A study by the Economic Research Organization at the University of Hawaii concluded [that the mandatory regulations had a negative effect on Oahu](#) — another city struggling with a severe affordability crisis — resulting in fewer affordable housing units and raising the prices of market-rate units.

“The inclusionary zoning laws that this bill prohibits are perhaps well-intentioned,” said Matt Rieger, president and CEO of the Housing Trust Group, one of the largest affordable housing developers in Florida. “But practically speaking — as someone who is working every day to keep up with the tremendous demand in Florida for affordable housing — it’s not an effective tool for creating the volume of product we need to dig ourselves out of the current affordable housing crisis. Inclusionary zoning just does not move the needle much, if at all.”

Rieger echoed a lobbyist for the Florida Home Builders Association who testified in a House committee earlier this month.

“Mandated inclusionary zoning doesn’t work,” said lobbyist Kari Hebrank. Citing a Reason Foundation study of 13 cities in Southern California, she contended that such policies meant those areas actually ended up with less affordable housing because “it drives up the cost of market-ready housing.”

“People don’t move from their starter homes into their next homes, so the homes that would be affordable — the starter homes — don’t become available,” she said.

She added that local governments would also receive less property tax revenue with price controls in place: “Somebody has to pay for that. The costs get shifted, whether it’s the builder, the land developer or the local governments.”

Others argue that although inclusionary zoning requirements won’t solve the city’s affordability crisis on their own, there’s no harm in keeping them in play.



Annie Lord is executive director of Miami Homes for All. Photograph by Nick Garcia.

“Right now we’re at a crisis situation where we need all the tools we can possibly have,” said Annie Lord, executive director of Miami Homes For All, a nonprofit group that combats homelessness. “This bill takes one of those tools off the table. Inclusionary zoning is not a panacea. But in a lot of places, they can produce 200-300 units a year. That’s not nothing. There are strategic neighborhoods where the zoning could help with our housing needs.”

The bill would also impose a 30-day time limit for a county or municipality to review applications for developments or permit applications and issue procedures for addressing deficiencies. The bill reduces the time for building departments to review permit applications from 30 business days to five.

Housing advocates believe the shorter deadline would benefit developers of large real estate projects — at the cost of the communities surrounding them, who would have less time to scrutinize projects.

But some developers argue a speedier approval process reduces costs, which would translate to lower prices and rents.

“There are already time limits in the books that municipalities are supposed to adhere to,” said Jay Jacobson, president of Eden Multifamily, a real estate firm specializing in urban infill markets in South Florida. “You pay the building permit fees to the municipality. You pay a private provider to review your plan. You submit that plan and then the municipality sits on their ass and sends you a bunch of revisions on the last possible day. The longer it takes to get through the process, the more expensive the ultimate product costs.”

The bill also prohibits local governments from using funds generated by impact fees — pre-development costs used to improve roads, fire and police services, schools and parks services — on other projects or to pay off previous debts. Instead, the funds must be used directly toward the new construction.



Miami-Dade County and officials from Related Urban Development break ground during a ceremony to launch the redevelopment of the Liberty Square Rising project in Liberty City in May 2017. MATIAS J. OCNER

FOR THE MIAMI HERALD

Matt Allen, chief operating officer of The Related Group, Miami's biggest real estate developer, said he agrees that impact fees should be based on the "actual, direct impact" of the projects seeking permitting, and that legislation should work to increase funding and incentives for development of affordable and workforce housing.

"But any legislative action that supports this premise should also include concurrent efforts designed to increase funding and incentives for the development of affordable and workforce housing throughout the state," Allen said.

The bill had been opposed in committee stops by a host of groups representing local governments, including the League of Cities and the Florida Association of Counties. Groups representing home builders and community developers had indicated their support.

Some advocates believe laws and policies regarding housing should not be written at a state level. Henry Torres, president of the real estate development/management firm The Astor Companies, said Florida is a microcosm for the U.S., with prices varying so wildly from town to town that regulations need to be set by counties and municipalities.

"This kind of bill is detrimental to all the people who live in Florida, because something that works in Plant City, where you're going to pay \$1 per square foot in rent, won't work in Miami, where you're paying \$2.50-\$3 per square foot in rent," Torres said. "There are things we are required to do in Miami, like water and sewer improvements, that other cities may not require."

The House added three amendments, one technical, to the bill Wednesday and Thursday, including one that carved out an exception for the Florida Keys. Lawmakers also approved, with some debate, an amendment sponsored by Rep. Blaise Ingoglia, R-Spring Hill, that would bar local governments from charging for building inspections if a private provider is hired.

Herald staff writer Douglas Hanks contributed to this report.

 **COMMENTS** ▼



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

Item 7.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **DISCUSS LIMITING BIG BOX FORMULA RETAIL AND FORMULA RESTAURANTS IN SUNSET HARBOUR.**

ATTACHMENTS:

Description	Type
 C4 Q	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: June 5, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO
DISCUSS LIMITING BIG BOX FORMULA RETAIL AND FORMULA
RESTAURANTS IN SUNSET HARBOUR.

ANALYSIS

Sunset Harbour is a unique, mixed-used neighborhood. In order to preserve its character, I ask the Land Use and Development Committee & the Planning Board to discuss ways we can limit big-box formula establishments, retain small businesses, and attract more local flavor to the area as well as prevent nuisance uses.

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola



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

Item 8.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **DISCUSS LIMITING BIG BOX FORMULA RETAIL AND FORMULA RESTAURANTS ON LINCOLN ROAD.**

ATTACHMENTS:

Description	Type
C4 R	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: June 5, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO
DISCUSS LIMITING BIG BOX FORMULA RETAIL AND FORMULA
RESTAURANTS ON LINCOLN ROAD.

ANALYSIS

There is a proliferation of big box formula retailers and restaurants on Lincoln Road. To prevent the street from further pricing out mom and pop shops, I ask the Land Use Development Committee to discuss ways we can limit these formula establishments, retain small businesses, and attract more local flavor to the street. A complete review of currently permitted uses and desirable/ undesirable uses should be conducted in cooperation with the Lincoln Road BID.

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

MIAMI BEACH

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

Item 9.
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **DISCUSSION REGARDING TERMINAL ISLAND**

ATTACHMENTS:

Description	Type
 R9 H	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Joy Malakoff
DATE: June 5, 2019

SUBJECT: DISCUSS A REFERRAL TO THE LAND USE AND DEVELOPMENT
COMMITTEE REGARDING TERMINAL ISLAND.

RECOMMENDATION

Please place on the Commission Agenda, a discussion item regarding Terminal Island, for referral to the Land Use and Development Committee.

This proposed development will bring 90 new condominiums online, adding around \$2 million dollars annually to our tax base. In addition, the developer will completely rebuild and improve our Fleet Management installation on Terminal Island, phasing the work so Fleet Management will continue to operate throughout the construction.

The development team will include the protection of the city's Fleet Management Department in the Condo docs, and will work with the Coast Guard to gain their approval of the project. By the time Ground-breaking takes place, the MacArthur Causeway construction will be completed, and traffic will be flowing normally again.

Legislative Tracking

Vice-Mayor Joy Malakoff

MIAMI BEACH

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

Item 10. **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 24, 2019

TITLE: **DISCUSSION TO CONSIDER A CONDITIONAL USE AMENDMENT TO THE 600
BLOCK OF WASHINGTON AVENUE**

ATTACHMENTS:

Description	Type
C4 Q	Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner John Elizabeth Aleman
DATE: July 17, 2019

SUBJECT: REFERRAL TO THE PLANNING BOARD AND THE JULY 24, 2019 LAND USE AND DEVELOPMENT COMMITTEE TO CONSIDER A CONDITIONAL USE AMENDMENT TO THE 600 BLOCK OF WASHINGTON AVENUE.

ANALYSIS

Please place on the July 17, 2019 City Commissioner Agenda, a dual referral to both the Planning Board and to the July 24 Land Use and Development Committee (LUDC) to discuss a draft ordinance considering a Conditional Use Amendment to the 600 block of Washington Avenue.

Currently, properties zoned RM-2 are not permitted to have entertainment uses or an NIE as an accessory use to a hotel. The RM-2 area that is the subject of this amendment is unique in that it fronts a commercial street (Washington Avenue), and is bordered by commercial zoning on 3 sides.

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

Legislative Tracking

Commissioner John Elizabeth Aleman

ATTACHMENTS:

Description

- ▣ 600 Block of Washington - Conditional Use Amendment

600 BLOCK OF WASHINGTON AVENUE – CONDITIONAL USE AMENDMENT

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, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO MODIFY THE CONDITIONAL USE REGULATIONS FOR PROPERTIES FRONTING THE WEST SIDE OF WASHINGTON AVENUE BETWEEN 6TH STREET AND 7TH STREET; 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 has reviewed the conditions of Washington Avenue and the concerns raised by residents, property owners, and businesses as it relates to the condition of Washington Avenue; and

WHEREAS, the City has studied various mechanisms for improving the quality of life and quality of business improvements within the area; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the Planning Board, at its meeting dated _____, by a vote of _____, recommended in favor of the 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:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS
ARTICLE II DISTRICT REGULATIONS**

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-213. - Conditional uses.

(a) The conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; stand-alone religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

(b) Museum Historic Preservation District. In addition to the conditional uses specified in subsection 142-213(a), existing religious institutions located on properties in the Museum Historic Preservation District, which contain a contributing structure, may obtain conditional use approval for a separate hall for hire use within the interior of the existing religious institution. Any such hall for hire use shall comply with the following additional regulations:

- (1) Entertainment may only be permitted in the hall for hire;
- (2) The hall for hire use shall cease operations by 11:00 p.m. on Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday;
- (3) Only the property owner, its subsidiaries, and its invited guests may hold events at the hall for hire;
- (4) Restaurants, stand-alone bars, and alcoholic beverage establishments, shall be prohibited;
- (5) Outdoor dining, outdoor entertainment, open-air entertainment uses, outdoor speakers and outdoor music shall be prohibited;
- (6) There shall be no variances from the provisions of subsection 142-213(b).

(c) Washington Avenue. In addition to the conditional uses specified in subsection 142-213(a), the following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street, including those properties between 6th and 7th Streets that may have frontage on Pennsylvania Avenue:

- (1) Restaurants, cafes and/or eating & drinking establishments, which include entertainment, as an accessory use to a hotel. This may include establishments that qualify as a Neighborhood Impact Establishment.

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.

ATTEST:

Mayor

Rafael E. Granado. City Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

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

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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: July 24, 2019

TITLE: **DISCUSSION TO CREATE OPTIONS FOR INDOOR AMBIENT ENTERTAINMENT**

ATTACHMENTS:

Description		Type
<input type="checkbox"/> Memo		Memo
<input type="checkbox"/> Draft Ordinance		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: July 24, 2019

SUBJECT: **DISCUSSION TO CREATE OPTIONS FOR INDOOR AMBIENT ENTERTAINMENT.**

HISTORY

On January 16, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the following discussion item to the Land Use and Development Committee (Item C4 AD) in order to create equity between the current entertainment exemption for recorded ambient music and ambient music performed by live musicians:

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.

On March 6, 2019, the Land Use and Development Committee (LUDC) discussed the item and recommended that the City Attorney's Office draft a revised Ordinance for consideration. The LUDC continued the item to the April 3, 2019 meeting. On April 3, 2019, the item was continued to the June 12, 2019 meeting.

On May 28, 2019, City staff and the item sponsor met with affected stakeholders from the Sunset Harbour neighborhood to discuss potential options being developed by City staff. At this meeting, the issue of 'amplified' vs. 'non-amplified' music was addressed. Due to the First Amendment implications of regulations that could be deemed "content-based," the primary focus of the discussion, and the future options evaluated, have focused on limiting the volume of performances (i.e. at an ambient level), rather than amplification.

On June 10, 2019, the LUDC held a lengthy discussion and continued the item to a date certain of July 24, 2019. Also, at the request of the item sponsor, the title of the item was amended as follows:

DISCUSSION TO CREATE OPTIONS FOR INDOOR AMBIENT ENTERTAINMENT.

The LUDC also directed the City Attorney to draft a non-LDR amendment, in accordance with option 1 (as further defined below), including the following additional operating

standards:

1. The permit process will be administered by the Tourism and Culture Department, in a manner similar to special event permits.
2. Code Compliance shall be granted full access to the venue as a pre-condition of a permit.
3. There will be a cap on the number of permits issued during the pilot to mitigate any staffing impact for Code Compliance.

Additionally, the Administration was directed to look at the areas of the City where indoor entertainment is currently permitted, and identify sub-areas where the current CUP process may be onerous and could be modified. Additional recommendations regarding these areas will be provided.

On July 9 and 11, 2019, public outreach (town hall) meetings were held in North and South Beach, in order to provide an opportunity for additional public outreach and stakeholder input.

BACKGROUND

Chapter 114 of the City Code provides the following definition for entertainment establishment:

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

Under Chapter 142 of the City Code, myriad regulations exist regarding entertainment within eating and drinking establishments. The attached chart provides a grid outline of where entertainment is permitted as of right, where conditional use approval (CUP) is required and where entertainment is prohibited outright. These locations have also been identified in the attached map.

RESEARCH

Staff reviewed the codes of several local governments, and summarized regulations that were relevant to regulating entertainment uses. The cities analyzed define entertainment differently when compared to Miami Beach, and generally, the cities reviewed in Florida do not regulate where and how music can be played. Instead they regulate where alcoholic beverage establishments and specific types of entertainment venues can locate, and primarily deal with noise-related concerns through noise ordinances. Coral Gables and Fort Lauderdale do provide some regulation on hours of operation when music can be, but playing music is permitted in all commercial districts of those cities.

Staff also reviewed the codes of Austin, Texas which is known for its nightlife. Austin does regulate where entertainment can take place; however, they make certain allowances for restaurants and bars, allowing live entertainment with strict noise limits. Issues related to entertainment are primarily dealt with through a noise ordinance which has a permitting process for exceeding base noise limits.

A summary of the applicable regulations for each of the cities analyzed is attached.

PLANNING AND LEGAL ANALYSIS

Subsequent to the March 6, 2019 LUDC meeting, City staff discussed the feasibility and practicality of shifting to a decibel-based standard for noise enforcement. Based upon the reasons previously cited by the City Attorney's Office, as well as concern from Code Compliance regarding the objectivity of the use of decibel meters, the Administration does not recommend shifting from the current normal conversation standard to a decibel-based standard.

Additionally, at the March 6, 2019 meeting, the LUDC directed the Administration and the City Attorney's office to explore other options to allow indoor restaurants to have ambient live performances, as the original proposal to exempt ambient performances from the definition of entertainment was met with community resistance due to concerns of excessive, unenforceable noise. In response, the following three separate, potential options to address the proposal were presented to the LUDC on June 12, 2019:

Option 1: Revocable Permit for Ambient Entertainment

As a pilot program, amend the City Code to authorize the City Manager to issue a revocable permit for ambient entertainment, with conditions (i.e. like a special event permit); the following would apply to this option:

- Sunset or revisit ordinance in one year;
- Identify districts where permitted;
- Limit to indoor restaurants only;
- Establish maximum occupancy and hours; and
- Establish a maximum number of permits issued by district.

The following additional operating standards were presented on the floor, as part of option 1:

1. The permit process will be administered by the Tourism and Culture Department, in a manner similar to special event permits.
2. Code Compliance shall be granted full access to the venue as a pre-condition of a permit.
3. There will be a cap on the number of permits issued.

Option 2: Create a Separate Definition for Ambient Entertainment

The following definition for "ambient entertainment", as a new use, would be created and included in chapter 114 of the city code:

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

For comparison purposes, the following is the definition for “entertainment establishment” in the city code:

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

Additionally, the following would apply to this option:

- Identify districts where ambient entertainment is a permitted use;
- Limit to indoor restaurants only;
- Establish maximum occupancy and hours; and
- Require a separate BTR / CU for ambient entertainment.

Option 3: Original Proposal

Amend the current definition of “entertainment” to exclude indoor performances played or conducted at ambient volume levels, as follows:

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

As indicated previously, options 1 and 2 both create equity between the current entertainment exemption for recorded ambient music, and ambient music performed live by musicians (or any other performance conducted at ambient volume levels). By creating a separate, defined category for ambient entertainment establishments, there would no longer be the need for an exception to the definition of entertainment establishment. Further, the revocation of a revocable permit as outlined in option 1 and issuance of a violation and fine, for option 2, would penalize rogue or bad operators ultimately resulting in the loss of the permit or a business’s ambient entertainment BTR in a relatively short period of time. These enforcement mechanisms would be separate and apart from the more severe measure of revoking the business’s BTR and shutting the entire establishment down.

Finally, the item sponsor has indicated that an opportunity for a neighborhood to opt out of any of the options noted above will be considered for those areas of the City that currently prohibit entertainment. This can be done legislatively, by excluding the affected areas from the different options noted above. In order for those areas that currently allow for entertainment, but with a mandatory CUP review regardless of occupational content (e.g., the west side of Alton Road), additional legislative changes can be explored.

SUMMARY/UPDATE

Draft Ordinance creating an Ambient Entertainment Permit Program

Pursuant to the direction of the LUDC on June 12, 2019, to proceed with Option 1, the City Attorney's Office has prepared the attached draft Ordinance, creating an Ambient Entertainment Permit Program. The Ordinance, in pertinent part, defines the scope of the Program; identifies eligible establishments (restaurants, with an occupant content of 299 or fewer persons, which are located in zoning districts where entertainment is a permitted or conditional use); creates operating standards and conditions; provides for enforcement; and requires annual review.

The Ordinance also provides that, as a condition of obtaining a permit, a permittee shall agree and acknowledge that (i) the permit shall be subject to immediate revocation in the event of a violation, and (ii) the permittee shall be required to provide unobstructed and immediate access to the business establishment for inspection by Tourism and Culture staff and Code Compliance officers, in order to ensure compliance with the provisions of the Ordinance and all other applicable laws.

Potential amendments to existing conditional use regulations

With regard to the request of the LUDC to explore areas of the City where the current CUP process may be onerous and could be modified, staff has identified the CD-2 and RM-3 areas of North Beach (east of Indian Creek), as well as the CD-3 properties along 41st Street. In this regard, both of these sub-areas, which are composed of high intensity multifamily residential and medium-high intensity commercial, zoning districts, have been identified for redevelopment. Currently, the affected properties along 41st Street, and those zoned CD-2 in North Beach, must obtain CUP approval for any type of indoor entertainment, regardless of the occupational content of the venue. For the RM-3 properties in North Beach, indoor entertainment would be allowed as an accessory use and the occupational content must exceed 200 persons before a CUP review is required.

The following is a potential amendment to Chapter 142, Article V, Divisions 6 of the LDR's, modifying the definition of neighborhood impact establishment (NIE), by reducing the minimum thresholds for entertainment related CUP's in these areas:

Sec. 142-1361. - Definitions.

* * *

Neighborhood impact establishment means:

- (1) An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 300 or more persons as determined by the chief fire marshal; or*
- (2) An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 200 or more persons as determined by the chief fire marshal.*
- (3) For properties located in the CD-2 and RM-3 districts north of 63rd Street, south of 72nd Street and east of Indian Creek, as well as properties zoned CD-3 with a lot line on 41st Street, an alcoholic beverage establishment or restaurant, which is also operating as an indoor entertainment establishment (as defined in section 114-1), with an occupant content of 300 or more persons as determined by the chief fire marshal.*

It should be noted, that the properties identified in these sub-areas would still be subject to CUP approval once the occupational content hits 300 persons, regardless of whether

entertainment is proposed or not.

CONCLUSION

The Administration recommends the following:

1. The attached draft Ordinance incorporating Option 1 be transmitted to the City Commission for consideration on First Reading in September.
2. The proposed revisions to Sec. 142-1361, pertaining to 41st Street, as well as the CD-2 and RM-3 districts in North Beach, be sent to the City Commission for discussion and potential referral to the Planning Board as an Ordinance amendment.

JLM/SMT/TRM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2019\July 24, 2019\DISCUSSION Ambient Entertainment - MEMO July 2019 LUDC.docx

Research Summary – Entertainment Regulations

City of Miami, Florida

An entertainment establishment in the City of Miami is defined and includes a cinema, billiard parlor, teen club, dance hall, or video arcade. The zoning ordinance allows entertainment establishments by right in Commercial (T4-O, T5-O, and T6-O), High Density Limited Commercial (T6-L), Light Industrial (D1), and Industrial (D2) zoning districts, and by an administrative special permit in Medium Density Limited Commercial districts (T5-L). Alcoholic beverage establishments, not including restaurants, are also regulated and require the equivalent of a conditional use permit be approved by the City's Planning Board (Article 4, Table 3, Miami 21 Code), with certain exceptions. Food service establishments, which may serve alcoholic beverages, are permitted in all commercial and limited commercial districts.

The city code provides additional regulations for the location and distance separation of alcoholic service establishments, which excludes restaurants serving alcohol. Alcoholic service establishments are required to be a minimum of 1,500 feet from other establishments of the same type, in addition to separation from churches and schools. The code also establishes entertainment districts such as Wynwood, Little Havana, Brickell Village, Brickell Riverside, Park West, etc., Establishments located in these districts are approved administratively thru a conditional use permit and are not subject to distance separation requirements. The number of establishments within a district are capped and hours of operation and operating conditions apply (Chapter 4, Miami Code of Ordinances). Additionally, the administrative review for the conditional use permit requires that a noise attenuation plan addressing noise control be submitted for staff review.

The ability to have live music in other types of establishment is not regulated by the City. However, noise is regulated through the city's noise ordinance (Chapter 36, Miami Code of Ordinances). The ordinance provides that it is unlawful for noise or music to be "*plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced.*" The city commission is authorized to provide exceptions from these provisions for special occasions by resolution.

City of Fort Lauderdale, Florida

The City of Fort Lauderdale Unified Land Development Code generally allows for bars, cocktail lounges and nightclubs as a permitted use in several of the city's commercial districts and as an accessory to hotels containing 100 or more rooms (Chapter 47, Article II, Fort Lauderdale Unified Land Development Code).

The code provides additional regulations regarding the sale of alcohol, including distance separation requirements. It also requires that no establishment, except nightclubs, allow, after 11:00 p.m., playing of instrumental music, singing or conduct other forms of entertainment, in any room where beer, wine, liquor or alcoholic beverages are sold or offered for sale, indoors or outdoors, unless such room or rooms are soundproofed, (Chapter 5, Article II, Fort Lauderdale Code of Ordinances). The code also allows for the establishment of special entertainment overlay Districts for areas of two acres or larger under common control. The overlays include operational criteria, but removes distance separation requirements and allows for music, singing and other forms of entertainment whether amplified or not to be played indoors at any time

that the business is open and for outdoor music until midnight on weekdays and 1 a.m. on weekends (Chapter 5, Article III, Fort Lauderdale Code of Ordinances).

While there are some limitations in hours for entertainment in alcoholic beverage establishment that aren't sound proofed, the City of Fort Lauderdale does not prohibit entertainment in other types of establishments. However, noise is regulated by the city's noise control ordinance (Chapter 17, Fort Lauderdale Code of Ordinances). The ordinance establishes decibel levels by types of sounds, during different hours, and by use. It also provides for greater decibel levels within a special entertainment district overlay.

City of Coral Gables, Florida

The City of Coral of Coral Gables Zoning Code defines "*Entertainment Use*" as "*a commercial accessory use where entertainment, either passive or active, is provided for the pleasure of the patrons of the principal use, including but not limited to vocal and instrumental music, dancing, comedy, and theater, but not including an adult use.*" Nightclubs are also defined as an accessory use to a restaurant. Since entertainment use is an accessory to commercial uses, it is allowed in all districts where commercial uses are permitted. The zoning code provides specific conditions for the playing of music, including hours of operation and noise limitations subject to the city's general noise ordinance; however, entertainment use is not prohibited in any area, but accessory only to commercial uses.

Like other cities, Coral Gables regulates noise emanating from a property, and provides decibel limits for different types of sound emanating from different districts, along with hours in which sound can emanate (Chapter 34, Article VI, Coral Gables Code of Ordinances). The playing of music is subject to these limitations found therein.

City of West Palm Beach, Florida

The City of West Palm Beach land development regulations do not define entertainment. The regulations do allow for bars, lounges, and related entertainment, as a permitted use in most commercial districts and with extra requirements in neighborhood commercial and office commercial districts. The code provides for operating hours and special requirements for such uses, along with modified hours for specific streets.

The code establishes requirements for the sale of alcoholic beverages and establishes separation requirements from other establishments and residential districts, hours of operation, and other requirements, along with providing specific exemptions and limitations for the downtown area, (Chapter 6, West Palm Beach Code of Ordinances).

The city has a noise control ordinance which establishes limits for sound citywide and also provides for specific areas where higher levels of noise are permitted, which include the city's downtown and entertainment areas (Chapter 34, Article II, West Palm Beach Code of Ordinances).

City of Austin, Texas

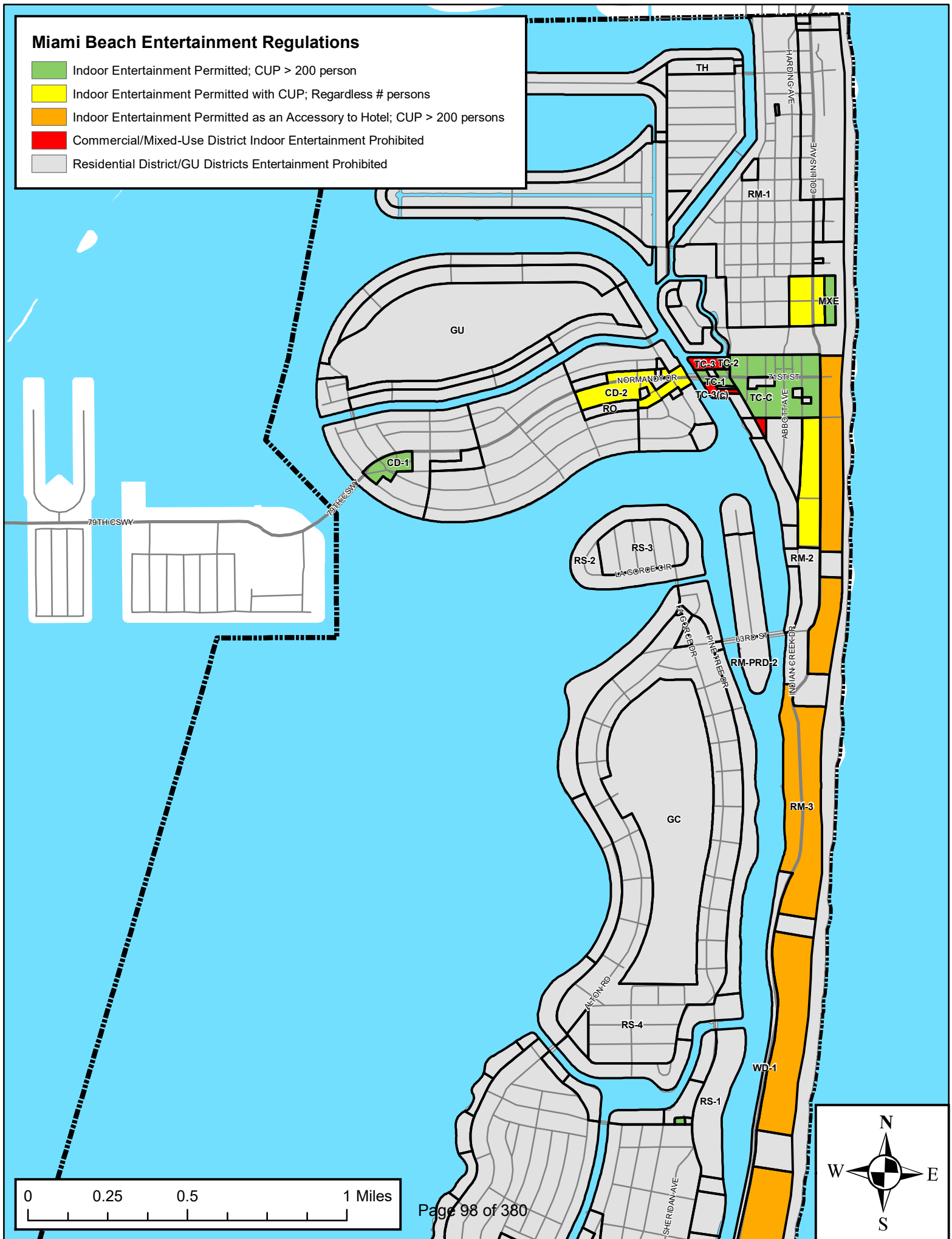
The City of Austin Land Development Code establishes requirements for permitting entertainment uses within the city (Title 25, Article 1, Land Development Code of Austin). "*Indoor entertainment*" is a *conditional use, permitted use, or not permitted use* depending on the zoning district. "*Outdoor entertainment*" is a *conditional use or not permitted* depending on the zoning district. However, the code provides that live

entertainment is permitted at restaurants and cocktail lounges if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises.

Additionally, the code provides additional regulations regarding noise and amplified sound and establishes decibel limits for sound at the property line. (Chapter 9-2, Code of Austin). For example, a business cannot operate equipment that produces sound in excess of 85 decibels between 10:00 a.m. and 2:00 a.m. and audible at the property line between 2:00 a.m. and 10:00 a.m. Any sound that exceeds the prescribed decibel levels requires a permit to operate sound equipment audible to the public. The ordinance also has separate requirements for “*outdoor music permits*” and outdoor “*live music permits*,” which have different standards depending on the specific neighborhood. Permits are issued administratively, however, they have specific criteria which must be considered before they can be issued.

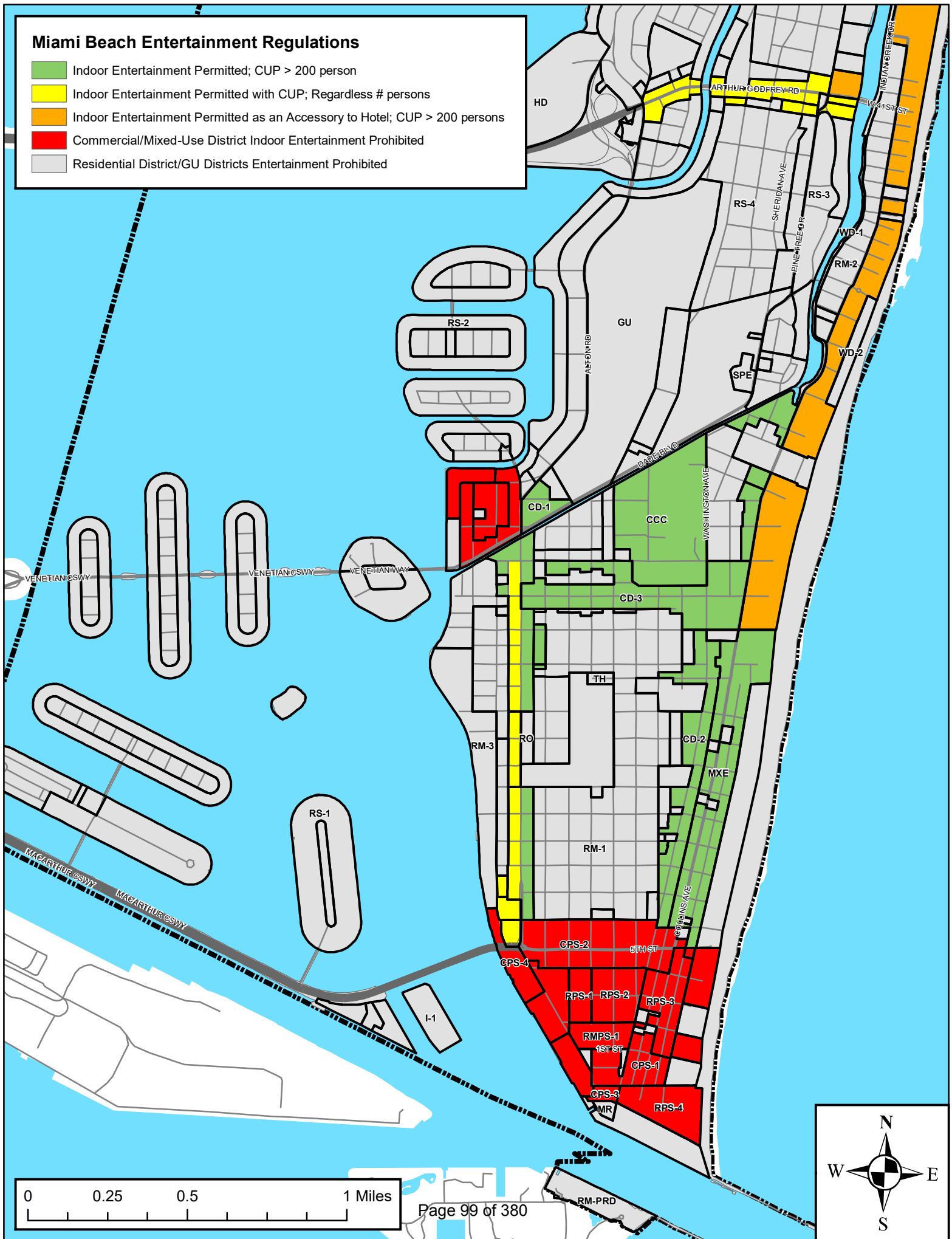
Miami Beach Entertainment Regulations

- Indoor Entertainment Permitted; CUP > 200 person
- Indoor Entertainment Permitted with CUP; Regardless # persons
- Indoor Entertainment Permitted as an Accessory to Hotel; CUP > 200 persons
- Commercial/Mixed-Use District Indoor Entertainment Prohibited
- Residential District/GU Districts Entertainment Prohibited



Miami Beach Entertainment Regulations

- Indoor Entertainment Permitted; CUP > 200 person
- Indoor Entertainment Permitted with CUP; Regardless # persons
- Indoor Entertainment Permitted as an Accessory to Hotel; CUP > 200 persons
- Commercial/Mixed-Use District Indoor Entertainment Prohibited
- Residential District/GU Districts Entertainment Prohibited



Indoor Entertainment - Current Regulations

Indoor Entertainment Permitted As of Right (No CUP)	Indoor Entertainment Permitted with CUP	Indoor Entertainment Prohibited (Regardless of Occupant Content)
All Commercial (CD), MXE and TC Districts (except TC-3), as well as accessory uses to a hotel in the RM-3 Districts (where hotels are permitted), when a venue serving alcohol has an occupant content of less than 200 persons;	All Commercial (CD), MXE and TC Districts(except TC-3), as well as accessory uses to a hotel in the RM-3 District (where hotels are permitted), when a venue serving alcohol has an occupant content over 199 persons;	All PS districts, south of 6 th street (South of Fifth);
Any commercial use not selling or serving alcohol, regardless of occupant content.	Regardless of occupant content: CD-3 district, along and adjacent to 41st Street;	All CD-2, I-1, and RM-3 districts in the Sunset Harbour area;
	Regardless of occupant content: CD-2 district, north of 65th Street	All RS, TH, TC-3, RM-2 and RM-1 districts city wide;
	Regardless of occupant content: CD-2 district on the west side of Alton Road from 6th Street to Collins Canal and on the east side of West Avenue between Lincoln Road and 17th Street.	In RM-3 districts ground floor additions for oceanfront lots located in the architectural district relocating existing hotel units;
		Package liquor stores in the MXE district which have been grandfathered.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ARTS, CULTURE AND ENTERTAINMENT," BY AMENDING ARTICLE II, ENTITLED "SPECIAL EVENTS," BY CREATING SECTION 12-6, ENTITLED "AMBIENT ENTERTAINMENT PERMIT PROGRAM"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City"), is an international arts and culture destination; and

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

WHEREAS, the City's Land Development Regulations identify "entertainment" as either a permitted, conditional, or prohibited use in various City zoning districts; and

WHEREAS, in districts where entertainment is listed as a conditional use, applicants are required to obtain a conditional use permit for "entertainment" from the Planning Board, even if the applicant is only proposing to conduct a performance at a volume that does not interfere with normal conversation (hereinafter, at an "ambient volume level"); and

WHEREAS, performances conducted at an ambient volume level are unlikely to cause a nuisance to neighboring residents, businesses, or property owners; and

WHEREAS, in order to incentivize small businesses to conduct live or recorded performances at an ambient volume level, without creating a vested right to conduct entertainment, the Mayor and City Commission desire to establish an ambient entertainment permit program, subject to the conditions specified herein.

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

SECTION 1.

That Chapter 12 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 12
ARTS, CULTURE, AND ENTERTAINMENT

* * *
ARTICLE II. SPECIAL EVENTS
* * *

Sec. 12-6. Ambient entertainment permit program.

The city's tourism and culture director shall have the authority to issue, modify, or revoke permits for ambient entertainment performances, in accordance with criteria set forth in this section.

(a) Definitions. For purposes of this section, the following definitions shall apply:

(1) Ambient entertainment shall mean any live or recorded, amplified or nonamplified performance played or conducted at a volume that does not interfere with normal conversation (excepting television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations).

(2) Permit shall mean an ambient entertainment permit issued pursuant to this section, which permit shall authorize a permittee to conduct ambient entertainment, subject to the conditions set forth in this section. The granting of a permit is a privilege and not a right, and the approval, issuance, and continued operation of a permit is conditional, and subject to revocation by the city manager, at all times.

(3) Permittee shall mean the recipient of an ambient entertainment performance permit issued pursuant to this section.

(b) Eligible establishments. Only restaurants (i) with an occupant content of 299 or fewer persons, and (ii) that are located in zoning districts where entertainment is a permitted or conditional use, shall be eligible to apply for and obtain a permit pursuant to this section. Notwithstanding the foregoing, an establishment with a conditional use permit for entertainment shall not be eligible to apply for a permit under this section. During the one (1) year period prior to the date of the submittal of an application, an applicant shall not have received an adjudication of a violation of this section, or of any of the following City Code provisions: chapter 6 (alcoholic beverages); section 12-5 (special events); or chapter 46, article IV (noise).

(c) Application. Applicants wishing to conduct ambient entertainment must submit a completed permit application to the tourism and culture director, in a form prescribed by the city manager. All requirements of this section must be fully satisfied, including payment of an application fee, in the amount of \$ _____, before an application will be reviewed. Each application must be accompanied by a sworn affidavit, signed by the

applicant, acknowledging and agreeing to comply with all applicable provisions of the City Code, including this section.

- (d) Annual permit. Each permit issued pursuant to this section shall have a term of one year, from October 1 until September 30 of the following year. Each permittee shall pay an annual permit fee, in the amount of \$ _____, which shall be due and payable on October 1 of each year. The fee shall be collected by the tourism and culture department or by such other department as may be designated by the city manager. A permittee with no violations of this section shall be eligible to renew a permit for additional one-year terms. Notice of the amount due and instructions for payment shall be provided to permittees at least 60 days prior to October 1 of each year.
- (e) Notice. Copies of submitted permit applications must be provided to the corresponding neighborhood or business association in the neighborhood where the applicant's business establishment is located.
- (f) Minimum standards, criteria, and conditions.
- (1) The granting of a permit is a privilege and not a right, and the approval, issuance, and continued operation of a permit is conditional, and subject to revocation by the city manager, at all times.
 - (2) All permits shall be revocable at the sole discretion of the city manager, which revocation may be without cause and for convenience, upon seven (7) days' prior written notice to the permittee.
 - (3) At no point shall an ambient performance conducted pursuant to this section be conducted at a volume that exceeds an ambient volume level (i.e. at a level that interferes with normal conversation). Additionally, in order to ensure compliance with this requirement, permittees shall use all best efforts to ensure that doors and windows remain closed while performances are taking place.
 - (4) Ambient entertainment performances conducted pursuant to a permit may only take place indoors, and shall be inaudible from the exterior of the premises.
 - (5) Ambient entertainment performances may only occur between the hours of 10:00 a.m. and midnight each day.
 - (6) The permittee shall recognize, agree, and acknowledge that, upon a finding of a violation pursuant to subsection (h), the permit shall be subject to immediate revocation by order of the city manager, in the city manager's sole discretion. Additionally, the permittee shall expressly waive any right to seek any administrative or judicial review of a revocation order issued by the city manager.

- (7) The permittee shall acknowledge and agree to provide unobstructed and immediate access to the permittee's business establishment for inspection by the City's tourism and culture department and/or code compliance department, in order to ensure the permittee's compliance with the provisions of this section and all applicable city, county, state, and federal laws.
- (8) Each permittee shall agree to indemnify, defend, save, and hold harmless the city, its officers, and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of any activities conducted pursuant to the permittee's permit, including, without limitation, the permittee's agreement to allow the city access to inspect the premises for compliance with this section.
- (9) Permittees shall at all times comply fully with all applicable city, county, state, and federal laws.
- (g) Maximum number of permits. Permits issued pursuant to this section shall be issued on a first-come, first-served basis. The city manager shall, in consultation with the tourism and culture director and code compliance director, establish (and, from time to time, revise) a maximum number of permits for each of the following areas of the city:
- (1) South Beach (between 6th Street and 23rd Street);
 - (2) Mid-Beach (between 23rd Street and 63rd Street); and
 - (3) North Beach (north of 63rd Street).
- (h) Enforcement and penalties.
- (1) The city manager shall be authorized to issue a revocation order of the permit where it is determined by the city manager, or the city manager's designee, in their sole discretion, that a violation of the permit or of the provisions of this section has occurred. In the event of such a violation, the city manager shall be authorized to issue an immediate order revoking the permit and suspending any activities conducted in furtherance thereof, and the permittee must cease any such activities. The issuance of an order revoking the permit shall not be subject to any subsequent review, and will be deemed administratively as a final action.
 - (2) If the city manager or the city manager's designee believes that a permittee has engaged or is engaged in conduct warranting the revocation of a permit, the city manager shall serve the permittee by certified mail or hand delivery, at the permittee's business address as disclosed in the permit application.
- (i) Reporting. The city manager, or the city manager's designee, shall, on an annual basis, present the city commission with a written report detailing the city's permitting and

enforcement activities relating to the provisions of this section. The report shall include statistics relating to the number of permits issued, number of active permits in good standing, number of complaints received, and number of permits revoked.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2019.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner John Elizabeth Alemán)



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: July 24, 2019

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

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Memo	Memo
<input type="checkbox"/>	Exhibit A	Memo
<input type="checkbox"/>	Comprehensive Plan Data and Analysis 2019	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: July 24, 2019

SUBJECT: **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).

The Planning Board is expected to review this item at its July 23, 2019 meeting.

BACKGROUND

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.

The proposed amendments were prepared as part of 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 have been considered, including the storm water master plan, the transportation master plan, the Urban Land Institute (ULI) report, and the Resilient 305 plan.

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, were utilized to determine best practices for policies to incorporate into the plan, while addressing the needs of residents

and other stakeholders.

Specific goals, objectives, and policies have been drafted that address updates to state statutes and the changing conditions and needs of the city.

ANALYSIS

Attached is a data and analysis document that identifies expected changes in population. The estimated growth in population, as identified by the State of Florida Shimberg Center is below:

Permanent Population Projections (2010-2040)							
	2010	2016	2020	2025	2030	2035	2040
Miami Beach	87,779	92,799	95,537	98,342	98,342	100,526	105,144

The expected population for the 2040 planning horizon of the comprehensive plan is 105,144. According to the estimate, there were 92,799 residents in 2016. Therefore, throughout the planning horizon, there is an expected population increase of 12,345 residents.

As the City of Miami Beach is built-out, it is expected that this population increase will be accommodated through infill redevelopment. The City expects to be able to accommodate an additional 2,655 residents in the North Beach Town Center – Central Core (TC-C) area, which currently has an estimated population of 735 residents, but can accommodate approximately 2,655 residents. It is anticipated that the remaining population can be accommodated through redevelopment of vacant or underutilized properties throughout the City.

Since the last update to the last Evaluation and Appraisal Report (EAR) the City has begun addressing significant issues related to sea-level rise and climate change. The City also faces issues regarding transportation and affordability.

In order to accommodate this growth and address other changes affecting the City, several amendments are being proposed to the Comprehensive Plan.

SUMMARY OF PROPOSED CHANGES

Below is a summary of changes that are being proposed to the Comprehensive Plan:

- Modifies the planning horizon from 2025 to 2040.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- The proposed amendment modifies the organization of the Comprehensive Plan to improve usability.

Specifically, the attached ordinance proposes to amend each element of the Comprehensive Plan as follows:

1. Resilient Land Use and Development Element:

- Renames the Future Land Use Element to the Resilient Land Use and Development Element.

- Adds sound planning criteria for consideration when making recommendations on future land use map (FLUM) and comprehensive plan amendments.
- Removes the Parking (P) future land use category and designates those parcels as Public Facility: Governmental Uses (PF) to provide greater flexibility.
- Incorporates descriptions for RM-PS-1 and RM-PRD-2 future land use categories that were on the FLUM but not described in the element.
- Improves internal consistency and clarity.

2. Climate Resiliency and Sustainability Element:

- The proposal merges policies from the Conservation/Coastal Zone Management into a new *Climate Resiliency and Sustainability Element*.
- Incorporates guiding principles of the ULI Miami Beach Study.
- Incorporates the Resilient 305 and the Miami Beach Strategic Plan to the list of referenced documents.
- Updates *Adaptation Action Area* (AAA) strategies to utilize more relevant language.
- Incorporates strategies to promote placemaking as a way to complement sea level rise mitigation strategies.
- Incorporates policies to incentivize and support private property adaptation.
- Incorporates policies to support the City maintaining or improving its FEMA community rating system score.
- Provides policies to that ongoing environmental issues are addressed through proactive planning approaches.
- Incorporates policies to provide for the protection of cultural and historic resources.
- Provides that the City will consider ecologies when making decisions on future projects.
- Updates references to other environmental documents.
- Establishes policies to promote energy efficiency.
- Provides policies to improve the resiliency of the City's operations.
- Updates citations and improves internal consistency of previously existing policies.

3. Transportation Element:

- Incorporates policies to establish a transportation concurrency exception area and a mobility fee program.
- Removes references to transportation concurrency management areas and levels of service.
- Provides policies authorizing the City to create pedestrian priority zones.
- Incorporates additional policies to support the use of alternative modes of transportation.
- Incorporates policies to support the City's circulator trolleys.
- Provides policies to support the City's initiatives to improve bicycle infrastructure.
- Provides guidance and standards for the preparation of transportation analyses and mitigation plans.
- Provides policies to encourage the City to study freight loading patterns and mitigate the impacts of freight loading on the transportation network.
- Provides policies to encourage parking garages to be designed to be convertible to other uses.
- Provides policies to encourage resiliency through transportation infrastructure, such as pervious pavements, blue and green infrastructure, and reduction in the urban heat island effect.
- Updates references and departmental citations.

4. Housing Element:

- Incorporates policies to provide guidance on the location of affordable and workforce housing.
- Provides policies to provide for more energy-efficient housing within the City.

5. Historic Preservation Element:

- Directs the City to establish resiliency guidelines for the preservation of historic buildings.
- Authorizes the City to establish neighborhood conservation districts and resiliency districts that incorporate the preservation of essential characteristics and adaptation to sea-level rise.

6. Recreation and Open Space Element:

- Incorporates policies to enhance the development of linear parks.
- Provides clarifications to policies regarding access to the waterfront and shoreline.
- References the Capital Improvements Element for parks and recreation levels of service.

7. Infrastructure Element:

- Provides policies that direct infrastructure to be provided that furthers the goals of the Climate Resiliency and Sustainability Element.
- Updates requirements for infrastructure to incorporate the City of Miami Beach Freeboard.

8. Intergovernmental Coordination Element:

- Updates department and document citations.

9. Public School Facilities Element:

- Renumbers policies for internal consistency.

10. Capital Improvements Element:

- Updates policies regarding the City's capital facilities planning and procedures.
- Revises Recreation and Open Space Levels of Service to be consistent with improved parks facilities.
- Authorizes the City to explore replacing Recreation and Open Space Levels of Service with a Parks Impact fee to provide for additional flexibility.

11. Comprehensive Plan Map Series

- Updates Future Land Use Map consistent with the revised Resilient Land Use and Development Element.
- Updates the Coastal High Hazard Area map consistent with statutory requirements.
- Updates transportation facility maps consistent with changes since the last update.

CONCLUSION

The Administration recommends that the Land Use and Development Committee recommends that the City Commission approves the amendments to the Comprehensive Plan.

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**EVALUATION AND APPRAISAL REVIEW
COMPREHENSIVE PLAN AMENDMENTS**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, PURSUANT TO THE STATE COORDINATED REVIEW PROCESS OF SECTION 163.3184(4) AND (11), FLORIDA STATUTES, BY AMENDING GOALS, OBJECTIVES, POLICIES, AND DOCUMENT TITLES OF THE COMPREHENSIVE PLAN, INCLUDING THE FOLLOWING ELEMENTS: FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC SCHOOLS FACILITIES, INFRASTRUCTURE, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS PROGRAM, AND HISTORIC PRESERVATION; ESTABLISHING A NEW RESILIENCY AND SUSTAINABILITY ELEMENT THAT INCORPORATES THE CONSERVATION AND COASTAL ZONE MANAGEMENT GOALS, OBJECTIVES, AND POLICIES REQUIRED BY SECTION 163.3177, FLORIDA STATUTES; DELETING THE CONSERVATION/COASTAL ZONE MANAGEMENT ELEMENT; AND, PURSUANT TO FLORIDA ADMINISTRATIVE CODE RULE 73C-49 AND SECTION 163.3191, FLORIDA STATUTES, ENTITLED "EVALUATION AND APPRAISAL OF COMPREHENSIVE PLAN," INCORPORATING NECESSARY AMENDMENTS REFLECTING CHANGES IN STATE REQUIREMENTS, AND UPDATING THE COMPREHENSIVE PLAN BASED ON CHANGES IN LOCAL CONDITIONS SINCE THE LAST UPDATE BASED ON THE EVALUATION AND APPRAISAL REPORT UPDATE ADOPTED ON APRIL 13, 2011; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3191(1), Florida Statutes, local governments are required to evaluate their comprehensive plans to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination; and,

WHEREAS, at its April 13, 2011 meeting the City Commission adopted the Evaluation and Appraisal Report (EAR) based amendments, which were determined to be sufficient to meet the requirements of Section 163.3191, Florida Statutes; and

WHEREAS, the on April 1, 2018, in accordance with the requirements of section 163.3191, Florida Statutes and the timeframes in Rule 73C-49, Florida Administrative Code, the City of Miami Beach notified the State Land Planning Agency that it would be preparing amendments to update the Comprehensive Plan reflecting changes in state requirements and changes in local conditions; and

WHEREAS, the City of Miami Beach has proposed amendments to the policies of the comprehensive plan; and

WHEREAS, the City Commission hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City; and

WHEREAS, the City Commission, upon first reading of this Ordinance, authorized transmittal of the evaluation and appraisal review based amendments to the Comprehensive Plan to the Department of Economic Opportunity and review agencies for the purpose of a review in accordance with the State Coordinated Review process in 163.3184(4), Florida Statutes.

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

SECTION 1.

The City Commission hereby adopts the proposed amendments to the City's Comprehensive Plan attached herein as "Exhibit A," consistent with the requirements of section 163.3191, Florida Statutes.

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 that are not codified 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 pursuant to the "State Coordinated Review Process," outlined in section 163.3184(4), Florida Statutes.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect pursuant to the state land planning agency's notice of intent, pursuant to section 163.3184(4)(e).

PASSED and ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: July 31, 2019

Second Reading: October __, 2019

(Sponsor: Commissioner John Elizabeth Aleman)

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

“Exhibit A”

Evaluation and Appraisal Review Comprehensive Plan Amendments

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

The Resilient Land Use and Development Element (RLU) of the Comprehensive Plan serves as a guide for future land development and redevelopment in a manner consistent with the City's vision of a vibrant and resilient Miami Beach, and the requirements of the Florida Statutes. The Principles, Goals, Objectives and Policies in the Resilient Land Use and Development Element are closely interrelated to most, if not all other elements in this Comprehensive Plan. Its function is to define future land uses and set their location, and to draw upon the core principles within the Comprehensive Plan to help ensure that growth is directed in a manner that is resilient, sustainable, supported by essential services, and improves the quality of life of the City and its residents.

Land Use Principles & Goals

GUIDING PRINCIPLES

The intent of the guiding principles is to provide an overview of the priorities and objectives of the Element to aid in local government planning and decision making, including but not limited to the amendments to this Element and the City's Land Development Regulations, as well as applications for Future Land Use and Zoning map amendments.

GOAL RLU 1 LAND USE

Preserve and enhance the character of Miami Beach and its quality of life through the implementation of future land use and land development requirements that maximize the potential for economic benefit and the enjoyment of natural and man-made resources, by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

GOAL RLU 2 INNOVATIVE, SUSTAINABLE AND RESILIENT DEVELOPMENT **(New)**

Encourage innovative development consistent with the historic resources of the City, while ensuring that redevelopment, investment and new development is constructed utilizing principles of sustainable and resilient development practices.

GOAL RLU 3 INTERGOVERNMENTAL AND PUBLIC FACILITIES **(New)**

Support intergovernmental coordination efforts, strategic partnerships, and enforcement of concurrency management requirements and mobility fees to maintain required levels of service for public facilities and to mitigate potential adverse impacts of new development and redevelopment.

Guiding Principles

The intent of the Guiding Principles is to provide an overview of the priorities and objectives of the Element to aid in local government planning and decision making, including but not limited to the amendments to this Element and the City's Land Development Regulations, as well as applications for Future Land Use and Zoning map amendments.

Principle 1: Developing a Resilient Future

The City shall encourage redevelopment that contributes to community resiliency by meeting all required peril of flood mitigation and storm hazard standards for on-site development and shall also prioritize energy efficient development that provides stormwater mitigation, and co-benefit features that contribute to the City's resiliency as a whole.

Principle 2: Respecting the Ecological Endowment

The City shall encourage redevelopment that respects the City's ecological endowment and provides for context sensitive development that improves or enhances the City's natural environment where feasible.

Principle 3: Preserving Cultural Identity

The City shall encourage redevelopment that protects historic resources to the greatest extent feasible, while allowing for adaptation to a changing climate and efficient reuse of historic structures. Local area and incremental adaptation strategies shall be preferred as they allow for the greatest protection of historic resources and promote the preservation of the cultural identity of Miami Beach.

Principle 4: Prioritizing Alternative Modes of Transit

The City shall encourage redevelopment that support the City's efforts to promote a multi-modal transportation network.

Principle 5: Enhance Community Character

The City shall encourage redevelopment that enhances the character of existing development by maximizing context sensitive design through appropriate architecture, compatible scale and pedestrian-friendly features.

Principle 6: Prioritizing Workforce Housing

The City shall encourage redevelopment that provides workforce and affordable housing.

GOAL RLU 1 LAND USE

Preserve and enhance the character of Miami Beach and its quality of life through the implementation of future land use and land development requirements that ~~Ensure that the character and location of land uses~~ maximize the potential for economic benefit and the enjoyment of natural and man-made resources, by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Objective RLU 1.1: Establishment of Future Land Use Categories

The City hereby adopts future land use map categories to provide for an efficient distribution and compatible pattern of land uses, and to maintain and enhance the character of the community.

Table RLU 1.1

The following table is a reference guide that depicts the policy number, and maximum densities and intensities for each future land use map (FLUM) category.

(* = Refer to policy for limits)

	<u>FLUM Category</u>	<u>Density Limits (Units Per Acre)</u>	<u>Intensity Limits (Floor Area Ratio)</u>	<u>Reference (Policy #)</u>
Residential	<u>Single Family Residential (RS)</u>	<u>7 units per acre</u>	<u>*</u>	<u>RLU 1.1.1</u>
	<u>Townhouse Residential (TH)</u>	<u>30 units per acre</u>	<u>0.7</u>	<u>RLU 1.1.2</u>
	<u>Fisher Island Low Density Planned Residential (RM-PRD)</u>	<u>25 units per acre</u>	<u>1.6</u>	<u>RLU 1.1.3</u>
	<u>Allison Island Low Density Planned Residential Category (RM-PRD-2)</u>	<u>25 units per acre</u>	<u>1.45</u>	<u>RLU 1.1.4</u>
	<u>Low Density Multi Family Residential (RM-1)</u>	<u>60 units per acre</u>	<u>1.25*</u>	<u>RLU 1.1.5</u>
	<u>Medium Density Multi Family Residential (RM-2)</u>	<u>100 units per acre</u>	<u>2.0</u>	<u>RLU 1.1.6</u>
	<u>High Density Multi Family Residential (RM-3)</u>	<u>150 units per acre</u>	<u>2.25*</u>	<u>RLU 1.1.7</u>
	<u>Medium-Low Density Residential Performance Standard (R-PS-1)</u>	<u>57 units per acre</u>	<u>1.25</u>	<u>RLU 1.1.22</u>
	<u>Medium Density Residential Performance Standard (R-PS-2)</u>	<u>70 units per acre</u>	<u>1.5</u>	<u>RLU 1.1.23</u>
	<u>Medium-High Density Residential Performance Standard (R-PS-3)</u>	<u>85 units per acre</u>	<u>1.75</u>	<u>RLU 1.1.24</u>
	<u>High Density Residential Performance Standard (R-PS-4)</u>	<u>102 units per acre</u>	<u>2.0</u>	<u>RLU 1.1.25</u>
	<u>Low Intensity Commercial (CD-1)</u>	<u>60 units per acre</u>	<u>1.0*</u>	<u>RLU 1.1.8</u>
Commercial / Industrial	<u>Medium Intensity Commercial (CD-2)</u>	<u>100 units per acre</u>	<u>1.5*</u>	<u>RLU 1.1.9</u>
	<u>High Intensity Commercial (CD-3)</u>	<u>150 units per acre</u>	<u>2.0*</u>	<u>RLU 1.1.10</u>
	<u>Urban Light Industrial (I-1)</u>	<u>N/A</u>	<u>1.0</u>	<u>RLU 1.1.21</u>

DRAFT – Resilient Land Use and Development Element (formerly known as the Land Use Element)

	<u>FLUM Category</u>	<u>Density Limits</u> (Units Per Acre)	<u>Intensity Limits</u> (Floor Area Ratio)	<u>Reference</u> (Policy #)
<u>Mixed Use</u>	<u>Residential / Office (RO)</u>	<u>56 units per acre</u>	<u>1.25</u>	<u>RLU 1.1.11</u>
	<u>Mixed Use Entertainment (MXE)</u>	<u>100 units per acre</u>	<u>2.0</u>	<u>RLU 1.1.13</u>
	<u>Limited Mixed Use Commercial Performance Standard (C-PS1)</u>	<u>80 units per acre</u>	<u>2.0</u>	<u>RLU 1.1.27</u>
	<u>Limited Mixed Use Residential Performance Standard Category (RM-PS-1)</u>	<u>102 units per acre</u>	<u>1.50</u>	<u>RLU 1.1.26</u>
	<u>General Mixed Use Commercial Performance Standard (C-PS2)</u>	<u>106 units per acre</u>	<u>2.0</u>	<u>RLU 1.1.28</u>
	<u>Intensive Mixed Use Commercial Performance Standard (C-PS3)</u>	<u>125 units per acre</u>	<u>2.5</u>	<u>RLU 1.1.29</u>
	<u>Phased Bayside Intensive Mixed Use Commercial Performance Standard (C-PS4)</u>	<u>125 units per acre</u>	<u>2.5</u>	<u>RLU 1.1.30</u>
	<u>Town Center – Central Core (TC-C)</u>	<u>150 units per acre</u>	<u>3.5</u>	<u>RLU 1.1.31</u>
	<u>Town Center Core (TC-1)</u>	<u>150 units per acre</u>	<u>2.25*</u>	<u>RLU 1.1.32</u>
	<u>Town Center Commercial (TC-2)</u>	<u>100 units per acre</u>	<u>2.0*</u>	<u>RLU 1.1.33</u>
	<u>Town Center Residential Office (TC-3)</u>	<u>60 units per acre</u>	<u>1.25*</u>	<u>RLU 1.1.34</u>
	<u>Public Facility: Educational (PFE)</u>	<u>N/A</u>	<u>2.0*</u>	<u>RLU 1.1.14</u>
<u>Public / Recreation</u>	<u>Special Public Facilities: Educational (SPE)</u>	<u>N/A</u>	<u>2.5*</u>	<u>RLU 1.1.15</u>
	<u>Public Facility: Hospital – PF (PF-HD)</u>	<u>N/A</u>	<u>3.0</u>	<u>RLU 1.1.16</u>
	<u>Public Facility: Governmental Use (PF)</u>	<u>N/A</u>	<u>3.5*</u>	<u>RLU 1.1.17</u>
	<u>Public Facility: Convention Center Facilities (PF-CCC)</u>	<u>N/A</u>	<u>2.75</u>	<u>RLU 1.1.18</u>
	<u>Recreation and Open Space Including Waterways (ROS)</u>	<u>N/A</u>	<u>0.5</u>	<u>RLU 1.1.19</u>
	<u>Conservation Protected (C)</u>	<u>N/A</u>	<u>*</u>	<u>RLU 1.1.20</u>
	<u>Marine Recreation (MR)</u>	<u>N/A</u>	<u>0.25</u>	<u>RLU 1.1.12</u>

Policy RLU 1.1.1 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.

Density Limits: 7 residential units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy.

Policy RLU 1.1.2 Townhome Residential Category (TH)

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

Uses which may be permitted: Single family detached dwellings and townhome dwellings. For the purposes of this use limitation, townhome dwellings are dwellings arranged on a site with other townhome dwellings in such a way that none of the townhome dwellings are above or below one another and so that each unit has its own entrance to the out-of-doors ingress and egress.

Density Limits: 30 dwellings units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the base intensity exceed a floor area ratio of 0.7

Policy RLU 1.1.3 Fisher Island Low Density Planned Residential Category (RM-PRD)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low density single family and multiple family residential areas on Fisher Island in large scale developments which are carried out in accordance with an overall development master plan and which have a greater variety of height, set back and similar configurations than would be appropriate in lot-by-lot development, and which may contain a limited accessory commercial component, not to exceed one-percent (1%) of the lot area of the site.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, and limited accessory commercial uses not to exceed one-percent (1%) of the lot area of the site.

Density Limits: 25 dwelling units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 1.6.

Policy RLU 1.1.4 Allison Island Low Density Planned Residential (RM-PRD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low-density multiple family planned residential areas on Allisson Island in large scale developments which are carried out in accordance with an overall development master plan and which have a greater variety of height, set back and similar configurations than would be appropriate in lot-by-lot development, and which may contain a limited accessory commercial component.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, and limited accessory commercial uses.

Density Limits: 25 dwelling units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 1.45.

Policy RLU 1.1.5 Low Density Multi Family Residential Category-(RM-1)

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

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.

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

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

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

Density Limits: 60 dwellings units per acre.

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

- the west side of Collins Avenue between 76th and 79th Streets shall not exceed a floor area ratio of 1.4; and

- Public and private institutions on a lot area equal to or less than 15,000 sq. ft shall not exceed a floor area ratio of 1.25, or for a lot area greater than 15,000 sq. ft. the floor area ratio shall not exceed 1.4

Policy RLU 1.1.6 Medium Density Multi Family Residential Category-(RM-2)

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

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels. Residential office uses are permitted in RM-2 only in the West Avenue Bay Front Overlay District, as described in the Land Development Regulations. Places of assembly, restaurant, retail, and general office uses are main permitted uses in the Faena District Overlay as set forth in the Land Development Regulations.

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

Density Limits: 100 dwelling units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.0.

Policy RLU 1.1.7 High Density Multi Family Residential Category-(RM-3)

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

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels.

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

Density Limits: 150 dwelling units per acre.

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

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.;
- a floor area ratio of 2.0 on oceanfront lots in architectural district

- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities.

Policy RLU 1.1.8 Low Intensity Commercial Category (CD-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low intensity commercial areas which primarily serve surrounding residential neighborhoods.

Uses which may be permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments and apartment residential uses.

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

Density Limits: 60 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.0 for commercial; 1.25 for residential or mixed use.

Policy RLU 1.1.9 Medium Intensity Commercial Category (CD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments, apartment residential uses, apartment hotels, and hotels.

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

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use.

Policy RLU 1.1.10 High Intensity Commercial Category (CD-3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which primarily serve the entire City.

Uses which may be permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments, apartment residential uses, apartment hotels, and hotels.

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

Density Limits: 150 dwelling units per acre.

Intensity Limits:

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.
- a floor area ratio of 2.0 on oceanfront lots in architectural district
- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities may be available.

Policy RLU 1.1.11 Residential / Office Category (RO)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new office residential areas which are compatible with single family and other residential development.

Uses which may be permitted: Offices and certain residential uses including single family detached dwellings, single family attached dwellings, townhouse dwellings and multiple family dwellings.

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

Density Limits: 56 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.25.

Policy RLU 1.1.12 Marine Recreation (MR)

Purpose: To provide development opportunities for existing and new recreational boating activities and services facilities.

Uses which may be permitted: Marinas; boat docks; piers; etc. for noncommercial or commercial vessels and related upland structures; aquarium, restaurants, commercial uses.

Intensity Limits: Intensity may be limited by such setback, 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 complimentary public policy. However, in no case shall the intensity exceed a floor area ratio of 0.25.

Policy RLU 1.1.13 Mixed Use Entertainment Category (MXE)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development.

Uses which may be permitted: Apartments, apartment hotels, hotels and various types of commercial uses including, business and professional offices (but not medical or dental offices), retail sales and service establishments, and eating and drinking establishments.

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

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 2.0.

Policy RLU 1.1.14 Public Facility: Educational (PFE)

Purpose: To provide development opportunities for existing and new public educational facilities.

Uses which may be permitted: Public educational facilities.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.0. A floor area ratio of 3.5 shall be permitted on lots located within the North Beach Town Center Revitalization Overlay.

Policy RLU 1.1.15 Special Public Facilities Educational Category (SPE)

Purpose: To provide development opportunities for existing and new educational and religious facilities.

Uses which may be permitted: Public or private schools or educational or classroom facilities from pre-school through graduate and religious facilities including mikvehs.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.5 with the following exceptions: those sites as defined in the City of Miami Beach Zoning Ordinance as the Fana Holtz High School Parcel shall have a maximum floor area ratio of 3.0 and the Mikveh Parcel shall have a maximum floor area ratio of 1.0.

Policy RLU 1.1.16 Public Facility Hospital - PF (PF- HD)

Purpose: To provide development opportunities for existing hospital facilities.

Uses which may be permitted: Hospital facilities.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 3.0.

Policy RLU 1.1.17 Public Facility: Governmental Uses (PF)

Purpose: To provide development opportunities for existing and new government uses.

Uses which may be permitted: Government uses, parking facilities, affordable or workforce housing, various types of commercial uses including business and professional offices, retail sales and service establishments, and eating and drinking establishments.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.03.5. ~~A floor area ratio of 3.5 shall be permitted on lots located within the North Beach Town Center Revitalization Overlay.~~

Policy RLU 1.1.18 Public Facility: Convention Center Facilities (PF-CCC)

Purpose: To provide development opportunities for existing convention center and facilities necessary to support the convention center.

Uses which may be permitted: Convention facilities.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.75.

Policy 1.1.18 Parking (P)

~~Purpose: to provide development opportunities for existing and new parking facilities.~~

~~Uses which may be permitted: Parking facilities and commercial and residential uses when located on frontage opposite a land use category that permits commercial use.~~

~~Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 3.0.~~

Policy RLU 1.1.19 Recreation and Open Space including Waterways (ROS)

Purpose: To provide development opportunities for existing and new recreation and open space facilities, including waterways.

Uses which may be permitted: Recreation and open space facilities, including waterways.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the

purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 0.5.

Undesignated Fisher Island Lots: Fisher Island lots that are not otherwise designated are hereby designated Recreation and Open Space. (Relocated Text)

Policy RLU 1.1.20 Conservation Protected (C)

Purpose: To designate Atlantic dune locations which are protected from the inappropriate encroachment of development because they are a valuable natural resource that is unsuitable for most types of development in its natural state.

Uses which may be permitted: Open space.

Policy RLU 1.1.21 Urban Light Industrial (I-1)

Purpose: To provide development opportunities for existing and new light industrial facilities.

Uses which may be permitted: Light industrial and compatible retail and service facilities.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.0.

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

Policy RLU 1.1.22 Medium-Low Density Residential “Performance Standard” Category (R-PS-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels and institutional uses.

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

Density Limits: 57 dwelling units per acre.

Intensity Floor Area Ratio Limits: 1.25.

Policy RLU 1.1.23 Medium Density Residential “Performance Standard” Category (R-PS-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels and institutional uses.

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

Density Limits: 70 dwelling units per acre.

Intensity Floor Area Ratio Limits: 1.50

Policy RLU 1.1.24 Medium-High Density Residential “Performance Standard” Category (R-PS-3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels and institutional uses.

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

Density Limits: 85 dwelling units per acre.

Intensity Floor Area Ratio Limits: 1.75

Policy RLU 1.1.25 High Density Residential “Performance Standard” Category (R-PS-4)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and institutional uses.

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

Density Limits: 102 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.0

Policy RLU 1.1.26 Limited Mixed Use Residential Performance Standard (RM-PS-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, and accessory commercial uses.

Density Limits: 80 dwelling units per acre.

Intensity Floor Area Ratio Limits: 1.50.

Policy RLU 1.1.27 Limited Mixed Use Commercial “Performance Standard” Category (C-PS1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and commercial uses.

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

Density Limits: 80 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.0.

Policy RLU 1.1.28 General Mixed Use Commercial “Performance Standard” Category (C-PS2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and commercial uses.

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

Density Limits: 106 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.0.

Policy RLU 1.1.29 Intensive Mixed Use Commercial “Performance Standard” Category (C-PS3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels, and commercial uses.

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

Density Limits: 125 dwelling units per acre.

Large Lot and Urban Design Bonus Intensity Floor Area Ratio Limits: 2.5.

Policy RLU 1.1.30 Phased-Bayside Intensive Mixed Use Commercial “Performance Standard” Category (C-PS4)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and commercial uses.

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

Density Limits: 125 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.5.

Policy RLU 1.1.31 Town Center – Central Core Category (TC-C)

Purpose: To encourage and enhance the high-intensity commercial employment center function of the North Beach Town Center’s Central Core area; support the Town Center’s role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment; promote development of a compact, pedestrian and transit oriented, mixed-use area; provide opportunities for live-work lifestyles; and create a place that represents a unique, attractive and memorable destination for residents and visitors.

Uses which may be Permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments, outdoor cafes, artisanal retail, neighborhood fulfillment centers; residential uses; and hotels.

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

Density Limits: 150 dwelling units per acre;

Intensity Limits: a floor area ratio of 3.5.

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

Policy RLU 1.1.32 Town Center Core Category (TC-1)

Purpose: To encourage and enhance the high-intensity commercial employment center function of the Town Center's core area, as well as, support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment.

Uses which may be permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments; and apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses such as accessory outdoor bar counter, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care, museums, theaters, cultural and similar uses; parking lots and garages; commercial uses of an impact or intensity deemed to require additional review such as outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment; and video arcades.

Density Limits: 150 dwelling units per acre.

Intensity Limits: A floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft. and a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft. A floor area ratio of 3.5 shall be permitted on lots located within the North Beach Town Center Revitalization Overlay.

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

Policy RLU 1.1.33 Town Center Commercial Category (TC-2)

DRAFT – Resilient Land Use and Development Element (formerly known as the Land Use Element)

Purpose: To provide support for medium intensity mixed-use (residential/nonresidential) projects with active retail ground floor uses.

Uses which may be permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments, apartment residential uses, hotels, and apartment hotels.

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses such as accessory outdoor bar counter, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care, museums, theaters, cultural and similar uses; parking lots and garages; commercial uses of an impact or intensity deemed to require additional review such as outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment; and video arcades.

Density Limits: 100 dwelling units per acre

Intensity Limits: A floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use. A floor area ratio of 3.5 shall be permitted on lots located within the North Beach Town Center Revitalization Overlay.

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

Policy RLU 1.1.34 Town Center Residential Office (TC-3)

Purpose: To provide a transition between the high intensity Town Center Core and the surrounding low intensity residential multi-family districts, by providing for contextually compatible residential and mixed-use development within an established, pedestrian, bicycle and transit oriented residential environment. Office and tourist lodging facilities are intended to provide a variety of employment opportunities to support the local economy and to reduce the need for long distance home to work vehicle trips. Neighborhood oriented retail and service uses are intended to provide opportunities for small business development and to enliven the pedestrian environment.

Uses which may be permitted: Existing single family detached dwellings; single family attached dwellings, townhouse dwellings, multiple family dwellings, offices, hotels, and neighborhood retail and services.

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses ~~such as a~~ specifically authorized in this land use category, including dining room, health club or other services solely for use of the occupants of an apartment building, accessory restaurants, bars and services in a hotel, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses; as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care and similar institutional uses, hotels, parking lots and garages, and neighborhood-oriented retail and personal service uses.

Density Limits: 60 dwelling units per acre.

Intensity Limits: A floor area ratio of 1.25. A floor area ratio of 3.5 shall be permitted on lots located within the North Beach Town Center Revitalization Overlay.

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

OBJECTIVE RLU 1.2 (Previously Objective 1): LAND USE REGULATION LAND DEVELOPMENT REGULATIONS

Future growth and development, redevelopment and rehabilitation will be managed through the preparation, adoption, implementation and enforcement of Land Development Regulations (LDR) consistent with the Comprehensive Plan and with s.163.3202, F.S.

NEW Policy RLU 1.2.1

The City shall adopt and maintain Land Development Regulations and zoning districts that are based on the principles, goals, objectives and policies; future land use categories; and maximum densities and intensities established by this plan.

Policy RLU 1.2.2 (Previously Policy 1.1)

Continue to administer Land Development Regulations (LDR) consistent with s.163.3202, F.S. that shall also contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

1. Regulate the subdivision of land;
2. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;
3. Protect the Conservation (beach) lands designated on the Future Land Use Map and in the Conservation Element;
4. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
5. Regulate design of architecturally significant and oceanfront buildings;
6. Regulate signage;
7. Ensure safe and convenient traffic flow and vehicle parking needs; and
8. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.

Note: ~~The Zoning Ordinance of the City was extensively amended in 1989 to carry out the 1989 Comprehensive Plan resulting in a set of Land Development Regulations (LDR). The Zoning Ordinance was codified and included in the City Code as Subpart B, Land Development Regulations adopted by ordinance on July 1, 1998.~~

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:~~

~~All casino and gambling operations, including but not limited to those casino and gambling operations authorized pursuant to chapters 550 and 551, Florida Statutes, are hereby prohibited in any land use category within the City of Miami Beach. Casino and gambling shall include not be limited to: any machine of chance regulated by the state compact or chapters 550 and 551, as may be amended from time to time, pari-mutuel uses, horse racing, dog racing, jai-alai, fantasy contests, and associated gambling or casino related uses. Certain exemptions pursuant to chapter 849, Florida Statutes relating to nonprofits, charitable organizations, veterans organizations, homeowners associates, cooperative associations, bowling tournaments, or game promotion in connection with the sale of consumer products or services may be provided under the Land Development Regulations.~~

~~Pursuant to the procedures and limitations of the Land Development Regulations, the maximum density of the underlying future land use category may be increased by up to 80 percent beyond the allowable density in the underlying future land use category for developments that incorporate workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.~~

Policy RLU 1.2.3 Density and Intensity Implementation Criteria (Relocated Text)

~~Implementation of Density and Intensity Limits: density and intensity limits established by this plan shall be implemented by development code zoning districts which may permit, in accordance with the legislative judgment of the city commission, densities and intensities up to and including, but not greater than the density and intensity specified for each land use category. For all residential uses, densities (expressed as the maximum permitted number of dwelling units per acre) and intensities (expressed as the maximum permitted floor area ratio) shall apply as a limit on development and no development which exceeds either the maximum permitted number of dwelling units or the maximum permitted floor area ratio shall be approved. (Relocated stricken language to Policy 1.2.1 and shortened) The following criteria address the implementation of density and intensity maximums identified in this Plan:~~

- a. Interaction of Density and Intensity Limits on Individual Lots: Both density and intensity restrictions shall apply to residential uses. Only intensity restrictions shall apply to non-residential uses. No lot area which is counted toward meeting the lot area required for the residential uses on a lot shall also be counted toward meeting the lot area required for non-residential uses on the same lot.*
- b. Apartment hotels are hereby defined as residential uses. Hotels are hereby defined as non-residential uses. For the purpose of this policy, a hotel is a building occupied or intended to be occupied exclusively by transient residents or transient residents plus any live-in staff. An apartment hotel is a building occupied or intended to be occupied by transient residents in one or more hotel units and permanent residents in residential units.*

Policy RLU 1.2.4 Casino and Gambling (Relocated - Previously Policy 1.2)

All casino and gambling operations, including but not limited to those casino and gambling operations authorized pursuant to chapters 550 and 551, Florida Statutes, are hereby prohibited in any land use category within the City of Miami Beach. Casino and gambling shall include but not be limited to: any machine of chance regulated by the state compact or chapters 550 and 551, as may be amended from time to time, pari-mutuel uses, horse racing, dog racing, jai alai, fantasy contests, and associated gambling or casino related uses. Certain exemptions pursuant to chapter 849, Florida Statutes relating to nonprofits, charitable organizations, veterans' organizations, homeowners associations, condominium associations, cooperative associations, bowling tournaments, or game promotion in connection with the sale of consumer products or services may be provided under the Land Development Regulations.

Policy RLU 1.2.5 Workforce Housing (Relocated - Previously Policy 1.2)

Pursuant to the procedures and limitations of the Land Development Regulations, the maximum density of the underlying future land use category may be increased by up to 80 percent beyond the allowable density in the underlying future land use category for developments that incorporate workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

Policy 4.3-RLU 1.2.6 Religious Institutions (Relocated -Previously Policy 1.3)

The City shall process amendments to the Land Development Regulations concerning religious institutions to bring such regulations into compliance with state and federal law, which amendments shall be considered consistent with the requirements of this comprehensive plan.

Policy 4.4-RLU 1.2.7 Water Supply

The City, through the Land Development Regulations will coordinate the land uses and future land use changes with the availability of water supplies and water supply facilities.

OBJECTIVE RLU 1.3 (Previously Objective 2): LAND USE COMPATIBILITY

Land Development Regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses.

Policy 2.1-RLU 1.3.1

Land Development Regulations shall continue to address the location and extent of non-residential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in this Element.

Policy 2.2-RLU 1.3.2

Development in land use categories which permit both residential and non-residential uses shall be regulated by formalized Land Development Regulations which are designed to ensure adequate land use compatibility.

Compatibility shall be achieved by one or more of the following:

1. enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts;
2. enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval. In determining incompatibility consideration shall be given to noise, lighting, shadows, access, traffic, parking, height, bulk, landscaping, hours of operation, buffering and any other criteria that may be important to ensure that necessary safeguards are provided for the protection of surrounding property, persons, and neighborhood values;
3. enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible; and
4. the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings.

Policy ~~2.3~~ RLU 1.3.3

Public educational facilities are an allowable use in all Future Land Use Categories.

OBJECTIVE ~~7~~ RLU 1.4: INCONSISTENT USES

The City Land Development Regulations shall continue to provide for the discontinuation of non-conforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan.

Policy ~~7.1~~ RLU 1.4.1

Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited, unless otherwise specified within a future land use category or designation, and enforced through zoning decisions.

Policy ~~7.2~~ RLU 1.4.2

Regulations for buffering of incompatible land uses shall continue to be enforced as set forth in the City's Land Development Regulations, consistent with s.163.3202, *F.S.*

GOAL RLU 2 INNOVATIVE, SUSTAINABLE AND RESILIENT DEVELOPMENT

Encourage innovative development consistent with the historic resources of the City, while ensuring that redevelopment, investment and new development is constructed utilizing principles of sustainable and resilient development practices.

OBJECTIVE RLU 2.1: INNOVATIVE DEVELOPMENT

The Land Development Regulations shall continue to be consistent with s.163.3202, F.S. and with the Future Land Use map, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the desired community character, and which shall emphasize innovative land development techniques, such as mixed use development.

Policy 3.1 RLU 2.1.1

Innovative land use development patterns, including mixed uses shall continue to be permitted and encouraged through the provision of LDR incentives such as additional floor area when at least 25% of the total area of a building is residential or hotel as identified in specific future land use categories, and/or shared parking for mixed uses (commercial/office/residential) ~~in areas designated as commercial in the Future Land Use Map.~~

Policy 3.2 RLU 2.1.2

Residential multifamily rehabilitation projects shall combine undersized units, if individual units consist of less than 200 square feet, to provide minimum unit size apartment units, as specified in the LDR.

Policy 3.3 RLU 2.1.3

Off-street parking requirements may be waived for uses within existing buildings in historic districts. In order to encourage the compatibility of new construction in historic districts, and the adaptive re-use of existing buildings outside of historic districts, off-street parking requirements may be satisfied through the payment of a fee in-lieu of parking.

Policy RLU 2.1.4

Mixed use developments will continue to be encouraged in all areas designated as commercial/residential and MXE by creating districts in the Land Development Regulations which are consistent with s.163.3202, F.S. and which will permit combined hotel, residential and commercial developments in accordance with Objective 1 of this Future Land Use Element.

Policy RLU 2.1.5

The City of Miami Beach is designated as a dense urban land area pursuant to section 380.0651(3)(a), Florida Statutes and as such is exempt from the development of regional impact requirements in section 380.06, Florida Statutes. These geographic areas of the City which are designated on the Future Land Use Map as High Intensity Residential, Residential/Commercial High Intensity, are hereby specifically designated as highly suitable for increased threshold intensity for the purpose of development of regional impact thresholds contained in Chapter 380, Florida Statutes, and Chapter 28-24, Florida Administrative Code.

Policy RLU 2.1.6

Maximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, Florida friendly or native, able to can withstand the marine environment, and ~~the impacts of tropical storm winds~~. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible, through the Land Development Regulations and regulations related to the "Care and Maintenance of Trees and Plants" within the City Code of Ordinances.

~~Policy 4.2~~ RLU 2.1.7. (*Relocated text*)

Within areas designated on the Future Land Use Map as conservation, no new development, or expansion or replacement of existing development shall be permitted except re-vegetation and construction of a beachfront promenade.

OBJECTIVE RLU 2.2: HISTORIC AND NATURAL RESOURCE PROTECTION

The Land Development Regulations of the City Code shall continue ~~to be consistent with s.163.3202, F.S.~~ in order to protect conservation and historic resources.

~~Policy 4.1~~ RLU 2.2.1

Areas designated as historic shall continue to have development reviewed under Chapter 118, Article X of the Land Development Regulations of the City Code as follows:

- a. Residential rehabilitation shall conform to adopted design standards;
- b. Recreational development must be compatible with the surrounding environment and shall be subject to performance standards adopted in the Land Development Regulations;
- c. The clearing of trees, shall be prohibited, except per the process identified in the City's tree preservation and protection ordinance ~~unless specifically permitted by Miami-Dade County~~;
- d. All applications for development approval shall be subject to site plan and design review;
- e. Demolition of historic buildings shall be limited by requirements to conform to applicable provisions of the City's historic preservation ordinance.

~~Policy 4.2.2.2~~ (*Relocated under Objective 2.1*)

~~Within areas designated on the Future Land Use Map as conservation, no new development, or expansion or replacement of existing development shall be permitted except re-vegetation and construction of a beachfront promenade.~~

Policy RLU 2.2.2

Historic resources shall continue to be protected through designation as historic sites by the City or State.

Policy RLU 2.2.3

A list of designated historic resources shall be submitted to U.S. Department of Interior for inclusion on the National Register of Historic Places.

Policy RLU 2.2.4

Miami Beach shall continue, with the assistance of preservationists, to update the new database of significant historic resources which are in need of protection.

Policy RLU 2.2.5

Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic values of such resources in conformance with the Land Development Regulations of the City Code.

OBJECTIVE RLU 2.3: HURRICANE EVACUATION DENSITY INCREASE LIMITATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Miami-Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density, except to foster the development of workforce or affordable housing. *(Updated for internal consistency per Conservation/Coastal Zone Management Element Policy 9.2 and amendment 17-4ESR)*

Policy RLU 2.3.1

Permitted City population densities achieved by the 1998-1999 down-planning shall be maintained in order to better conform to Coastal High Hazard area requirements.

Policy RLU 2.3.2

Permitted city population densities achieved by the 1999 down-planning shall be maintained in order to better conform to the Miami-Dade County Offices of Emergency Management's Emergency Operations Plan.

Policy RLU 2.3.3

The City shall continue to coordinate with the Miami-Dade County Emergency Plan with regard to any amendments to the existing population densities.

OBJECTIVE 9: TOPOGRAPHY

~~The City shall coordinate future land uses with the appropriate topography. (Note: An objective 9J-5.006(3)(b) as it relates to soil conditions is not applicable as the City's soils consist entirely of man-made soils and beach sand).~~

OBJECTIVE RLU 2.4: RESILIENT AND SUSTAINABLE DEVELOPMENT

Identify and implement resilient and sustainable development best practices to encourage effective long-term investments that sustain and/or the quality of life for residents.

Policy ~~9.1~~ RLU 2.4.1

The City shall continue to require that first floor elevations be constructed at FEMA's required minimum flood elevation at mean low tide to allow maximum protection during flood conditions. This provision shall not apply within Historic Preservation Districts where first floor elevations may be set below the minimum flood elevations, but shall be set at the highest level consistent with the historic character of the area.

OBJECTIVE 10: REDEVELOPMENT

Policy RLU 2.4.2 (Consolidated policies 10.1 & 10.2)

The City shall maintain its existing redevelopment area program and implement adopted redevelopment plans and projects:

- City Center/Historic Convention Village Redevelopment Plan (2001)
- South Pointe Redevelopment Area projects

~~Policy 10.1~~

~~The City shall continue to implement the City Center/Historic Convention Village redevelopment plan, including the 2001 plan amendments.~~

~~Policy 10.2~~

~~The City shall continue to implement the South Pointe Redevelopment Area projects.~~

OBJECTIVE 12: Policy RLU 2.4.3 ECONOMIC ENERGY ZONE

As a goal of the City to adopt policies and programs that implement in Miami Beach actions that strive to protect the environment, the City designated the entire municipality to participate in the "Energy Economic Zone Pilot Program Communities" Codified in Chapter 2009-89, Laws of Florida, Section 7.

Policy ~~12.1~~ Policy RLU 2.4.4

The Miami Beach Sustainability Plan shall be the guiding document (Strategic Plan) that provides structure and focus to policies and initiatives in order to successfully enhance community sustainability.

~~Note: The following are not applicable to Miami Beach:~~

- ~~Objective 9J-5.006(3)(b)7 urban sprawl~~
- ~~Policy 9J-5.006(3)(c) 6 wellfields~~

GOAL RLU 3 INTERGOVERNMENTAL COORDINATION AND PUBLIC FACILITIES

Support intergovernmental coordination efforts, strategic partnerships and enforce concurrency management requirements to maintain required levels of service for essential public facilities, and to mitigate potential adverse impacts of new development and redevelopment.

OBJECTIVE 6 RLU 3.1: CONCURRENCY MANAGEMENT AND MOBILITY FEES

Ensure consistency with adopted concurrency requirements of Section 163.3180, Florida Statutes and adequate land for public utilities.

Policy 6.4 RLU 3.1.1

The City shall continue to participate in the Miami-Dade County impact fee ordinance program.

Policy 6.2 RLU 3.1.2

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

Acceptable Level of Service Standards for public facilities in the City of Miami Beach are established in the Capital Improvements Program Element.;

(Stricken text below was relocated to CIP if not already duplicated in that element)

- a. ~~Recreation and Open Space — The National Recreation and Park Association's suggested minimum requirement for recreation and open space ten (10) acres of recreation and open space per one thousand (1,000) permanent and seasonal residents is established as the minimum Level of Service Standard for the entire system.~~
- b. ~~Potable Water Transmission Capacity
 - ~~140 Average gallons per capita per day;~~
 - ~~168 Peak gallons per capita per day~~
 - ~~Non-residential uses:~~
 - ~~Hotel: 75 gallons per day per room~~
 - ~~Office: 0.084 gallons per day per square foot~~
 - ~~Retail: 0.18 gallons per day per square foot~~
 - ~~Industrial: 0.084 gallons per day per square foot~~
 - ~~Restaurant: 65 gallons per day per seat~~
 - ~~School: 12 gallons per day per student~~~~
- c. ~~Sanitary Sewer Transmission Capacity — 140 Average gallons per capita per day~~
- d. ~~Storm Sewer Capacity — One in ten-year storm event.~~
- e. ~~Solid Waste Collection Capacity — 1.275 tons per capita per year~~
- f. All development and redevelopment shall be exempt from Transportation Concurrency. The City of Miami Beach is a Transportation Concurrency Exception Area; as such, Mobility Fees shall be assessed to fund mobility improvements identified in the Transportation Master Plan and other transportation needs.

- g. ~~Miami-Dade Public Schools – Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.~~

~~1. Measuring Conformance with the Level of Service~~

~~Public facility capacity availability shall be determined by the Concurrency Management User's Procedural Guide (a supplement to the land development code), which contains the formulas for calculating compliance.~~

~~♦ The capacity of new facilities may be counted only if one or more of the following can be demonstrated:~~

~~(A) For water, sewer, solid waste and drainage:~~

~~(1) Prior to approval of a building permit or its functional equivalent, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.~~

~~(2) The necessary facilities are in place and available at the time a certificate of occupancy is issued, or~~

~~———— (3) The new facilities are guaranteed in an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes (the Development of Regional Impact authorization).~~

~~In the case of water, sewers, solid waste and recreation, the formulas must reflect the latest population vis a vis flows or park acreage.~~

~~Design capacity shall be determined as follows:~~

~~———— Sewage: the capacity of the County sewage treatment system.~~

~~Water: the capacity of the County water treatment and storage system.~~

~~———— Solid waste: the capacity of the County disposal system.~~

~~Drainage: The on-site detention capability and/or storm sewer capacity.~~

~~(B) For recreation:~~

~~(1) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance of a certificate of occupancy or its functional equivalent.~~

- (2) ~~The new facilities are the subject of a binding executed contract for the construction of facilities to be completed within one year of the time the certificate of occupancy is issued, or~~
- (3) ~~A development agreement as outlined in (A) (3) above but requiring construction to begin within one year of certificate of occupancy issuance.~~

~~Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest City population estimate with any necessary interpretation provided by the City manager or designee thereof.~~

2. ~~Concurrency Monitoring System~~

~~The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system data base is kept current, i.e., includes all existing and committed development. This data base shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.~~

3. ~~Capacity Reservation~~

~~Any development permit application which includes a specific plan for development, including densities and intensities, shall require a concurrency review per Part III, Chapter 33G of the Miami-Dade County Code of Ordinances. Compliance will be finally calculated and capacity reserved at time of final action of building permit, certificate of occupancy, business tax receipt, or similar permit, whichever comes first. Phasing of development is authorized. Applications for development permits shall be chronologically logged upon approval to determine rights to available capacity. A capacity reservation shall be valid for a time to be specified in the land development code; if construction is not initiated during this period, the reservation shall be terminated.~~

4. ~~Administration~~

~~The City manager (or designee thereof) shall be responsible for concurrency management. The land development code shall specify administrative procedures, including an appeals mechanism, exemptions, plan modifications, burden of proof, etc.~~

5. ~~Project Impact or Demand Measurement~~

~~The Land Development Regulations will contain the formulas for calculating compliance plus tables which provide generation rates for water use, sewer use, solid waste and traffic, by land use category. Alternative methods acceptable to the Director may also be used by the applicant for levels of service subject to concurrency requirements.~~

~~As a part of the capital improvement program process, public facilities and utilities shall be located to:~~

- ~~a) maximize the efficiency of services provided;~~
- ~~b) minimize their cost; and~~
- ~~c) minimize their impacts on the natural environment~~

OBJECTIVE RLU 3.2: LAND FOR UTILITY FACILITIES

The city shall assure the ability to provide land needed for utility facilities to serve the Future Land Use Plan.

Policy RLU 3.2.1

The LDRs shall continue to provide for the land needed by utility systems.

OBJECTIVE RLU 3.3: INTERGOVERNMENTAL COORDINATION

The City shall improve coordination with affected and appropriate governments and agencies to maximize their input into the development process and mitigate potential adverse impacts of future development and redevelopment activities, particularly relative to Biscayne Bay.

Policy RLU 3.3.1

Recommendations and corrective actions described in the Intergovernmental Coordination Element are hereby incorporated by reference and shall continue to be implemented.

Policy RLU 3.3.2

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

OBJECTIVE RLU 3.4: COOPERATION WITH MILITARY INSTALLATIONS

The City will cooperate with the U.S. Coast Guard station located within its jurisdiction by exchanging and providing information to prevent encroachment of incompatible land uses in order to facilitate its continued presence in the City.

Policy RLU 3.4.1

The City will transmit to the commanding officer information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to Land Development

Regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the U.S. Coast Guard Station.

Policy RLU 3.4.2

The City will provide the commanding officer or his or her designee an opportunity to review and submit comments on the proposed changes regarding the impact such proposed changes may have on the mission of the U.S. Coast Guard Station.

Policy RLU 3.4.3

The City will take into consideration any comments provided by the commanding officer or his or her designee when making such decision regarding comprehensive planning or land development regulation and will forward a copy of any such comments to the state land planning agency.

Climate Resiliency and Sustainability Element

Climate Resiliency and Sustainability Element (Recommendations taken from ULI and other Master Plans and formerly the Conservation and Coastal Zone Management Element)

The Resiliency and Sustainability Element consolidates the principles of sustainability and resiliency that were previously located in studies and other planning efforts commissioned by the City, as well as adopted objectives and policies that were previously located in other elements of the Comprehensive Plan. The element's central purpose is to centralize these objectives and policies regarding climate change and sea level rise. The element includes goals, objectives and policies that address interdisciplinary nature of resiliency planning, including natural resource protection, land development, city operations and emergency preparedness. This element also houses the goals, objectives and policies required for consistency with the Florida Statutes for the Conservation and Coastal Management Elements.

Principles & Goals

GUIDING PRINCIPLES The intent of the guiding principles is to provide an overview of the priorities and objectives of the Element to aid in local government planning and decision making to promote a resilient Miami Beach.

GOAL RSE 1 **Resilient Development / Adaptation Action Area**

GOAL RSE 2 **Proactive Planning to Increase Resilience to Sea Level Rise and Weather Related Events**

GOAL RSE 3 **Protect and Conserve Natural and Cultural Resources**

GOAL RSE 4 **Promote Energy Efficient Private and Public Development and Infrastructure**

GOAL RSE 5 **Support Sustainable and Resilient City Operations**

GOAL RSE 6 **Emergency Preparedness**

GOAL RSE 7 **Post Disaster Planning**

Climate Resiliency and Sustainability Element

Guiding Principles

The intent of the guiding principles is to provide an overview of the priorities and objectives of the Element to aid in local government planning and decision making to promote a Miami Beach that is resilient to climate change and sea level rise.

Principle 1: Maintaining Urgency

The City will continue to prioritize climate adaptation efforts and policies that enhances public and private infrastructure, and shall encourage other coastal communities to be proactive and innovative in their efforts to mitigate against climate change.

Principle 2: Using Incrementalism

The City shall design all future infrastructure plans to be adaptive to emerging technologies and data on climate change and sea-level rise, as well as input from effected community members to develop inclusive and innovative solutions.

Principle 3: Ensuring Transparency

The City shall provide access to information related to climate change science and climate adaption efforts to residents and other stakeholders, and shall engage in outreach activities as appropriate so that the community is knowledgeable in making adaptation investments.

Principle 4: Respecting the City's Ecological Endowment

The City shall encourage management and adaptation actions that respects the City's natural environment by evaluating the sustainable usage of resources and the proficient management and monitoring of resources.

Principle 5: Prioritizing Social Equity

The City shall raise awareness to vulnerable populations when performing stormwater and other climate adaptation analysis and actions to ensure that the entire City's population is resilient to climate change.

Principle 6: Recognizing Co-benefits

The City shall recognize and act on the opportunities presented with resiliency related projects to holistically improve the City.

Principle 7: Preserving Cultural Identity

The City shall embrace its unique character and history by incorporating art into adaptation efforts.

Principle 8: Preserving Historic Structures

The City shall employ creative strategies and adaptation actions to preserve historic structures and district character.

Principle 9: Managing Water

The City shall continue to strive to be a leader in adapting to a changing climate and sea-level rise by preserving and sustainably managing the City's water environmental and recreational resources.

Principle 10: Taking a Long-Term and Regional Perspective

The City shall take an incremental approach to climate adaptation investment by accomplishing short term goals that are part of the City's and region's long term vision to mitigate the impacts of increasing flood-related risks.

Climate Resiliency and Sustainability Element

Goal RSE 1: Resilient Development / Adaptation Action Area

Objective RSE 1.1 Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property.

Policy RSE 1.1.1(Relocated Policy 14.9 - CZM): The City shall align and be consistent with, to the extent possible, relevant and current national, state, regional and local adaptation strategy documents such as the Resilient 305 Strategy, Miami Beach Strategic Plan Through the Lens of Resiliency, Miami-Dade County GreenPrint, Southeast Florida Regional Climate Action Plan, and The President's Climate Action Plan as well as other regional strategic plans, disaster mitigation plans, water management plans, transportation/transit plans, and climate change plans.

Policy RSE 1.1.2 (Relocated Policy 14.1 - CZM): Based on evolving rising seas data and associated vulnerabilities, to allow for flexible adjustments, preserve future strategic adaptation implementation options to maintain maximum resiliency in response to new risks and vulnerabilities. The City will take advantage of new emerging data and technological opportunities. The City's basis for measuring sea level rise shall be as per the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact.

Policy RSE 1.1.3 (New Policy): The City shall support and engage with educational institutions researching climate change, urban resilience, and adaptation strategies to attract and foster innovation and promote the City as a living laboratory.

Policy RSE 1.1.4 (Relocated and Amended Policy 14.4 - CZM): The City will develop and implement adaptation strategies ~~for areas vulnerable to coastal flooding, extreme precipitation, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise,~~ with the intent to increase the community's comprehensive adaptability and resiliency capacities, which include:

Policy 14.6:

a. Protection-Adaptation Strategies: Strategies that involve "hard" and "soft" structurally defensive measures to mitigate impacts of rising seas in order to decrease vulnerability while allowing structures and infrastructure to remain unaltered. Two examples are shoreline armoring and beach renourishment. Protection strategies may be targeted for areas of a community that are location-dependent and cannot be significantly altered or relocated, such as areas of historical significance, or water-dependent uses. Protection is the priority and initial response by City government and the preferred response.

b. Accommodation-Living with Water Strategies: ~~Strategies that do not act as a barrier reduce the risk of damage from water, but rather by~~ altering the design through measures such as elevation or stormwater improvements, to allow the structure of infrastructure system to stay intact. Rather than preventing flooding or inundation, these strategies aim to reduce potential risks, and accommodate water.

c. Management Strategies: Strategies that involve the actual removal of existing development, their possible relocation to other areas, and/or prevention of further development in

Climate Resiliency and Sustainability Element

high-risk areas. This is intended to be a long-term strategy and reduce the risk when making development decisions.

d. *Avoidance: Strategies that involve ensuring development does not take place in areas subject to coastal hazards associated with sea level rise or where the risk is low at present but will increase over time.*

e. *Other options from Coastal Element.*

Policy RSE 1.1.5 New Policy: The City will prioritize strategies in areas, which currently experience or are projected to experience tidal flooding, storm surge, or both as a priority for the development and implementation of adaption strategies.

Policy RSE 1.1.6 New Policy: The City shall prioritize Protection and Accommodation strategies to respond to the projected impacts of increasing flood-related risks.

Objective RSE 1.2: The City shall employ creative place-making strategies to complement sea-level rise mitigation, while enhancing and preserving community character and social cohesion.

Policy RSE 1.2.1 New Policy: The City shall identify locations to create open or other public spaces that also address the impacts of sea-level rise and climate change, including, creating projects and sites that provide a co-benefit related to decreasing flood-related risks.

Policy RSE 1.2.2 New Policy: The City shall incorporate public art on co-benefit sites and to enhance public infrastructure improvements to preserve and enhance the artistic character of the City and its open spaces where feasible.

Policy RSE 1.2.3 New Policy: The City shall actively seek opportunities to partner with local arts and culture stakeholders and to incorporate public art in public spaces that highlight the resiliency efforts within the City.

Policy RSE 1.2.4 New Policy: The City shall evaluate new area plans and land development regulations for their impacts on stormwater management and sea-level rise, including prioritizing increasing permeable surfaces, maximizing on-site water management, enhancing walkability, encouraging alternative modes of transportation, and preserving neighborhood character.

Policy RSE 1.2.5 New Policy: The City shall allow for the establishment of Resiliency Districts that allow for the creation of neighborhood/sub-area/district based regulations that codify localized resiliency and adaptation strategies, including locating new green space co-benefit sites, local character preservation, historic resources preservation and design guidelines for adapting structures.

Policy RSE 1.2.6 New Policy: The City shall engage in public-private partnerships that provide enhanced adaptation impacts while maximizing fiscal resources.

Objective RSE 1.3: Incentivize and support private property adaptation and storm hardening efforts through living with water outreach and support projects

Climate Resiliency and Sustainability Element

Policy RSE 1.3.1 NEW POLICY: The City's webpage shall be routinely updated with information to guide property owners desiring to make improvements to mitigate flood-risk and other impacts of climate change, including sea-level rise projection timelines, adaptation practices, and design guidance on adapting structures.

Policy RSE 1.3.3 NEW POLICY: Land development regulations shall be evaluated at least every seven (7) years to ensure that water management and resilient design principles and adaptation practices are incentivized while balancing existing neighborhood or district character and development patterns.

Policy RSE 1.3.4 NEW POLICY: The City shall encourage residents and businesses to retrofit existing structures so that they become more resilient.

Policy RSE 1.3.5 NEW POLICY: The City shall strive to maintain or improve its FEMA community rating system (CRS) score, in order to provide discounted flood insurance premiums to residents and businesses.

Goal RSE 2: Proactive Planning to Increase Resilience to Sea Level Rise and Weather Related Events

The City shall establish policies and approaches that address the ongoing environmental challenges facing the city and shall engage in proactive planning.

Objective RSE 2.1: Vulnerability of public facilities, infrastructure and services shall be assessed to address investments high levels of risk and/or high cost-benefit returns.

Policy RSE 2.1.1 New Policy: The City shall maintain its inventory of public investments and infrastructure at risk to sea level rise and other climate related impacts, including but not limited to water and wastewater facilities, stormwater systems, roads, bridges, governmental buildings, hospitals, transit infrastructure and other assets.

Policy RSE 2.1.2 New Policy: The City will use an integrated water management approach in dealing with stormwater management, climate change, sea level rise, and environmental challenges.

Policy RSE 2.1.3 New Policy: Evaluate single-function uses like roadways and golf-courses to be utilized for water management purposes in effort to increase co-benefit public facilities and infrastructure.

Policy RSE 2.1.4 New Policy: The City shall require that all proposed infrastructure and public facility improvement project address the feasibility of implementing a blue and green infrastructure component.

Policy RSE 2.1.5(Relocated Policy 2.7 - CZM): *Living seawalls and hybrid seawalls should be used in areas where such specifications are applicable and will further enhance the natural shoreline processes to prevent erosion, increase habitat, and improve water quality through sediment trapping and nutrient reductions.*

Climate Resiliency and Sustainability Element

Policy RSE 2.1.6 New Policy: The City will work to improve the resilience of seawalls through higher elevations, living seawalls, and hybrid approaches.

Objective RSE 2.2: Efforts to reduce pollution and improve water quality shall be prioritized within the City on both private and public properties.

Policy RSE 2.2.1 (Relocated Policy 2.18- CZM): Stormwater management techniques to meet the drainage level-of-service standards of this plan shall be required for all new development and shall be incorporated in the City's concurrency requirements of the Land Development Regulations.

Policy RSE 2.2.2(Relocated Policy 2.1- CZM): The City shall continue to enforce the City Code which prohibits the deposit of solid waste or industrial waste including spent oils, gasoline by-products or greases accumulated at garages, grease traps, filling stations and similar establishments that create a health or environmental hazard upon any vacant, occupied or unoccupied premises, parkway or park, and in any canal, waterway, bay or the ocean within the City.

Policy RSE 2.2.3 (Relocated Policy 2.17 - CZM): All new wet and dry slip marina facilities, and existing facilities with more than 50 wet or dry slips that provide fueling facilities, shall be equipped with dockside pumpout facilities. The City shall coordinate with Miami-Dade County to ensure that that these facilities are inspected by the appropriate agency and monitored annually to comply with Best Management Practices for marine facilities and other pertinent provisions of Chapter 24 of the Miami-Dade County Code.

Climate Resiliency and Sustainability Element

Goals RSE 3 Protect and Conserve Natural & Cultural Resources

The City shall provide ~~Provide public improvements and restrict development activities that would to prevent damage to or destroy~~ coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation, land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.

Objective RSE 3.1: Protection of Cultural and Historic Resources

The City shall evaluate and implement policies that will allow for the effective adaptation of historic resources and keep the City's history above water as consistent with the Historic Preservation Element.

Policy RSE 3.1.1(Relocated Policy 3.1.1): The City shall consider new strategies to align historic preservation and climate adaptation, including the establishment of resiliency or conservation districts.

Policy RSE 3.1.2 (Relocated Policy 3.1.2): The City shall review redevelopment for consistency with the provisions of this element to promote energy efficient and resilient reuse and adaptation of historic structures to preserve the character of Miami Beach.

Objective RSE 3.2: Protection of Natural Resources

~~The City shall, in coordination with local, state, and federal agencies, post and maintain signs relative to environmental protection and awareness and otherwise protect the conservation of, and provide for the appropriate use of the natural functions of existing soils, fisheries, wildlife and their habitats, bays and waterways which flow into estuarine waters, floodplains, beaches and shores, marine habitats, air quality, water resources, and scenic beauty by adopting the following measurable policies.~~

Policy RSE 3.2.1 (Relocated Policy 2.12 - CZM): ~~Salt tolerant landscaping and highly water-absorbent, native of Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape~~ **section** of the Land Development Regulations and the design review process.

Policy RSE 3.2.2 (Relocated Policy 2.13 - CZM): ~~the Administration of Through the City's landscape section of the Land Development Regulations, the City shall prohibit the propagation and planting of the following plants as well as invasive non-native plant material prohibited and controlled trees, as identified in the Miami-Dade County Landscape Manual.; it shall also require that eradication of these species be carried out on all sites of new and redevelopment projects.~~

Malaleuca	Brazilian Pepper	Australian Pine
Ear Leaf Arcadia	Woman's Tongue	Bishop Wood
Shoebotton Ardisia	Day Blooming Jasmine	Colubrina
Aerial Potato	Eucalyptus	Lead Treet
Castor Bean	Scaevola (Scaevola taccada)	

Climate Resiliency and Sustainability Element

Policy RSE 3.2.3 (Relocated Policy 2.2- CZM): *All development activities that adversely affect habitat that may be critical to endangered, threatened or rare species, or species of special concern, including native vegetative communities, shall be prohibited by the City through the development review process as may be prescribed in the Land Development Regulations of the City Code.*

Policy RSE 3.2.4 (Relocated Policy 2.3 - CZM): *In conformance with the City Charter establishing the City as a bird sanctuary, it is prohibited for any person to injure, kill, hunt, destroy, capture or molest any endangered, threatened, rare, or species of special concern or any bird in the City of Miami Beach; except those persons holding a valid permit to destroy birds for scientific purposes issued by the U.S. Fish and Wildlife Service, and the Department of the Interior. and issued a special permit by the Chief of Police.*

Policy RSE 3.2.5 (Relocated Policy 2.5 - CZM): *In coordination with local, state, and federal agencies, continue to post and maintain Manatee Protection Area signage throughout the waterways of the City and increase enforcement of safe boating requirements through the City Marine Patrol.*

Policy RSE 3.2.6 (Relocated Policy 2.6 - CZM) *Continue to designate the beach front along the Atlantic Ocean as a Conservation-Protection Area on the Future Land Use Map.*

Policy RSE 3.2.7 (Relocated Policy 2.8 - CZM): *Preserve and improve the environmental quality of Biscayne Bay by continuing to (1) have a City of Miami Beach representative on the Biscayne Bay Shoreline Development Review Committee, (2) provide staff to the Committee through an interlocal agreement and (3) have all appropriate bayfront projects reviewed by the Committee.*

Policy RSE 3.2.8 (Relocated Policy 2.9 - CZM): *Continue to require all new shoreline development involving marine habitats to be reviewed by the City's Environment & Sustainability Department and the Miami-Dade County Environmental Resources Management Department.*

Policy RSE 3.2.9 (Relocated Policy 2.10- CZM): *Continue to improve the region's ambient air quality through increased cooperation with Miami-Dade County and the City of Miami to provide improved efficient mass transportation and support County initiatives to utilize alternative fuels. ~~Prioritize the improvement of the City's ambient air quality through cooperation efforts with the County. Improve mass transportation connectivity between the City of Miami and the City of Miami Beach.~~*

Policy RSE 3.2.10 (Relocated Policy 2.16 - CZM): *The City will coordinate with the Miami-Dade County and the Florida Department of Environmental Protection in the monitoring of coastal waters.*

Policy RSE 3.2.11 NEW POLICY: The City shall improve the study and use of resilience metrics.

Policy RSE 3.2.12 NEW POLICY: The City shall consider current and future ecologies in all projects.

Policy RSE 3.2.12 NEW POLICY: The City shall support green business initiatives when feasible that promote environmental stewardship.

Climate Resiliency and Sustainability Element

OBJECTIVE RSE 3.3: BEACH AND DUNES

The City shall protect and enhance its beach and dunes system.

Policy RSE 3.3.1 (Relocated Policy 1.1- CZM): Continue cooperative program with Miami Dade County, State of Florida, and the U.S. Army Corps of Engineers for beach re-nourishment. Where beach restoration or re-nourishment is necessary, the project should be designed and managed to minimize damage to the offshore benthic resources, terrestrial and marine animal habitats and dune vegetation.

Policy RSE 3.3.2 (Relocated Policy 1.2 - CZM): The City shall maintain a dune management plan to stabilize the dune system by planting appropriate dune vegetation; to grade and contour the dunes; and to reduce pedestrian impacts by providing on-grade footpaths where feasible. All subsequent activities on or bordering the restored beach shall be compatible with long-term beach management and maintenance; the city will continue to cooperate with the state and county.

Policy RSE 3.3.3 (Relocated Policy 1.4 - CZM): Discourage non-water oriented activities and developments from encroaching on beach front parks, new beach areas and dunes by continuing to designate the beach as a Conservation-Protected Area on the Future Land Use Map.

Policy RSE 3.3.4 (Relocated Policy 1.5 - CZM): The City shall apply for State and Federal grants to include shoreline features such as pedestrian walkways which are designed to minimally impact beach or dune systems on public property; ensure the public access requirements of the Coastal Zone Management Act, as amended, and continue to provide development regulations and incentives for such features on private property in the Land Development Regulations of the City Code.

Policy RSE 3.3.5 (Relocated Policy 1.6 - CZM): The use of causeways, road rights-of-way, canal easements, and the Baywalk at shorelines shall continue to be expanded to provide public access for water-dependent and water-related activities and to protect public access to beaches re-nourished with public funds.

Policy RSE 3.3.6 (Relocated Policy 1.7 - CZM): Coordinate with local, state, and federal agencies regarding mandates for no further dredging or filling that may result in the destruction of grass/algal flats, hard bottom or other benthic communities shall be permitted in any waters within the City limits of Miami Beach.

Policy RSE 3.3.7 (Relocated Policy 1.8 - CZM): Water conserving irrigation and other landscape practices such as xeriscape shall be incorporated into the Design Review Board guidelines where public water is used to water lawns, golf courses and landscaped green spaces.

Policy RSE 3.3.8 NEW POLICY: The City shall establish standards in the City's code that protect and restore beaches or dunes.

Climate Resiliency and Sustainability Element

OBJECTIVE RSE 3.5: WATER-DEPENDENT AND RELATED USES

The amount of shoreline devoted to water-dependent and water-related uses shall be maintained or increased provided that proposed new development will not create a negative environmental impact.

Policy RSE 3.5.1 (Relocated Policy 3.1 - CZM) Those public access areas including street ends, municipal parking facilities and municipal parks along coastal waters will be or redesigned to provide greater public access to Biscayne Bay and the Atlantic Ocean beach area regardless of the land use designation of those areas.

Policy RSE 3.5.2 (Relocated Policy 3.2 - CZM):

To minimize impacts of man-made structures and activities on shoreline resources, no filling, spoiling or placement of structures in or over coastal waters shall be permitted in the City without proper local, state and federal agency approvals, and as specified in the Land Development Regulations i.e. action which will diminish water surface areas traditionally used by the general public for activities such as fishing, swimming and boating.

Policy RSE 3.5.3 (Relocated Policy 3.3 - CZM)

The City shall continue to construct and install signage along major thoroughfares to direct the public's attention to public shoreline parks and water-related facilities.

Policy RSE 3.5.4 (Relocated Policy 3.4 - CZM)

Proposed marina/water dependent facility siting shall be compatible with both county plans and surrounding land uses, and shall preserve or improve traditional public shoreline uses and public access to coastal waters. This shall be accomplished through the Conditional Use process as prescribed in the Land Development Regulations of the City Code.

Policy RSE 3.5.5 (Relocated Policy 3.5 - CZM)

Any proposed marina/water dependent facility shall be required to preserve or improve the quality of the coastal waters, water circulation, tidal flushing, light penetration, and provide a hurricane, or contingency plan to the appropriate agency all in conformance with Miami-Dade County, State and Federal rules and regulations.

Policy RSE 3.5.6 (Relocated Policy 3.6 - CZM)

All proposed marinas shall be reviewed as ~~Conditional Uses~~ pursuant to the process prescribed in the Land Development Regulations of the City Code. In coordination with the County, State, and Federal agencies, if Conditional Use approval is required, the Planning Board shall not issue conditional use approvals unless the applicant demonstrates the following: 1) land use compatibility; 2) availability of upland support services; 3) existing protective status/ownership; 4) hurricane contingency planning; 5) protection of water quality; 6) water depth; 7) environmental disruptions and mitigation actions; 8) availability for public use; and 9) economic need and feasibility.

Climate Resiliency and Sustainability Element

Goal RSE 5 Promote Energy Efficient Private and Public Development and Infrastructure

Objective RSE 5.1: The City shall pursue opportunities for greenhouse gas reductions through the promotion of solar and renewable energy alternatives, and improved energy efficiency.

Policy RSE 5.1.1 New Policy: Maintain an educational web based information platform on existing City and regional resiliency and sustainability incentive programs that promote renewable energy alternatives and energy efficiency buildings.

Policy RSE 5.1.2 New Policy: The City shall establish a green building program in the land development regulations that promotes the development of energy efficient green buildings, and that provides energy efficient green building thresholds for structures proposed for redevelopment.

Policy RSE 5.1.3 (Relocated Policy 2.23) The City shall continue to develop innovative solutions to create an urban canopy, and reduces the intensity of the urban heat island effect and provide shade to improve walkability.

Objective RSE 5.2: Implement energy efficient transportation infrastructure improvements, transportation plans, and fleet management policies within the City

Policy RSE 5.2.1 New Policy: The City shall encourage the development of energy efficient alternative modes of transportation.

Policy RSE 5.2.2 NEW Policy: The City shall conduct a right size fleet analysis every 5 years to ensure that vehicles are appropriate sized for safety, function and energy, carbon and fuel efficiency.

Policy RSE 5.2.3 New Policy: The City shall incorporate prioritizing the creation of an energy efficient and low emission vehicle fleet as a priority of for the City budget.

Climate Resiliency and Sustainability Element

Goal RSE 6: Support Sustainable and Resilient City Operations

Objective RSE 6.1: The City shall continue to comprehensively evaluate cost and benefits of existing and proposed resilience programs and improvements, and seek funding sources for financially sound improvements

Policy RSE 6.1.1 (Relocated Policy (Old Policy 14.7)): The City shall pursue funding sources for the implementation of AAA associated adaptation strategies including the following:

- a. Federal and State grants and technical expertise assistance (in-kind)*
- b. Local Stormwater Utility Fees and CIP (Capital Improvement Plan) prioritization*
- c. Public/Private Partnerships*
- d. Other sources*

Policy RSE 6.1.2 (Relocated Policy 14.10): *The City shall participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies' proposed application requests for funding adaptation implementation projects.*

Policy RSE 6.1.3 New Policy: The City will potential fee and funding models for adaptation projects that incentivize on-site water retention/detention and water quality improvements.

Objective RSE 6.2: The City shall incorporate adaptation strategies and principles into city processes and plans to allow for consistent implementation of resiliency efforts in all City functions.

Policy RSE 6.2.1 (Relocated and Amended Policy 14.8 - CZM): *The City shall integrate adaptation and resiliency goals, principles and strategies into existing and future City processes and city-wide plans and documents which may include, but are not limited to, the City's:*

- a. Strategic plans;*
- b. Climate action and resiliency plans;*
- c. Stormwater plans;*
- d. Emergency management plans;*
- e. Land Development Regulations;*
- f. Capital Improvement Plan and projects;*
- g. Agreements with public or private utility and infrastructure providers;*
- h. Agreements with public health providers;*
- i. Interlocal agreements with other government agencies;*
- j. Transportation Master Plan; and*
- k. Other processes, plans and documents.*

Policy RSE 6.2.2 (Relocated Policy Policy 14.11 - CZM): *The City shall collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of AAA adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise.*

Policy RSE 6.2.3 New Policy: The City shall collaborate with neighborhood associations, civic groups, and local service providers to identify and address neighborhood-specific needs within neighborhood and commercial areas

Climate Resiliency and Sustainability Element

Policy RSE 6.2.4 New Policy: The City shall continue routinely review and update resiliency information available on the City's website.

Objective RSE 6.3: The City shall leverage and reform regulatory boards to support adaptation and resiliency efforts.

Policy RSE 6.3.1: The City shall establish and periodically review resiliency criteria, measureable water management goals and/or board member requirements as applicable for its municipal regulatory boards to prioritize the consideration of adaptation and resiliency efforts.

Policy RSE 6.3.2: The City shall periodically provide training sessions to all land use related boards to enhance consistency in the application of applicable resiliency criteria and water management related goals.

Goal 7 : Emergency Preparedness

The City shall collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of AAA adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise.

Objective RSE 7.1 (Relocated OBJECTIVE 4 from CCE): HURRICANE EVACUATION

~~The City shall strive to maintain t~~The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale ~~tropical storm force~~ force winds, ~~shall be maintained. or lowered by 1995.~~

Policy RSE 7.1.1 (Relocated Policy 4.1)

All future improvements to evacuation routes shall include remedies for flooding problems and the anticipated increase in the level of the water of Biscayne Bay, local waterways, and the Atlantic Ocean programming transportation improvements to increase the capacity of evacuation routes, eliminating congestion at critical links and intersections, implementation of a traffic plan on the MacArthur Causeway and other critical intersections, adjusting traffic signalization or use directional signage, and public information programs to expedite safe evacuation.

Policy RSE 7.1.2

~~The Miami Beach Hurricane Handbook will be distributed to the general public with detailed emergency operation instructions and hurricane evacuation pick-up sites.~~ The City shall create and maintain policies and a central repository for all hurricane response related information for staff and the public that includes with detailed emergency operation instructions and hurricane evacuation information, evacuation centers and pick-up sites, preparedness information, procedures for boat owners, and other resources.

Policy RSE 7.1.3 (Relocated Policy 4.3)

Climate Resiliency and Sustainability Element

The City will continue to work with the Miami-Dade Public Works Department to rate all local bridges for structural and operational sufficiency. Local bridges with unsatisfactory sufficiency ratings shall continue to be programmed for improvements or replacement.

Policy RSE 7.1.4(Relocated Policy 4.4)

All trees susceptible to damage by gale force winds shall be removed from the right-of-way of evacuation routes and replaced with suitable, preferably native, species.

Policy RSE 7.1.5 (Relocated Policy 4.5)

The City will coordinate with Miami-Dade Transit Agency and the Office of Emergency Management to ensure that adequate buses are available to safely evacuate neighborhoods with large concentrations of households without private transportation.

Policy RSE 7.1.6 (Relocated Policy 4.6)

The City of Miami Beach Fire Department in coordination with Miami-Dade County Office of Emergency Management shall maintain and annually update the list of people with special needs, who may need assistance due to physical or medical limitations in the event of an evacuation order to ensure their safe mobilization.

Policy RSE 7.1.7(Relocated Policy 4.7)

The City of Miami Beach Fire Department shall review and update the Miami Beach Hurricane Evacuation Plan on an ongoing basis and maintain or enhance the resources and capabilities of the plan to provide effective implementation of evacuation procedures to ensure that evacuation times are maintained or reduced.

Policy RSE 7.1.8 (Relocated Policy 4.8)

Procedures for boat owners during hurricane operations shall continue to be updated in the Miami Beach Hurricane Handbook with instructions for safe harbor operations.

Policy RSE 7.1.8 (Relocated Policy 4.9)

The LOS standards established in the Transportation Element shall be include policies that maintained in order to facilitate hurricane evacuation for those areas of the City that are classified as a Coastal High Hazard Area (CHHA). According to Section 163.3178(2) (h), F.S., the coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Climate Resiliency and Sustainability Element

Goal 8: Post Disaster Planning

Objective RSE 8.1 (Relocated OBJECTIVE 5) : POST-DISASTER REDEVELOPMENT PLAN

During post-disaster recovery and redevelopment, the City of Miami Beach and Miami-Dade County shall implement their Comprehensive Emergency Management Plans (CEMP) and applicable Comprehensive Plan policies and assist hurricane damaged areas with recovery and hazard mitigation measures that reduce the potential for future loss of life and property.

Policy RSE 8.1.1 (Relocated Policy 5.1)

Except as provided in Policy 5.2 below, the City shall not fund any public infrastructure capacity expansion if such funding and such expansion would have the effect of directly subsidizing a private development.

Policy RSE 8.1.2 (Relocated Policy 5.2)

Notwithstanding Policy ~~8.1.1~~ ~~5.1~~ above, the City may fund infrastructure capacity expansion to achieve: 1) adopted level-of-service standards for facilities ~~which~~ that serve the current and projected population; 2) recreational and natural resource enhancement; 3) any development directly supporting the Convention Center; 4) amelioration of parking or mass transit deficiencies; 5) the provision of desirable parking or mass transit facilities and services; and/or 6) redevelopment in redevelopment areas established in accordance with state statute. Expenditures pursuant to 3), 4), 5) and 6) preceding shall be limited to the Convention Center Village Redevelopment area as shown on the Future Land Use Map.

Policy RSE 8.1.3 (Relocated Policy 5.3)

New private use facilities along the beach shall conform to the strict setback, open space and accessory use requirements of the Land Development Regulations of the City Code, as well as the requirements of the floodplain ordinance.

Policy RSE 8.1.4 (Relocated Policy 5.4)

The City shall not issue any building permits for projects proposed east of the coastal construction control line until jurisdictional state and county agencies have issued a permit and/or approval as may be deemed appropriate by such agencies.

Policy RSE 8.1.5 (Relocated Policy 5.5)

The adopted plan shall specify that during post-disaster redevelopment, the Building Department will distinguish between those actions needed to protect public health and safety with immediate repair/cleanup and long term repair activities and redevelopment areas. Removal or relocation of damaged infrastructure and unsafe structures shall be by the Miami Beach Public Works Department in accordance with local procedures and those agencies and practices specified in the Miami Beach and Miami-Dade County Comprehensive Emergency Management Operations Plans (CEMP).

Climate Resiliency and Sustainability Element

Policy RSE 8.1.6 (Relocated Policy 5.6)

During post-disaster recovery periods, after damaged areas and infrastructure requiring rehabilitation or redevelopment have been identified, appropriate City departments shall use the post-disaster redevelopment plan to reduce or eliminate the future exposure of life and property to hurricanes; incorporate recommendations of interagency hazard mitigation reports; analyze and recommend to the City Commission hazard mitigation options for damaged public facilities; and recommend amendments, if required, to the City's Comprehensive Plan.

Policy RSE 8.1.7 (Relocated Policy 5.7)

Unsafe conditions and inappropriate uses identified in the post-disaster recovery phase will be eliminated as opportunities arise, in accordance to the requirements of the Land Development Regulations of the City Code. If rebuilt, structures with damage exceeding 50 percent of pre-storm market value shall be reconstructed to ensure compliance with the High Velocity Hurricane Zone portion of the Florida Building Code for structures located in the "V" Zone and the 100-year floodplain.

TRANSPORTATION ELEMENT

The Transportation Element (TE) outlines a proactive approach to moving residents, commuters, and tourists around the City of Miami Beach in a safe and accessible manner. This Element's policies are complimentary to the Goals, Objectives and Policies in the City's Resilient Land Use and Development Element and the Resiliency and Sustainability Element. The Element promotes mobility, economic growth and resiliency within the limited land area of the City, and supports the City's efforts in storm hardening and decreasing the City's carbon footprint.

~~Goal 1: It shall be the goal of the City of Miami Beach to provide, maintain and improve a sustainable, safe, convenient and energy efficient multi-modal transportation system which:~~

- ~~• Is focused on the mobility of people, not merely vehicles.~~
- ~~• Is coordinated with the City's Land Use Element.~~
- ~~• Is multi-modal as it recognizes and promotes alternative modes of transportation including: automobile, public transportation, bicycle and pedestrian, as well as levels of service and parking needs, based on the City's adopted mode of transportation hierarchy, as set forth in policy 1.5.~~
- ~~• Is consistent with sustainable and environmentally friendly growth management principles.~~
- ~~• Is coordinated with the regional transportation network and other governmental agencies.~~
- ~~• Balances the needs of all current and future users.~~
- ~~• Ensures the economic vitality of the businesses within the City.~~
- ~~• Enhances the quality of life for the City's neighborhoods residents.~~

Transportation Element Goals

Goal TE 1

MOBILITY & MULTI-MODAL TRANSPORTATION

Proactively address mobility related challenges facing the Miami Beach transportation system while continuing to provide and maintain an energy efficient transportation system that promotes the use of multiple transportation modes.

Goal TE 2

PUTTING PEOPLE FIRST

Prioritize the people of Miami Beach by encouraging more equitable transportation options, healthy modes of travel, and to ensure safe evacuation routes.

Goal TE 3

TRANSPORTATION RESILIENCY

Improve transportation resiliency in Miami Beach through sustainable and adaptive improvements that are consistent with regional transportation plans and support hurricane evacuation.

Goal TE 1

MOBILITY & MULTI-MODAL TRANSPORTATION

Proactively address mobility related challenges facing the Miami Beach transportation system while continuing to provide and maintain an energy efficient transportation system that promotes the use of multiple transportation modes.

OBJECTIVE TE 1.1: MOBILITY FEES LEVEL OF SERVICE (please see Glossary of terms)

Establish mobility fees in lieu of transportation concurrency management to facilitate the funding of the City's multi-modal transportation system within the City-wide Transportation Concurrency Exception Area to provide for a safe, convenient, balanced, efficient and effective multi-modal transportation system with a Level of Service (LOS) for multiple transportation modes.

Policy TE 1.1.1:

Due to the multimodal nature of the City's transportation system and adopted mode share goals, transportation concurrency is not an appropriate methodology for funding transportation improvements. As such, the City of Miami Beach is a transportation concurrency exception area (TCEA). Pursuant to section 163.3180 (j), Florida Statutes, the City adopts has adopted Mobility Fees as an alternative mobility funding system.

Policy TE 1.1.2:

The City shall establish Mobility Fees through the Land Development Regulations, in order to fund multi-modal mobility improvements that prioritize a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit and alternative modes of transportation, and consistent with the adopted Transportation Master Plan.

Policy TE 1.1.3:

The Land Development Regulations shall establish procedures for calculating fees and credits, timeframes for required payments, deposit of funds, vesting, exemptions, incentives, and other procedures necessary to administer the fee.

Policy TE 1.1.4:

In order to encourage infill development and redevelopment that is consistent with the goals, objectives, and policies of this element, the City Commission may authorize mobility fee reductions for specific designated areas through the Land Development Regulations.

Policy TE 1.1.5:

Mobility Fees are intended to fund mobility improvements. Mobility fee funding shall be prioritized for projects identified in the adopted Transportation Master Plan.

Policy TE 1.1.6

The City will continue to utilize and seek other funding mechanisms including, but not limited to, the Transportation Planning Organization (TPO) process, Citizens' Independent Transportation Trust process, and others to address transportation needs.

Policy 1.1 — Roadway Basic Level of Service

~~The following minimum Level of Service standards shall apply to all State, County and local roads except for designated Federal Interstate Highway System (FIHS), Strategic Intermodal System (SIS), and Transportation Regional Incentive Program (TRIP) (please see Glossary of terms) funded facilities which shall be subject to the Florida Department of Transportation's (FDOT) Level of Service Standards.~~

- ~~• Local roads — LOS Standard D~~
- ~~• Collector roads — LOS Standard D~~
- ~~• Arterial roads — LOS Standard D~~
- ~~• Limited access roads — LOS Standard D~~

Policy 1.2: — Roadway Level of Service for Transportation Concurrency Management Areas

~~The following level of service standards shall be established for roadways with certain characteristics as per this policy, and for roadways located within the City's Transportation Concurrency Management Areas (TCMA's):~~

- ~~a. Where no mass transit service exists, roadways shall operate at or above LOS D;~~
- ~~b. Where mass transit service having headways of 20 minutes or less is provided within ¼ mile distance, parallel roadways shall operate at no greater than 120 percent of LOS D; (please see glossary of terms)~~
- ~~c. Where extraordinary transit service classified as Local Circulator or express or peak-hour limited stop bus service having headways of 10 minutes exists, parallel roadways within 1/4 mile, shall operate at no greater than 150 percent of LOS D (please see glossary of terms).~~

Policy 1.3: — Adhering to Level of Service

~~The City shall ensure that no development approvals are issued that would result in traffic volumes surpassing the cumulative allowable area-wide service volume based on the sum of the individual roadways' Level of Service Standard within the Transportation Concurrency Management Areas. However, City Commission may exempt publicly-owned facilities and Transit Facilities through the Land Development regulations.~~

Policy 1.4: — Modification of Functional Classification

~~The City shall consider the impacts of any future modification of the functional classification of various roadways on the allowable service volumes on specific roadways.~~

Policy 1.5: — Multi-Modal Level of Service (please see Glossary of terms)

Roadway level of service is insufficient as a measure of multi-modal mobility in a mature city with land use intensities, mixed uses and the economic vitality such as Miami Beach. The City shall undertake an examination of total mobility completed in 2016 to shift from roadway capacity and level of service to an overall mobility system capacity and level of service. The City's adopted 2015 Transportation Master Plan and adopted modal prioritization reflects the prioritization of transit through the development of exclusive transit lanes in the long term, while at the same time prioritizing bicycles and pedestrians (depending on the corridors) to promote the safety of these alternative modes and the health of the community. The mode hierarchy of the City is 1—pedestrians, 2—transit, bicycles, freight (depending on the corridor), and 3—private vehicles.

OBJECTIVE TE 1.2: COORDINATION WITH LAND USE

The City shall evaluate its transportation system as it relates to the Resilient Land Use and Development Element of this comprehensive plan in an effort to encourage commercial development which is mixed use, multi-modal (intermodal transit facility, transit center, or transit stop) in nature and which ultimately enhances mobility.

Policy TE 1.2.1: Official Transportation Planning Map

The City shall use the "Existing Lane Count Map" in order to identify future rights-of-way based upon the Resilient Future Land Use and Development Element and the Transportation Element of this plan. During the development review process the City shall include right-of-way needed to implement planned improvements. The City shall consider the historic context, the built-out environment and the future level of service requirements when evaluating future improvements.

Policy TE 1.2.2: Impact of Land Use Changes on the Multi-Modal System

The City shall assess the impacts of future land use changes on the overall transportation system, including roadway, transit (including but not limited to light rail transit/modern street car, bus, trolley, rail, and marine), bicycle and pedestrian facilities levels of service.

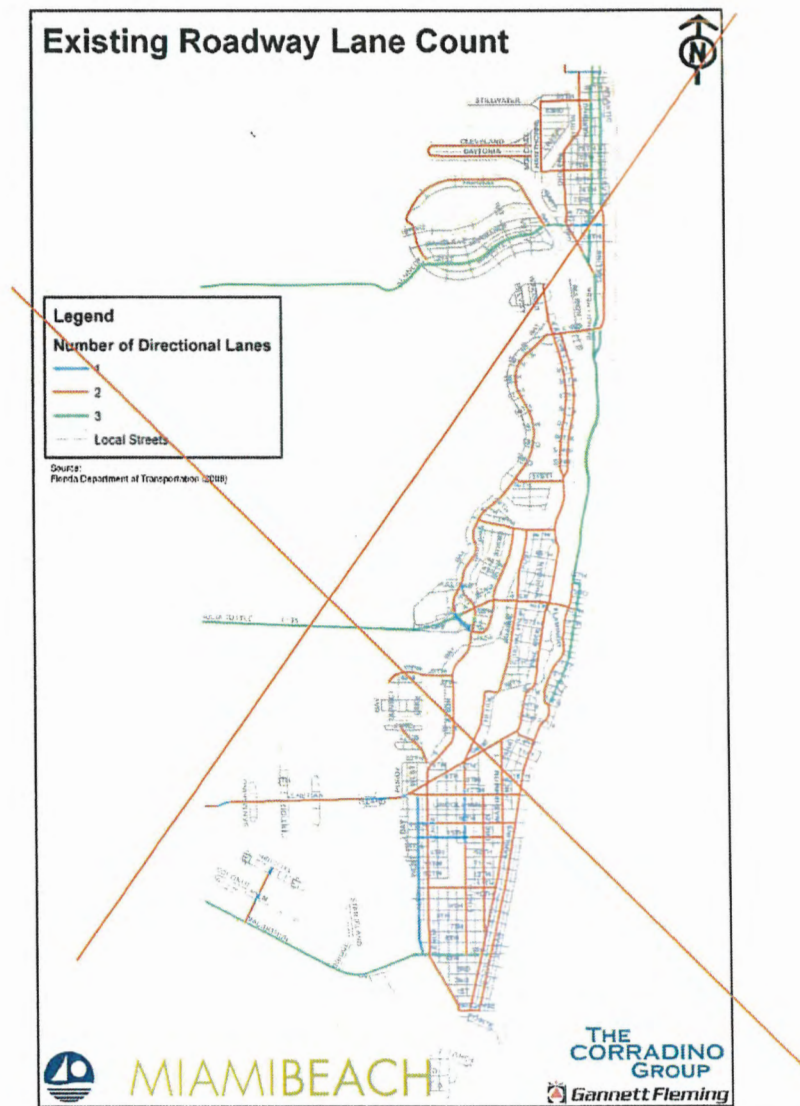
Policy TE 1.2.3: Transit Oriented Design (TOD) (please see Glossary of terms)

By 2015, the City shall examine potential the type of incentives and create design guidelines for TODs within the City. The City shall include transit intermodal facilities, transfer centers and transfer stops into Land Use and Design Guidelines to achieve context-sensitive integration with residential and commercial land uses. Locations for maintenance and storage of transit infrastructure may be incorporated into such facilities.

Policy TE 1.2.4: Transfer Locations

The City shall maintain regular coordination with Miami-Dade County Department of Transportation and Public Works (DTPW) Transit to construct transit intermodal facilities and transfer centers to serve existing and future multi-modal transportation uses. The City shall ensure success of the transit environment and transfer options to facilitate safe, efficient and convenient transfers and highest standards of passenger amenities to serve transit riders. Transfers are an essential part of an effective transit system because they maximize the coverage area and mobility options. Hence, in order to obtain a successful transit environment, it is of critical importance to provide safe,

efficient and attractive transfer stops/centers to enhance mobility, provide safe and amenity-rich transit services that support the surrounding community through context-sensitive design and integration. In designing transfer locations the City shall take into consideration adjacent projects, integrate the culture of the surrounding community, and potentially venture into joint development with private land owners to create a mixed use transfer locations, as appropriate. Furthermore, the City shall ensure that potential noise, air quality, and other environmental impacts are identified and mitigated as appropriate.



OBJECTIVE TE 1.3: ROADWAY PLANNING, DESIGN AND CONSTRUCTION

The City shall continue to provide for a safe, convenient, efficient and effective transportation system, which sustains the city's natural, aesthetic, social and economic resources.

Policy TE1.3.1: Vehicular and Pedestrian Bridges

The City shall continue to monitor the condition of the many vehicular and pedestrian bridges and restore or replace as needed coordination with FDOT and Miami-Dade County where appropriate.

Policy TE1.3.2: Roadway Projects

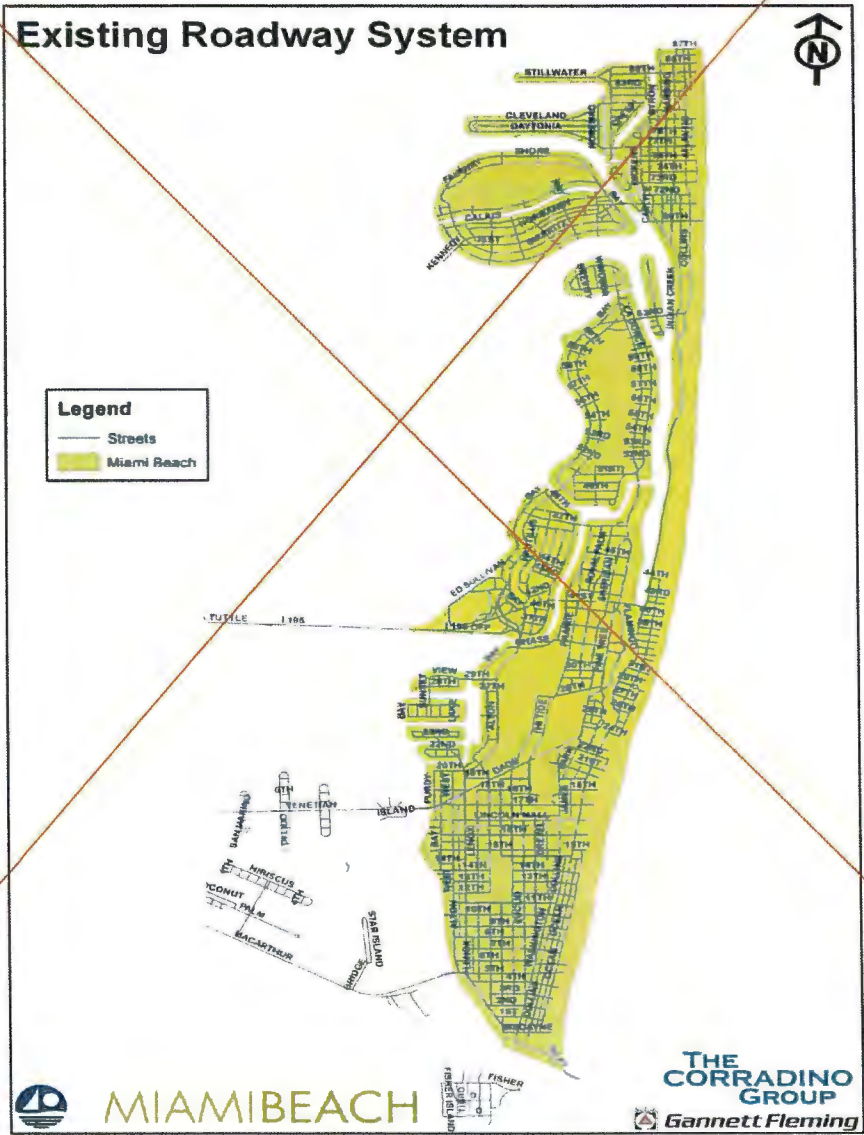
The City shall undertake necessary steps to ~~meet the required level of service on~~ improve the links and intersections included in the City's transportation network, consistent with the 2015 Transportation Master Plan, the 2015 Bicycle Pedestrian Master Plan, and the Miami Beach Street Design Guidelines (April 2016). The proposed projects are a result of the needs assessment performed as part of this Transportation Element and included in the Data, Inventory and Analysis section.

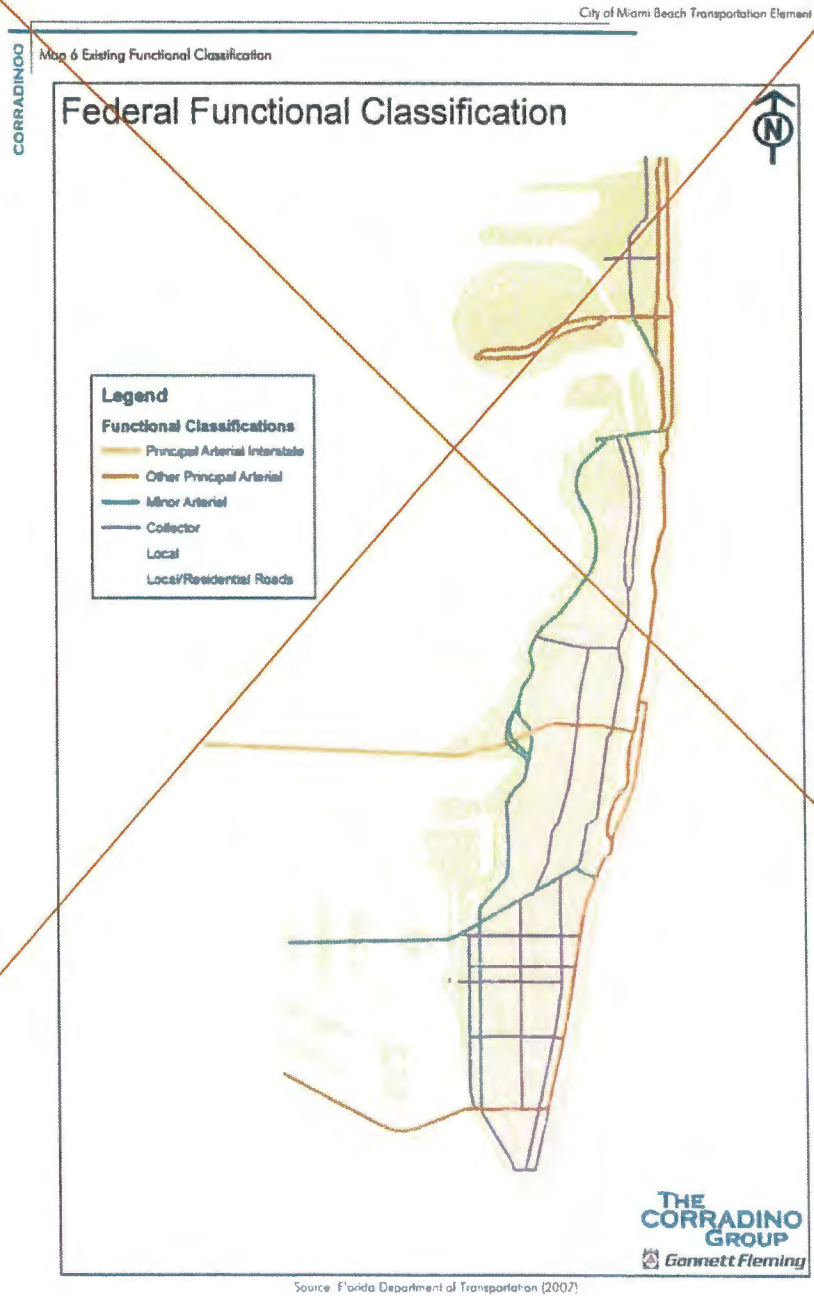
Policy TE1.3.3: Context Sensitive Design (CSD) ~~(please see Glossary of terms)~~

All roadway, planning and design projects shall follow context sensitive design defined as a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility.

Policy TE1.3.4: Pedestrian Priority Zones (PPZ)

The City should designate areas as Pedestrian Priority Zones (PPZ) where specific design guidelines apply to prioritize the pedestrian mode of transportation on roadway planning, design and construction projects, including addressing the speed limit on all automobile and transit facilities within the PPZ.





OBJECTIVE TE 1.4: MASS TRANSIT

The City shall work with transportation partners, specifically Miami-Dade Transit, to provide residents and visitors with convenient, reliable, safe and comfortable public mass transportation system, including transit intermodal facilities, transit centers or transit stops.

Policy TE 1.4.1: Meeting Transit Level of Service

The City shall maintain consistency with the transit level of service standard of Miami-Dade County Comprehensive Plan. The City will continue to perform studies which examine the use of Light Rail/Modern Streetcar, Bus Rapid Transit, trolleys, preemptive traffic signals and any other technologies appropriate for Miami Beach. The City shall continue to follow the guidelines and standards as outlined in recent planning studies such as the Coastal Communities Transportation Management Plan, the Coastal Communities Transit Study, and the 2015 Transportation Master Plan.

Policy TE 1.4.2: Reliance on Transit Services.

Transit services within the City of Miami Beach consist of regional and local routes operated and maintained by Miami-Dade County (MDC), and a local trolley service provided by City. The City's 2015 Transportation Master Plan prioritizes continued expansion of transit services, as there is a growing portion of the City's daily population that is reliant on these transit services to enter, travel within, and/or leave Miami Beach. The City desires to continually increase the number of persons within the City and region to use Transit Services, and for the City to provide more convenient, reliable, safe, and comfortable mobility options.

Policy TE 1.4.23: Minimum Peak Hour Service Standard

The City shall continue to coordinate with ~~DTPW~~ Miami-Dade Transit ~~by 2012~~ so that the minimum peak hour mass transit level of service standards provided by ~~DTPW~~ Miami-Dade Transit within the City shall be done with public transit service having no greater than 15 minute headways and an average route spacing of ¼ mile provided that:

1. The average combined population and employment density along the corridor between the existing transit network and the area of expansion exceeds 4,000 people per square mile, and the service corridor is 1/2 mile on either side of any necessary new routes or route extensions to the area of expansion;
2. It is estimated that there is sufficient demand to warrant the service; and
3. The service is economically feasible.

Policy TE 1.4.4: Enhanced Transit Amenities

The City shall coordinate with Miami-Dade Transit to provide enhanced transit passenger amenities, such as transit intermodal facilities, bus shelters, real time transit location information at shelters, bicycle facilities, and at intermodal terminals, more comfortable bus seating, with integral parking and/or park-and-ride facilities, as appropriate, dedicated to transit patrons. This coordination with DTPW shall include transit centers, and transit stops with real time transit location information, passenger amenities, and bicycle facilities.

Policy TE 1.4.5: Transit Intermodal Facilities/Transfer Centers/Transit Stops

The City shall continue to coordinate with ~~DTPW~~ Miami-Dade Transit to construct intermodal transit facilities to serve transportation uses that support the future exclusive transit lanes identified in the 2015 Transportation Master Plan for Rapid Transit Systems at intercept locations entering the City and shown in the map entitled "Miami Beach Transit Corridors and Transit Intermodal Facilities". The City shall develop transfer centers and stops to ensure that longer distance travel, not readily accessible by foot or bicycle, are accommodated to provide enhanced mobility between the City of Miami Beach, Downtown Miami and beyond.

Policy TE 1.4.6 Rapid Transit Connectivity

The City of Miami Beach shall partner with the City of Miami to increase transportation connectivity between both city centers for public transit passengers whenever feasible.



Policy TE 1.4.7: ~~Reserved~~ North Beach and Middle Beach Circulators (Local Circulators Systems)

The City shall plan, design, seek funding for and implement local circulator systems in North Beach and Middle Beach. The City shall continue to plan and coordinate with Miami-Dade Transit (MDT) and the Florida Department of Transportation (FDOT) to develop a connected circulator system that feeds regional routes and future rapid transit connections.

Policy TE 1.4.8: Coastal Communities Transit Plan

The City shall pursue relevant transit recommendations included in the 2015 Transportation Master Plan, including working with ~~DTPW~~ Miami-Dade Transit to implement recommendations requiring County participation as outlined below:

- a. Implementing non capital projects using existing resources
- b. Implementing express routes using existing bus resources along the A1A corridor
- c. Implementing circulators to complement the A1A express routes.
 - i. Both the North Beach and Middle Beach circulators could be reconfigured from existing MDT routes
 - ii. The South Beach Local could be extended from existing MDT routes
- d. Develop transfer stations and intermodal centers to connect the routes
- e. Determine the initial capital requirements for a BRT System on Miami Beach
- f. Enhance MDT east/west routes from existing MDT routes

Policy TE 1.4.9: Transit Routes

The City shall continue to coordinate with ~~DTPW~~ Miami-Dade Transit to ensure that transit services ~~within the South Beach, Middle Beach and North Beach TCMA's~~ maximize mobility and reflects routes that facilitate movement within the City, while preserving the historic character of the community.

Policy TE 1.4.10: Special Transit Services

The City shall continue to encourage ~~DTPW~~ Miami-Dade Transit to provide a more convenient, accessible, and equitable paratransit services to all eligible users within Miami Beach including the elderly, handicapped, low income and other transit dependent users.

Policy TE 1.4.11: Beach Corridor Transit Connection Project (formerly known as Baylink)

The City shall continue to pursue the component of the Metropolitan Transportation Planning Organization (MTPO) 2015 Beach Corridor Transit Connection Study that is located in the South Beach portion of Miami Dade (south of Dade Blvd and east of Biscayne Bay). This study provided an update to and reaffirmed the 2014 Bay Link Study which recommended a mass transit connection from downtown Miami the Miami Beach Convention Center across the MacArthur Causeway.

The City encourages FDOT, CTPW, the City of Miami and the Metropolitan Transportation Planning Organization (MTPO) to move forward with the recommendations of the Policy Executive Committee for the 2015 Beach Corridor Transit Connection Study to complete the Project Development and Engineering for McArthur Causeway portion of the Project as expeditiously as possible.

OBJECTIVE TE 1.5: PEDESTRIAN AND BICYCLE CIRCULATION

The City shall strive to increase and promote the safe and convenient use of its bicycle and pedestrian networks including the creation, extension, and improvements of bicycle and pedestrian facilities between and among present and potential major generators of bicycle and pedestrian traffic.

Policy TE 1.5.1: Bicycle Network

The City shall provide a safe bicycle network as specified in the Recreation and Open Space Element.

Policy TE 1.5.2: Pedestrian Safety

The City shall provide curb cuts and barrier free walkways enabling all pedestrians, specifically the elderly and handicapped, to cross intersections safely and easily.

Policy TE 1.5.3: Pedestrian, Bicycle and Special Needs Projects

Projects to be included in the Capital Improvement Program Element shall consider the accommodation of pedestrians, bicyclists, and disabled traveler needs into all projects where non-motorized travel is consistent with adopted current regional and local plans.

Policy TE 1.5.4: Bicycle Facilities

The further development of thoroughfares shall consider the creation, extension and improvement of bicycle lanes, paths, boulevards, and other bicycle facilities as an effort to develop "complete streets." The City will continue to follow the guidelines and standards as outlined in recent planning studies such as the Coastal Communities Transportation Management Plan.

Policy TE 1.5.5: System Connections

The City shall continue to seek opportunities to complete connections between existing bicycle facilities, sidewalks and/or shared use paths in all future transportation improvements and plans.

Policy TE 1.5.6: Pedestrian Safety Facilities at Intersections

The City shall undertake specific evaluation of individual intersections in an attempt to determine if vehicular or pedestrian priority is needed, so that the appropriate intersection treatments can be implemented. All intersections should be outfitted with pedestrian-friendly amenities including, but not limited to: countdown pedestrian signals, high visibility pedestrian crosswalks, and/or crosswalk lighting as appropriate and pedestrian-oriented treatments. These treatments maximize pedestrian

safety by utilizing design strategies that mitigate the impact of high-volume traffic and enhance roadway safety for pedestrian crossings. In the commercial districts for commercial uses the strategies include locating buildings at all intersection corners close to the street to provide a perception of enclosure and safety for pedestrians, clearly striping cross-walks and using different paving materials, as well as reducing the distance between curb corners to reduce pedestrian crossing distance.

Policy TE 1.5.7: Beachwalk and Baywalk Projects

The City shall continue the implementation of the Beachwalk and Baywalk Projects in order to further the City's vision of having a continuous on-grade recreational path running north/south along the coast linking the City's South, Middle and North Beach Neighborhoods. Such Projects would combine to form one interconnected recreational path that is ADA accessible and environmentally compatible with the dune and marine environment.

Policy TE 1.5.8: Atlantic Greenway Network (AGN) (please see Glossary of terms)

The City shall continue to implement the AGN as a means of promoting alternative transportation and community enhancements throughout Miami Beach. This will increase safety for pedestrians and bicyclists, and will diminish gaps in the system, while improving network connectivity and establishing future pedestrian paths and bikeways.

Policy TE 1.5.9: Pedestrian Priority Zones

The City shall define and adopt pedestrian priority zones, as described in the Transportation Master Plan, and their design standards in order to ensure pedestrian safety, mobility, and accessibility in targeted areas.

Policy TE 1.5.10: Bicycle Pavement Markings

The City shall adopt new pavement markings, presented in the Bicycle and Pedestrian Master Plan (i.e Bicycle boulevard pavement marking), and study the possibility for implementing colored bicycle boxes at intersections, points of conflicts, and other recommended locations citywide.

Policy TE 1.5.11

The City shall continue to implement continuous bicycle paths, and connect bikeways that are fragmented, to increase bicycle trips in the City and decrease the carbon footprint of the City's transportation network.

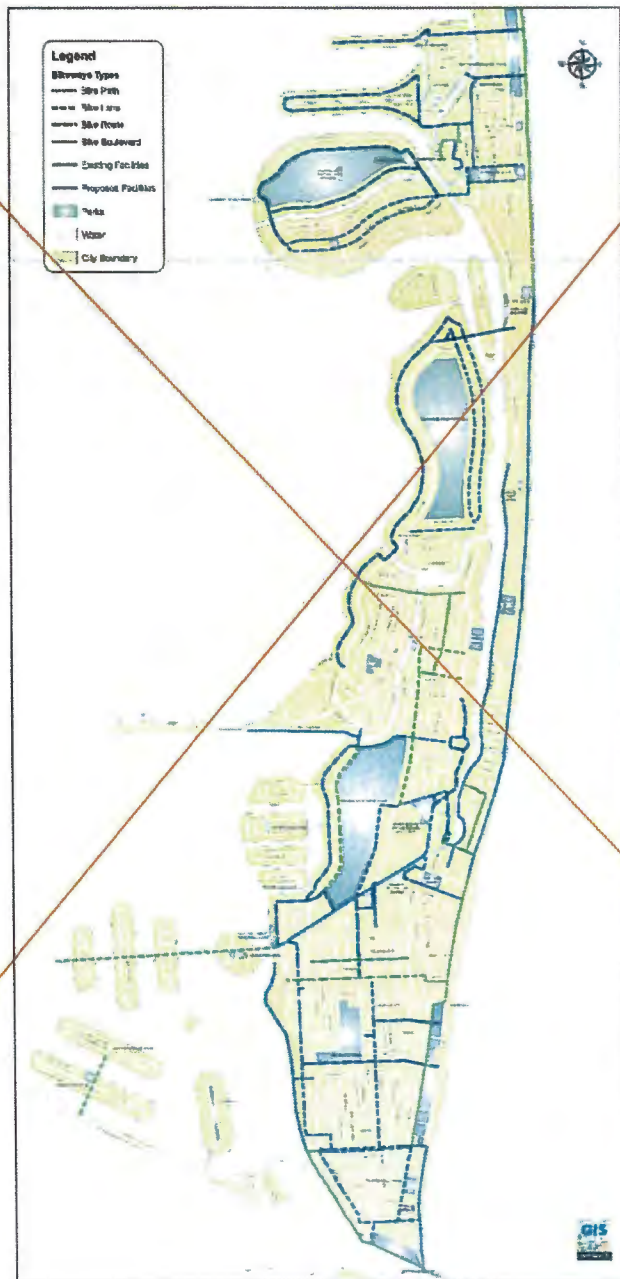
Policy TE 1.5.12

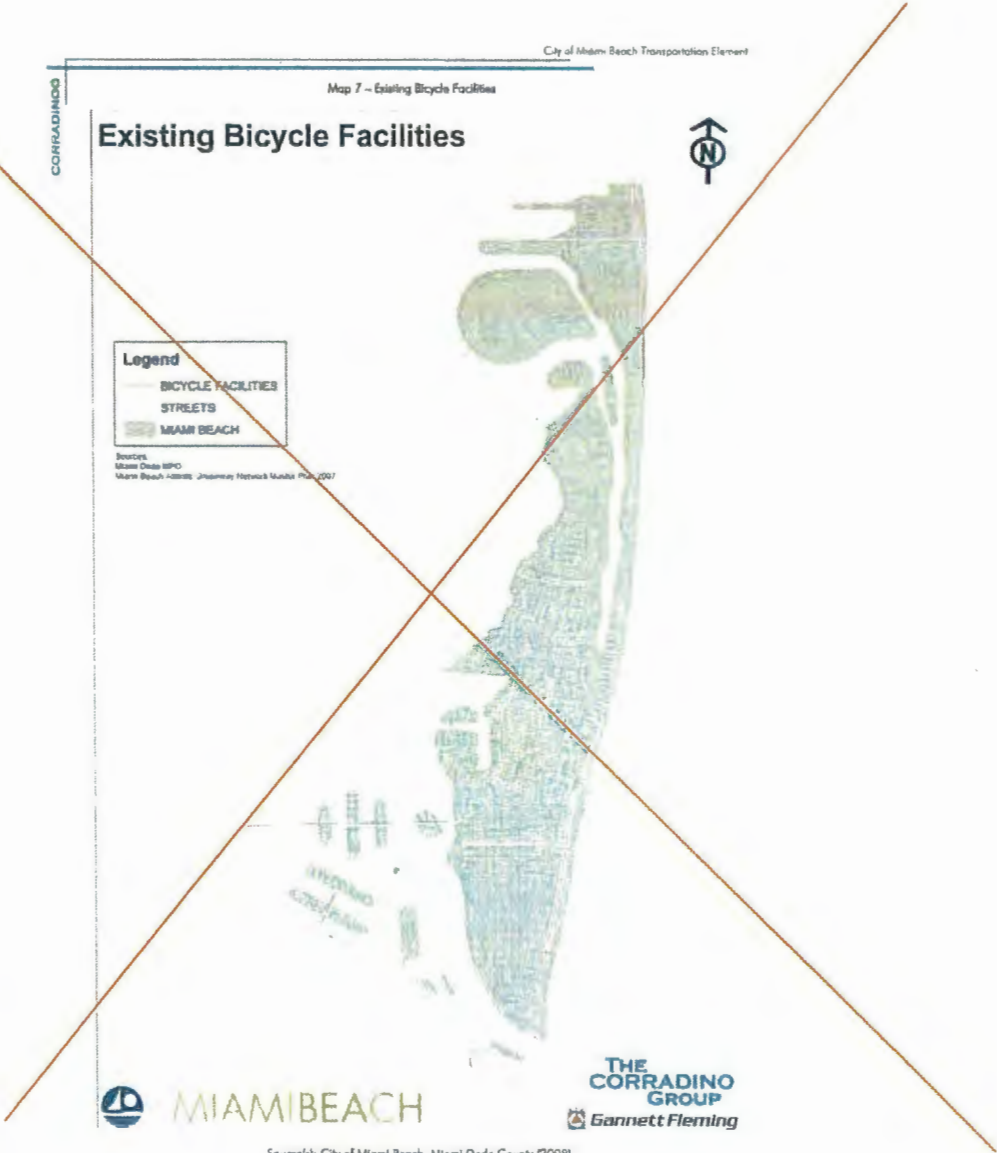
The City shall continue to include design features that will facilitate low stress, comfortable bike rides into bicycle path projects. Features include greenways, protected bike lanes, off-road paths, and consistent shade.

Policy TE 1.5.13

The City shall continue to increase the accessibility and frequency of bicycle parking.

Atlantic Greenway Network-Bike Master Plan





OBJECTIVE TE 1.6: TRANSIT MODE

An essential component to meet the mobility needs of Miami Beach's residents, visitors, and employees, improve and sustain the City's economic vitality, and support the growth and development of urban mixed-use centers, is providing a system of interconnected transit services.

Policy ~~5A.1~~ TE 1.6.1: Transit Serves as an Alternative to the Private Automobile.

Transit should serve as an alternative to the private automobile in reaching the City from the mainland and be able to make longer trips to connect between many of the City's important destinations that may be too far for people to walk or bicycle. Therefore, providing high quality transit service is an important part of developing a sustainable transportation system and providing options to travel to and within the City without the need to rely on a private vehicle.

Policy ~~5A.2~~ TE 1.6.2: Reliance on Transit Services.

Transit services within the City of Miami Beach consist of regional and local routes operated and maintained by DTPW Miami-Dade Transit, and a local trolley service provided by City. The City should continue to expand transit services, as there is a growing proportion of the City's daily population that is reliant on these transit services to enter, travel within, and/or leave Miami Beach. The City desires to continually increase the number of persons within the City and region to use Transit Services, and for the City to provide more reliable mobility options.

Policy ~~5A.3~~ TE 1.6.3: Transit Infrastructure.

The City should explore mobility benefit, cost effectiveness and design of exclusive transit lanes, including but not limited to, concurrent flow bus lanes and contra flow bus lanes.

Policy ~~5A.4~~ TE 1.6.4: Capacity and Operational Strategies

The City should encourage and explore various operational strategies including:

- a. Realigned transit service schedules.
- b. Monitoring the security of transit patrons, stations, and vehicles.
- c. Enhanced transit amenities and safety.
- d. Universal fare cards for regions with multiple transit agencies.
- e. Installation of bus-priority traffic signals.
- f. Provision, if feasible, of queue-jumper lanes at intersections where there are no stops.
- g. Consolidation of stops.

Policy ~~5A.5~~ TE 1.6.5: Transfer Locations.

The City shall maintain constant coordination with DTPW Miami-Dade Transit to construct intermodal transit facilities to serve existing and future multi-modal transportation uses. The City shall ensure success of the transit environment with proper management and transfer options to minimize delays, missed departures, long wait times, and/or bus crowding by ensuring adequate or sufficient infrastructure. Transfers are an essential part of an effective transit system because they maximize the coverage area and diversity of active transportation services. Hence, in order to obtain a successful transit environment, it is of critical importance to provide efficient and attractive transfer stops/centers to improve the quality of transit services as well as support the surrounding

community. In designing transfer locations the City shall take into consideration adjacent projects, integrate the culture of the surrounding community, and potentially venture into joint development with other sectors (such as retail and/or civic spaces). Further, the City shall ensure that the transfer locations do not contribute to unwanted noise, emissions, and potentially loitering passengers.

Policy ~~5A.6~~ TE 1.6.6: Transfer Stops/Center.

Through transfer stops or centers the City seeks to improve livability, mobility, and accessibility. The City shall identify key locations based on existing transit activity, boardings and deboardings, converging transit routes, available right-of-way (ROW), existing infrastructure, surrounding neighborhoods, transportation priorities, and existing and future land use. The City shall also consider ridership data and converging transit routes locations as to where transfer stops/centers are likely to be needed within the City.

Policy ~~5A.7~~ TE 1.6.7: Enhanced Transit Amenities.

The City shall coordinate with Miami-Dade Transit to provide enhanced transit amenities, such as bus shelters, intermodal facilities, parking, park and ride amenities, transfer stations/centers, buses, implementation of bus rapid transit (BRT) along selected corridors, real time transit location information at shelters, exclusive bus lanes, and at intermodal terminals, more comfortable bus seating, and passenger amenities, etc.

Policy ~~5A.8~~ TE 1.6.8: Providing Basic Transit Infrastructure.

~~The City shall seek opportunities to improve transit infrastructure as part of the review of development proposals located on main thoroughfares within existing transit routes. Development approval for sites located on main thoroughfares within existing transit routes shall be required, where appropriate, to construct appropriate transit facilities and/or dedicate an easement to Miami Beach or Miami-Dade transit (or its successor agencies) for public transit uses. The dedicated easement shall be of sufficient size to allow for Americans with Disabilities Act (ADA) access to transit and for future shelter placement. Fair share contributions in lieu of easement dedication may be granted when an existing bus shelter or pad is located within ¼ mile from the proposed development on the same side of the roadway. Appropriate bus stop facility locations shall be determined by analyzing the existing need on established routes and assessing the existing built environment such as the width of the sidewalk, the presence of a sidewalk and/or the location of any existing structures. Bus routes with the highest ridership and located on an existing bicycle route will be the highest priority for facility placement. (Stricken text duplicated in TE 2.2.2)~~

Policy ~~5A.9~~ TE 1.6.9: North Beach and Middle Beach Circulators (Local Circulators Systems).

The City shall plan, design, seek funding for and implement local circulator systems in North Beach and Middle Beach. The City shall continue to plan and coordinate with Miami-Dade Transit (MDT) and the Florida Department of Transportation (FDOT) to develop a connected circulator system that feeds regional routes and future rail/rapid transit connections.

OBJECTIVE TE 1.7.6: MULTI-MODAL TRANSPORTATION

The City shall continue to support and promote multiple modes of transportation by considering Transportation Demand Management (TDM), Transportation Systems Management (TSM), and other techniques.

Policy TE 1.7.16.1: Transportation Systems Management ~~(please see Glossary of terms)~~

Through the site plan review process, the City shall require appropriate TSM strategies to improve the mobility systems efficiency, effectiveness and safety. These may include but are not limited to:

- Site access management and safety
- Parking facilities and programs
- The implementation of programs that support carpools, vanpools or ridesharing

Policy TE 1.7.2 6.2: Transportation Demand Management ~~(please see Glossary of terms)~~

The City shall develop and implement a Transportation Demand Management (TDM) program, intended to reduce the dependence on single-occupant vehicle trips, and the encouragement of the use of bicycle, pedestrian and transit modes as a means of commuting and recreational mobility. These may include, but are not limited to:

- carpools,
- van pools,
- demand response service,
- public/private provision of transit service,
- bicycle sharing, or shared car initiatives, transfer hubs, transfer stops, parking facilities dedicated to transit patrons, and carpools
- provision of short term and long term bicycle parking, showers and changing facilities,
- provision of parking for carpools,
- alternative hours of travel, including flexible work hours, staggered work shifts, compressed work weeks and telecommuting options,
- subsidy of transit fares,
- use of long term parking to be developed at City's entry points,
- shared vehicular and pedestrian access for compatible land uses, where possible,
- shared parking agreements for compatible land uses, where possible.

Policy TE 1.7.36-3: Intelligent Transportation Systems (please see Glossary of terms)

The City shall ~~pursue implementation~~ coordinate with and support FDOT and MDC in the pursuit of Intelligent Transportation Systems (ITS), to help manage congestion on facilities within Miami Beach as well as those facilities connecting the City with the mainland transportation system. This may include using various forms of technology, not limited to cameras, and electronic signage, to inform travelers of the condition of the transportation system, roadway level of service, adaptive signal controls, and availability of parking citywide. Additionally, the City is currently pursuing FDOT independent ITS projects and shall continue to pursue such independent projects to better manage the movement of traffic within the City's transportation network.

Policy TE 1.7.4 6-4: Balancing Modal Split

The City shall attempt to better balance the mode split between automobiles and alternative modes of transportation, such as bicycling and transit, particularly in the morning, afternoon and evening peak hour periods. In the meantime, the City will use the MTPo's regional model to establish the modal split within the City. The City shall create transit hubs, transit centers and stops to integrate the various modes at one location according to modal priority.

Policy TE 1.7.5 6-5: Mode Split Analysis

~~The City's goal is~~ The City currently has a transportation mode split of its daily population of 64% private vehicles, 11% mass transit, 10% walking, 5% biking, and 10% others. The City shall strive to achieve its 2035 vision of a minimum transportation mode split of 20% mass transit, 17% walking, 40 ~~8~~ % bicycling, and 40 ~~12~~ % other modes through support of and implementation of multimodal transportation improvements.

Policy TE 1.7.6 6-24: Modal Split Data Collection

As a tool for accomplishing the desired modal split envisioned for 2035, the city shall perform and retain a series of origin-destination studies in which the modes of transportation used within the city and by different people are recorded. These studies could be performed through surveys of tourists, residents, and commuters provided electronically and capturing a desired sample size.

Policy TE 1.7.7 6-6: Funding Multimodal Improvements

The City's transportation is funded in part from a portion of the Quality of Life Resort Tax. The City shall examine the feasibility of expanding sources of revenue for a transportation trust fund in which to invest its revenue generated via taxes or development fees, etc. and which will be earmarked towards the implementation of scheduled transportation improvements, in coordination with long-term master planning efforts.

Policy TE 1.7.8 6-7: Prioritizing Multimodal Improvements

The City shall continue implementation of prioritized multimodal improvements, as documented in the 2015 Transportation Master Plan (TMP).

Policy TE 1.7.9 6-8: Multimodalism as a Condition of Development Approval

As part of the plan review and approval process, the City shall negotiate with applicants for necessary improvements and enhancements on the private property, such as, but not limited to, dedications or easements for transit bus stops as part of the City's multimodal network.

Policy TE 1.7.10 6-9: Reducing Modal Conflict

The City will work to reduce conflicts among various modes of transportation. This shall be done through:

- a. Establishment of enhanced intersections with more pedestrian-friendly and safe crosswalks with enhanced signage;
- b. The development of bicycle paths and lanes with bollards and raised islands to increase safety at intersections by preventing vehicles from entering special lanes.
- c. Develop transit hubs, centers and stops to ensure user safety and convenience.
- d. Adopt new pavement markings, presented in the 2016 Bicycle-Pedestrian Master Plan (i.e. bicycle boulevard pavement marking), and continue to implement colored bicycle boxes at intersections, points of conflicts, and other recommended locations citywide.

Policy TE 1.7.11 6-12: Reserved Multimodal Transportation

Infill and redevelopment shall be encouraged which is supportive of mobility alternatives including walking, bicycling and use of transit, as defined in 2016 Transportation Master Plan.

Policy TE 1.7.12 6-13: Reserved Multimodal Transportation Analysis and Mitigation Plan

The City shall require all commercial and mixed-use developments over 5,000 gross square feet and multi-family projects with more than four (4) units or 15,000 gross square feet, to submit a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed and registered in the State of Florida. The analysis and plan shall at a minimum provide the following:

- a. Details the impact of projected traffic on the adjacent corridors, intersections, and areas to be determined by the City.
- b. The analysis and plan will include strategies to mitigate the impact of the proposed development on the adjacent transportation network to the maximum extent feasible in a manner consistent with the adopted 2015 Transportation Master Plan and adopted mode share goals.
- c. Whenever possible, driveways shall be minimized and use common access points to reduce potential turn movements and conflict points with pedestrians.
- d. Applicable treatments may include, but not be limited to TDM strategies included in Policy 1.7.26-2 and TSM policies included in Policy 1.7.16-4 of the Transportation Element.
- e. Additional requirements analyses and mitigation strategies, as may be required by the Transportation Department and Land Development Regulations.
- f. The Land Development Regulations may establish additional requirements for traffic mitigation for Conditional Uses.

Policy TE 1.7.136-14: Transportation Planning

The City is currently using the 2015 Transportation Master Plan as a basis for capital budgeting and transportation planning efforts. The City shall treat its Municipal Mobility Plan, its Transportation Master Plan, and Bicycle Pedestrian Master Plan as living documents, which should be updated on a regular basis. The City should update the Transportation Master Plan every five years.

Policy ~~6.15:~~ Transit Intermodal Facilities Plan

~~The City should pursue the implantation of Transit Facilities in association with the implementation of the exclusive transit lanes in the 2015 Transportation Master Plan.~~

~~The 2015 TMP identified transfers as an essential part of an effective transit system because they maximize the coverage area and diversity of active transportation services. Hence, in order to obtain a successful transit environment, it is of critical importance to provide efficient and attractive transfer stops/centers to improve the quality of transit services as well as support the surrounding community. Transfer stops, transfer center/stations, and park-and-rides (intercept garages) are all defined in the TMP as different types of transit infrastructure. The City should pursue intercept parking as part of transit and transfer facilities to reduce vehicles coming onto Miami Beach.~~

Policy TE 1.7.146-16: Causeway Capacity

The City shall evaluate the methods for maximizing mobility on the causeways connecting the City and the mainland. Alternatives may include physical capacity improvements, the addition of lanes, or sharing of lanes for BRT or other mass transit modes connecting with intermodal centers, or other congestion management improvements.

Policy TE 1.7.156-18: Corridor Safety

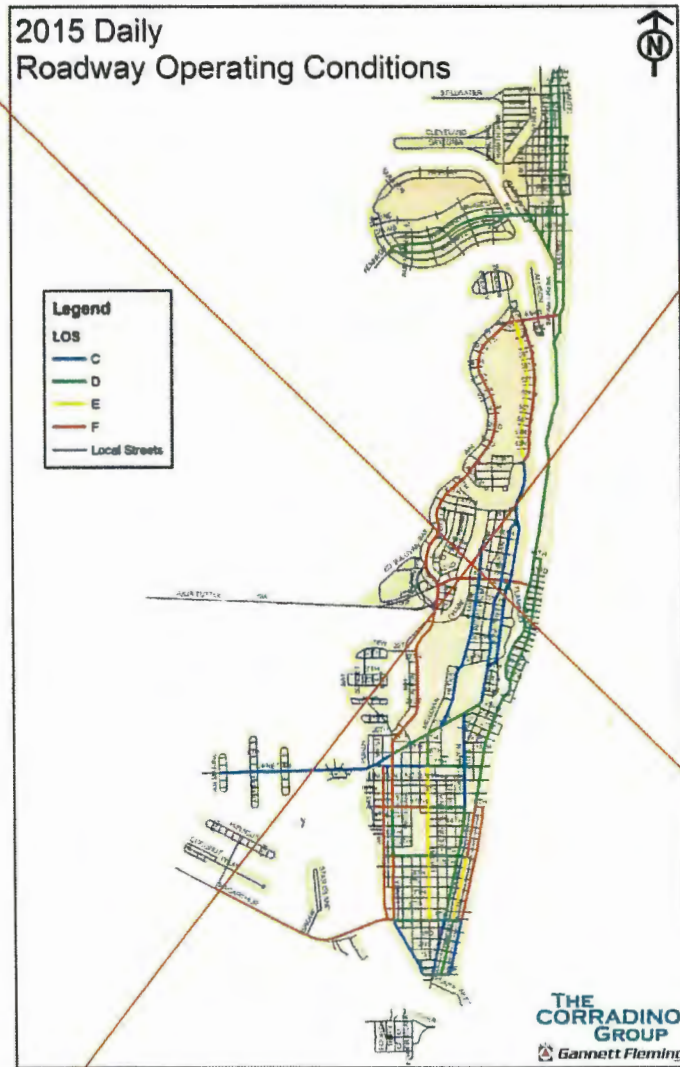
The City shall undertake an evaluation of the existing transportation corridors in an attempt to enhance safety and optimize mobility for all modes of transportation. In addition, the City should encourage the development of an intersection safety program in which intersections with skewed geometries or high crash intensities are specifically reviewed and analyzed by a traffic engineer to improve safety for all modes of transportation.

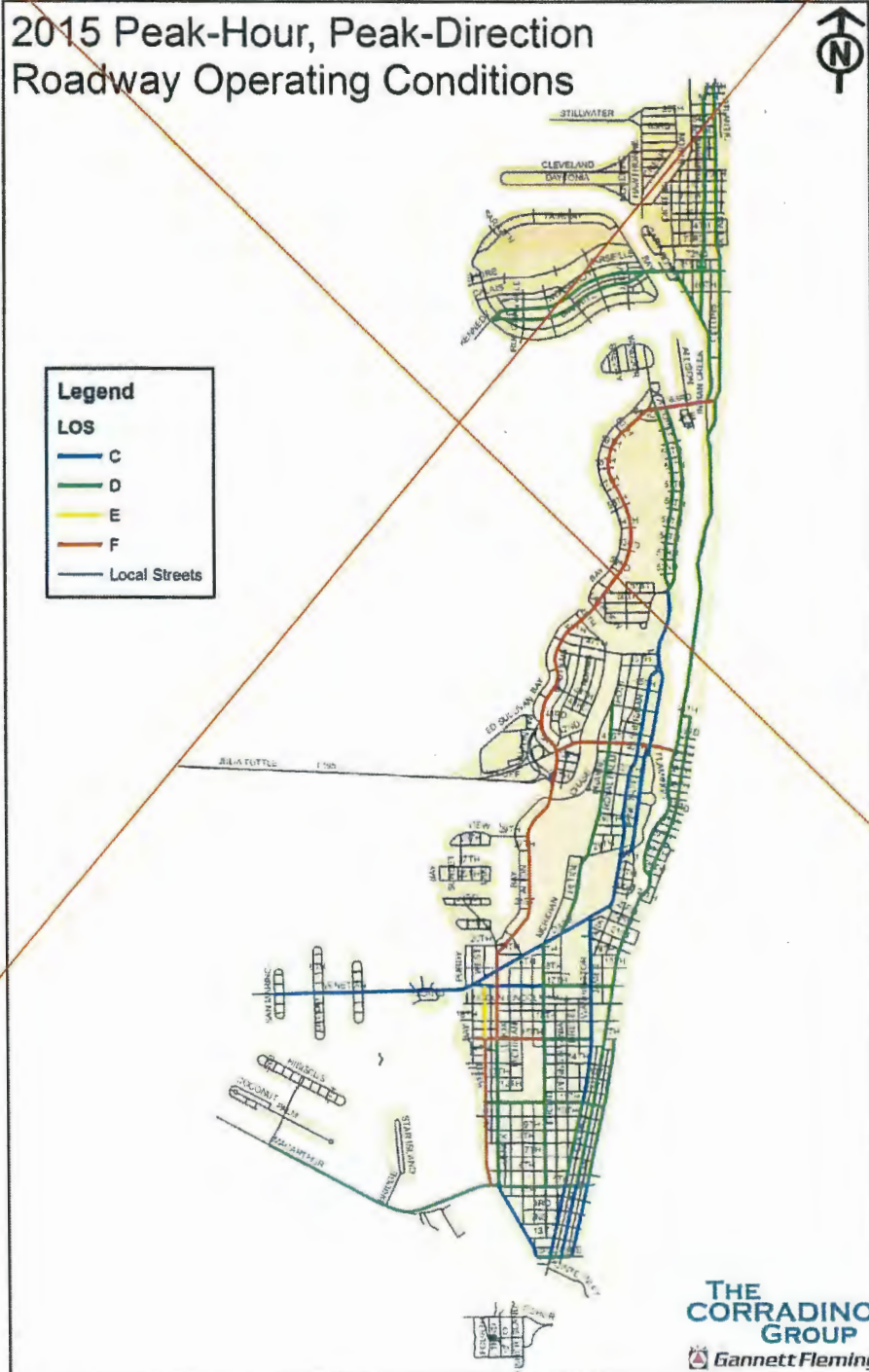
Policy TE 1.7.166-19: Mac Arthur Causeway

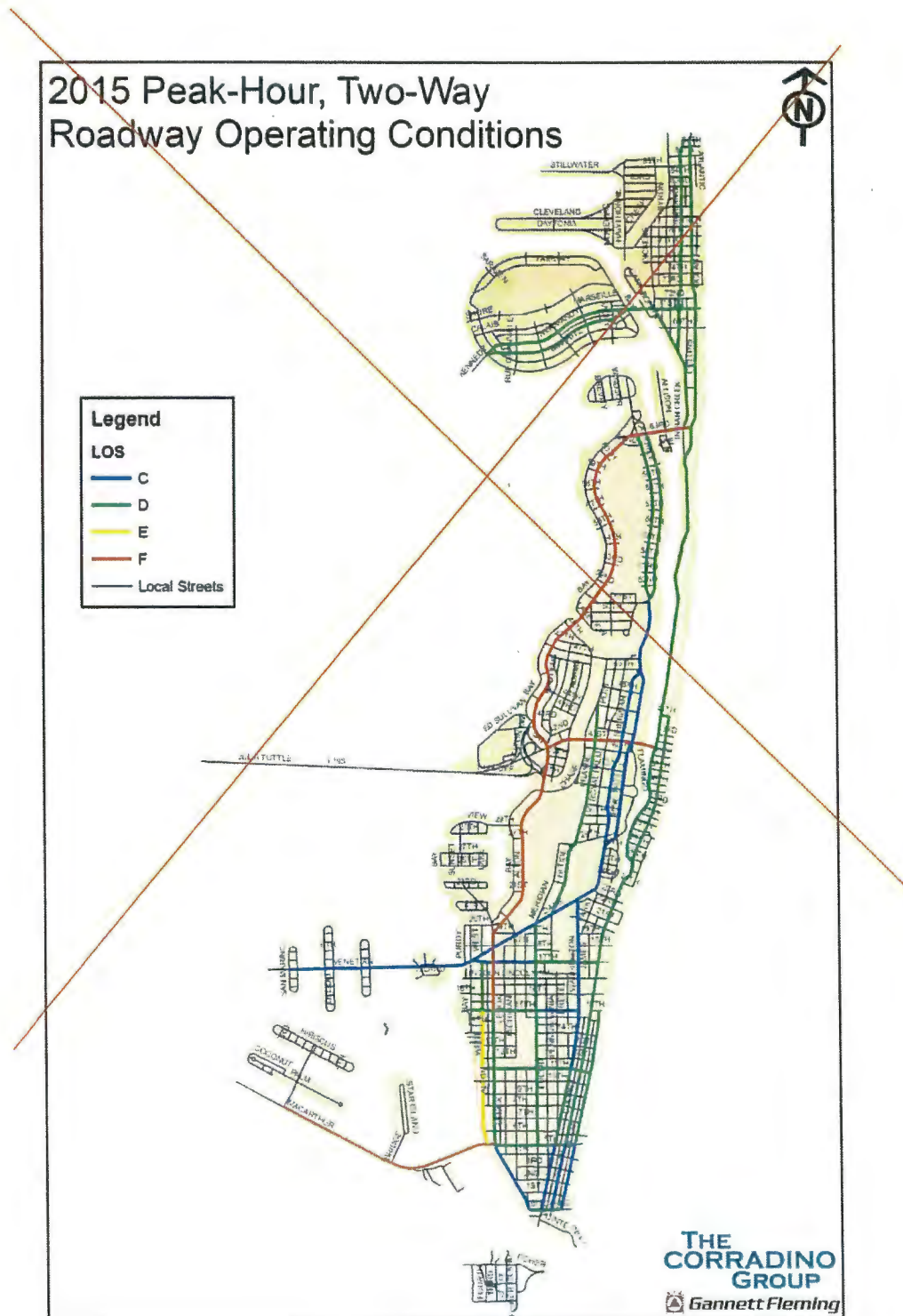
There shall be a full facility impact review of any request for a development permit to be issued by the City for the expansion of the existing cargo port facility in order to preserve the limited traffic capacity of the MacArthur Causeway and the ferry service to Fisher Island and ensure consistency with the Conservation/Coastal Management Element. Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.

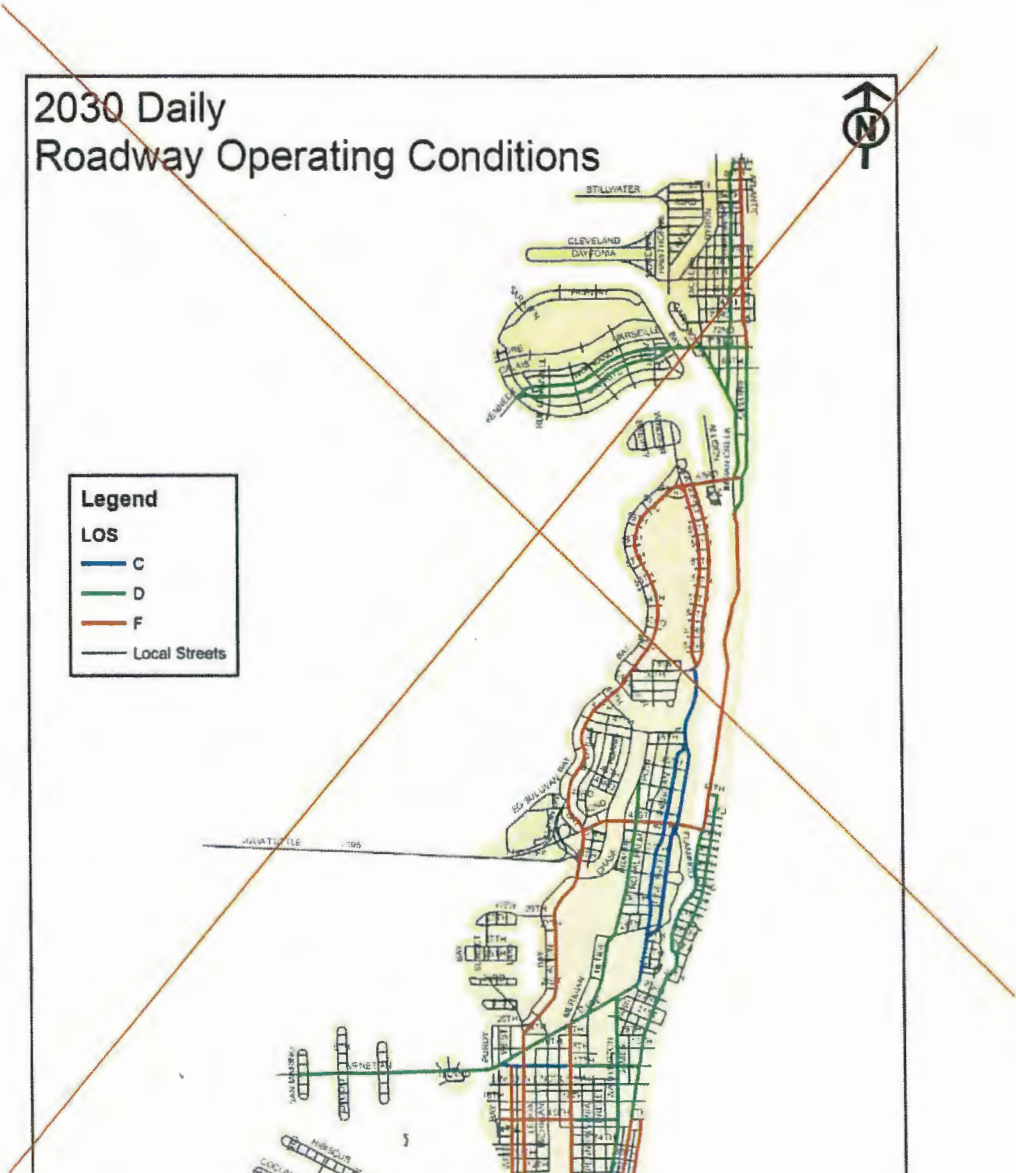
Policy TE 1.7.176-20: Venetian Causeway

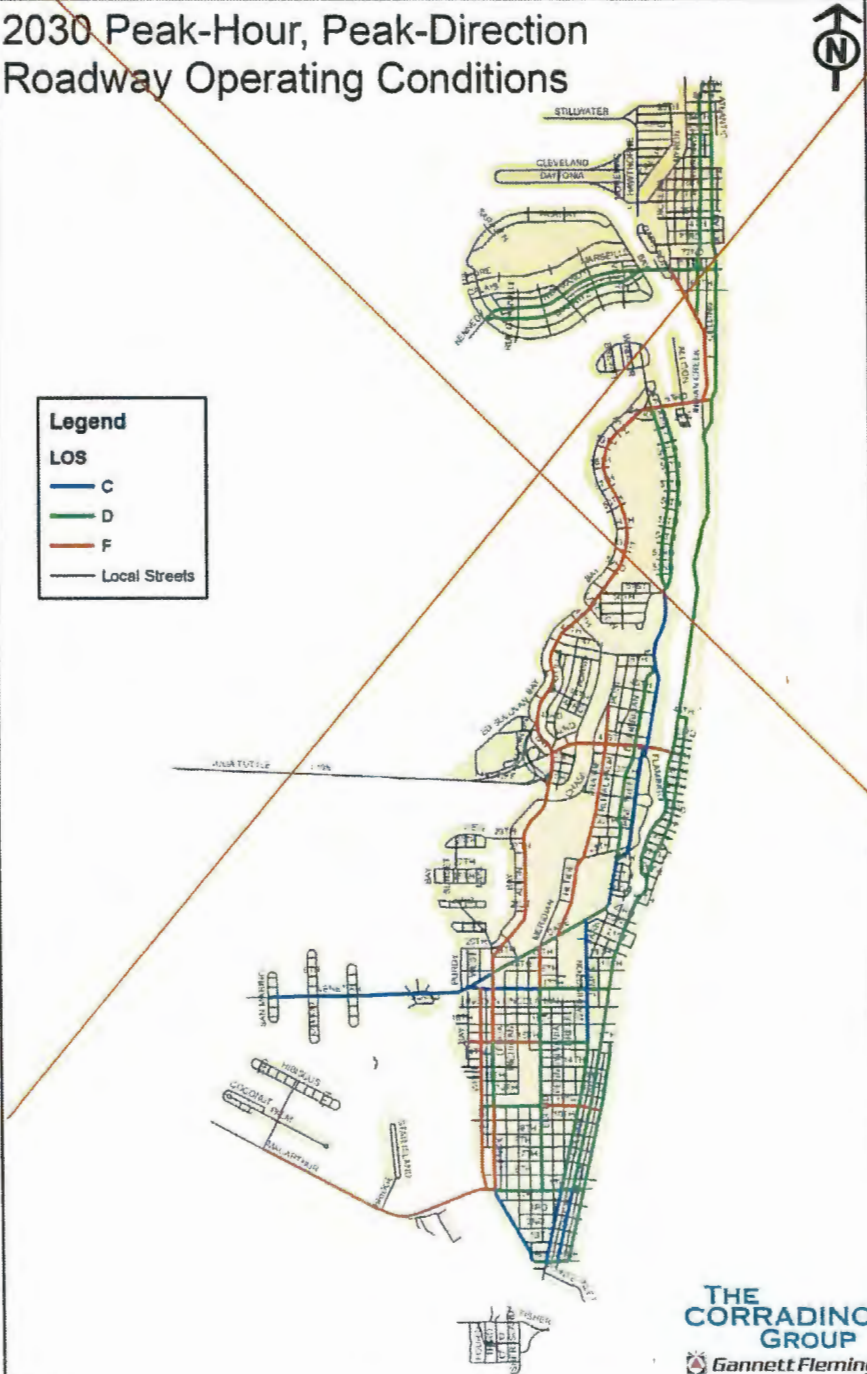
The Venetian Causeway shall not be used as an option for connective multimodal capacity improvements above regular needed local bus service.

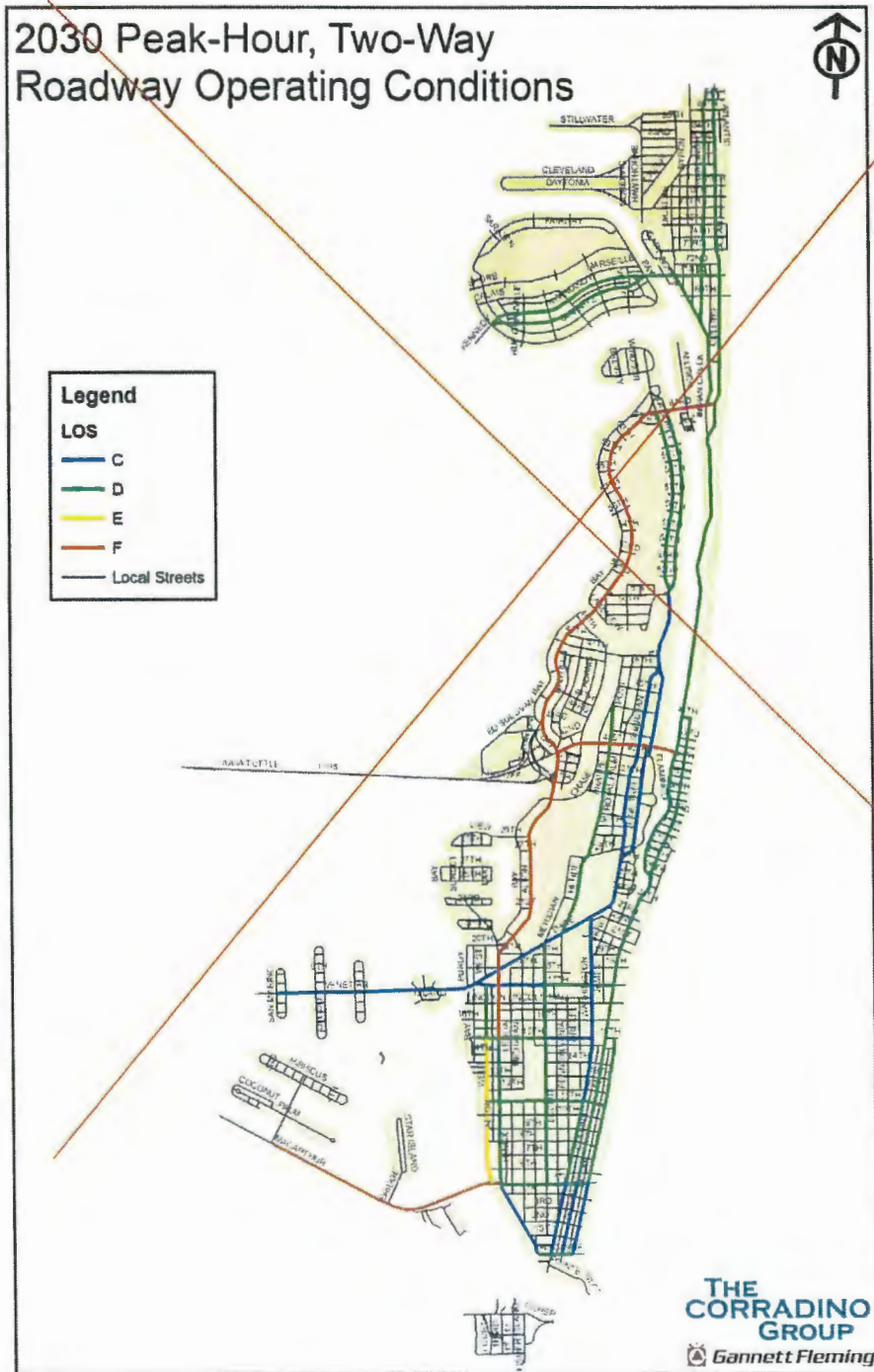












Source: The Corradino Group, Inc. 2008

OBJECTIVE TE 1.8.42: FREIGHT

The City shall periodically review existing freight routes to improve transportation network efficiency, delivery times, and safety.

Policy TE 1.8.112.4: FLZ Program

The City should continue its effort in developing and determining FLZ (Freight Logistics Zone) on all regions of the city and as substitutes for the commercial loading zones where appropriate.

Policy TE 1.8.242.2: Colored Curb Program

FLZ should be classified according to their time restrictions and should be easily identifiable by drivers through a colored pavement program, appropriate signage and way-finding elements.

Policy TE 1.8.342.3: Commercial Loading Zones

Commercial loading zones should be periodically reevaluated and standardized to serve as compliments to the FLZ by providing zones for smaller vehicles, taxis, and/or school drop offs/pick-ups.

Policy TE 1.8.442.4: Freight Routing

Freight should be routed in a logical way through major corridors by providing loading zones on side streets and alleyways that serve a route which provides access to commercial and transient residences.

Policy TE 1.8.542.5: Freight Amenities

The City shall encourage and analyze the potential of providing curb ramps and/or dolly/handcarts/hand trucks on FLZs to provide improved access for delivery activities and for quicker loading/unloading.

Policy TE 1.8.6: Loading Hours

The City shall explore the use of limitations on hours for loading through the Land Development Regulations, Conditional Use procedures, or other methods, as applicable to minimize the impacts of loading during peak hours.

OBJECTIVE TE 1.98: PARKING

The City shall provide clean, safe, and affordable parking, by continuing to explore and implement creative and technologically advanced methods of parking provision and management to satisfy the need.

Policy TE 1.9.18.4: Continued Development of Parking

The City shall continue with the acquisition, construction and improvements to municipal parking facilities as may be needed. The City shall also continue to monitor parking demand, and assess feasibility, where applicable, of potentially responsive strategies.

Policy TE 1.9.28.2: Public Private Partnerships

The City shall continue to seek public-private partnerships in the development of its parking facilities and intermodal centers. Preferably, these ventures shall encourage off-street parking on centralized parcels that serve multiple land-use and should prioritize the development of surface parking lots into parking garages.

Policy TE 1.9.38.4: Context Sensitive Parking Development

Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian and bicycle activity, such as to the side or rear of buildings.

Policy TE 1.9.48.5: Maximum Parking Standards

The City shall examine the economic, transportation and recreational impact of strategically limiting parking in certain areas, as a means to reinforce alternative modes of transportation.

Policy TE 1.9.58.6: Parking Intercept Facilities and Intermodal Centers

The City shall support the creation of park and ride lots and/or intermodal centers either at the ingress and egress points to the City, or at transfer locations.

Policy TE 1.9.68.7: Bicycle Parking

The City shall require all new developments to provide secure short term and long term bicycle parking in the form of bicycle racks, bicycle lockers, locked rooms or other appropriate enclosures as a way of reducing the demand for automobile parking.

Policy TE 1.9.78.8: Incentivizing Transit through Parking

The City shall encourage long-term daily parking and use of the local circulators as a way of minimizing internal trips within the various neighborhood districts.

Policy 8.9: ~~Reserved~~

Policy TE 1.9.8 8.9: Public Access to Parking

The City shall continue to maximize optimal use of public parking spaces by promoting shared parking programs, wayfinding to parking facilities, and use of Smart Parking Systems (SPS) to identify locations of available parking.

Policy TE 1.9.9 6.47: ~~Reserved~~ Parking Strategies

The City shall implement the recommendations included in the City's parking management study. The process shall evaluate:

- a. Placement of future public and private parking facilities related to the support of alternative modes of transportation;
- b. Reduction of on-site parking requirements within the City's land development regulations in order to encourage multi-modal use;
- c. Commercial delivery issues including the provision of loading zones within alleys to improve street flow and emergency vehicle access.

Policy TE 1.9.10: Convertible Parking Garages

Due to ongoing reductions in demands for parking, as a result of ridesharing services, increased use of alternative modes of travel, and eventually improved technology for automated vehicles, the City shall encourage designs for parking garages that can be converted to other uses in the future, if demand for parking declines significantly.

Goal TE 2 PUTTING PEOPLE FIRST

Prioritize the people of Miami Beach by encouraging more equitable transportation options, healthy modes of travel, and to ensure safe evacuation routes.

OBJECTIVE TE 2.1. 7: ENHANCE, PROTECT, AND PRESERVE THE CITY'S NEIGHBORHOODS

To provide a safe and attractive transportation system throughout the City that meets the needs of the users of the right-of-way, the neighborhoods, the neighboring communities, and the environment.

Policy TE 2.1.17.1: Public Involvement in the Transportation Process

All projects shall include key stakeholders at early stages to ensure continuous commitment to public involvement, flexibility in exploring new solutions, and an openness to new ideas. Community members shall play an important role in identifying local and regional identification of issues and solutions that may better meet and balance the needs of all stakeholders.

Policy TE 2.1.27.2: Neighborhood Protection

The City shall strive to protect the residential neighborhoods from unnecessary traffic intrusion through the evaluation and implementation of traffic calming, regulatory or operational alternatives identified in the adopted Street-Design Guidelines which would provide incentives for non-local traffic to remain on the designated arterial network.

Policy TE 2.1.37.3: Discourage Cut-through Traffic

The City will work with Miami-Dade County and FDOT to recommend changes to its engineering design criteria to provide appropriate access management techniques to discourage neighborhood cut-through traffic. These may include but shall not be limited to:

- Access on the highest-classified street where City or FDOT standards can be met;
- Joint access, cross access, and shared access;
- Raised median diverters;
- Pedestrian access to encourage walking, rather than driving, short distances;
- Transit orientation, including safe and convenient pedestrian routes to the nearest bus stop;
- Speed tables

Policy TE 2.1.47.4: Traffic Calming

The City will continue to maintain a traffic calming program to provide for safe and viable neighborhoods and discourage speeding and cut-through traffic. It shall put together a menu of preferred traffic calming methods. This will detail their purpose, ideal implementation scenario, effectiveness and cost. This can be used as a menu to guide and streamline the process. To the extent possible the City shall maintain local control over the implementation of traffic calming measures.

Policy TE 2.1.57.5: Roadway Safety

The City will coordinate with DPTW and FDOT to ensure that short-term and maintenance of traffic signals and signage are continuously monitored and updated.

Policy TE 2.1.67-6: Emergency Vehicle Access

Emergency vehicle access shall be considered during any modification of the transportation system, including access to parcels and the design and construction of roads and traffic calming devices.

Policy TE 2.1.77-7: Access Management

The City shall work with FDOT and ~~DTPW~~ Miami-Dade Transit to impose access location requirements onto City, County and State streets through the implementation of its Public Works Manual, in order to reduce existing or potential congestion and safety problems. The City shall coordinate with other agencies to ensure connectivity impacts to the adjacent transportation system are properly mitigated, adjacent land uses are properly connected, and that mobility needs are met for all modes of transportation. The City, at its own discretion, may require a transportation impact study to aid in the decision on the location and design of the access to serve a land development.

Policy TE 2.1.87-8: Safe Roadway Designs

The City shall use design review procedures in the land development regulations to control roadway access points in conjunction with development. Such procedures shall include provisions requiring that all access points on state roads be approved by the Florida Department of Transportation, that all access points on county roads be approved by the ~~DTPW~~ Miami-Dade Transit and that all other access points be in accordance with the best professional standards consistent with the protection of property rights.

Policy TE 2.1.97-9: Evaluating Crash Data to Improve Intersection Safety

The City shall prepare annual accident frequency reports for all collector and arterial roads and coordinate with the FDOT's Traffic Operations Department to mitigate problems at high crash locations.

Policy TE 2.1.107-10: New Connections to the Roadway Network

The City of Miami Beach, the ~~DTPW~~ Miami-Dade Transit or FDOT, depending on jurisdiction, will monitor all new connections and access points to roadways to ensure safe design. All new connections shall comply with the City's, County's and FDOT's access management standards.

Policy TE 2.1.117-11: Construction Impacts on Mobility

The City shall monitor the impact of construction on mobility, and coordinate with developers to minimize the impacts to automobile, pedestrian, bicycle and transit facilities. When appropriate, the City shall require a construction staging plan, and a maintenance of traffic plan which may include mitigation efforts, such as off-site parking, and staging of multiple projects to address these impacts.

Policy TE 2.1.127-12: Complete Streets (please see Glossary of terms)

The City shall consider all aspects of the "Complete Streets" initiative when considering improvements to public rights of way. Complete streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities, so that they can safely move along and across the right of way no matter what mode is being used. In doing so all roadway projects shall provide for appropriate widths for sidewalk or bicycle facilities where right of way is available. The City and reviewing agencies shall ensure that the new construction projects are safe for both the user and the community and that the project adds a lasting value to both motorized and nonmotorized users.

Policy 7.13: ~~Reserved~~

Policy ~~TE 2.1.13~~ 7.14: The Use of Alleys and Service Vehicles

The City shall encourage access for parking and service vehicles to be from alleys. ~~The City shall encourage new development and redevelopment to provide alleys through dedication of right of way or access easements in order to prevent roadway congestion and encourage pedestrian safety.~~ Additionally, the City shall evaluate the feasibility of developing scheduled delivery and trash removal hours to ensure that these services are not accomplished on public streets during the peak hours.

Policy ~~TE 2.1.14~~ 7.15: Roadways Landscaping, Lighting and Signage

When new facilities are planned, their design shall be aesthetically compatible with the surrounding community, whenever practical. The City of Miami Beach shall continue to landscape and improve entrances to the City. It shall also continue implementing programs to landscape and maintain existing median strips and rights-of-way.

Policy ~~TE 2.1.15~~ Street Lighting

Using the Miami Beach Citemetrix™ Analysis Report as a guide, the City of Miami Beach should alter street lighting to be compliant with illuminance standards. Expressways, major and collector roadways should be evaluated to improve their street lighting uniformity, while overall local roadway lighting should be dimmed.

Policy ~~TE 2.1 166~~ 10: Awareness Mobility Options

To improve citizen and visitor awareness of mobility options ~~within the South Beach, Middle Beach and North Beach TCMA's~~, the City shall establish mechanisms to highlight information regarding the availability of mobility options.

Policy ~~TE 2.1.176~~ 14: Multimodal Strategies

Through the site plan review process, the City shall educate the development community and promote TSM and/or TDM strategies and incentives to use alternate modes of transportation (such as parking policies and provision of intermodal transfers), that will accomplish mobility within and through each transportation concurrency management area.



Map 9.1 City of Miami Beach TCMAs-1

OBJECTIVE 9: TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA)

The City shall maintain the North Beach, Middle Beach and South Beach Transportation Concurrency Management Areas (TCMA's) within its boundaries. The boundaries of these TCMA's shall be depicted on Map 9.1. Within these areas, increased multi-modal mobility options will be pursued and redevelopment efforts will be focused.

Policy 9.1: Calculating Remaining Capacity

Transportation Concurrency Management Areas (TCMA) rely on the measurement of capacity on an Areawide basis. As such the following facilities will have their service volumes averaged at the approved Level of Service, as the calculation of Areawide capacity.

South Beach TCMA – Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA LOS	Service Volume
Alton Road	Arterial	N/S	Dade Blvd.	5th St.	D+20	3150
Washington Avenue	Collector	N/S	Dade Blvd.	5th St.	D+50	3100
SUBTOTAL						6250
Collins Avenue	Arterial	N/S	23rd Street	5th Street	D+50	1450
Meridian Road	Collector	N/S	Dade Blvd.	5th Street	D+20	1150
West Avenue	Collector	N/S	Dade Blvd.	5th Street	D+20	1150
SUBTOTAL						3750
Alton Road	Collector	N/S	5th Street	Biscayne	D+50	3100
Washington Avenue	Collector	N/S	5th Street	Biscayne	D+50	3100
SUBTOTAL						6200
5th Street	Arterial	E/W	Alton Road	Washington	D+50	6350
17th Street	Arterial	E/W	Dade Blvd.	Collins Ave	D+50	3900
Dade Boulevard (share)	Arterial	E/W	Venetian	Pine Tree Dr.	D+50	4200
SUBTOTAL						14450

Middle Beach TCMA – Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA LOS	Service Volume
Alton Road	Arterial	N/S	63rd Street	Dade Blvd	D	3400
Collins/Indian Creek	Arterial	N/S	63rd Street	23rd Street	D+20	3800
SUBTOTAL						7200
41 st Street	Arterial	E/W	Alton Road	Indian Creek	D+20	3300
Dade Boulevard (share)	Arterial	E/W	Venetian	Pine Tree Dr.	D+50	4200
63rd Street (share)	Arterial	E/W	Alton Road	Indian Creek	D+20	3150
SUBTOTAL						10650

North Beach TCMA – Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA LOS	Service Volume
Collins Avenue one way	Arterial	N/S	City Limit	63rd Street	D+20	2800

Harding/Abbott Ave. one way pair	Arterial	N/S	City Limit	Indian Creek Dr	D+20	2800
Indian Creek Drive	Arterial	N/S	71st Street	63rd Street	D+20	3300
<i>SUBTOTAL</i>						<i>8900</i>
71st Street/Normandy Dr.	Arterial	E/W	City Limit	Indian Creek	D+20	3150
63rd Street (share)	Arterial	E/W	Alton Road	Indian Creek	D+20	3150
<i>SUBTOTAL</i>						<i>6300</i>

Policy 9.2: Growth Management

The City shall review all proposed developments for their impact upon the adopted LOS standards. Each development will be subject to the City's Concurrency Management System. The City will continue to monitor the existing Transportation Concurrency Management Areas and continue to implement multimodal opportunities pursuant to the Florida Administrative Code, (F.A.C. sec. 9J-5).

Policy 9.3: Proportionate Fair Share Mitigation for Non Deficient Areas

The City shall have the ability to mitigate the impact of a proposed development on individual roadways, segments of roadways, or areas as a whole within a Transportation Concurrency Management Areas, even if Areawide service volumes are not surpassed, by collecting a proportionate fair share contribution from a developer in accordance with applicable sections of Florida Statutes.

Policy 9.4: Proportionate Fair Share Mitigation for Deficient Areas

When areas are deficient in capacity, the City may issue development orders when transportation concurrency requirements are satisfied by a proportionate fair share contribution from a developer in accordance with applicable sections of Florida Statutes. Regardless of concurrency or mitigation, the City maintains the right to reject development for non compliance with any other aspect of the Comprehensive Plan or Land Development Regulations.

Policy 9.5: Multimodal Transportation

Within each Transportation Concurrency Management Area, infill and redevelopment shall be encouraged which is supportive of mobility alternatives including walking, bicycling and use of transit, particularly those associated with the completion of the Beachwalk and Baywalk projects.

Policy 9.6: Parking Within the TCMA's

The City, shall implement the recommendations included in the City's parking management study within the City's TCMA's. The process shall evaluate:

- d. Placement of future public and private parking facilities related to the support of alternative modes of transportation;
- e. Reduction of on-site parking requirements within the City's land development regulations in order to encourage multi-modal use;
- f. Commercial delivery issues including the provision of loading zones within alleys to improve street flow and emergency vehicle access.

Policy 9.7: ~~Concurrency Mitigation Fees~~

~~Concurrency mitigation fees within the City's TCMA's shall be used where appropriate to support multi-modal options. This process shall address:~~

- ~~a. Contribution towards the construction of park and ride facilities to be served by transit;~~
- ~~b. The construction of enhanced pedestrian amenities that create a pedestrian friendly environment, such as:~~
 - ~~• narrower traffic lanes,~~
 - ~~• median refuges, curb extensions ("bulb-outs"),~~
 - ~~• count-down pedestrian signals,~~
 - ~~• use of geometric designs that minimize crossing distances and increase visibility between pedestrians and motorists,~~
 - ~~• timing signals to minimize pedestrian delay & conflicts;~~
- ~~c. The construction of bicycle facilities and/or the evaluation of reclaiming street space for other uses through the use of complete streets concepts.~~

Policy 9.8: ~~Provision of Multimodal Amenities~~

~~Within the City's TCMA's, the City shall require all new major developments, (those projects over 50,000 gross square feet, and/or projects that increase the number of trips over 100 peak-hour trips), to submit a Transportation Mitigation Plan which will include strategies to mitigate the traffic generated by the site, and will encourage the use of alternative modes of transportation. The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of all new major developments so that the most vulnerable—children, elderly, and persons with disabilities—can travel safely within the public right of way. Applicable treatments may include, but not be limited to TDM strategies included in Policy 6.2 and TSM policies included in Policy 6.1.~~

Policy 9.9: ~~Projects within the TCMA's~~

~~The City will continue to utilize funding mechanisms the MPO planning process, and continual updating of a concurrency mitigation bank to support the projects contained within the City's long term planning documents which address mobility options. Those projects located within the City's TCMA's and which are alternative modes should receive funding priority.~~

Policy 9.10: ~~Concurrency Management~~

~~Transportation concurrency within the South Beach, Middle Beach and North Beach TCMA's will be maintained and tracked by the Transportation and Concurrency Management Section located within the Public Works Department.~~

Policy 9.11: ~~Updating the Concurrency Management System~~

~~The City shall update the traffic counts in the Concurrency Management System every two years. This data shall be used as part of the update of the long-range transportation master planning process.~~

OBJECTIVE TE 2.2: DEVELOPMENT REVIEW

Consideration of safe and convenient access to all modes of travel shall be included for proposed projects through the development review process.

Policy TE 2.2.1 (Relocated Text)

During the development review process the City shall include right-of-way needed to implement planned improvements. The City shall consider the historic context, the built-out environment and the future level-of-service requirements demands when evaluating future improvements.

Policy TE 2.2.2 4.6: Providing Basic Transit Infrastructure

~~Development approval for sites located on main thoroughfares within existing transit routes shall be required where appropriate, to incorporate transit facilities and dedicate an easement to Miami Beach or DTPW for public transit amenities. The dedicated easement shall be of sufficient size to allow for 1) Americans with Disabilities Act (ADA) access to transit 2) for future shelter placement, and 3) for future placement of shared bicycles. Fair share contributions in lieu of easement dedication may be granted when an existing bus shelter, pad, or shared bicycle facility is located within ¼ mile from the proposed development on the same side of the roadway. Appropriate bus stop facility locations shall be determined by analyzing the existing need on established routes and assessing the existing built environment such as the width of the sidewalk, the presence of a sidewalk and/or the location of any existing structures. Transit routes with the highest ridership and located on an existing bicycle route will be the highest priority for facility placement.~~

Development approval for sites located on main thoroughfares within existing transit routes shall be required, where appropriate, to construct a concrete pad and dedicate an easement to Miami Beach or Miami-Dade Transit (or its successor agencies) for public transit uses. The dedicated easement shall be of sufficient size to allow for Americans with Disabilities Act (ADA) access to transit and for future shelter placement. Fair share contributions in lieu of easement dedication may be granted when an existing bus shelter or pad is located within ¼ mile from the proposed development on the same side of the roadway. Appropriate bus stop facility locations shall be determined by analyzing the existing need on established routes and assessing the existing built environment such as the width of the sidewalk, the presence of the sidewalk, and/or the location of any existing structures. Bus routes with the highest ridership and located on an existing bicycle route will be the highest priority for facility placement.

Policy TE 2.2.3 4.3: Development Compliance with Transit Level of Service

Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the above level of service standards within the Transportation Element.

Policy TE 2.2.4 Alleyways in Site Design *(relocated text from previous policy 7.14)*

The City shall encourage new development and redevelopment to provide alleys through dedication of right-of-way or access easements in order to prevent roadway congestion and encourage pedestrian safety.

Policy TE 2.2.5 5.6 Bicycle Storage

The City shall establish guidelines for the provision of short term and long term bicycle parking areas, including bicycle racks for multifamily residential areas, commercial areas, and recreational areas. All new garages shall include long-term bicycle parking (bicycle lockers).

Goal TE 3 **TRANSPORTATION RESILIENCY**

Improve transportation resiliency in Miami Beach through sustainable and adaptive improvements that are consistent with regional transportation plans and support hurricane evacuation.

OBJECTIVE TE 3.1

Sustainable and adaptive transportation facility design priorities and construction methodologies shall be incorporated into future transportation infrastructure investments as feasible and effective.

Policy TE 3.1.1 4-6.2 **Elevation of Roadways**

The City of Miami Beach shall study the feasibility of elevating streets and avenues within the City that could also be utilized for conveyance, absorption, and storage of stormwater.

Policy RSE 2.1.3 **Blue and Green Transportation Infrastructure**

Roadway and other transportation related improvement projects shall address the feasibility of including a blue and green infrastructure component that enhances water management and increases co-benefit uses on transportation public facilities and infrastructure within the City.

Policy TE 3.1.2 4-6.3 **Paver Block Alleyways**

The City shall evaluate the use of interstitial-porous pavements or paver block for alleys to enhance hydrological, environmental, and public functions on an individual project basis.

Policy TE 3.1.3 4-6.4 **Pervious Roadway Surfaces**

To improve coastal resilience and improve existing roads, the City of Miami shall consider the feasibility of using pervious pavement materials on an individual project basis.

Policy TE 3.1.4 4-6.5 **Reduction of Carbon Emissions**

Incentivize alternative transportation options whenever feasible for commercial and residential use throughout the Miami Beach community, to substantially minimize carbon emissions created through transportation uses.

Policy TE 3.1.5 **Reduction of Urban Heat Island Effect**

The City shall evaluate the use of high albedo paving materials and asphalts to reduce the urban heat island effect generated from roadways.

Policy TE 3.1.53.4: **Sustainable Development (please see Glossary of terms)**

The City shall plan, design and construct roadway projects and provide approval for commercial roadway projects that minimize consumption of non-renewable resources, limit consumption of renewable resources to sustainable yield levels, reuse and recycle its components, and minimize the use of land and production of noise. To this end, the City shall integrate multimodal transportation facilities to reduce reliance on automobiles through initiatives such as:

- Trolley system expansion.
- **Transit development** throughout the City to enable access to longer distances without the need for a private vehicle.
- **Integration of Trolley and Transit service** to achieve optimal connectivity.
- **Exclusive Transit Lanes.** As a way to incorporate the overall vision for an interconnected and reliable transit network for the City, exclusive transit lanes were considered for corridors with prioritized transit modes. The provision of a lane(s) solely dedicated to transit offers a range of operations and economic opportunities for a corridor. Exclusive transit lanes allow for the implementation of Rapid Transit systems and improve the reliability of traditional bus service. Light Rail/Modern Streetcars, Bus Rapid Transit (BRT) and Enhanced Bus systems are forms of rapid transit that combine stations, vehicles, services, and ITS elements into an integrated system. The City is studying Rapid Transit Systems to determine demand, cost, benefit, and impact.
- **Concurrent flow bus lanes** should allow at least two (2) adjacent general traffic lanes in the same direction of travel.
- **Contra flow bus lanes** should allow at least two (2) traffic lanes in the opposite direction of travel, as deemed technically feasible.
- **Expansion of the Atlantic Greenway Network** by continued negotiation with property owners along the Atlantic Ocean and along Biscayne Bay.
- **Bicycle rack installations.** City will maintain the approximately 500 bicycle racks installed in 2015-2016, and continue to install additional bicycle racks as recommended in the 2015 Bicycle Pedestrian Master Plan in safe, convenient locations along commercial corridors, residential areas and public facilities. Bicycling as an alternative form of transportation will increase the quality of life for our community by reducing traffic congestion.
- The City will adhere to the policy governing protected bicycle lanes as contained in the 2015 Bicycle Pedestrian Master Plan.
- **Bicycle rental program** – The City already started this program with a proposal to install up to 85 kiosks of approximately 16 bicycles per kiosks. The benefits of this program include reduced traffic congestion, improved air quality, quieter and more livable streets and the opportunity for citizens to improve their health through exercise.
- **Shared car program** will allow for the short term access to vehicles by residents and visitors reducing the need for vehicle ownership and encouraging the use of alternative modes of transportation.

OBJECTIVE TE 3.2 40: TRANSPORTATION COORDINATION WITH OTHER JURISDICTIONS

Transportation efforts in the City will be coordinated with the plans and programs of other state and local jurisdictions including; the Miami-Dade Metropolitan Transportation Planning Organization (MTPO), the Florida Department of Transportation (FDOT), Miami-Dade County Public Works (MDCPW), and Miami Dade Transit (MDT), and other local jurisdictions.

Policy TE 3.2.1 40.1: Coordinate with the MTPO and FDOT

The City shall review the annual versions of the LRTP and the Transportation Improvement Program (TIP) to coordinate this element with the plans of the MTPO and FDOT.

Policy TE 3.2.3 40.2: Coordinate with Miami-Dade County

The City shall review the annual versions of the MDC Transit Service Development Plan to coordinate this element with the plans of the MDT.

Policy TE 3.2.3 40.3: Coordination with Other Cities

The City shall review for compatibility with this element the transportation plans and programs of Miami-Dade County and neighboring municipalities as they are amended in the future.

Policy TE 3.2.4 40.4: Coordination of Bicycle and Pedestrian Facilities

The City shall work with adjacent jurisdictions to coordinate regional interconnection of bicycle, transit and pedestrian facilities.

Policy TE 3.2.5 40.5: Coordination with Transportation Management Organization

The City shall assign a liaison with South Florida Commuter Services to the citizens and employees traveling to and from Miami Beach on a regular basis.

Policy TE 3.2.6 40.6: Multimodal Components of Roadway Projects

During the design stages of roadway improvements, the location of transit facilities such as transit intermodal facilities, transit centers, transit stops, turn-out bays, transit amenities and transit shelter locations, shall be included in the roadway design proposal. These improvements shall be coordinated with the agency(ies) that have jurisdiction over the facilities being designed.

OBJECTIVE TE 3.3 41: HURRICANE EVACUATION

To address hurricane evacuation within the City of Miami Beach, the City shall coordinate with responsible agencies including the Florida Department of Community Affairs, Miami- Dade Office of Emergency Management, South Florida Regional Planning Council and Miami-Dade Transit.

Policy TE 3.3.1 41.1: Awareness of Evacuation Routes

The City shall continue to coordinate with Miami-Dade Transit to evaluate the need for establishment of increased evacuation pick up sites within the City and promote community awareness of the location of these site and evacuation routes.

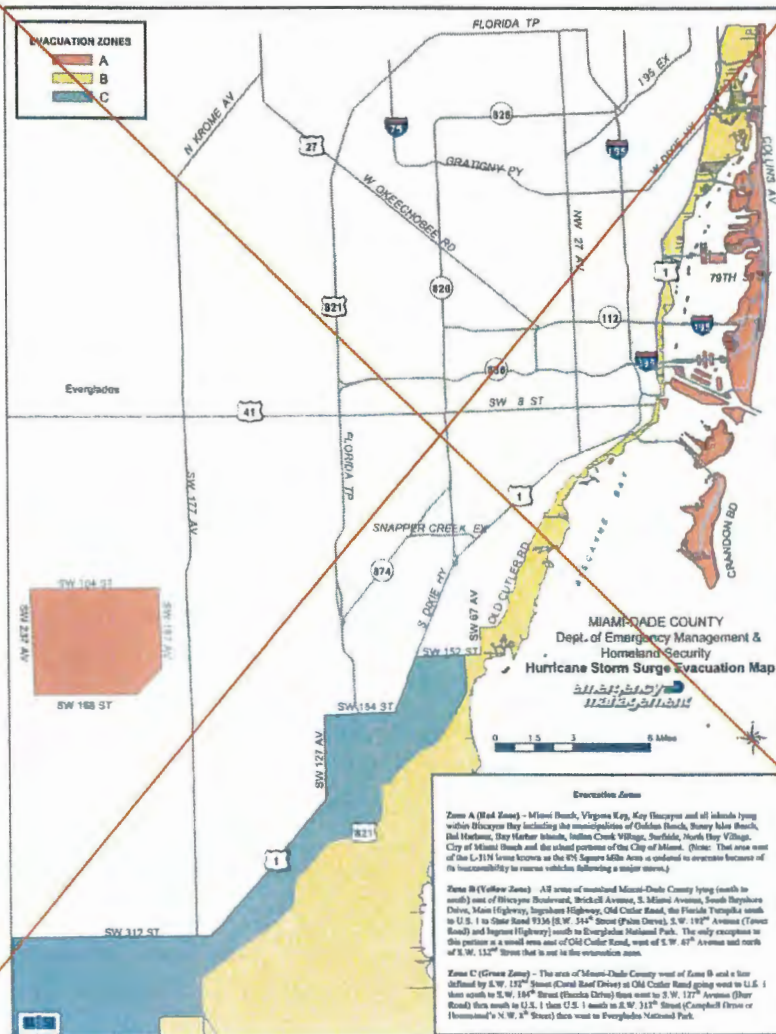
Policy TE 3.3.2 41.2: Improving Evacuation Clearance Times

The City shall coordinate with the Miami-Dade Office of Emergency Management to improve evacuation clearance times of its routes including 5th Street/Alton Road through a change to the hurricane evacuation route zones to take advantage of available capacity on alternative evacuation routes.

Policy TE 3.3.344.3: Assistance with Evacuation

The City shall evaluate entering into an agreement with a private contractor to assist with evacuation during hurricane events.

Source: Miami Dade County Dept. of
Emergency Management & Homeland Security





Coastal High Hazard Area

Category 1 Storm Surge and Evacuation Routes

Prepared by the Planning Department, 2011. Storm Surge Data Source: Statewide Storm Surge Regional Forecast Study Project and the South Florida Regional Meeting Council, February 2011.

GLOSSARY OF TERMS

- **Atlantic Greenway Network:** Is a multi-modal network that will knit together elements of the Miami Beach bicycle/pedestrian transportation system: the north-south Beach Corridors running parallel to the dunes, and the Neighborhood Trails that provide access to the beach, parks, schools, and the commercial, cultural and civic destinations.
- **Bay Walk Network:** Is a series of multi-use paths along the bayfront in South Beach. This network is implemented as redevelopment occurs in the area.
- **Bus Rapid Transit (BRT):** is an enhanced bus system that operates on bus lanes or other transit ways in order to combine the flexibility of buses with the efficiency of rail. By doing so, BRT operates at faster speeds, provides greater service reliability and increased customer convenience. It also utilizes a combination of advanced technologies, infrastructure and operational investments that provide significantly better service than traditional bus service.¹
- **Complete Streets:** The Complete Streets concept is an initiative to design and build roads that adequately accommodate all users of a corridor, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders, and adjacent land users.
- **Context Sensitive Design (CSD) or Context Sensitive Solutions (CSS):** is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist. CSS principles include the employment of early, continuous and meaningful involvement of the public and all stakeholders throughout the project development process.
- **Development Order:** Granting, denying or granting with conditions an application for zoning approval, division of lots, rezoning, conditional use, variance, certificate of use, occupational license, design approval, or any other official action having the effect of permitting the development of land which exceeds the intensity of development which exists on the property at the time of application.
- **Federal Interstate Highway System (FIHS):** It is a statewide transportation network that provides for high-speed and high-volume traffic movements within the state. The system also accommodates High-Occupancy Vehicles (HOVs), express bus transit and, in some corridors, passenger rail service. The primary function of the system is to serve interstate and regional commerce and long-distance trips.
- **Intelligent Transportation Systems (ITS):** apply well-established technologies of communications, control, electronics and computer hardware and software to the surface transportation system.
- **Level of Service (LOS):** is defined by the Highway Capacity Manual 2000 as: "a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. Six LOS are defined for each type of facility that has analysis procedures available. Letters designate each level, from A to F, with LOS A representing the best operating conditions and LOS F the worst. Each LOS represents a range of operating conditions and the driver's perception of these conditions."¹

¹ Federal Transit Administration

- **Mobility Fee:** is an impact fee on new development and increases in density and/or intensity that are based on predicted vehicles miles traveled (VMT).
- **Multimodal Level of Service:** explores a method for assessing how well an urban street serves the needs of all of its users. The method for evaluating the multimodal level of service (MMLOS) estimates the auto, bus, bicycle, and pedestrian level of service on an urban street using a combination of readily available data and data normally gathered by an agency to assess auto, transit, pedestrian and bicycle level of service.
- **Northeast Corridor:** It is planned to provide a high-capacity transit connection along a 13.6-mile corridor extending from downtown Miami, through Little Haiti, to NE 215th Street, generally along the Biscayne Boulevard/U.S. 1 Corridor and FEC Railroad right-of-way. The corridor has been identified as part of the Peoples Transportation Plan for possible funding by the half-cent sales revenues established by referenda 2002 and identified in the Miami-Dade TPO 2019 SMART Plan.
- ~~**Service volume:** is defined by the Highway Capacity Manual 2000 as: "The maximum hourly rate at which vehicles, bicycles, or persons reasonably can be expected to traverse a point or uniform segment of roadway during an hour under specific assumed conditions while maintaining a designated level of service."~~
- **Strategic Intermodal System:** is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. These facilities are the workhorses of Florida's transportation system, carrying more than 99 percent of all commercial air passengers, virtually all waterborne freight tonnage, almost all rail freight, and more than 68 percent of all truck traffic and 54 percent of total traffic on the State Highway System.
- **Sustainable Development:** Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- **Transportation Concurrency Exception Management Area:** The 2011 Community Planning Act removed the state-mandated requirement for transportation concurrency, and provides local governments with the option of continuing to apply concurrency within their jurisdictions. Miami-Dade County continues require transportation concurrency outside of it Urban Infill Areas. Miami Beach has an existing TCEAs since 1994 and is exempt from the local County-wide transportation concurrency provisions. According to Section 163.3180(7), Florida Statutes, such an area "must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips." Within a Transportation Concurrency Management Area, a level of service standard is applied area-wide rather than on individual road segments. The area-wide level of service is determined by averaging the level of service on similar facilities within the designated area serving common origins and destinations. This alternative approach to strict concurrency should be used only where alternative modes are truly viable.
- **Transportation Demand Management: (TDM):** is a general term for strategies that result in more efficient use of our transportation system and that markets alternative forms of transportation for commuters, in order to reduce traffic congestion and air pollution and to increase efficiency of the transportation system.
- **Transit Intermodal Facilities:** are transfer facility that provides convenient connections between streetcars, bus rapid transit (BRT), or another public transit mode such as busways, bus lines, while offering some pedestrian and bicycle amenities and services; provides access to more than two (2) buses or light rail/streetcars; provides accessory

parking spaces at intercept locations, generally between 75 and 500 spaces; and may include amenities such as retail, restrooms and lounge areas.

- **Transportation Mitigation Plan:** Is a transportation plan to be developed by applicants of all new major developments that will include strategies to mitigate the impacts of the traffic generated by these developments. Strategies to be developed will be pursuant to the provisions of the policies contained in the Transportation Element and the City's Land Development Regulations.
- **Transit Oriented Design:** or Transit Oriented Development (TOD) is moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.
- **Transportation Regional Incentive Program: (TRIP)** is a program that was created to improve regionally significant transportation facilities in "regional transportation areas". State funds are available throughout Florida to provide incentives for local governments and the private sector to help pay for critically needed projects that benefit regional travel and commerce. The Florida Department of Transportation (FDOT) will pay for 50 percent of project costs, or up to 50 percent of the nonfederal share of project costs for public transportation facility projects.
- **Transportation Systems Management: (TSM)** approach to congestion mitigation seeks to identify improvements to enhance the capacity of existing system of an operational nature. Through better management and operation of existing transportation facilities, these techniques are designed to improve traffic flow, air quality, and movement of vehicles and goods, as well as enhance system accessibility and safety.
- ~~**120 percent of LOS D:** Is defined as 120 percent of the service volume (see service volume definition), which is the same as multiplying the LOS D Service Volume times a 1.2 factor. In these specific cases the LOS standard service volume thresholds are increased to account for the fact that the roadways within the enhanced transit service area are benefited by increased levels of public transportation, which will attract person trips instead of using the private automobile on the roadway. Having increased levels of public transit service are very much in line with the City's comprehensive plan goals, objectives and policies, as well as those at the State comprehensive planning level.~~
- ~~**150 percent of LOS D:** Is defined as 150 percent of the service volume (see service volume definition), which is the same as multiplying the LOS D Service Volume times a 1.5 factor. In these specific cases the LOS standard service volume thresholds are increased to account for the fact that the roadways within the enhanced transit service area are benefited by increased levels of public transportation, which will attract person trips instead of using the private automobile on the roadway. Having increased levels of public transit service are very much in line with the City's comprehensive plan goals, objectives and policies, as well as those at the State comprehensive planning level.~~

List of Acronyms

- ADA: American with Disabilities Act
- AGN: Atlantic Greenway Network
- BRT: Bus Rapid Transit
- CIP: Capital Improvement Program
- CSD: Context Sensitive Design
- CSS: Context Sensitive Solutions
- ~~DTPW: Miami-Dade County Department of Transportation and Public Works~~
- FDOT: Florida Department of Transportation
- FIHS: Florida Interstate Highway System
- FLZ: Freight Logistics Zone
- ITE: Institute of Transportation Engineers
- ITS: Intelligent Transportation Systems
- LOS: Level of Service
- LRTP: Long Range Transportation Plan
- MDC: Miami-Dade County
- MDPWD: Miami-Dade Public Works Department
- MDT: Miami-Dade Transit
- ~~MPO: Metropolitan Planning Organization~~
- SIS: Strategic Intermodal System
- SMART: Strategic Miami Area Rapid Transit
- ~~TCMA: Transportation Concurrency Management Area~~
- TDM: Transportation Demand Management
- TIP: Transportation Improvement Program
- TMP: Transportation Master Plan
- TOD: Transit Oriented Design
- TPO: Miami-Dade Transportation Planning Organization
- TRIP: Transportation Regional Incentive Program
- TSM: Transportation Systems Management

HOUSING ELEMENT

GOAL:

~~Have available to accommodate the projected population of the City a sufficient number of housing units in an adequate variety of types, sizes, locations and cost ranges, within sound structures located in safe and appropriate neighborhoods.~~

The Housing Element (HE) of the Comprehensive Plan serves as a guide to achieve an inclusive and vibrant community. The Goals, Objectives and Policies in the Housing Element work to provide equitable housing options to support the City's socio-economically diverse population and ensures that all residents of the City have access to quality, energy efficient housing.

GOAL HE 1 EQUITABLE COMMUNITY

Provide vulnerable populations with affordable housing options that are proximate to transportation services and basic needs to improve economic mobility within the community.

GOAL HE 2 NEIGHBORHOOD SUSTAINABILITY

Establish and maintain an energy efficient housing stock that is resilient to a changing climate while maintaining a strong neighborhood and cultural identity.

GOAL HE 1 EQUITABLE COMMUNITY

Support vulnerable populations with attainable housing options that are proximate to transportation services and basic needs to improve economic mobility within the community.

OBJECTIVE HE 1.1: CREATION AND/OR PRESERVATION OF WORKFORCE AND AFFORDABLE HOUSING

Have available a minimum of 6,800 housing units of workforce, affordable low and moderate income households and special need populations during the period through 2030. NOTE: The City of Miami Beach does not contain rural property or farmland, thus does not have a need for rural or farm-worker housing.

Policy HE 1.1.1

Due to the built-out conditions within Miami Beach, continue to emphasize policies under Objective-5 HE 2.2 designed to preserve and/or rehabilitate existing housing and the re-use of historical structures as housing.

Policy HE 1.1.2

Continue to pursue and utilize state and federal sources of funding which can be used to assist in creating and/or preserving housing affordable to very low to workforce households, moderate-income households and for special need populations, including State Housing Initiatives Partnership (SHIP), CDBG, HOME, and NSP funds.

Policy HE 1.1.3

Cooperate with affordable and workforce housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of housing affordable to workforce, very low to moderate-income households, including those with special needs, in Miami Beach.

Policy HE 1.1.4

Direct available City and federal sources of funds toward mixed-income and workforce housing projects to promote an economically diverse community that avoids over-concentration of low-income housing and for the development of workforce housing-

Policy HE 1.1.5

The City's Land Development Regulations and housing activities shall be administered in accordance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, the Florida Fair Housing Act, Chapter 760 F.S., and Section 62-88 of the City of Miami Beach Code of Ordinances.

Policy HE 1.1.6

The Planning Department, which includes zoning review, will continue to streamline the housing approval and permitting process in coordination with the Building Department through the expedited processing of permits for affordable and workforce housing projects, as defined in the Land Development Regulations. This incentive gives priority to designated affordable and workforce housing projects when scheduling Pre-Design Conferences with all relevant agencies. Also, ~~when the plans are ready for permitting, first priority is given to them.~~

Policy HE 1.1.7

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

Policy HE 1.1.8

Provide density increases for developments that incorporate workforce or affordable housing units pursuant to the regulations and limitations in the ~~Future Land Use Element~~ Resilient Land Use and Development Element and the Land Development Regulations.

(NEW) Policy HE 1.1.9

Locate affordable and workforce housing in locations where residents are proximate to areas of employment.

(NEW) Policy HE 1.1.10

Improve equitable access to needs and amenities including transit services, health care, nourishing food, education, and recreational facilities for residents living in affordable and workforce housing.

(NEW) Policy HE 1.1.11

The City shall explore strategies to increase the resiliency within neighborhoods, while limiting involuntary displacement and increasing housing stability.

OBJECTIVE HE 1.2 3: ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES. (*Previously Objective 3*)

Maintain a minimum of 40 percent of the City's land area that is designated so as to permit residential uses (excluding rights-of-way) and 25 percent of the City's total land area (excluding rights-of-way) as areas in which land use policies are either intended to encourage, or mitigated to allow for, housing affordable to very low to moderate-income families, as well as to workforce housing families.

Conserve the City's stock of single-family houses (attached and detached) by maintaining a minimum of 35 percent of the City's total land area (excluding rights-of-way) in zoning districts that permit only single-family houses uses.

Maintain a minimum of 30 percent of the City's total land area (excluding rights-of-way) as areas in which manufactured housing is permitted.

Policy 3.1 HE 1.2.1

The City shall mitigate zoning regulations such as reduced parking requirements or shared parking in the case of a mixed use building that impede housing affordable to workforce, and very low to moderate-income families in all zoning districts which permit multifamily housing, including multifamily residential, commercial and overlay districts and retain the new multifamily districts, e.g. TH Townhome residential and RO Residential/Office.

Policy 3.2 HE 1.2.2

The City's zoning map will provide that a minimum of 35 percent of the City's total land area (excluding rights-of-way) will be zoned to permit only single-family houses (attached and detached) recreational facilities and municipal uses.

Policy 3.3 HE 1.2.3

Manufactured housing will be permitted in areas designated as "Single Family Residential" on the adopted Future Land Use Map, provided they are permanently anchored, meet the minimum floor area requirements, and satisfy all other provisions contained in the City's land development regulations for areas designated as "Single Family Residential" on the Future Land Use Map.

Policy 3.4 HE 1.2.4

Continue to prohibit non-residential main permitted uses in RS, single-family and RM, residential multi-family zoning districts in compliance with the provisions of s.163.3202, F.S. to prevent conversion or redevelopment of residential structures to non-residential uses, except for "community residential homes" and similar uses intended to assist permanent residents in consistent with the provisions of s. 419.001, F.S.

Policy 3.5 HE 1.2.5

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

OBJECTIVE HE 1.3 4: ADEQUATE SITES FOR GROUP HOMES AND FOSTER CARE FACILITIES (*Previously Objective 4*)

Maintain a minimum of 20% of the City's total land area (excluding rights-of-way) designated so as to permit "community residential homes" licensed or funded by the Florida Department of Children and Family Services and assisted living facilities for the elderly and other special need populations.

Policy 4.1 HE 1.3.1

The Land Development Regulations of the City Code will permit adult congregate living facilities in excess of 14 beds as a conditional use.

Policy 4.2 HE 1.3.2

The City will ensure that its Land Development Regulations are in compliance with Florida Statutes, Chapter 419, and any other statutory requirements regarding the siting of community residential homes, including group homes and foster care facilities.

Policy 4.3 HE 1.3.3

The City will comply with Florida Statutes, Chapter 419, when considering the integration of community residential homes, care facilities and retirement homes into residential neighborhoods.

Policy 4.4 HE 1.3.4

Maintain the potable water, sanitary sewer, storm sewer, transportation, solid waste, and recreation facilities above the level of service standards, as set forth in the Resilient Future Land Use & Development Capital Improvement Program and Infrastructure elements of the Comprehensive Plan, established in the City's comprehensive plan in all areas of the City so that there will be no restrictions due to inadequate infrastructure or public facilities on the location of adult congregate living facilities or any other group categories of housing.

OBJECTIVE 6 HE 1.4: RELOCATION (*Previously Objective 6*)

Ensure that relocation services are provided to 100 percent of the persons who are displaced as a result of activities funded by federal programs or due to a property being declared inhabitable

Policy 6.1 HE 1.4.1

The City shall comply with all provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended, whenever required by federal or state law.

Policy 6.2-HE 1.4.2

In the event that an occupied building is declared unfit for human habitation in accordance with the City of Miami Beach City Code, the City shall enforce Section 58-362, as may be amended, to ensure residents' prompt relocation.

OBJECTIVE 7 HE 1.5: HOUSING IMPLEMENTATION PROGRAMS (*Previously Objective 7*)

Implement housing activities or programs ("housing programs") as set forth in the City's five-year Consolidated Plan submittals to U.S. Department of Housing and Urban Development and five-year Local Housing Assistance Plan (LHAP) submittals to the State of Florida, as amended from time to time, which are incorporated by reference.

Policy 7.1-HE 1.5.1

The City's five-year federal and state Housing Plans will form the basis for housing goals and objectives to address housing need for very low to moderate-income housing and special need populations.

Policy 7.2 HE 1.5.2

The City will utilize available federal, and state funds as specified in the Housing Plans and other funds as may become available to implement the City's housing programs.

Policy 7.3-HE 1.5.3

The City will continue to involve affordable housing developers and/or community development corporations (CDCs) in the preparation of the CHAS; and utilize affordable housing developers and non-profit CDCs to carry out affordable housing programs when appropriate.

Policy 7.4 HE 1.5.4

In furtherance of its housing goals and objectives, the City will support housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the development and rehabilitation of residential housing affordable to low and moderate income households in Miami Beach.

Policy 7.5-HE 1.5.5

The Planning Department, which includes zoning review, should continue to streamline the housing approval and permitting process in coordination with the Building Department as set forth in the City's LHAP.

GOAL HE 2 NEIGHBORHOOD SUSTAINABILITY

Establish and maintain an energy efficient housing stock that is resilient to a changing climate while maintaining a strong neighborhood and cultural identity.

OBJECTIVE 2.1: SUBSTANDARD HOUSING AND STRUCTURAL AND AESTHETIC IMPROVEMENTS TO EXISTING HOUSING

The City will continue its efforts to eliminate substandard housing conditions, to improve the structural and aesthetic quality of its existing housing stock, and improve its neighborhood.

Policy 2.1 HE 2.1.1

Continue to address the predominate cause of substandard housing conditions, overcrowding, by using state and federal funding sources such as the City's SHIP, CDBG, HOME and NSP programs for construction and/or rehabilitation of affordable residential structures.

Policy 2.2 HE 2.1.2

Cooperate with housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the construction and/or rehabilitation of residential housing affordable to very low to moderate-income households in Miami Beach by providing technical assistance as necessary.

Policy 2.3 HE 2.1.3

Require conformance by all residential structures to the standards of the South Florida Building Code (new structures), National Fire Protection Administration Code, and the City's Minimum Housing and Property Maintenance Standards.

Policy 2.4 HE 2.1.4

Require that all multifamily buildings must obtain a Certificate of Use in order to be lawfully occupied and require regular inspection to determine compliance with all applicable codes.

Policy 2.5 HE 2.1.5

Encourage preventative property maintenance and rehabilitation methodologies rather than demolition in order to promote sustainability, workforce, and affordable housing through the preservation and adaptive re-use of historic structures.

Policy ~~2.6~~ HE 2.1.6

Use all available legal means to compel demolition of dilapidated structures as expeditiously as possible by complying with the Florida Building Code; the City's Minimum Housing Standards; and the Intergovernmental Coordination Element (Dade County Unsafe Structures Board).

Policy ~~2.7~~ HE 2.1.7

The City will continue to improve the structural and aesthetic qualities of its housing stock through its Land Development Regulations, Building Code, Minimum Housing and Property Maintenance Standards and its Historic Preservation Board.

Policy HE 2.1.8 *(Relocated from the Conservation & Coastal Zone Element)*

The City Building Inspector shall continue to have the authority to require removal of asbestos in residential and non-residential structures to prevent threat to human health.

OBJECTIVE 5 HE 2.2: CONSERVATION, REHABILITATION OR DEMOLITION OF HOUSING, INCLUDING IDENTIFICATION OF HISTORICALLY SIGNIFICANT HOUSING *(Previously Objective 5)*

The City will continue to promote preservation or rehabilitation of housing, including identification of historically significant housing and the re-use of historic structures as housing.

Policy 5.4 HE 2.2.1

Encourage preventative property maintenance and rehabilitation methodologies rather than demolition in order to promote sustainability, workforce housing and affordable housing through the preservation and adaptive re-use of historic structures.

Policy 5.2 HE 2.2.2

Use all available legal means to compel demolition of dilapidated structures as expeditiously as possible by complying with the Florida Building Code; the City's Minimum Housing Standards; and the Intergovernmental Coordination Element (Dade County Unsafe Structures Board).

Policy 5.3 HE 2.2.3

Continue the incentives in the Land Development Regulations that apply with the provisions of s.163.3202, F.S. by encouraging the rehabilitation of residential structures to prevent the unintended loss of housing units due to deteriorated conditions.

Policy 5.4 HE 2.2.4

Enforce all minimum housing and structural conditions codes to prevent the unintended loss of housing units due to deteriorated conditions.

Policy 5.5-HE 2.2.5

Continue to use state and federal funding sources such as the City's SHIP, CDBG, HOME and NSP programs for rehabilitation of residential structures.

Policy 5.6 HE 2.2.6

Cooperate with housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the rehabilitation of residential housing affordable to workforce, very low to moderate-income households in Miami Beach by providing technical assistance as necessary.

Policy 5.7 HE 2.2.7

Maintain the legal status of the City's National Register Historic Districts, local historic districts, and individually designated historic sites and structures so that owners of designated properties can benefit from the applicable federal and local tax incentives.

Policy 5.8 HE 2.2.8

Continue to provide incentives in the Land Development Regulations, in compliance with s.163.3202, *F.S.*, that permit within the Historic Preservation Districts a wide selection of accessory uses in residential buildings when the building being renovated is a designated historic structure or is a structure contributing to the Historic Preservation District.

Policy 5.9 HE 2.2.9

Continue to provide incentives in the Land Development Regulations, in compliance with s.163.3202, *F.S.* that provide greater flexibility in meeting parking requirements in the Historic Preservation Districts when renovating designated structures and to provide workforce and low and moderate-income housing incentives by providing greater flexibility in meeting parking requirements when associated with those uses.

Policy 5.10 HE 2.2.10

The City shall continue to use its guidelines and established policies to guide appropriate restoration, rehabilitation and adaptive re-use of historically designated properties.

Policy 5.11 HE 2.2.11

The City shall continue to encourage the owners of historic single family homes to have their homes historically designated by continuing the City's local Historic Ad Valorem Tax Exemption for single family residences.

Policy 5.12 HE 2.2.12

The City shall continue to encourage the retention of architecturally significant single family homes built prior to 1942 by requiring that substantial alteration or demolition of such homes shall obtain Design Review Board approval for all major new construction of subject projects.

Policy 5.13 HE 2.2.13

The City will provide resources available to ensure that all historically significant residential structures continue to be identified.

OBJECTIVE 8 HE 2.3: ENERGY EFFICIENCY AND RENEWABLE RESOURCES
(Previously Objective 8)

The City shall promote energy efficiency and use of renewable energy resources in the design and construction or the rehabilitation of housing and other measures to promote energy efficiency in existing residential properties.

Policy 8.1 HE 2.3.1

The City shall rely upon, and ensure consistency with, the provisions of Chapter 553, Florida Statutes, when implementing policies to promote energy efficiency and use of renewable energy resources under this objective.

Policy 8.2 HE 2.3.2

The City shall establish requirements for “green buildings” through the Land Development Regulations. The Regulations shall include standards, including, but not limited to the following: ~~provide financial incentives, to the extent funds allow, as well as other incentives such as expedited permitting and building inspections, to “green” housing development projects under the terms set forth under its Green Building Ordinance, such as, but not limited to:~~

- a. Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the city's departments reviewing such applications;
- b. All building inspections requested for green building projects shall be given priority over projects that are not green building projects; and
- c. Establishing minimum thresholds for mandatory “green building” certification or providing for an alternative “sustainability fee program.” ~~Subject to, and within the limits of, funds appropriated annually by resolution of the city commission for the purposes set forth herein, owners or developers of green buildings shall receive a refund of the actual application and review fees for green building program certification and an amount not greater than one percent of the value of the construction, or alternatively 20 percent of the annual allocation, whichever is less, within 180 days of proof of certification by USGBC being submitted in writing to the city. The actual amount of financial incentives to which the applicant might qualify for shall be estimated at the time of issuance of the building permit for the quality project, and held in reserve. The final financial incentives shall be calculated at the time of LEED certification.~~

Policy 8.3 HE 2.3.3

The City shall collaborate with local builders and community development corporations to determine ways builders may incorporate “Sustainable Building” technologies in the construction of housing, through the following means:

- a. Water (e.g., indoor water conservation, low-flow/low-flush fixtures, pervious materials, xeriscaping, reclaimed water irrigation, harvested rainwater, water budget).
- b. Energy (e.g. Energy Star ratings, traditional, local vernacular techniques of climate sensitive design, passive solar design, landscaping for energy conservation, site development) and unit orientation (e.g. north/south rather than east/west windows) that takes advantage of the natural shade and lighting available, radiant barrier and ridge venting, solar heating and cooling systems, gas heating/cooling systems and appliances, photovoltaic systems, ductwork, fans, energy recovery ventilators programmable thermostats, energy efficient appliances.
- c. Building materials (e.g., dimensional lumber, wood treatment, engineered structural materials, engineered siding and trim, non-toxic termite control, floor coverings, wood flooring, roofing structural wall panels, insulation, windows and doors, cabinets, finishes and adhesives).
- d. Solid Waste Management (e.g., home recycling, construction waste recycling).

Policy 8.4 HE 2.3.4

The City shall promote energy conservation techniques that incorporate Federal Energy Star standards as consistent with the requirements of the state energy code. Periodic reviews of development regulations and building codes shall be conducted to determine if there are modifications needed to incorporate energy conservation measures in addition to the requirements of the state energy code.

Policy 8.5 HE 2.3.5

The City shall provide developers/ builders with information on how to incorporate Federal Energy Star Standards, state energy code and other energy efficiency measures into construction.

Policy 8.6 HE 2.3.6

The City shall encourage the construction of energy efficient and water conserving housing through public education programs and regulations that promote innovative and environmentally sensitive building technologies.

(New) Policy HE 2.3.7

The City shall coordinate with low income households to decrease their utility bills by providing them with education and tools necessary to operate their home with improved energy efficiency.

HISTORIC PRESERVATION ELEMENT

The Historic Preservation Element (HP) of the Comprehensive Plan supports the conservation of the unique character and heritage of the City by preserving historic structures, sites, and neighborhoods. The Goals, Objectives, and Policies of this element serve to protect the City's unique history and heritage through the preservation of structures and places, while supporting educational outreach, economic development, and resiliency and adaptation.

Goal HP 1: Historic and Heritage Preservation

Secure for future generations the opportunity to share in the unique heritage of Miami Beach through the promotion of the City's history and heritage, and promote sound economic development through the purposeful retention, protection and continued use of buildings, structures and districts which are associated with important events in the City's history or exhibit significant architectural qualities.

Goal HP 2: Architectural Excellence & Enhance of the Public Historic Environment

Encourage the retention, protection, rehabilitation, and continued use of contributing buildings within historic districts and the development of quality and architecturally significant new buildings that are compatible with the contributing buildings, in order to preserve the City's past and unique identity while providing for continued architectural excellence.

Goal HP 3: Designated Historic Structures and Historic Districts

Continue the perseveration of historic structures and districts that are important to the City's urban fabric and cultural identity.

Goal HP 4: Preservation Tools

Incentivize the preservation of structures, building and districts through efficient policy tools that allow for continued investment in the City and the rehabilitation of buildings, while preserving the City's historic character.

Goal HP 1: Historic and Heritage Preservation

Secure for future generations the opportunity to share in the unique heritage of Miami Beach through the promotion of the City's history and heritage.

OBJECTIVE 2: HP1.1 COMMUNITY PARTICIPATION AND EDUCATION (relocated)
Increase community awareness of, interest in, and support for the continued success of the City's historic preservation efforts in building a sustainable, vibrant and economically vital urban environment.

Policy HP 1.1.1 (relocated)

Promote new ways to inform and educate the community about the City's preservation efforts by creating an interactive City of Miami Beach Historic Preservation .com website readily accessible to the public through popular search engines.

Policy HP 1.1.2 (relocated)

Promote an appreciation and understanding of the City's historical resources by seeking public and private funding for the strategic placement of historic markers and historic district maps throughout the city.

Objective HP 1.2: EDUCATION AND DATA SHARING

Share data and knowledge about Miami Beach's Historic Buildings with academics, professionals, and enthusiasts

Policy HP 1.2.1(relocated)

Develop a user friendly program to implement and maintain a comprehensive inventory of historic sites on a Geographic Information Systems Database available to the public, including local property owners, scholars and students.

Policy HP 1.2.2 (relocated)

Continue to provide staff assisted access to Planning Department's historical documentation files and resources to property owners, scholars and the general public.

Policy HP 1.2.3 (relocated)

Continue to work with local historic preservation organizations in the assembly and dissemination of historical educational materials and participation in workshops, seminars and lectures.

Goal HP 2: Architectural Excellence & Enhance of the Public Historic Environment

Encourage the retention, protection, rehabilitation, and continued use of contributing buildings within historic districts and the development of quality and architecturally significant new buildings that are compatible with the contributing buildings, in order to preserve the City's past and unique identity while providing for continued architectural excellence.

Objective HP 2.1: Architectural Character

Continue to support the City's historic and new architectural character by maintaining architecturally significant structures and districts and providing design guidelines for preservation, rehabilitation, restoration, adaptive reuse, and new construction.

Policy 3.3 HP 2.1.1 (Relocated)

Expand the City's Design Guidelines, as necessary, to address the needs of specific architectural styles throughout the City.

Policy 3.4 HP 2.1.2 (Relocated)

Promote cutting-edge contemporary urban infill which is sustainable and compatible with the City's historic architecture, through the Development Review Process at administrative and board levels.

Policy HP 2.1.3

Indicate through wayfinding and signage valuable historic structures and buildings, including MiMo Designs, to foster an understanding and appreciation of the City's historic resources.

Goal HP 3: Designated Historic Structures and Historic Districts

Continue the perseveration of historic structures and districts that are important to the City's urban fabric and cultural identity.

Objective HP 3.1: Identify and evaluate sites, buildings, structures, monuments and districts that are associated with the historical development of the City as feasible.

Policy 4.2 HP 3.1.1 (Relocated)

Continue to fund full-time Historic Preservation Staff in order to ensure proper preservation efforts for the City's architectural and historic resources.

Policy 4.4 HP 3.1.2 (Relocated)

Encourage private individuals and neighborhood groups to participate in identifying districts, sites, landmarks, and structures, which are suitable for local historic recognition and/or nomination to the National Register of Historic Places.

Policy 3.4 HP 3.1.3 (Relocated)

Continue to maintain the City's historic preservation regulatory authority as provided for in the Historic Preservation Section of the City Code.

Policy HP 3.1.4

Continue to update the City's Historic Properties database and refer applications to the City's Historic Preservation Board for reclassification to contributing or non-contributing when changes in classification are determined to be warranted by staff.

Objective HP 3.2: Historic Structures and Districts

Facilitate the improvement of historic structures and districts in the City

Policy 2.2 HP 3.2.1 (Relocated)

Create and maintain a database of local, state and federal financial tools and incentives available for qualifying historic preservation rehabilitation projects.

Policy 3.5 HP 3.1.2

Develop Historic Districts Resiliency Guidelines for districts for the rehabilitation of historic buildings, as well as for new construction in historic districts, and work towards establishing resiliency guidelines for every district.

Objective 3.3: Neighborhood Conservation Districts

While preserving the City's historical characteristics is important, neighborhood conservation districts will allow for a balance between preservation of neighborhood character and historic building, while allow for adaption to a changing climate.

Policy HP 3.3.1: Establish Neighborhood Conservation Districts in areas with historical significance in order to balance preservation of essential characteristics while still allowing appropriate, compatible redevelopment and adaptation to sea-level rise.

Policy HP 3.3.2: Establish Resiliency Districts based regulations that codify localized resiliency and adaptation strategies, including locating new green space co-benefit sites, local character preservation, historic resources preservation and design guidelines for adapting structures.

Goal HP 4: Preservation Tools

Incentivize the preservation of structures, building and districts through efficient policy tools that allow for continued investment in the City and the rehabilitation of buildings, while preserving the City's historic character.

Objective HP 4.1: PRESERVATION TOOLS

Utilize preservation tools that incentivize historical preservation

Policy HP 4.1.1

Continue to encourage and assist owners of historic properties, including single family homes, to apply for individual local designation or listing on the National Register of Historic Places and to take advantage of, where available, local and/or federal preservation tax benefits for the restoration and preservation of historic properties.

Policy HP 4.1.2

Continue to provide incentives to qualifying historically designated single-family homes to use the City's Historic Ad Valorem Tax Exemption Program for Single Family Homes.

Policy HP 4.1.3

Create programs that address resiliency and Sea Level Rise impacts to historic structures.

Objective HP 4.3 Economic Development

Promote sound economic development through the purposeful retention, protection and continued use of buildings, structures and districts which are associated with important events in the City's history or exhibit significant architectural qualities.

Policy HP 4.3.1 (relocated)

Continue to identify city-owned historic sites and structures and determine the potential of all sites for heritage tourism, as a progressive economic development tool.

Policy 4.3.2 (relocated)

Promote the City's National Register Historic Districts as a destination for heritage tourism.

Policy 4.3.3 (relocated)

Continue funding physical streetscape improvements, as identified in the Capital Improvement Element, to complement and enhance the quality of life in the City's historic neighborhoods.

Policy 4.3.4 (relocated)

Continue to identify and improve bicycle and pedestrian facilities in order to enhance connectivity of the City's historical districts.

GOAL:

~~Secure for future generations the opportunity to share in the unique heritage of Miami Beach and promote sound economic development through the purposeful retention, protection and continued use of buildings, structures and districts which are associated with important events in the City's history or exhibit significant architectural qualities.~~

OBJECTIVE 1: HISTORIC PRESERVATION

~~Continue to increase the total number of structures designated as historically significant either individually or as contributing structures within locally designated historic districts or districts listed on the National Register of Historic Places.~~

Policy 1.1

~~Continue to locate, identify and evaluate those sites, buildings, structures, monuments and districts that are associated with the historical development of the City.~~

Policy 1.2

~~Continue to fund full-time Historic Preservation Staff in order to ensure proper preservation efforts for the City's architectural and historic resources.~~

Policy 1.3

~~Continue to identify city-owned historic sites and structures and determine the potential of all sites for heritage tourism, as a progressive economic development tool.~~

Policy 1.4

~~Encourage private individuals and neighborhood groups to participate in identifying districts, sites, landmarks, and structures, which are suitable for local historic recognition and/or nomination to the National Register of Historic Places.~~

Policy 1.5

~~Continue to encourage and assist owners of historic properties, including single family homes, to apply for individual local designation or listing on the National Register of Historic Places and to take advantage of, where available, local and/or federal preservation tax benefits for the restoration and preservation of historic properties.~~

Policy 1.6

~~Continue to provide incentives to qualifying historically designated single family homes to use the City's Historic Ad Valorem Tax Exemption Program for Single Family Homes.~~

OBJECTIVE 2: COMMUNITY PARTICIPATION AND EDUCATION

~~Increase community awareness of, interest in, and support for the continued success of the City's historic preservation efforts in building a sustainable, vibrant and economically vital urban environment.~~

Policy 2.1

~~By 2015, d Develop a user friendly program to implement and maintain a comprehensive inventory of historic sites on a Geographic Information Systems Database available to the public, including local property owners, scholars and students.~~

Policy 2.2

~~Create and maintain a database of local, state and federal financial tools and incentives available for qualifying historic preservation rehabilitation projects.~~

Policy 2.3

~~Continue to provide staff assisted access to Planning Department's historical documentation files and resources to property owners, scholars and the general public.~~

Policy 2.4

~~Promote new ways to inform and educate the community about the City's preservation efforts by creating an interactive City of Miami Beach Historic Preservation .com website readily accessible to the public through popular search engines.~~

Policy 2.5

~~Promote the City's National Register Historic Districts as a destination for heritage tourism.~~

Policy 2.6

~~Promote an appreciation and understanding of the City's historical resources by seeking public and private funding for the strategic placement of historic markers and historic district maps throughout the city.~~

Policy 2.7

~~Continue to work with local historic preservation organizations in the assembly and dissemination of historical educational materials and participation in workshops, seminars and lectures.~~

OBJECTIVE 3: ~~ENHANCE HISTORIC PUBLIC ENVIRONMENT~~

~~Advance the City's development of quality new design and rehabilitation in historic districts and continue to enhance the historic public urban environment.~~

Policy 3.1

~~Promote cutting-edge contemporary urban infill which is sustainable and compatible with the City's historic architecture, through the Development Review Process at administrative and board levels.~~

Policy 3.2

~~Continue funding physical streetscape improvements, as identified in the Capital Improvement Element, to complement and enhance the quality of life in the City's historic neighborhoods.~~

Policy 3.3

~~Expand the City's Design Guidelines, as necessary, to address the needs of specific architectural styles throughout the City.~~

Policy 3.4

~~Continue to maintain the City's historic preservation regulatory authority as provided for in the Historic Preservation Section of the City Code.~~

Policy 3.5

~~Develop "Green Guidelines" for the rehabilitation of historic buildings, as well as for new construction in historic districts.~~

RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element (ROS) of the Comprehensive Plan addresses the needs for active and passive parks, recreational facilities, open space, and access to waterways. The ROS element supports other elements within the Comprehensive Plan to help ensure that development continues to provide areas for recreation and open space uses for permanent and seasonal residents of all ages. The City's level of service requirements for recreation and open space are located in the Capital Improvement Program Element (CIE).

GOAL ROS 1 PARKS AND RECREATIONAL OPEN SPACES

Develop and maintain a comprehensive system of parks and recreational open spaces to meet the needs of the existing and future population by maximizing the potential benefits of existing facilities and open space while encouraging the preservation and enhancement of the natural environment.

OBJECTIVE ROS 1.1: WATERFRONT PARKS

Preserve beach and waterfront parks and ~~complete a program of improved~~ continue to improve park access to water-related recreation activities and facilities.

Policy ROS 1.1.1

The City shall c~~Complete~~ and maintain the beachfront park walkway promenade system along the Atlantic Ocean.

Policy ROS 1.1.2

The City shall identify and program opportunities to improve the Collins Canal as a pedestrian linear park and boating waterway through the proposed City Center/Historic Village Redevelopment Area program.

Policy ROS 1.1.3

Continue to preserve and enhance the ~~new~~ beachfront access and parking facility at Pier Park Nikki Beach.

Policy ROS 1.1.4

The City shall continue to replant and maintain Brittany Bay Park as necessary with native or other appropriate vegetation in order to maintain a clear view of Indian Creek Waterway from the Park.

Policy ROS 1.1.5

Waterfront access in ~~residential-non-single-family~~ development: Public pedestrian access to Biscayne Bay, all shorelines, and the oceanfront shall be required, in compliance with applicable law, in the review of proposed ~~residential-non-single-family~~ developments.

Policy ROS 1.1.6

Pedestrian Access to Shoreline: Public pedestrian access to the waterfront and shoreline shall be required in compliance with applicable law incident to the development of properties for non-residential uses unless waived at the time of plan review whether at any of the land use boards or staff approval.

OBJECTIVE ROS 1.2: LEVEL OF SERVICE STANDARDS (LOS Related Policies - Relocated to Capital Improvement Element)

~~Ensure that parks and recreational facilities are adequately and efficiently provided by enforcing the following level of service standards and related guidelines through the concurrency management system.~~

Policy ROS 1.2.1

~~The National Recreation and Park Association's suggested minimum requirement for recreation and open space ten (10) acres of recreation and open space per one thousand (1,000) permanent and seasonal¹ residents is established as the minimum Level of Service Standard for the entire system to ensure adequate provisions are maintained for the projected population.~~

Policy ROS 1.2.2

~~For recreational facilities only, the minimum Level of Service Standard shall be 6.0 acres per one thousand (1,000) permanent and seasonal² residents; this requirement excludes public landscape open space and the Atlantic beachfront area.~~

Policy ROS 1.2.3

The minimum Level of Service Standard for each facility type shall be based on a minimum number of units per population, permanent and seasonal,³ by specific facility types as follows:

Facility Type	Minimum Number Required
Swimming Pool	1 per 50,000 persons
Golf Course (min. 9 holes)	1 per 50,000 persons
Basketball Court	1 per 7,000 5,000 persons
Tennis court	1 per 3,000 2,000 persons
Multiple-Use Courts (shuffle, bocce, etc.)	1 per 4,000 persons
Designated Field Area (baseball, softball, soccer, etc.)	1 per 10,000 persons
Tot Lots	1 per 10,000 persons
Vitacourse	1 per 40,000 persons
Boat Ramp	1 per 100,000 persons

¹ As the seasonal population primarily utilizes private recreation and open space facilities, 20 percent of the actual total seasonal population is used to determine demand for public recreation and open space facilities.

² See footnote 1 above.

³ See footnote 1 above.

Outdoor Amphitheater	1 per 50,000 persons
Activity Building for Multiple Uses	1 per 10,000 persons

Policy ROS 1.2.3

~~The City shall city should continue to update the parks' master plan to address capacity improvement deficiencies as they arise through updates to the park's master plan and capital improvement expenditures.~~

OBJECTIVE ROS 1.2: COORDINATION OF PUBLIC AND PRIVATE RESOURCES

The City of Miami Beach shall continue to work with public agencies, such as Miami Metro-Dade County Department of Environmental Resources Management, the Army Corps of Engineers, the Florida Department of Environmental Protection and private sector organizations and corporations, through the zoning process, to enhance and improve existing recreation/open space facilities in Miami Beach.

Policy ROS 1.2.1

The City should continue to improve landscaping in redevelopment areas, including along 17th Street and other streets entering into convention center district as a part of the new redevelopment project in this area.

Policy ROS 1.2.2

A landscaping program shall be included as part of the repaving and other improvements to major corridors with the City. the Alton Road corridor south of Dade Boulevard.

Policy ROS 1.2.3

Continue to provide specific private open space definitions and requirements in the Land Development Regulations of the City Code.

Policy ROS 1.2.4

The City of Miami Beach shall inform Miami-Dade County and the Army Corps of Engineers when maintenance re-nourishment of the beach is necessary.

Policy ROS 1.2.5

The City of Miami Beach shall continue to use the Land Development Regulations of the City Code as standards and incentives which encourage private sector development projects to landscape required open space, develop private recreation facilities on site, and through the impact fee requirement, contribute to the enhancement of adjacent public recreation and open space.

Policy ROS 1.2.6

The City of Miami Beach shall continue to apply for grant funds from various sources, including Federal, State and County agencies and private providers, for the improvement of public recreation and open space, including, but not limited to nature trails or boardwalks, greenways, waterway trails, interpretive displays, educational programs, wildlife observation areas, or picnic areas.

Policy ROS 1.2.7

The City of Miami Beach shall support State landscape and recreational improvements on the causeways connecting Miami Beach to the mainland, including I-195 (the Julia Tuttle Causeway) and I-395 (the MacArthur Causeway).

OBJECTIVE ROS 1.3: OPEN SPACE

To require open space in conjunction with every new public and private sector development project (measurability dependent upon development applications) to maintain levels of service, as well as for increased pervious area to support natural stormwater collection during extreme rain events.

Policy ROS 1.3.1

The City Land Development Regulations shall continue to provide side, front and rear minimum setback requirements to insure that all non-commercial development projects have property available for recreation and open space.

Policy ROS 1.3.2

The Land Development Regulations of the City Code shall continue to provide some open space in conjunction with all new commercial development projects through setback or other requirements.

Policy ROS 1.3.3

The City of Miami Beach public property shall continue to be subject to the open space and setback requirements of adjacent private properties pursuant to the Land Development Regulations of the City Code.

Policy ROS 1.3.4

The Recreation and Open Space Future Land Use category shall continue to be used to preserve the ocean beach and adjacent parks, the City's principal open space/passive park resource system.

Policy ROS 1.3.5

To ensure environmental sustainability, protection of natural areas and quality of urban life the city shall continue to protect publicly accessible urban greenspace and scenic open space vistas.

OBJECTIVE ROS 1.4: PUBLIC ACCESS CORRIDORS

To develop a network of greenways, scenic open space vistas, beachfront promenades, bicycle and pedestrian trails, and multi-purpose public access corridors to waterways, the beach and outdoor recreational opportunities in order to preserve natural eco-systems and to enhance the quality of urban life.

Policy ROS 1.4.1

The City shall continue to implement the Atlantic Greenway Corridor Initiative which includes, but is not limited to, implementing the following projects: the Indian Creek Greenway Corridor; North Beach Recreational Corridor, Bath Club Historic Site Corridor and Scenic Vista; Beach Walk Corridor; Dade Boulevard Corridor; Collins Canal Reconstruction; Venetian Way Corridor; Lummus Park Corridor; South Beach Corridor; South Pointe Corridor and Bay Walk Corridor.

Policy ROS 1.4.2

The City shall expand upon the ~~acquire and display~~ interpretive signage throughout the City's greenways to provide historical, cultural and environmental information about the area to the general public.

Policy ROS 1.4.3 (new)

The City shall continue to implement recommendations in the Blueways Master Plan to increase the interaction of residents and tourists with the waterways in and around the City.

INFRASTRUCTURE: SANITARY SEWER, SOLID WASTE, DRAINAGE AND POTABLE WATER

The Infrastructure Element (INF) of the Comprehensive Plan addresses the services of potable water, sanitary sewer, drainage, and solid waste. The Goals, Objectives and Policies in the Infrastructure Element establish the level of service and maintenance standards of infrastructure within the City of Miami Beach. The INF element supports other elements within the Comprehensive Plan to help ensure that development continues to be adequately served by utilities while conserving water and protecting floodplains.

Infrastructure Goal

GOAL INF 1 PROVISION OF INFRASTRUCTURE

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

OBJECTIVE INF 1.1: PRIORITIES

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

Policy INF 1.1.1

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

Policy INF 1.1.2

Continue to monitor established guidelines for private collectors of solid waste and recycling; continue to provide for policing, servicing and collecting of oversize wastes.

Policy INF 1.1.3

The potable water network is an interconnected, countywide system, therefore, the City will cooperate with MDWASD to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists. The City will prepare and submit a Water Conservation Plan to the County at the same time as the City submits the updated 5-Year Water Supply Facilities Work Plan.

OBJECTIVE INF 1.2: INFRASTRUCTURE REPLACEMENT

Potable water supply, sanitary sewage disposal, and solid waste disposal services shall continue to be planned and provided (4) in conformance with the Resilient Future Land Use and Development Element of the comprehensive plan, ~~(2) to serve redevelopment activities in the South Pointe Redevelopment Area and the City Center areas, (3) to serve infill projects throughout the City on existing vacant land.~~

Policy INF 1.2.1 (new)

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

Policy INF 1.2.2 (new)

Infrastructure plans shall assist in furthering the goals of the Climate Resiliency and Sustainability Element.

Policy INF 1.2.3

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

Policy 2.2

~~Complete second phase bond-funded improvements for South Pointe infrastructure by 1994 and begin street improvements for the interior parcels.~~

Policy 2.3

~~Use the land development regulations to limit residential density increases so that no significant capacity increases are required when replacing water and sewer lines.~~

Policy INF 1.2.4

Incorporate stormwater storage and infiltration into all infrastructure replacement activities.

OBJECTIVE INF 1.3: DRAINAGE

Implement the new program to identify and correct any environmentally detrimental storm sewer discharges that may exist in Miami Beach. The measurable standards for implementing this program are set forth in the inter-local agreement between co-permittees named in National Pollutant Discharge Elimination System Permit No. FLS000003 and Miami-Dade County approved by City Resolution 2005-25925, hereby incorporated by reference. Stormwater point source discharges will be handled so as to not have an adverse impact on area surface or groundwater and to not violate water quality standards set by the Florida Department of Environmental Protection.

Policy 3.1

~~The City shall complete a new Citywide Comprehensive Stormwater Management Master Plan to supersede the existing Comprehensive Stormwater Management Program Master Plan (in place since March 1997) no later than January 2011. Complete the plan in accordance with interlocal agreement between co-permittees named in National Pollutant Discharge Elimination System Permit No. FLS000003 and Miami-Dade County that was approved by City Resolution 2005-25925, which is hereby incorporated by reference.~~

Policy INF 1.3.2

In coordination with and in addition to the above policies, the City shall improve and maintain catch basins and other pollution control devices in a way to minimize storm water contamination of surface waters. Techniques shall include, but not necessarily be limited to:

Rebuild catch basins in problem areas with deep sumps to entrap sediment.

Construct new catch basins with open bottoms to provide for percolation when deep sumps to entrap sediment is not possible.

Maintain a catch basin cleaning program to help prevent roadway pollutants (run-off) from entering Biscayne Bay via the storm sewer system.

The City shall also maintain stormwater pumps that have been installed to mitigate sea level rise, and improve water quality.

Policy INF 1.3.3

The City will continue compliance with all Federal, State and County regulations concerning land use and development to protect Biscayne Bay ~~—the only natural drainage features.~~

OBJECTIVE INF 1.4: FLOODPLAIN MANAGEMENT

Enforce minimum floor level building elevations in accordance with FEMA requirements and flood zone maps as updated from time to time.

Policy INF 1.4.1

Continue site plan review for new construction with the requirement that the minimum first floor elevation for habitable space in residential ~~and commercial buildings~~ be at least at the City of Miami Beach Freeboard, as adopted in the Code of the City of Miami Beach, above the minimum FEMA requirement, to allow for maximum protection during flood conditions and from sea level rise.

Policy INF 1.4.2

Continue site plan review for new construction with the requirement that the minimum first floor elevation for habitable space for commercial uses be at least at the City of Miami Beach Freeboard, as adopted in the Code of the City of Miami Beach, or in the alternative to utilize approved flood proofing techniques and have sufficient height clearance where the first floor could be raised to the City of Miami Beach Freeboard in the future, above the minimum FEMA requirement, to allow for maximum protection during flood conditions and from sea level rise.

OBJECTIVE INF 1.5: LEVEL OF SERVICE STANDARDS

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

Policy INF 1.5.1

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

<i>Facility/Service Area</i>	<i>Level of Service Standard</i>
Sanitary Sewer Facilities	Sewage Generation Standard 140 Average gallons per capita per day
Solid Waste Facilities	Solid Waste Generation Standard 1.275 tons per capita per year
Drainage Facilities	Design Storm Standard per Storm Water Master Plan as updated from time to time.
Potable Water Facilities	Water Consumption Standard 140 Average gallons per capita per day 168 Peak gallons per capita per day

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

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

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

OBJECTIVE INF 1.6: WATER CONSERVATION

Cooperate with WASD to develop and continue to implement, ~~by 1994-2015,~~ a the City's comprehensive water conservation program to insure that a sufficient, economical supply of fresh water is available to meet current and future demand for potable water.

Policy INF 1.6.1

All potable water distribution systems shall maintain the unaccounted for water loss to less than 10 percent of the water entering the system.

Policy INF 1.6.2

Continue to promote the education program for residential, commercial and industrial consumers which will discourage waste and conserve potable water.

Policy INF 1.6.3

The Parks Department shall continue to install underground irrigation systems thereby, conserving potable water while watering public spaces.

Policy INF 1.6.4

Consistent with the policies of Miami-Dade County, water shall be delivered for general use at a pressure not to exceed 100 psi.

Policy INF 1.6.5

Within one year of the effective date of this policy, the City shall review existing water conservation regulations and revise the land development code as necessary and effective to ensure implementation of water conserving techniques, including: 1) subsurface and other water conserving irrigation techniques, 2) xeriscaping techniques, 3) lawn watering restrictions, 4) the use of low water use plumbing fixtures in all construction, and 5) any other effective methods commonly in practice or required by law. In addition, the City Manager shall immediately, upon the effective date of this policy, direct appropriate City departments to implement all such techniques as may be implemented by the City in its normal operations and require private property owners to implement all such techniques.

Policy INF 1.6.6

The City, through the Building Department, will continue to enforce the requirement to use high efficiency volume water saving devices for substantial rehabilitation and new construction projects as specified in the standard plumbing code. All future development within the City will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-83.1, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, all future development will be required to comply with the landscape standards in Section 18-A and 18-B of the Miami-Dade County Code.

Policy INF 1.6.7 (new)

The City shall encourage planting of vegetation that is highly water absorbent, Florida friendly or native, able to withstand the marine environment, and tropical storm winds.

Policy INF 1.6.8 (new)

The City shall provide educational resources and workshops regarding water conservation that are accessible to the public.

OBJECTIVE INF 1.7: INFRASTRUCTURE DEFICIENCIES

The City will implement procedures to ensure that existing facility deficiencies are corrected thereby maximizing the use of existing public facilities to maintain the level of service standards as adopted for future needs in accord with the time frames established under Section 163.302, Florida Statutes.

Policy INF 1.7.1

The City shall continue to inspect and correct any potable water, sanitary sewer and drainage facilities deficiencies to maintain level of service standards; i.e., continue the daily inspection program.

Policy INF 1.7.2

Cooperate with WASD to continue programs which address recycling of solid wastes to include such items as paper, aluminum, glass, plastic and potentially food waste, metals, tires and waste oils.

Policy INF 1.7.3

Cooperate with WASD to promote the reduction of volume of yard and tree waste going into landfills through the program to compost vegetation materials.

Policy INF 1.7.4

Cooperate with WASD and other County agencies to design standards for improvements of water distribution, sewer collection, garbage removal and drainage systems within the City that provide maximum efficient operations.

Policy INF 1.7.5

If in the future there are issues associated with water supply, conservation or reuse the City will immediately contact WASD to address the corresponding issue(s). In addition, the City will follow adopted communication protocols with WASD to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

OBJECTIVE INF 1.8: WATER SUPPLY PLANNING

The City of Miami Beach shall comply with its 10-year Water Supply Facilities Work Plan, as required by section 163.3177(6)(c), F.S. The Work Plan will be updated, at a minimum, every 5 years. The City of Miami Beach Water Supply Facilities Work Plan is designed to: assess current

and projected potable water demands; evaluate the sources and capacities of available water supplies; and, identify those water supply projects, using all available technologies, necessary to meet the City's water demands for a 10-year period.

Policy INF 1.8.1:

The City will comply with the 10-year Water Supply Facilities Work Plan and incorporate such work plan into the Miami Beach Comprehensive Plan.

Policy INF 1.8.2:

Coordinate appropriate aspects of its comprehensive plan with the South Florida Water Management District's regional water supply plan adopted February 15, 2007 and with the Miami-Dade County 20-Year Water Supply Facilities Work Plan adopted April 24, 2008, and as updated. The City shall amend its Comprehensive Plan and Work Plan as required to provide consistency with the District and County plans.

Policy INF 1.8.3:

The City shall coordinate the planning of potable water and sanitary sewer facilities and services and level-of-service standards within the Miami-Dade County Water and Sewer Department, DERM, the South Florida Water Management District, and will update the City's Work Plan within 18 months after the South Florida Water Management District updates the Lower East Coast Water Supply Plan Update.

Policy INF 1.8.4:

The City shall coordinate with Miami-Dade County WASD by requiring applications to be reviewed by WASD during the site plan review process prior to approving a Building Permit, in order to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy for properties located within the City of Miami Beach.

Additional coordination efforts will occur between WASD and the City through the water allocation system. Monthly Building Permit data will be provided to WASD to track development activity within the City. The City will monitor proposed amendments to the Miami-Dade County Comprehensive Development Master Plan as they relate to water supply planning in the adjacent beach communities and provide input as necessary.

Policy INF 1.8.5:

The City Planning Director or a representative will attend the Miami-Dade Planners Technical Committee meeting to share information regarding water supply needs and coordinate water use issues as needed. The Planners Technical Committee is a council of professional planners representing local governments and public regulatory/review agencies in Miami-Dade County that addresses common concerns and shares resources toward solving planning problems.

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INTERGOVERNMENTAL COORDINATION ELEMENT

The Intergovernmental Coordination Element (ICE) of the Comprehensive Plan establishes standards for coordination with the plans of other government agencies at the Federal, State, Regional, and Local levels, including adjacent municipalities. Such coordination is necessary for the provision of services as well as ongoing maintenance of infrastructure and to provide a regional approach to climate resiliency to support the quality of life in the City of Miami Beach.

Intergovernmental Coordination Goal

GOAL ICE 1 Establish strategic partnerships and coordinate development and policy review processes among the various governmental, public and private entities to address service needs, infrastructure, and climate resiliency in the region. ~~to: 1) achieve coordination of all development including tourism and convention activities and historic preservation, and (2) foster the purpose of Rule 9J-5.015, which is to identify and resolve incompatible goals, objectives, policies and development proposed in the City's Comprehensive Plan and to determine and respond to the needs of adjacent local governments, Miami-Dade County, the South Florida Regional Planning Council and state and federal agencies.~~

OBJECTIVE ICE 1.1: COORDINATION MECHANISMS

Provide a formal process for intergovernmental coordination among the city and local, regional, State and Federal governmental entities and agencies to establish specific coordination activities to occur on a regular basis.

Policy ICE 1.1.1

The City Manager shall be responsible for ensuring an effective intergovernmental coordination program for Miami Beach including dissemination of public information about County programs operating within the City.

Policy ICE 1.1.2

The City shall continue to invite appropriate public and private entities with which it shares coordination responsibilities to appoint *ad hoc* representatives to its various Boards and Committees.

Policy ICE 1.1.3

The City shall continue to make elected commissioners and staff available to participate in intergovernmental coordination activities with other public and private entities.

Policy ICE 1.1.4

The City shall offer to participate in the local government review proceedings of comprehensive plans and relevant plan amendments for Miami-Dade County, City of Miami, North Bay Village and Surfside and shall provide copies of the City's comprehensive plan, executive summary, and related information to these and other applicable agencies.

Policy ICE 1.1.5

Ensure continued countywide support for the operation, ~~renovation and expansion~~ of the Miami Beach Convention Center Complex by working with and supporting local and regional partners.

Policy ICE 1.1.6

The City shall continue to use (and expand where necessary) memoranda of agreement or similar user's agreement with Miami-Dade County relative to water supply, sewage disposal, solid waste disposal and the ocean beach, among others and with the Miami-Dade County School Board on the planning of school facilities; collaborative planning and decision making is the intent.

Policy ICE 1.1.7

In terms of City-State coordination, particularly concentrate on liaison with Department of ~~Natural Resources~~ Environmental Protection relative to achieving and maintaining the quality of the City's beaches and dunes.

Policy ICE 1.1.8

The City will coordinate with Miami-Dade County WASD in the review of site plans prior to the issuance of a building permit to determine whether adequate water supplies will be available to serve new development no later than the date of the certificate of occupancy.

Policy ICE 1.1.9

The City shall coordinate the planning of potable water and sanitary sewer facilities and services and level of service standards within the Miami-Dade County WASD, DERM, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update.

Policy ICE 1.1.10

The City will collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of Adaptation Action Areas adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise and participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies' proposed application requests for funding adaptation implementation projects.

Policy ICE 1.1.11

The City shall coordinate the planning and development of Transit Facilities with Miami-Dade County, the Miami-Dade ~~Metropolitan~~ Transportation Planning Organization (MTPO), and surrounding municipalities, as applicable.

NEW Policy ICE 1.1.12

The City will collaborate and coordinate with appropriate local, regional, state, and national governmental agencies and establish strategic partnerships where feasible to address climate resiliency as guided by the Goals, Objectives, and Policies of the Resiliency and Sustainability Element.

OBJECTIVE ICE 1.2: COMPREHENSIVE PLAN COORDINATION

Coordinate the City's Comprehensive Plan with the plans of the Miami-Dade County Public Schools, Miami-Dade County Planning Department and adjacent municipalities.

Policy ICE 1.2.1

Provide copies of the City's Comprehensive Plan, proposed amendments, executive summary, informational updates, public meeting notices to the Miami-Dade County Public Schools, Miami-Dade County Planning Department and adjacent municipalities.

Policy ICE 1.2.2

During pre-development program planning and site selection activities, the City shall coordinate with the Miami-Dade Public Schools, and continue to seek, where feasible and mutually acceptable, to collocate schools with other public facilities such as parks, libraries and community centers to the extent possible.

Policy ICE 1.2.3

The City and the Miami-Dade County Public Schools shall follow the procedures established in the adopted Amended and Restated "Interlocal Agreement for Public School Facilities Planning in Miami-Dade County" for coordination and collaborative planning and decision making of land uses, public school facilities siting, decision making on population projections, location and extension of public facilities subject to concurrency.

Policy ICE 1.2.4

The City shall coordinate with the Miami-Dade County Public Schools and other parties to the adopted Amended and Restated Interlocal Agreement for Public School Facility Planning to establish Level of Service Standards (including Interim LOS standards) for public school facilities and any amendments affecting public school concurrency.

Policy ICE 1.2.5

The City shall coordinate with the following entities with respect to refining and adjusting local Levels of Service:

- State and Federal Highways - Florida Department of Transportation
- County roads – Miami-Dade County Department of Public Works
- Drainage – South Florida Water Management District and Miami-Dade County Public Works
- Potable water supply - South Florida Water Management District and Miami-Dade County WASD
- Regional Policies - South Florida Regional Planning Council
- Public educational facilities – Miami-Dade County Public Schools

Policy ICE 1.2.6

The Miami-Dade County Public Schools shall coordinate with the City at the planning stage to determine whether the new construction or renovation of existing educational facilities meet the adopted Level of Service Standard adopted in the Infrastructure Element of the City's Comprehensive Plan and Miami-Dade County Public Schools will distribute a fair share cost of infrastructure improvements necessary to meet the adopted Level of Service.¹

OBJECTIVE ICE 1.3: CITY PLAN IMPACTS ON OTHER ENTITIES

Continue to utilize the intergovernmental coordination mechanisms built into the intergovernmental review and comment provisions of the Local Government Comprehensive Planning and Land Development Regulation Act to ensure that full consideration is given to the impacts of map and text amendments developments proposed in the City Comprehensive Plan on other governmental entities and adjacent municipalities.

Policy ICE 1.3.1

Continue formal liaison with state agencies that have permitting responsibility in Miami Beach.

Policy ICE 1.3.2

Use the South Florida Regional Planning Council (SFRPC) for mediation when development issues cross jurisdictional boundaries (or impact state or regional resources) and cannot be resolved by the City alone; the City shall work with the SFRPC to determine the process.

Policy ICE 1.3.3

The City Commission shall continue to work with the South Florida Regional Planning Council to identify regional issues and to assist in the periodic updating of the Comprehensive Strategic Regional Policy Plan.

Policy ICE 1.3.4

Attend and participate on the Miami-Dade County Planners' Technical Committee for the purpose of better interpreting and coordinating local government planning issues and processes with other local jurisdictions and agencies in Miami-Dade County, the South Florida Regional Planning Council and the Florida Department of Community Affairs Economic Opportunity.

Policy ICE 1.3.5

Continue to participate in the review process of the Biscayne Bay (Aquatic Preserve) Shoreline Development Review Committee as it pertains to development/construction on the Miami Beach bayfront.

Policy ICE 1.3.6

The City of Miami Beach shall provide copies of this revised Comprehensive Plan to the adjacent municipalities of Surfside, North Bay Village and Miami and a cover letter to each municipality stating that proposed development in adjacent portions of Miami Beach has been reviewed for its relationship to the comprehensive plans of each municipality and that no negative impacts of said proposed developments are anticipated.

OBJECTIVE ICE 1.4: LEVEL OF SERVICE STANDARD COORDINATION

Continue to coordinate with local (adjacent municipalities), county, regional and state entities in the establishment of Level of Service Standards for public facilities.

Policy ICE 1.4.1

Utilize the FDOT "Level of Service Standards and Guidelines Manual," as updated from time to time, in concurrency reviews of projects on State roads and otherwise continue to ensure that the

level of service standards for public facilities are coordinated with those governmental entities having operational maintenance responsibility for such facilities.

OBJECTIVE ICE 1.5: COUNTY SUBSTANDARD HOUSING BOARD

Further increase the responsiveness of the Miami-Dade County Unsafe Structures Board to the City's especially Policy 2.7 of the Housing Element.

Policy ICE 1.5.1

Continue the relationship between the City's Building Department and the Unsafe Structures Board to ensure coordination in addition to use of the special master process.

OBJECTIVE ICE 1.6: HOUSING AUTHORITY

Continue the coordination with the Housing Authority of the City of Miami Beach in order to achieve the goals of the Housing Element and the City's Consolidated Plan.

Policy ICE 1.6.1

Continue the regular meetings between the City Administration, especially the Housing and Community Development Department and Housing Authority staff to ensure mutual assistance and consistency of objectives.

Policy 9J-5.015 (3)(c) 4 is not applicable because annexation is not a realistic possibility.

PUBLIC SCHOOL FACILITIES ELEMENT

The Public School Facilities Element (PSF) of the Comprehensive Plan corresponds with the interlocal agreement requirements established between Miami-Dade County Public Schools and municipalities in Miami-Dade County to provide for adequate public education facilities for the current and future students in Miami Beach.

Public School Facilities Goal

- GOAL PSF 1** Cooperate with the Miami-Dade County Public Schools to develop, operate, and maintain a system of public education, in cooperation with other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of the City of Miami Beach, Florida.

OBJECTIVE PSF 1.1: REDUCTION OF OVERCROWDING

Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 2. This Objective shall be monitored through a comparison by the Miami-Dade County Public Schools of the official enrollment of the school system with the number of student stations available to determine the current operating LOS.

Policies

Policy PSF 1.1.1

Cooperate with the Miami-Dade County Public Schools in their efforts to continue to provide new student stations through their Capital Outlay program, in so far as funding is available.

Policy PSF 1.1.2

Cooperate with the Miami-Dade County Public Schools in their efforts to develop and implement alternative educational facilities, such as primary learning centers, which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.

Policy PSF 1.1.3

Cooperate with the Miami-Dade County Public Schools in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at optimum capacity, in so far as funding is available. Operational alternatives may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

Policy PSF 1.1.4

The Miami-Dade County School Board (School Board) comments shall be sought and considered on comprehensive plan amendments and other land use and zoning decisions which could impact the school district, in order to be consistent with the terms of the state mandated Interlocal Agreement pursuant to Sections 1013.33 and 163.31777, Florida Statutes.

Policy PSF 1.1.5

Capital improvement programming by the Miami-Dade Public Schools should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, as modified by the School Board based on development data and agreement with the local governments, the State Office of Educational Facilities and the State SMART Schools Clearinghouse. The School Board may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends. In formulating such a request, the School Board will coordinate with the City regarding development trends and future population projections.

Policy PSF 1.1.6

The City, through the Staff Working Group of the Interlocal Agreement for Public School Facility Planning, will coordinate with Miami-Dade County Public Schools, and applicable Cities to review annually the Educational Element and school enrollment projections.

OBJECTIVE PSF 1.2: COORDINATION OF DEVELOPMENT AND AVAILABILITY

The City shall coordinate new residential development with the future availability of public school facilities¹ consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

This Objective will be measured through an annual review of the latest adopted Miami-Dade County Public Schools Facility Work Program to determine if the adopted concurrency level of service standard is being achieved.

Policies

Policy PSF 1.2.1

Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a districtwide basis.

Policy PSF 1.2.2

It is the goal of Miami-Dade County Public Schools and the City of Miami Beach for all public school facilities to achieve 100% utilization of Permanent FISH (No Relocatable Classrooms) capacity by January 1, 2018. To help achieve the desired 100% utilization of Permanent FISH by 2018, Miami-

¹ Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Level of Service standards do not apply to charter schools. However, the capacity of both charter and magnet schools will be credited against the impact of development. No credit against the impact of development shall be given for either magnet or charter schools if their enrollment is at, or above, 100% FISH capacity.

Dade County Public Schools should continue to decrease the number of relocatable classrooms over time. Public schools facilities that achieve 100% utilization of Permanent FISH capacity should, to the extent possible, no longer utilize relocatable classrooms, except as an operational solution.²

By December 2010, the Miami-Dade County Public Schools in cooperation with the county and other affected agencies will assess the viability of modifying the adopted LOS standard to 100% utilization of Permanent FISH for all CSAs.

Policy PSF 1.2.3

In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity and is located, either in whole or in part, within the same Geographic Areas (Northwest, Northeast, Southwest, or Southeast, see Figure 1A through 1D) as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180 (13)(e)1, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms that include, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement is subject to approval by Miami-Dade County School Board and the City of Miami Beach and must be identified in the Miami-Dade County Public Schools Facilities Work Program.
- c) The development's impacts are phased to occur when sufficient capacity will be available.

If none of the above conditions is met, the development shall not be approved.

Policy PSF 1.2.4

Concurrency Service Areas (CSA) shall be delineated to: 1) maximize capacity utilization of the facility, 2) limit maximum travel times and reduce transportation costs, 3) acknowledge the effect of court-approved desegregation plans, 4) achieve socio-economic, racial, cultural and diversity objectives, and 5) achieve other relevant objectives as determined by the School Board's policy on maximization of capacity. Periodic adjustments to the boundary or area of a CSA may be made by the School Board to achieve the above stated factors. Other potential amendments to the CSAs shall be considered annually at the Staff Working Group meeting to take place each year no later than April 30 or October 31, consistent with Section 9 of the Interlocal Agreement for Public School Facility Planning.

Policy PSF 1.2.5

The City, through the implementation of the concurrency management system and Miami-Dade County Public School Facilities Work Program for educational facilities, shall ensure that existing

² Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.

deficiencies are addressed and the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards throughout the planning period in the 5-year schedule of capital improvements.

Policy PSF 1.2.6

The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

Policy PSF 1.2.7

Miami-Dade County Public Schools shall coordinate with the City to annually update its Facilities Work Program to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard, including interim standards, will continue to be achieved and maintained. The City, through its annual update to the Capital Improvements Schedule, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program and concurrency maps.

OBJECTIVE PSF 1.3: SUITABLE SITES

Assist and cooperate with the Miami-Dade County Public Schools to obtain suitable sites for the development and expansion of public education facilities.

This Objective will be monitored through the annual inventory and assessment by the Miami-Dade County Public Schools of School Board owned property.

Policies

Policy PSF 1.3.1

In the selection of sites for future educational facility development, the City encourages the Miami-Dade County Public Schools to consider whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activities.

Policy PSF 1.3.2

Where possible, the Miami-Dade County Public Schools should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

Policy PSF 1.3.3

The City concurs that, when selecting a site, the Miami-Dade County Public Schools district should consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.

Policy PSF 1.3.4

When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and potable water, sanitary sewers, drainage, solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

Policy PSF 1.3.5

When considering a site for possible use as an educational facility the Miami Dade County Public Schools should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.

Policy PSF 1.3.6

The City shall encourage and cooperate with the Miami-Dade County Public Schools in their effort for public school siting reviews to help accomplish the objectives and policies of this element and other elements of the City's Comprehensive Plan. The City shall cooperate with the Public Schools to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

Policy PSF 1.3.7

Public educational facilities are an allowable use in all Future Land Use Categories.

OBJECTIVE PSF 1.4: IMPROVE SECURITY AND SAFETY

Miami-Dade County Public Schools, in conjunction with the City and other appropriate agencies, will strive to improve security and safety for students and staff.

This Objective will be monitored through the review and analysis of the statistics relating to school safety, as compiled annually, by the Miami-Dade County Public Schools' Division of Police.

Policies

Policy PSF 1.4.1

Continue to cooperate with the Miami-Dade County Public Schools to develop and/or implement programs and policies designed to reduce the incidence of violence, weapons and vandalism on school campuses. Encourage the design of facilities, which do not promote criminal behavior and provide clear sight lines from the street.

Policy PSF 1.4.2

Continue to cooperate with the Miami-Dade County Public Schools to develop and/or implement programs and policies designed to reduce the number of incidents related to hazardous conditions as reported by the Environmental Protection Agency (EPA), the fire marshal, the State Department of Education (DOE), and other appropriate sources.

Policy PSF 1.4.3

Coordinate with the Miami-Dade County Public Schools to provide for pedestrian and traffic safety in the area of schools, and signalization for educational facilities.

Policy PSF 1.4.4

Coordinate with the Miami-Dade County Public Schools' Division of School Police and other law enforcement agencies, where appropriate, to improve and provide for a secure learning environment in the public schools and their vicinity.

OBJECTIVE PSF 1.5 – COOPERATION WITH PROGRAMS AND OPPORTUNITIES

Cooperate with the Miami-Dade County Public Schools to develop programs and opportunities to bring the schools and community closer together.

This Objective will be monitored by the Miami-Dade County Public Schools System by reporting and reviewing the progress and number of new and existing community oriented programs, including an enrollment analysis, by age and ethnicity, of adult, community and vocational programs.

Policies

Policy PSF 1.5.1

Cooperate with the Miami-Dade County Public Schools in their efforts to provide "full service" schools, parent resource centers, adult and community schools and programs as appropriate.

Policy PSF 1.5.2

Cooperate with the Miami-Dade County Public Schools in their efforts to continue to provide opportunities for community and business leaders to serve on committees and task forces, which relate to the development of improved provision of public educational facilities.

Policy PSF 1.5.3

Cooperate with the Miami-Dade County Public Schools to continue to work with the development industry to encourage partnerships in the provision of sites and educational facilities including early childhood centers.

Policy PSF 1.5.4

Cooperate with the Miami-Dade County Public Schools through agreement with appropriate agencies to increase medical, psychological, and social services for children and their families as appropriate.

Policy PSF 1.5.5

The City will continue to cooperate with Miami-Dade County Public Schools and adjacent local governments in utilizing Miami-Dade County Public Schools as emergency shelters during emergencies.

OBJECTIVE PSF 1.6 – LEARNING ENVIRONMENT

Miami-Dade County Public Schools will continue to enhance effectiveness of the learning environment.

This Objective will be monitored by the Miami-Dade County Public Schools by reporting the number of educational facility enhancements.

Policies

Policy PSF 1.6.1

Miami-Dade County Public Schools is encouraged to continue the design and construction of educational facilities which create the perception of feeling welcome, secure and positive about the students' school environment and experiences.

Policy PSF 1.6.2

The Miami-Dade County Public Schools is encouraged to continue to design and construct facilities which better provide student access to technology designed to improve learning, such as updated media centers and science laboratories.

Policy PSF 1.6.3

The Miami-Dade County Public Schools is encouraged to continue to improve existing educational facilities, in so far as funding is available, through renovation and expansion to better accommodate increasing enrollment, new educational programs and other activities, both curricular and extra-curricular.

Policy PSF 1.6.4

The School Board shall be encouraged to preserve, maintain and continue the use of historic schools.

OBJECTIVE PSF 1.7 – INTERGOVERNMENTAL COORDINATION

The School Board, the City, and other appropriate jurisdictions shall establish and implement mechanism(s) for on-going coordination and communication to ensure the adequate provision of public educational facilities.

This Objective will be addressed by tracking the development of appropriate mechanisms, including interlocal agreements and coordination efforts.

Policies

Policy PSF 1.7.1

Pursuant to the terms of the state mandated Interlocal Agreement, the City will coordinate and cooperate with the Miami-Dade County Public Schools, the State, the County and other appropriate agencies, to develop processes to expedite proposed new educational facility developments and renovations.

Policy PSF 1.7.2

The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.

Policy PSF 1.7.3

The Miami-Dade County Public Schools should coordinate school capital improvement plans with the planned capital improvement projects of other County and municipal agencies.

Policy PSF 1.7.4

The City shall coordinate and cooperate with the Miami-Dade County Public Schools to ensure that they are obligated to pay for their fair share of the costs of necessary off-site infrastructure improvements.

Policy PSF 1.7.5

Miami-Dade County Public Schools, the City, the County, and any other jurisdictional agency shall coordinate to eliminate infrastructure deficiencies surrounding existing school sites.

Policy PSF 1.7.6

The City and the Miami-Dade County Public Schools shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.

Policy PSF 1.7.7

The City shall afford representatives of the Miami-Dade County Public Schools the opportunity to review and comment on proposed developments adjacent to schools.

Policy PSF 1.7.8

The City and the Miami-Dade County Public Schools will annually review the Educational Element and the City will make amendments if necessary.

CAPITAL IMPROVEMENT PROGRAM ELEMENT

The Capital Improvement Program Element (CIP) of the Comprehensive Plan addresses the level of service and funding of the City's capital facilities. The Goals, Objectives and Policies in the Capital Improvement Program Element support other elements within the Comprehensive Plan to help ensure that development and redevelopment does not commence without adequate capital facilities in place.

Capital Improvement Program Goal:

GOAL CIP 1 MAINTENANCE OF LEVEL OF SERVICE

Ensure that all development and locations in the City are served by public facilities at established levels of service, currently and at all times in the future.

OBJECTIVE CIP 1.1: CAPITAL FACILITIES

Maintain all existing potable water, sanitary sewer, storm water, transportation, solid waste, and recreational facilities at permitted levels as of Date of Adoption of this Comprehensive Plan Amendment.

Policy CIP 1.1.1

The City will maintain a current inventory of all City-owned capital facilities, to include information on type, capacity, location and condition.

Policy CIP 1.1.2

The City will continue its program of regularly scheduled inspections of all capital facilities to monitor and record the condition of each.

Policy CIP 1.1.3

The City will continue to prepare and adopt each year a five year capital improvements program and a one-year capital budget, to include all projects which entail expenditures of at least \$4025,000 and a life of at least three years.

Policy CIP 1.1.4

The City will implement the projects listed in the capital improvement program and in the Implementation Schedule of this capital improvements element according to the schedule listed in this Element.

Policy CIP 1.1.5

When budgeting capital expenditures, the City will evaluate and assign priority to projects according to the following criteria, listed in order of importance:

1. Elimination of existing or impending public hazards;
2. Repair or replacement of damaged capital facilities which do not fit the definition in Number 1 above;

3. Prevent service from any existing part of a system from falling below the level of service standards established in this Comprehensive Plan, due to failure of any component of the system;
4. Accommodate existing, expanding or new capital facilities within Miami Beach which are provided by other governmental agencies so as to avoid needless repetition of expenditures;
5. Accommodate new construction or rehabilitation projects which are approved by the City pursuant to all applicable development regulations and which are consistent with the elements of this Comprehensive Plan and its amendments, specifically to include projected growth patterns, level of service standards, and requirements for financial participation by the party seeking development approval in meeting the costs of the capital facility;
6. Elimination of existing capacity deficits;
7. The project's impact on the local budget;
8. The project's financial feasibility within the City's budget; and
9. The project, if applicable, shall be coordinated with DOT and County plans.

Policy CIP 1.1.6

The City will cooperate with all other governmental agencies, including the school board and public health care providers, to treat their existing capital facilities located in the City in a manner similar to that outlined in Policy 1.1.1 through 1.1.5 above.

Policy CIP 1.1.7

The City shall limit the use of revenue bonds as a percent of total debt.

OBJECTIVE CIP 1.2: CAPITAL IMPROVEMENT PROGRAM

The City shall not issue any building permits or development orders for new development or redevelopment unless the existing infrastructure (i.e. water, green infrastructure, sanitary and storm sewer, transportation, recreation and solid waste) meets or is upgraded to meet the permitted level of service to support the increase in demand by the proposed development.

Policy CIP 1.2.1

The City will continue to prepare and adopt a five-year capital improvements program. It will include all capital improvements identified in the comprehensive plan elements, specifically including those to upgrade facilities in the ~~South Pointe Redevelopment area, Architectural District, The North Beach Area and the Convention Center Area Village.~~

Policy CIP 1.2.2

During the annual preparation of the five-year capital improvements program, the need for additional or revised upgrading of projects will be analyzed by the city staff and those determined to be necessary to fulfill Objective 1.2 above, and which are found to have an identified funding source, will be added to the capital improvements program.

Policy CIP 1.2.3

The City will pursue the creation and operation of special assessment districts to provide funding for the proposed improvements in the Alton Road, Washington Avenue, Lincoln Road, and Espanola Way areas of the Architectural District, and in the North Beach Area in accordance with the adopted Neighborhood Special Area Studies for each of the specified areas.

Policy CIP 1.2.4

~~Appropriate mechanisms will be developed and adopted consistent with the South Florida Water Management District and Miami-Dade County I-~~In order to assure that adequate water supplies are available to all water users prior to approval of a building permit. ~~Furthermore, the City of Miami Beach will be responsible for providing~~ shall continue to provide monthly building permit data to WASD to be used for monitoring the availability of water supplies for all water users of the Miami-Dade County Water and Sewer Department, and for implementing a system that links water supplies to the permitting of new development.

Policy CIP 1.2.5

The City shall incorporate capital improvements affecting City levels of service for water supply by including City funded projects and by referencing the Capital Improvements Schedules of Miami-Dade County, state agencies, regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its Capital Improvements Element via reference during periodic updates of the Comprehensive Plan.

Policy CIP 1.2.6 (Relocated text from RLU 3.1.3)

As a part of the capital improvement program process, public facilities and utilities shall be located to:

- a) maximize the efficiency of services provided;*
- b) minimize their cost; and*
- c) minimize their impacts on the natural environment*

OBJECTIVE CIP 1.3: IMPACT FEE PROGRAM

Continue to participate in the Miami-Dade County Development Impact Fee Program to secure a financial contribution from any development that necessitates new or expanded potable water, sanitary and storm sewer, transportation, and solid waste based on a proportional share of the cost of the improvements.

Policy CIP 1.3.1

The City will not give development approval to any new construction, redevelopment or renovation project which creates a need for new or expanded public capital improvements unless the project pays a proportional share of the costs of these improvements in accordance with the Development Impact Fee Program.

OBJECTIVE CIP 1.4: BOND RATING AND DEBT SERVICE

Return the City's overall bond rating as established by Moody's Investor's Service at A or higher.

Policy CIP 1.4.2

The City shall maintain a function responsible for soliciting federal and state programs, private contributions and joint venture approaches to be used to reduce costs the City must bear for capital improvements.

Policy CIP 1.4.3

The City will limit the total amount of outstanding debt in general obligation bonds to no greater than 15 percent of the assessed taxable real property value in the City.

Policy CIP 1.4.4

The ratio of the City's total debt service on general obligation bonds shall not be greater than 35 percent of the City's total ad valorem, real property tax revenue.

Policy CIP 1.4.5

The City will continue to prepare and adopt each year a 5 year capital improvements program and one year capital budget to, among other things, help assess future needs for debt financing of capital improvements.

OBJECTIVE CIP 1.5: LEVEL OF SERVICE STANDARDS

Continue the established level of service standards for capital facilities for which the City has financial responsibility.

Policy CIP 1.5.1

Level of service standards established in the elements of this comprehensive plan and which are also contained here in the Capital Improvements Element shall be, upon adoption of the comprehensive plan by the City Commission, the level of service standards for the designated capital improvements.

Policy CIP 1.5.2

The City of Miami Beach is a Transportation Concurrency Exception Area; as such, Mobility Fees shall be assessed to fund mobility improvements. The Land Development Regulations shall establish procedures to grandfather projects approved prior to the adoption of Mobility Fees under the previous concurrency mitigation system.

The peak hour level of service standards for roads shall be:

Local Roads	LOS Standard D
Collector Roads	LOS Standard D
Minor Arterial	LOS Standard D
Minor Arterial	LOS Standard D
Principal Arterial	LOS Standard D

Policy 5.2A

~~The following level of service standards shall be established for the roadways identified below and located within the City's Transportation Concurrency Management Areas (TCMAs):~~

- ~~(a) Where no mass transit service exists, roadways shall operate at or above LOS D;~~

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- (b) Where mass transit service having headways of 20 minutes or less is provided within $\frac{1}{4}$ distance, parallel roadways shall operate at no greater than 120 percent of LOS D;
- (c) Where extraordinary transit service classified as the Electrowave shuttle or express or peak-hour limited stop bus service exists, parallel roadways within $\frac{1}{4}$ mile shall operate at no greater than 150 percent of LOS D.

South-Beach TCMA — Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA LOS	Service Volume
Alton Road	Arterial	N/S	Dade Blvd.	5th St.	D+20	3150
Washington Avenue	Collector	N/S	Dade Blvd.	5th St.	D+50	3100
SUBTOTAL						6250
Collins Avenue	Arterial	N/S	23rd Street	5th Street	D+50	1450
Meridian Road	Collector	N/S	Dade Blvd.	5th Street	D+20	1150
West Avenue	Collector	N/S	Dade Blvd.	5th Street	D+20	1150
SUBTOTAL						3750
Alton Road	Collector	N/S	5th Street	Biscayne	D+50	3100
Washington Avenue	Collector	N/S	5th Street	Biscayne	D+50	3100
SUBTOTAL						6200
5th Street	Arterial	E/W	Alton Road	Washington	D+50	6350
17th Street	Arterial	E/W	Dade Blvd.	Collins Ave	D+50	3900
Dade Boulevard (share)	Arterial	E/W	Venetian	Pine Tree Dr.	D+50	4200
SUBTOTAL						14450

Middle-Beach TCMA — Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA A	Service Volume
Alton Road	Arterial	N/S	63rd Street	Dade Blvd	D	3400
Collins/Indian Creek Drive	Arterial	N/S	63rd Street	23rd Street	D+20	3800
SUBTOTAL						7200
41 st Street	Arterial	E/W	Alton Road	Indian Creek	D+20	3300
Dade Boulevard (share)	Arterial	E/W	Venetian	Pine Tree Dr.	D+50	4200
63rd Street (share)	Arterial	E/W	Alton Road	Indian Creek	D+20	3150
SUBTOTAL						10650

North-Beach TCMA — Facilities to be averaged

Roadway	Function	Direction	From	To	TCMA A	Service Volume
Collins Avenue one way	Arterial	N/S	City Limit	63rd Street	D+20	2800
Harding/Abbott Ave. one	Arterial	N/S	City Limit	Indian Creek	D+20	2800
Indian Creek Drive	Arterial	N/S	71st Street	63rd Street	D+20	3300
SUBTOTAL						8900
71 st Street/Normandy Dr.	Arterial	E/W	City Limit	Indian Creek	D+20	3150
63 rd Street (share)	Arterial	E/W	Alton Road	Indian Creek	D+20	3150

<u>SUBTOTAL</u>						<u>6300</u>
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Policy CIP 1.5.3

The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction. These level of service standards are established in this Plan's Infrastructure Element.

The following level of service standards for sanitary sewer collection shall be maintained in all areas of the City

_____ Average gallons per capita per day _____ 140
 _____ Peak gallons per capita per day _____ 144

Policy CIP 1.5.4

Capacity of solid waste facilities shall have the following level of service standard:
 1.275 tons per capita per year

Policy CIP 1.5.5

Level of service standard for storm water drainage in all areas of the City shall be:

25-year frequency, 24-hour duration

Policy 5.6

Level of service standard for distributing potable water in all areas of the City shall be:

_____ Average gallons per capita per day _____ 140
 _____ Peak gallon per capita per day _____ 168

Non-residential uses: *(Relocated Text from RLU 3.1.2)*

- Hotel: _____ 75 gallons per day per room
- Office: _____ 0.084 gallons per day per square foot
- Retail: _____ 0.18 gallons per day per square foot
- Industrial: _____ 0.084 gallons per day per square foot
- Restaurant: _____ 65 gallons per day per seat
- School: _____ 12 gallons per day per student

Policy CIP 1.5.7.4

As a general guideline, each facility type as defined by the data and analysis in the Recreation and Open Space Element shall be based on a minimum number of units per permanent and seasonal¹ population, by specific facility type.

Facility Type	Minimum Number Required
Swimming Pool	1 per 50,000 persons
Golf Course (min. 9 holes)	1 per 50,000 persons
Basketball Court	1 per 7,000 <u>5,000</u> persons
Tennis or <u>Pickleball</u> Court	1 per 3,000 <u>2,000</u> persons

¹ As the seasonal population primarily utilizes private recreation and open space facilities, 20 percent of the actual total seasonal population is used to determine demand for public recreation and open space facilities.

Multiple-Use Court Facility (park, picnic, sports -shuffle, bocce, etc.)	1 per 4,000 persons
Designated Field Area (baseball, soccer, etc.)	1 per 10,000 persons
Tot Lot or Playground	1 per 10,000 persons
Vitacourse	1 per 40,000 persons
Boat Ramp	1 per 100,000 persons
Outdoor Amphitheater	1 per 50,000 persons
Activity Building for Multiple Uses	1 per 10,000 persons

Policy CIP 1.5.85

The National Park Association's suggested minimum requirement for recreation and open space is established as the minimum Level of Service Standard for the entire system to ensure adequate provisions are maintained for the future projected population: Ten (10) acres of recreation and open space per one-thousand (1,000) permanent and seasonal residents. (This requirement excludes public landscape open space and the Atlantic beachfront area.)

Policy CIP 1.5.96

Due to the built-out nature of the City, the City shall explore the feasibility of replacing recreation and open space concurrency Level of Service Standards with a Parks and Recreation Impact Fee to allow for greater flexibility in meeting the needs of residents and visitors to the City.

OBJECTIVE CIP 1.6: INFRASTRUCTURE EXPENDITURES

Limit public infrastructure expenditures that subsidize development in the City-wide Coastal High Hazard Area except for restoration and enhancement of natural resources; the measure shall be 0 projects inconsistent with Policies 1.6.1 through 1.6.5 and 1.8.1 in the Capital Improvement Schedule.

Policy CIP 1.6.1

Except as provided in Policy 1.6.2 through 1.6.5 below, the City shall not fund any public infrastructure capacity expansion if such funding and such expansion would have the effect of directly subsidizing a private development.

Policy CIP 1.6.2

Notwithstanding Policy 1.6.1 above, the City may fund infrastructure capacity expansion to achieve:

1. adopted level-of-service standards for facilities which serve the current and projected population;
2. recreational and natural resource enhancement;
3. any development directly supporting the Convention Center;
4. amelioration of parking or mass transit deficiencies;
5. the provision of desirable parking or mass transit facilities and services; and/or
6. redevelopment in redevelopment areas established in accordance with state statute.

Expenditures pursuant to 3, 4, 5, and 6 preceding shall be limited to South Pointe Redevelopment Area and the Convention Center Village Redevelopment Area as shown on the Redevelopment Areas Map included with these goals, objectives and policies.

Policy CIP 1.6.3

The City will continue to expend funds as needed to maintain, repair, renew, replace or expand storm water drainage and pump system facilities in the high hazard coastal areas.

Policy CIP 1.6.4

The City will continue to expend funds as needed to maintain, repair, renew, replace or expand recreational, beach access and water access facilities in the high hazard coastal area.

Policy CIP 1.6.5

The City will continue to expend funds as needed to maintain, repair, renew, replace or expand facilities that protect the dune system or other environmental assets to support efforts of climate resiliency and natural habitat preservation.

OBJECTIVE CIP 1.7: CONCURRENCY COMPLIANCE (Relocated text from RLU 3.1.2)

Land Development Regulations pertaining to concurrency management shall be amended to reflect Ch. 163.3180, Florida Statutes and this policy. No new development, shall be issued unless the applicable Mobility Fees and public facilities necessitated by the project (in order to meet level of service standards specified in the Policies of the, Recreation, Public Schools and Infrastructure Elements, and the Water Supply Plan) will be in place concurrent with the impacts of the pursuant to the regulations established in the Land Development Regulations. The requirement that no development permit shall be issued unless applicable mobility fees are paid and public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately. except those for which a building permit was issued by the City prior to the effective date of the ordinance adopting the Miami Beach Comprehensive Plan, shall begin construction unless the public facilities needed to support the development are at the permitted level of service standards adopted in the Plan and land use decisions will be coordinated with available or projected fiscal resources with a CIP schedule.

Policy CIP 1.7.1

After adoption of the City's Comprehensive Plan, the City shall not issue a certificate of occupancy or use for any new development unless it is the Planning Department determines that the needed public facilities are available at the time of issuance, or a legally binding commitment to construct the facilities exists at the time of issuance and it can be demonstrated that construction of the public facilities is both technically and fiscally feasible for the committed party or parties.

Policy CIP 1.7.2

Phasing of a development or phasing the implementation of the needed public facilities shall be permitted to satisfy the requirement that the needed public facilities be available concurrent with the effects of the development.

Policy CIP 1.7.3

Developments for which building permits were issued prior to adoption of this Comprehensive Plan shall be allowed to begin construction without regard to level of service standards established in this capital improvements element, except that if a public hazard would be created, construction of the development shall be prohibited until measures to prevent the public hazard are implemented.

Provided, however, that should any permit expire and not be renewable, issuance of a new permit for the development shall be subject to the requirements of a new application.

Policy CIP 1.7.4 (Relocated text from RLU Element)

Public facility capacity availability shall be determined by the Concurrency Management User's Procedural Guide (a supplement to the Land Development Code), which contains the formulas for calculating compliance with the level of service. The capacity of new facilities may be counted only if one or more of the following can be demonstrated:

(A) For water, sewer, solid waste and drainage:

- (1) Prior to approval of a building permit or its functional equivalent, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*
- (2) The necessary facilities are in place and available at the time a certificate of occupancy is issued, or*
- (3) The new facilities are guaranteed in an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes (the Development of Regional Impact authorization).*

In the case of water, sewers, solid waste and recreation, the formulas must reflect the latest population vis a vis flows or park acreage.

Design capacity shall be determined as follows:

Sewage: the capacity of the County sewage treatment system.

Water: the capacity of the County water treatment and storage system.

Solid waste: the capacity of the County disposal system.

Drainage: The on-site detention capability and/or storm sewer capacity.

(B) For recreation:

- (1) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance of a certificate of occupancy or its functional equivalent.*
- (2) The new facilities are the subject of a binding executed contract for the construction of facilities to be completed within one year of the time the certificate of occupancy is issued, or*

- (3) A development agreement as outlined in (A) (3) above but requiring construction to begin within one year of certificate of occupancy issuance.

Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest City population estimate with any necessary interpretation provided by the City manager or designee thereof.

Policy CIP 1.7.5 (Relocated text from RLU 3.1.2)

The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system data base is kept current, i.e., includes all existing and committed development. This data base shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.

Policy CIP 1.7.6 (Relocated text from RLU 3.1.2)

Any development permit application which includes a specific plan for development, including densities and intensities, shall require a concurrency review per Part III, Chapter 33G of the Miami-Dade County Code of Ordinances. Compliance will be finally calculated and capacity reserved at time of final action of building permit, certificate of occupancy, business tax receipt, or similar permit, whichever comes first. Phasing of development is authorized. Applications for development permits shall be chronologically logged upon approval to determine rights to available capacity. A capacity reservation shall be valid for a time to be specified in the land development code; if construction is not initiated during this period, the reservation shall be terminated.

Policy 1.7.7 (Relocated text from RLU 3.1.2)

The City manager (or designee thereof) shall be responsible for concurrency management. The land development code shall specify administrative procedures, including an appeals mechanism, exemptions, plan modifications, burden of proof, etc.

Policy 1.7.8 (Relocated text from RLU 3.1.2)

The Land Development Regulations will contain the formulas for calculating compliance plus tables which provide generation rates for water use, sewer use, solid waste and traffic, by land use category. Alternative methods acceptable to the Director may also be used by the applicant for levels of service subject to concurrency requirements.

OBJECTIVE CIP 1.8: FUTURE DEVELOPMENTS

Capital improvements will be provided to accommodate future developments and to replace worn out or obsolete facilities, as indicated in the City's annually updated five-year Capital Improvement Program.

Policy CIP 1.8.1

The City shall as a matter of priority, schedule and fund all capital improvement projects in the Five Year Schedule of Improvements which are designed to correct anticipated deficiencies.

OBJECTIVE CIP 1.9: PROVISION FOR NEEDED IMPROVEMENTS

The City shall require ~~and provide~~ the provision of needed improvements identified in other elements of the Comprehensive Plan and shall manage the land development process (see Future Resilient Land Use and Development and Infrastructure elements) such that the previous and future developments do not exceed the City's ability to fund and provide the corresponding public facilities necessary to accommodate the development.

Policy CIP 1.9.1

Development and redevelopment projects shall be consistent with public facilities necessary to meet service standards and remain within the proposed municipal budget.

Policy CIP 1.9.2

Recommendations described in the Future Resilient Land Use and Development Element are incorporated by reference and shall be implemented as part of the Capital Improvement Element.

OBJECTIVE CIP 1.10ⁱ - COORDINATION WITH PUBLIC SCHOOLS

The City shall coordinate new residential development with the future availability of public school facilities² consistent with the adopted level of service standards for public school concurrency, by reviewing residential development orders for their impact on level of service standards, and to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements in the Miami-Dade County Public School Facilities Work Program.

Those capital improvements for educational facilities, as listed in the Miami-Dade County Public Schools Facilities Work Program dated September 2007 and adopted by the Miami-Dade School Board are incorporated by reference into the CIE.

Policy CIP 1.10.1

The Miami-Dade County Public Schools and the City have the responsibility for providing school concurrency related capital improvements and should continually seek to expand the funding sources available to meet those requirements.

Policy CIP 1.10.2

Capital improvements associated with the construction of educational facilities are the responsibility of the Miami-Dade County Public Schools. To address financial feasibility associated with school concurrency, those necessary capital improvements for educational facilities, as listed in the Miami-Dade County Public School Facilities Work Program, dated September 6, 2007 and adopted by the Miami-Dade School Board, are incorporated by reference into the CIE.

Policy CIP 1.10.3

The Miami Dade County Public Schools shall coordinate with the City at the planning stage to determine whether the new construction or renovation of existing educational facilities meet the

² Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Levels of Service standards do not apply to charter schools. However, the capacity of both charter and magnet schools will be credited against the impact of development. No credit against the impact of development shall be given for either magnet or charter schools if their enrollment is at, or above, 100% FISH capacity.

adopted Level of Service Standard adopted in the Infrastructure Element of the City's Comprehensive Plan and distribute a fair share cost of infrastructure improvements necessary to meet the adopted Level of Service.

Policy CIP 1.10.4

The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

Policy CIP 1.10.5

Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

The adopted LOS standard for Magnet Schools is 100% of FISH (with Relocatable Classrooms), which shall be calculated on a districtwide basis.

Policy CIP 1.10.6

The City in coordination with the Miami-Dade County Public Schools shall by ordinance, include proportionate share mitigation methodologies and options for public school facilities in its measuring program and Interlocal Agreement for Public Facility Planning between Miami-Dade County Public Schools, Miami-Dade County and the Cities in Miami-Dade County, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

Policy CIP 1.10.7

Miami-Dade County Public Schools shall coordinate with the City to annually update its Facilities Work Program to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard, including interim standards, will continue to be achieved and maintained. The City, through its annual update to the Capital Improvements Schedule, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program and concurrency maps.

~~Objective 10 included in CIP as part of the Public Schools Facilities Element by Ordinance #2008-3596 on February 13, 2008.~~

GOAL:

~~Provide public improvements and restrict development activities that would damage or destroy coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation, land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.~~

OBJECTIVE 1: BEACH AND DUNES

~~Use established standards so that there are zero new man-made structures which adversely impact beach or dune system; also restore altered beaches or dunes by implementing the following policies.~~

Policy 1.1

~~Continue cooperative program with Miami Dade County, State of Florida, and the U.S. Army Corps of Engineers for beach re-nourishment. Where beach restoration or re-nourishment is necessary, the project should be designed and managed to minimize damage to the offshore benthic resources, terrestrial and marine animal habitats and dune vegetation.~~

Policy 1.2

~~The city shall maintain a dune management plan to stabilize the dune system by planting appropriate dune vegetation; to grade and contour the dunes; and to reduce pedestrian impacts by providing on-grade footpaths where feasible. All subsequent activities on or bordering the restored beach shall be compatible with long-term beach management and maintenance; the city will continue to cooperate with the state and county.~~

Policy 1.3

~~The City shall not issue permits (when it has jurisdiction) for borrow areas for beach restoration or re-nourishment projects to be located in areas that directly affect offshore reefs or grass flats.~~

Policy 1.4

~~Discourage non-water oriented activities and developments from encroaching on beach front parks, new beach areas and dunes by continuing to designate the beach as a Conservation-Protected Area on the Future Land Use Map.~~

Policy 1.5

~~The City shall apply for State and Federal grants to include shoreline features such as pedestrian walkways which are designed to minimally impact beach or dune systems on public property; ensure the public access requirements of the Coastal Zone Management Act, as amended, and continue to provide development regulations and incentives for such features on private property in the Land Development Regulations of the City Code.~~

Policy 1.6

~~The use of causeways, road rights-of-way, canal easements, and the Baywalk at shorelines shall continue to be expanded to provide public access for water dependent and water related activities and to protect public access to beaches re-nourished with public funds.~~

Policy 1.7

~~Coordinate with local, state, and federal agencies regarding mandates for no further dredging or filling that may result in the destruction of grass/algal flats, hard bottom or other benthic communities shall be permitted in any waters within the City limits of Miami Beach.~~

Policy 1.8

~~Water conserving irrigation and other landscape practices such as xeriscape shall be incorporated into the Design Review Board guidelines where public water is used to water lawns, golf courses and landscaped green spaces.~~

OBJECTIVE 2: NATURAL RESOURCE PROTECTION

~~In coordination with local, state, and federal agencies, post and maintain signs relative to environmental protection and awareness and otherwise protect the conservation of, and provide for the appropriate use of the natural functions of existing soils, fisheries, wildlife and their habitats, bays and waterways which flow into estuarine waters, floodplains, beaches and shores, marine habitats, air quality, water resources, and scenic beauty by adopting the following measurable policies.~~

Policy 2.1

~~Continue to enforce the City Code which prohibits the deposit of solid waste or industrial waste including spent oils, gasoline by-products or greases accumulated at garages, grease traps, filling stations and similar establishments that create a health or environmental hazard upon any vacant, occupied or unoccupied premises, parkway or park, and in any canal, waterway, bay or the ocean within the City.~~

Policy 2.2

~~All development activities that adversely affect habitat that may be critical to endangered, threatened or rare species, or species of special concern, including native vegetative communities, shall be prohibited by the City through the development review process as may be prescribed in the Land Development Regulations of the City Code.~~

Policy 2.3

~~In conformance with the City Charter establishing the City as a bird sanctuary, it is prohibited for any person to injure, kill, hunt, destroy, capture or molest any endangered, threatened, rare, or species of special concern or any bird in the City of Miami Beach; except those persons holding a valid permit to destroy birds for scientific purposes issued by the U.S. Fish and Wildlife Service, Department of the Interior and issued a special permit by the Chief of Police.~~

Policy 2.4

~~Maintain the area known as "Pelican Island" as a special bird sanctuary.~~

Policy 2.5

~~In coordination with local, state, and federal agencies, continue to post and maintain Manatee Protection Area signage throughout the waterways of the City and increase enforcement of safe boating requirements through the City Marine Patrol.~~

Policy 2.6

~~Continue to designate the beach front along the Atlantic Ocean as a Conservation Protection Area on the Future Land Use Map.~~

Policy 2.7

~~Living seawalls and hybrid seawalls should be used in areas where such specifications are applicable and will further enhance the natural shoreline processes to prevent erosion, increase habitat, and improve water quality through sediment trapping and nutrient reductions.~~

Policy 2.8

~~Preserve and improve the environmental quality of Biscayne Bay by continuing to (1) have a City of Miami Beach representative on the Biscayne Bay Shoreline Development Review Committee, (2) provide staff to the Committee through an interlocal agreement and (3) have all appropriate bayfront projects reviewed by the Committee.~~

Policy 2.9

~~Continue to require all new shoreline development involving marine habitats to be reviewed by the City's Environment & Sustainability Department and the Miami Dade County Environmental Resources Management Department.~~

Policy 2.10

~~Continue to improve the region's ambient air quality through increased cooperation with Miami Dade County to provide improved mass transportation. Prioritize the improvement of the City's ambient air quality through cooperation efforts with the County. Improve mass transportation connectivity between the City of Miami and the City of Miami Beach.~~

Policy 2.11

~~The City Building Inspector shall continue to have the authority to require removal of asbestos to prevent threat to human health.~~

Policy 2.12

~~Salt tolerant landscaping and highly water absorbent, native of Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape **section** of the Land Development Regulations and the design review process.~~

Policy 2.13

~~Administration of the City's landscape section of the Land Development Regulations shall prohibit the propagation and planting of the following plants; it shall also require that eradication of these species be carried out on all sites of new and redevelopment projects:~~

Malaleuca	Brazilian Pepper	Australian Pine
Ear Leaf Arcadia	Woman's Tongue	Bishop Wood
Shoebottom Ardisia	Day Blooming Jasmine	Colubrina
Aerial Potato	Eucalyptus	Lead Treet
Castor Bean	<u>Scaevola (Scaevola taccada)</u>	

Policy 2.14

~~Complete a new Citywide Comprehensive Stormwater Management Master Plan to supersede the existing Comprehensive Stormwater Management Program Master Plan no later than January 2011. Complete the plan in accordance with interlocal agreement between co-permittees named in National Pollutant Discharge Elimination System Permit No. FLS000003 and Miami-Dade County that was approved by city Resolution 2005-25925, which is hereby incorporated by reference.~~

Policy 2.15

~~Continue to implement the City's Comprehensive Storm Water Management Program Master Plan through appropriate capital investments and management techniques as recommended therein at least to the extent required by law. Initiate appropriate steps to ensure continued adequate financing for necessary improvements. Such steps may include establishing special assessments, bonding and/or other measures~~

Policy 2.16

~~The City will coordinate with the Miami-Dade County and the Florida Department of Environmental Protection in the monitoring of coastal waters.~~

Policy 2.17

~~All new wet and dry slip marina facilities, and existing facilities with more than 50 wet or dry slips that provide fueling facilities, shall be equipped with dockside pumpout facilities. The City shall coordinate with Miami-Dade County to ensure that that these facilities are inspected by the appropriate agency and monitored annually to comply with Best~~

Management Practices for marine facilities and other pertinent provisions of Chapter 24 of the Miami-Dade County Code.

Policy 2.18

Stormwater management techniques to meet the drainage level of service standards of this plan shall be required for all new development and shall be incorporated in the City's concurrency requirements of the Land Development Regulations.

Policy 2.19

Continue the City's program for beautification with an annual clean-up drive for the beaches and shorelines in conjunction with normal trash pick-up activities. Increase coordination with the County in regards to shoreline maintenance.

Policy 2.20

The City shall continue to monitor the emergency water conservation plan, consistent with the policies of the South Florida Water Management District.

Policy 2.21

The City shall continue the policy of ensuring the protection of natural areas and open space through acquisition of land for public use as funding is available.

Policy 2.22

The City shall continue to provide incentives for developers that follow greenhouse gas reduction guidelines for new and existing buildings. The City shall establish goals for comprehensive greenhouse gas emissions reduction.

Policy 2.23

The City shall develop innovative solutions to create an urban canopy, that is aesthetically pleasing, and reduces the intensity of the urban heat island effect.

OBJECTIVE 3: WATER-DEPENDENT AND RELATED USES

~~The amount of shoreline devoted to water dependent and water-related uses shall be maintained or increased but with assurance that any such proposed new development will not create a negative environmental impact.~~

Policy 3.1

~~Those public access areas including street ends, municipal parking facilities and municipal parks along coastal waters will be or redesigned to provide greater public access to Biscayne Bay and the Atlantic Ocean beach area regardless of the land use designation of those areas.~~

Policy 3.2

~~To minimize impacts of man-made structures and activities on shoreline resources, no filling, spoiling or placement of structures in or over coastal waters shall be permitted in the City without proper local, state and federal agency approvals, and as specified in the Land Development Regulations i.e. action which will diminish water surface areas traditionally used by the general public for activities such as fishing, swimming and boating.~~

Policy 3.3

~~The City shall continue to construct and install signage along major thoroughfares to direct the public's attention to public shoreline parks and water-related facilities.~~

Policy 3.4

~~Proposed marina/water dependent facility siting shall be compatible with both county plans and surrounding land uses, and shall preserve or improve traditional public shoreline uses and public access to coastal waters. This shall be accomplished through the Conditional Use process as prescribed in the Land Development Regulations of the City Code.~~

Policy 3.5

~~Any proposed marina/water dependent facility shall be required to preserve or improve the quality of the coastal waters, water circulation, tidal flushing, light penetration, and provide a hurricane or contingency plan to the appropriate agency all in conformance with Miami-Dade County, State and Federal rules and regulations.~~

Policy 3.6

~~All proposed marinas shall be reviewed as Conditional Uses pursuant to the process prescribed in the Land Development Regulations of the City Code. In coordination with the County, State, and Federal agencies, the Planning Board shall not issue conditional use~~

~~approvals unless the applicant demonstrates the following: 1) land use compatibility; 2) availability of upland support services; 3) existing protective status/ownership; 4) hurricane contingency planning; 5) protection of water quality; 6) water depth; 7) environmental disruptions and mitigation actions; 8) availability for public use; and 9) economic need and feasibility.~~

Policy 3.7

~~Complete a new Citywide Comprehensive Stormwater Management Master Plan to supersede the existing Comprehensive Stormwater Management Program Master Plan no later than January 2011. Complete the plan in accordance with interlocal agreement between co-permittees named in National Pollutant Discharge Elimination System Permit No. FLS000003 and Miami Dade County that was approved by city Resolution 2005-25925, which is hereby incorporated by reference.~~

Policy 3.8

~~Continue to implement the City's ongoing Comprehensive Storm Water Management Program Master Plan through appropriate capital investments and management techniques as recommended therein at least to the extent required by law.~~

OBJECTIVE 4: HURRICANE EVACUATION

~~The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall be maintained or lowered by 1995.~~

Policy 4.1

~~All future improvements to evacuation routes shall include remedies for flooding problems and the anticipated increase in the level of the water of Biscayne Bay, local waterways, and the Atlantic Ocean programming transportation improvements to increase the capacity of evacuation routes, eliminating congestion at critical links and intersections, implementation of a traffic plan on the MacArthur Causeway and other critical intersections, adjusting traffic signalization or use directional signage, and public information programs to expedite safe evacuation.~~

Policy 4.2

~~The Miami Beach Hurricane Handbook will be distributed to the general public with detailed emergency operation instructions and hurricane evacuation pick-up sites.~~

Policy 4.3

~~The City will continue to work with the Miami Dade Public Works Department to rate all local bridges for structural and operational sufficiency. Local bridges with unsatisfactory sufficiency ratings shall continue to be programmed for improvements or replacement.~~

Policy 4.4

~~All trees susceptible to damage by gale force winds shall be removed from the right-of-way of evacuation routes and replaced with suitable, preferably native, species.~~

Policy 4.5

~~The City will coordinate with Miami Dade Transit Agency and the Office of Emergency Management to ensure that adequate buses are available to safely evacuate neighborhoods with large concentrations of households without private transportation.~~

Policy 4.6

~~The City of Miami Beach Fire Department in coordination with Miami Dade County Office of Emergency Management shall maintain and annually update the list of people with special needs, who may need assistance due to physical or medical limitations in the event of an evacuation order to ensure their safe mobilization.~~

Policy 4.7

~~The City of Miami Beach Fire Department shall review and update the Miami Beach Hurricane Evacuation Plan on an ongoing basis and maintain or enhance the resources and capabilities of the plan to provide effective implementation of evacuation procedures to ensure that evacuation times are maintained or reduced.~~

Policy 4.8

~~Procedures for boat owners during hurricane operations shall continue to be updated in the Miami Beach Hurricane Handbook with instructions for safe harbor operations.~~

Policy 4.9

~~The LOS standards established in the Transportation Element shall be maintained in order to facilitate hurricane evacuation for those areas of the City that are classified as a Coastal High Hazard Area (CHHA). According to Section 163.3178(2) (h), F.S., the coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.~~



MIAMI BEACH

Coastal High Hazard Area

Category 1 Storm Surge and Evacuation Routes



Prepared by the Planning Department, 2011 Storm Surge Data Source: Statewide Regional Evacuation Study Project and the South Florida Regional Planning Council, February 2011

OBJECTIVE 5: POST-DISASTER REDEVELOPMENT PLAN

During post-disaster recovery and redevelopment, the City of Miami Beach and Miami-Dade County shall implement their Comprehensive Emergency Management Plans (CEMP) and applicable Comprehensive Plan policies and assist hurricane-damaged areas with recovery and hazard mitigation measures that reduce the potential for future loss of life and property.

Policy 5.1

Except as provided in Policy 5.2 below, the City shall not fund any public infrastructure capacity expansion if such funding and such expansion would have the effect of directly subsidizing a private development.

Policy 5.2

Notwithstanding Policy 5.1 above, the City may fund infrastructure capacity expansion to achieve: 1) adopted level-of-service standards for facilities which that serve the current and projected population; 2) recreational and natural resource enhancement; 3) any development directly supporting the Convention Center; 4) amelioration of parking or mass transit deficiencies; 5) the provision of desirable parking or mass transit facilities and services; and/or 6) redevelopment in redevelopment areas established in accordance with state statute. Expenditures pursuant to 3), 4), 5) and 6) preceding shall be limited to the Convention Center Village Redevelopment area as shown on the Future Land Use Map.

Policy 5.3

New private-use facilities along the beach shall conform to the strict setback, open-space and accessory-use requirements of the Land Development Regulations of the City Code, as well as the requirements of the floodplain ordinance.

Policy 5.4

The City shall not issue any building permits for projects proposed east of the coastal construction control line until jurisdictional state and county agencies have issued a permit and/or approval as may be deemed appropriate by such agencies.

Policy 5.5

The adopted plan shall specify that during post-disaster redevelopment, the Building Department will distinguish between those actions needed to protect public health and safety with immediate repair/cleanup and long-term repair activities and redevelopment areas. Removal or relocation of damaged infrastructure and unsafe structures shall be by the Miami Beach Public Works Department in accordance with local procedures and those agencies and practices specified in the Miami Beach and Miami-Dade County Comprehensive Emergency Management Operations Plans (CEMP).

Policy 5.6

~~During post-disaster recovery periods, after damaged areas and infrastructure requiring rehabilitation or redevelopment have been identified, appropriate City departments shall use the post-disaster redevelopment plan to reduce or eliminate the future exposure of life and property to hurricanes; incorporate recommendations of interagency hazard mitigation reports; analyze and recommend to the City Commission hazard mitigation options for damaged public facilities; and recommend amendments, if required, to the City's Comprehensive Plan.~~

Policy 5.7

~~Unsafe conditions and inappropriate uses identified in the post-disaster recovery phase will be eliminated as opportunities arise, in accordance to the requirements of the Land Development Regulations of the City Code. If rebuilt, structures with damage exceeding 50 percent of pre-storm market value shall be reconstructed to ensure compliance with the High Velocity Hurricane Zone portion of the Florida Building Code for structures located in the "V" Zone and the 100-year floodplain.~~

OBJECTIVE 6: BAY WATER QUALITY

Maintain or improve the environmental quality of the estuarine system (Biscayne Bay) in coordination with Miami-Dade County Department of Environmental Resource Management which monitors the water quality program.

Policy 6.1

The City shall not permit dredging and filling of Biscayne Bay, without approval from local, state, and federal authorities.

Policy 6.2

Minimize storm water runoff by implementing the storm sewer improvement projects as identified in the Comprehensive Stormwater Management Program Master Plan.

~~OBJECTIVE 7: SHORELINE USES~~

~~The City shall use the adopted Land Development Regulations criteria for prioritizing 100 percent of the shoreline uses for both public and private property.~~

~~Policy 7.1~~

~~The City shall not decrease the amount of municipally owned shoreline available for public use except: 1) in cases where another governmental agency assumes ownership for recreational and water dependent uses, 2) where municipal or other public acquisition is incomplete and there is no possibility for complete public acquisition of a usable portion of shoreline, or 3) in order to upgrade other public shoreline sites and facilities.~~

~~Policy 7.2~~

~~The City shall not permit future development or expansion of existing industrial uses on its shoreline, except on Terminal Island. Any expansion of this port facility will be carefully analyzed to determine any traffic, land use and environmental impacts~~

OBJECTIVE 8: INFRASTRUCTURE CAPACITY EXPANSION

~~Limit public infrastructure expenditures that subsidize development in the City-wide Coastal High Hazard Area except for restoration and enhancement of natural resources; the measure shall be no projects inconsistent with Policies 6.1 through 6.5 and 8.1 in the Capital Improvement Schedule and 8.2 below.~~

Policy 8.1

~~Except as provided in Policy 8.2 below and in Policies 6.1 through 6.5 and 8.1 of the Capital Improvements Element, the City shall not fund any public infrastructure capacity expansion if such funding and such expansion would have the effect of directly subsidizing a private development.~~

Policy 8.2

~~Notwithstanding Policy 8.1 above, the City may fund infrastructure capacity expansion to achieve: 1) adopted level-of-service standards for facilities which serve the current and projected population; 2) recreational and natural resource enhancement; 3) any development directly supporting the Convention Center; 4) amelioration of parking or mass transit deficiencies; 5) the provision of desirable parking or mass transit facilities and services; and/or 6) in support of redevelopment areas established in accordance with state statute. Expenditures pursuant to 3), 4), 5) and 6) preceding shall be limited to the Convention Center Village Redevelopment Area as shown on the Future Land Use Map.~~

OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from city-wide coastal high hazard area by prohibiting residential density increases.

Policy 9.1

~~Continue to designate the V storm surge zone of the beach front as a Conservation-Protected area on the future Land Use Map.~~

Policy 9.2

~~The City shall approve no future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.~~

Policy 9.3

~~The City shall use the zoning administration process to (1) achieve uses compatible with the City's twin goals of strong residential neighborhoods and the tourism/visitors economic base, and (2) hold the line on residential density.~~

OBJECTIVE 10: PUBLIC SHORELINE ACCESS

~~Increase the amount of public access to the beach or shoreline consistent with the estimated public need, during the access hours of sunrise to sunset. Enhance communication techniques to inform the public and tourists of beach closures that have occurred due to public health and safety advisories.~~

Policy 10.1

~~Continue to discourage non-water oriented activities and developments from encroaching on beach front parks, new beach areas and dunes by designating the beach as a Conservation Protected Area on the Future Land Use Map.~~

Policy 10.2

~~The City shall (1) apply for State and Federal grants to include shoreline features such as pedestrian walkways which are designed to minimally impact beach or dune systems on public property, and (2) ensure the public access requirements of the Beach and Shore Preservation Act and the Coastal Zone Protection Act of 1985.~~

Policy 10.3

~~To minimize impacts of man-made structures and activities on shoreline resources, through the permitting process, continue coordinate with DERM to prohibit filling, spoiling or placement of structures in or over coastal waters which will diminish water surface areas traditionally used by the general public for activities such as fishing, swimming and boating.~~

Policy 10.4

~~The City shall facilitate the construction of at least one additional public parking facility to enhance beach and beach front uses thereby easing the pressure on residential on-street parking. However, no parking garage shall be constructed directly on either the east or west side of any public right-of-way that lies adjacent to public beachfront.~~

OBJECTIVE 11: HISTORIC USES

~~The City shall use its adopted land development code to protect historic resources. Historic resources shall be protected to the maximum extent consistent with constitutional property rights and any specific goals, objectives and policies of this comprehensive Plan which may be inconsistent therewith.~~

Policy 11.1

~~Areas designated as historic shall limit development as follows:~~

- ~~a. Residential rehabilitation shall conform to adopted design standards;~~
- ~~b. Recreational development must be compatible with the surrounding environment and shall be subject to performance standards adopted in the land development regulations;~~
- ~~c. the clearing of trees, shall be prohibited, unless specifically permitted by the City of Miami Beach's Urban Forestry Division;~~
- ~~d. All applications for development approval shall be subject to site plan and Certificate of Appropriateness Criteria (including but not limited to the Secretary of Interior standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as may be amended from time to time), Certificate of Appropriateness for Demolition Criteria, as prescribed in the Land Development Regulations of the City Code;~~
- ~~e. Demolition of historic buildings shall be limited by the requirements to of the City's historic preservation ordinance.~~

Policy 11.2

~~Within areas designated on the Future Land Use Map as conservation, no new development, or expansion or replacement of existing development shall be permitted except re-vegetation and construction of a beachfront promenade.~~

Policy 11.3

~~Historic resources shall be protected through designation as historic sites or districts by the City with technical assistance from the State.~~

Policy 11.4

~~The City shall continue to compile a list of designated historic resources which shall be submitted to U.S. Department of Interior for inclusion on the National Register of Historic Places.~~

Policy 11.5

~~Miami Beach shall continue, with the assistance of preservationists, to identify significant historic resources which are in need of protection through local historic districts.~~

Policy 11.6

~~The City shall continue to use the Land Development Regulations of the City Code so that adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.~~

OBJECTIVE 12: CONCURRENCY

~~The City shall use its established levels of service, areas of service, and phasing of infrastructure in the coastal area (entire City) as identified in the Future Land Use, Capital Improvements, Recreation and Open Space, Transportation, Public School Facilities and Infrastructure Elements of the Comprehensive Plan.~~

Policy 12.1

~~Land Use Element Policy 6.2 is incorporated as Conservation/Coastal Zone Management Policy 12.1.~~

Policy 12.2

~~The City's adopted Schedule of Improvements in the Capital Improvements Element shall ensure that infrastructure will be phased to coincide with the demands generated by development or redevelopment.~~

OBJECTIVE 13: WATER SUPPLY FACILITIES WORK PLAN

Implementation of the 10-year Water Supply Facilities Work Plan will ensure that adequate water supplies and public facilities are available to serve the water supply demands of the City's population.

Policy 13.1

If in the future there are issues associated with water supply, conservation or reuse the City will immediately contact WASD to address the corresponding issue(s). In addition, the City will follow adopted communication protocols with WASD to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

Policy 13.2

The City will require the use of High Efficiency Toilets; High Efficiency Showerheads; High Efficiency Faucets; High Efficiency Clothes Washers; and Dishwashers that are Energy Star rated and Water Sense certified in all new and redeveloped residential projects.

Policy 13.3:

The City should educate the development community on the benefits of sub-metering for multi-family residential retrofit projects which will include: separate water meters and monthly records kept of all major water-using functions such as cooling towers and individual units. The City will explore starting a pilot incentive program as a means of encouraging developers that retrofit units to install separate meters and high efficiency appliances. The City will require new multi-family residential developments to install separate water meters for each unit.

Policy 13.4:

The City will educate the development community on the water saving benefits of the use of Florida Friendly Landscapes guidelines and principles; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc) on walkways, driveways and patios.

Policy 13.5

The City will participate, when warranted, in the SFWMD's Water Savings Incentive Program (WaterSIP) for large-scale retrofits as recommended by the Lower East Coast Water Supply Plan.

Policy 13.6: _____

~~The City will continue to enforce the landscape watering restrictions mandated by the South Florida Water Management District. The City will continue to use code enforcement measures such as issuing warning and fines to enforce the water restrictions.~~

Policy 13.7:

~~The City will continue to coordinate with Miami Dade Water and Sewer Department related to leak detection and repair of water lines throughout the City.~~

Special Notes

- ~~1. There are no fresh water bodies of water (rivers, lakes, springs) within the barrier islands of the City. No freshwater naturally dilutes the saltwater of Biscayne Bay within the City's limits.~~
- ~~2. There are no historic structures within the V-storm surge zone.~~
- ~~3. There are no airports or harbors within the city; see the Transportation element for policies relative to the port.~~
- ~~4. There are no native vegetative cover communities (forests, mangroves, hammocks) remaining within the city.~~
- ~~5. There are no wetlands or marshes within the City.~~
- ~~6. There are no mineral extraction sites within the City.~~
- ~~7. There are no water recharge areas, cones of influence, or waterwells within the City.~~
- ~~8. There are no agricultural areas within the City.~~
- ~~9. As defined by 9J-5.003 there are no remaining vegetative communities in Miami Beach. (See Soils Map.)~~
- ~~10. No spoil creation or disposal is contemplated.~~

OBJECTIVE 14: ADAPTATION ACTION AREA (AAA)

Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property.

Policy 14.1:

~~Based on evolving rising seas data and associated vulnerabilities, to allow for flexible adjustments, preserve future strategic adaptation implementation options to maintain maximum resiliency in response to new risks and vulnerabilities. The City will take advantage of new emerging data and technological opportunities. The City's basis for measuring sea level rise shall be as per the Southeast Florida Regional Climate Action Plan, as may be revised from time to time by the Southeast Florida Regional Climate Change Compact.~~

Policy 14.2:

~~The City will identify public investments and infrastructure at risk to sea level rise and other climate related impacts. The City will assess the vulnerability to public facilities and services, including but not limited to water and wastewater facilities, stormwater systems, roads, bridges, governmental buildings, hospitals, transit infrastructure and other assets.~~

~~Evaluation Measure: Collaborating with regional partners, City shall identify public investments, infrastructure and assets at risk from rising sea levels by 2018. Thereafter, this assessment will be performed every five (5) years.~~

Policy 14.3:

~~As per Section 163.3164(1) and Section 163.3177(6)(g)(10), Florida Statutes, an Adaptation Action Area (AAA) is an optional designation within the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning.~~

~~The entire City is hereby designated an AAA, as all areas meet considerations for AAA designation, which include the following:~~

- ~~a. Areas which experience tidal flooding, storm surge, or both;~~
- ~~b. Areas which have an hydrological connection to coastal waters;~~
- ~~c. Locations which are within areas designated as evacuation zones for storm surge;~~
- ~~and~~
- ~~d. Other areas impacted by stormwater/flood control issues.~~

Policy 14.4:

~~The City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community's comprehensive adaptability and resiliency capacities.~~

~~The City will include areas, which experience tidal flooding, storm surge, or both as the first priority for the development and implementation of adaption strategies. Other areas will be included as the second priority for the development and implementation of adaptation strategies.~~

Policy 14.5:

~~Adaptation strategies may apply to the following:~~

- ~~a. Public infrastructure planning, siting, construction, replacement, operation and maintenance;~~
- ~~b. Emergency management;~~
- ~~c. Stormwater management;~~
- ~~d. Land development regulations;~~
- ~~e. Building codes;~~
- ~~f. Comprehensive planning; and~~
- ~~g. Other functions.~~

Policy 14.6:

~~AAAs adaptation strategy options include:~~

- ~~a. Protection: Strategies that involve "hard" and "soft" structurally defensive measures to mitigate impacts of rising seas in order to decrease vulnerability while allowing structures and infrastructure to remain unaltered. Two examples are shoreline armoring and beach renourishment. Protection strategies may be targeted for areas of a community that are location dependent and cannot be significantly altered or relocated, such as areas of historical significance, or water dependent uses.~~
- ~~b. Accommodation: Strategies that do not act as a barrier, but rather alter the design through measures such as elevation or stormwater improvements, to allow the structure of infrastructure system to stay intact. Rather than preventing flooding or inundation, these strategies aim to reduce potential risks.~~
- ~~c. Management Strategies: Strategies that involve the actual removal of existing development, their possible relocation to other areas, and/or prevention of further development in high-risk areas.~~
- ~~d. Avoidance: Strategies that involve ensuring development does not take place in areas subject to coastal hazards associated with sea level rise or where the risk is low at present but will increase over time.~~
- ~~e. Other options.~~

Policy 14.7:

The City shall pursue funding sources for the implementation of AAA-associated adaptation strategies including the following:

- a. Federal and State grants and technical expertise assistance (in-kind)
- b. Local Stormwater Utility Fees and CIP (Capital Improvement Plan) prioritization
- c. Public/Private Partnerships
- d. Other sources

Policy 14.8:

The City shall integrate AAAs into existing and future City processes and city-wide plans and documents which may include:

- a. Strategic Plan;
- b. Sustainability Plan;
- c. Resiliency Plan;
- d. Stormwater Master Plan;
- e. Emergency Management Plan;
- f. Land Development Regulations;
- g. Capital Improvement Plan;
- h. Local Mitigation Strategy; and
- i. Agreements with Public or Private Utility and Infrastructure Providers;
- j. Agreements with Public Health Providers;
- k. Interlocal Agreements with Other Government Agencies; and
- l. Other processes, plans and documents.

Policy 14.9:

The City shall align and be consistent with, to the extent possible, relevant and current national, state, and regional adaptation strategy documents such as the Miami-Dade County GreenPrint, Southeast Florida Regional Climate Action Plan, and The President's Climate Action Plan as well as other regional strategic plans, disaster mitigation plans, water management plans, transportation/transit plans, and climate change plans.

Policy 14.10:

The City shall participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies' proposed application requests for funding adaptation implementation projects.

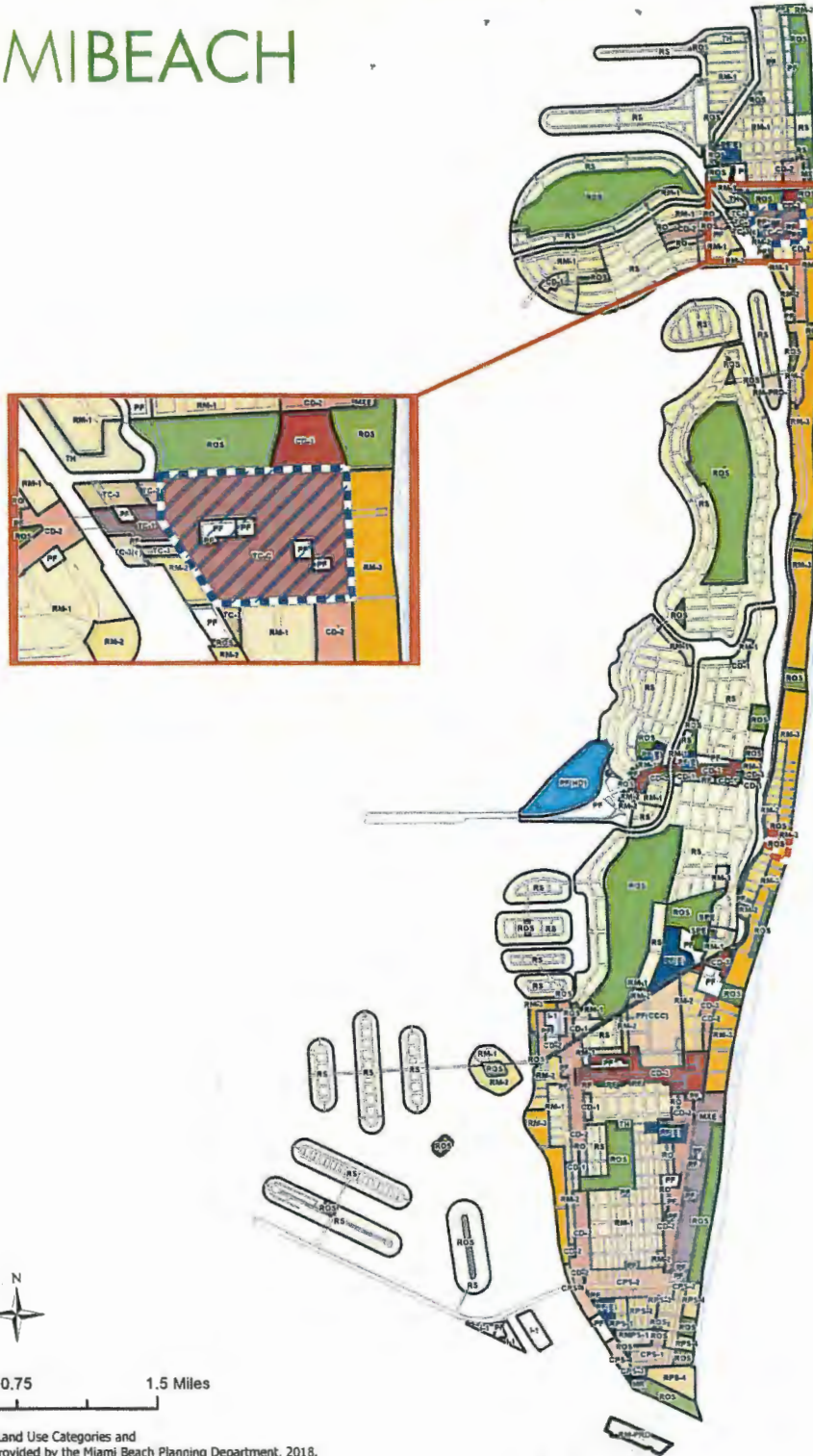
Policy 14.11:

The City shall collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of AAA adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise.

Miami Beach Comprehensive Plan Map Series

2040 Future Land Use Map

MIAMIBEACH



Data Sources: Future Land Use Categories and Overlay District data provided by the Miami Beach Planning Department, 2018.



Legend

Overlay Districts

- Faena District Overlay
- North Beach Town Center Revitalization Overlay

Future Land Use Categories

- RS Single family residential
- RM-1 Residential multifamily, low intensity
- RM-2 Residential multifamily, medium intensity
- RM-3 Residential multifamily, high intensity

- TH Townhome residential
- RO Residential office
- CD-1 Commercial, low intensity
- CD-2 Commercial, medium intensity
- CD-3 Commercial, high intensity
- MXE Mixed use entertainment
- ROS Recreation and open space
- I-1 Urban light industrial
- MR Marine recreational

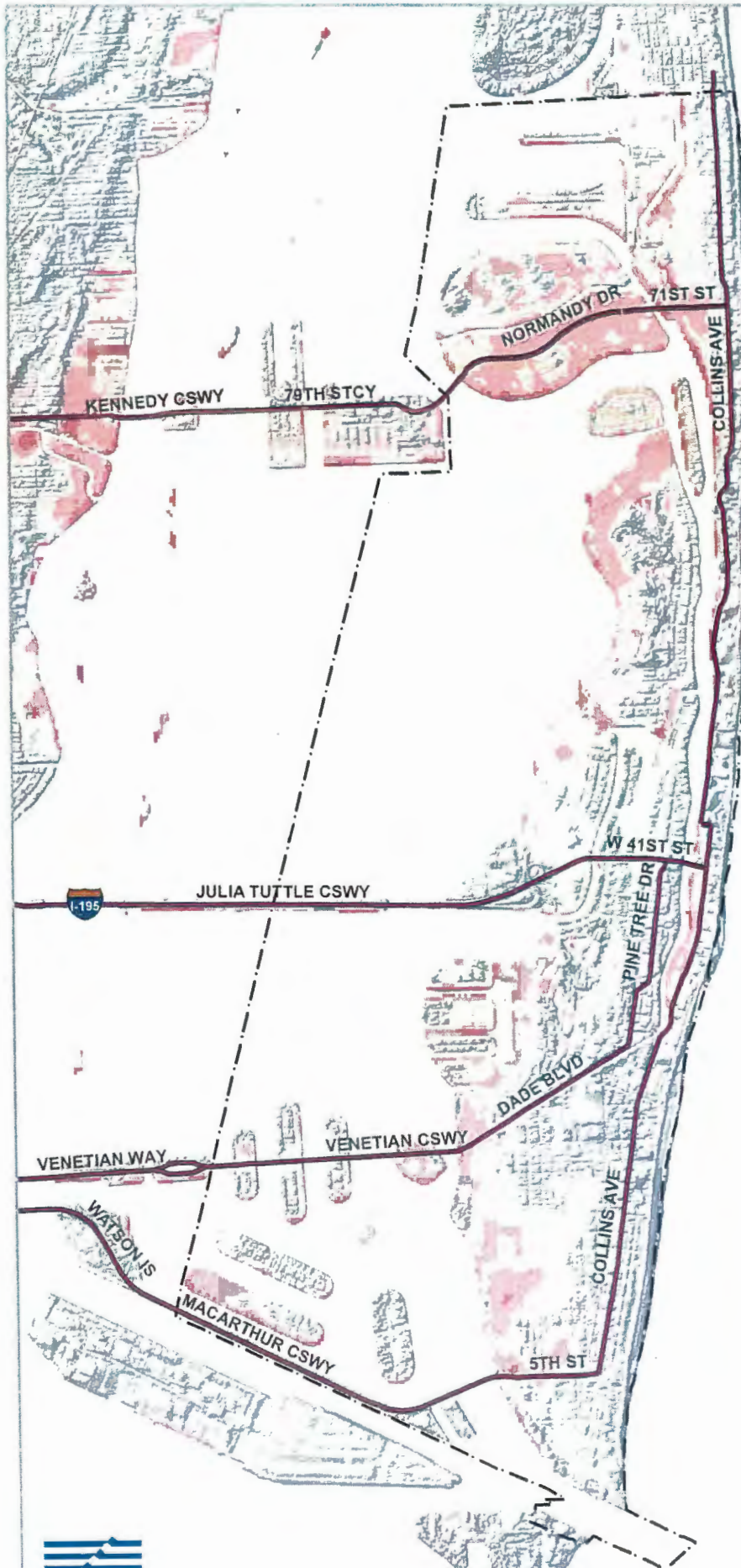
- RM-PRD Multifamily, planned residential development district
- RM-PRD-2 Multifamily, planned residential development district
- RPS-1 Residential performance standard, medium-low density
- RPS-2 Residential performance standard, medium density
- RPS-3 Residential performance standard, medium-high density
- RPS-4 Residential performance standard, high density
- CPS-1 Commercial performance standard, general mixed use

- CPS-2 Commercial performance standard, general mixed use
- CPS-3 Commercial performance standard, intensive mixed use
- CPS-4 Commercial performance standard, intensive phased bayside
- RMPS-1 Residential mixed use performance standard
- SPE Special public facilities educational district
- PF Public facility, governmental
- Public facility, convention center

- PF(E) Public facility, educational
- PF(HD) Public facility, hospital
- TC-C North Beach Town Center central core
- TC-1 North Beach Town Center core
- TC-2 North Beach Town Center mixed use
- TC-3 North Beach Town Center residential/office
- TC-3(c) North Beach Town Center residential/office

Coastal High Hazard Areas (CHHA)

MIAMIBEACH



Legend

— Miami Beach Category 1 Hurricane Evacuation Routes

▭ Municipal Boundary

CHHA Inundation Ranges (Cat1)

00 to 01 foot above ground

01 to 02 feet above ground

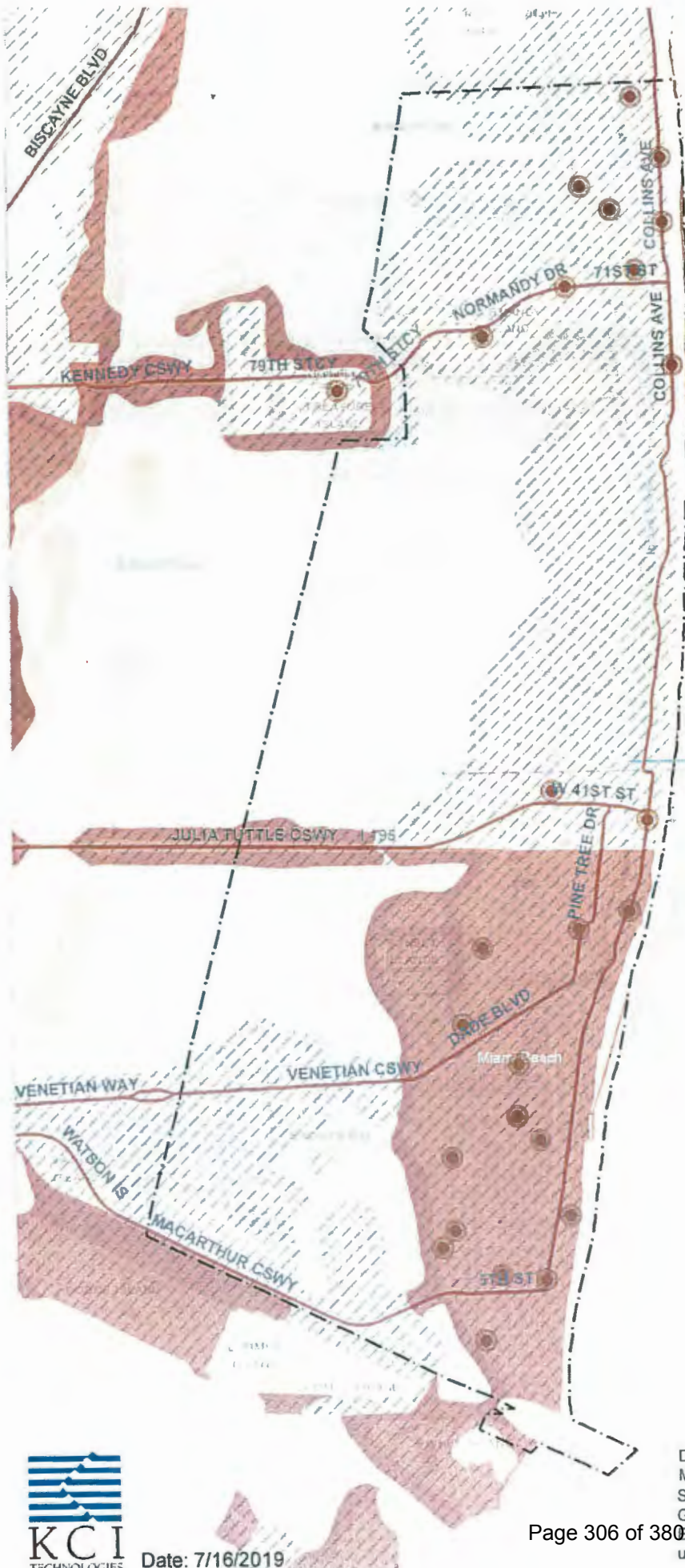
02 to 03 feet above ground

03 to 04 feet above ground



0 0.25 0.5 1 1.5 Miles

Flood Zones and Evacuation Routes MIAMI BEACH



Legend

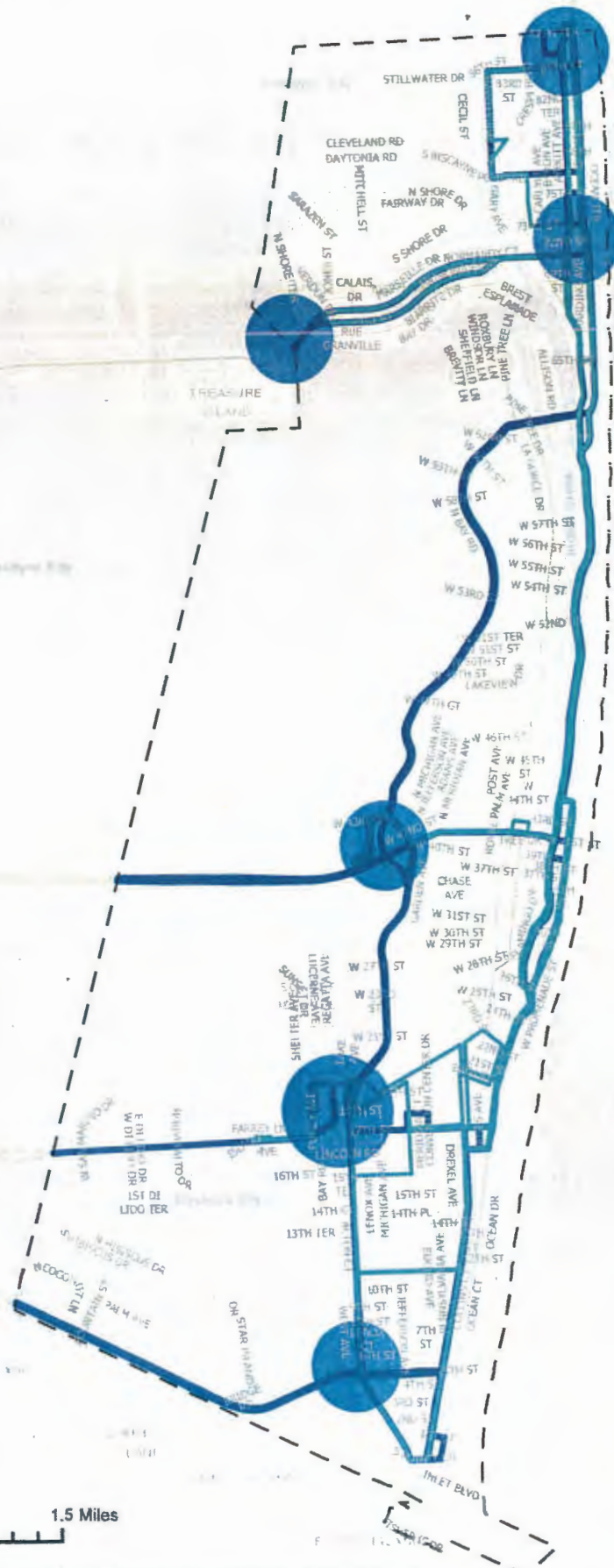
- Hurricane Bus Stops
- Primary Evacuation Route
- Municipal Boundary
- FEMA Flood Zone 1994**
 - AE
 - VE
 - Coastal A Zone



0 0.25 0.5 1 1.5 Miles

Data Sources: Evacuation Routes and FEMA floodplain data from Miami-Dade Open Data Hub.
Service Layer Credits: Sources: Esri, GEBCO, NOAA, National Geographic, Garmin, HERE, Geonames.org, and other contributors
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

Transit Corridors and Transit Intermodal Hubs



Legend

Potential/Existing Transit Hubs



Transit Corridors

— Trolley/Street Car Corridors

— Bus Routes

— Municipal Boundary



0 0.25 0.5 1 1.5 Miles

Data Sources: Transit Hubs created by KCI at the direction of City of Miami Beach.
Transit Corridors based on bus and trolley routes of Miami Beach and Page 307 of 380 of Miami Beach, 07/2019.
Service Layer Credits: World Light Gray Canvas Base: Esri, HERE, Garmin, (c) OpenStreetMap contributors,

MIAMI BEACH

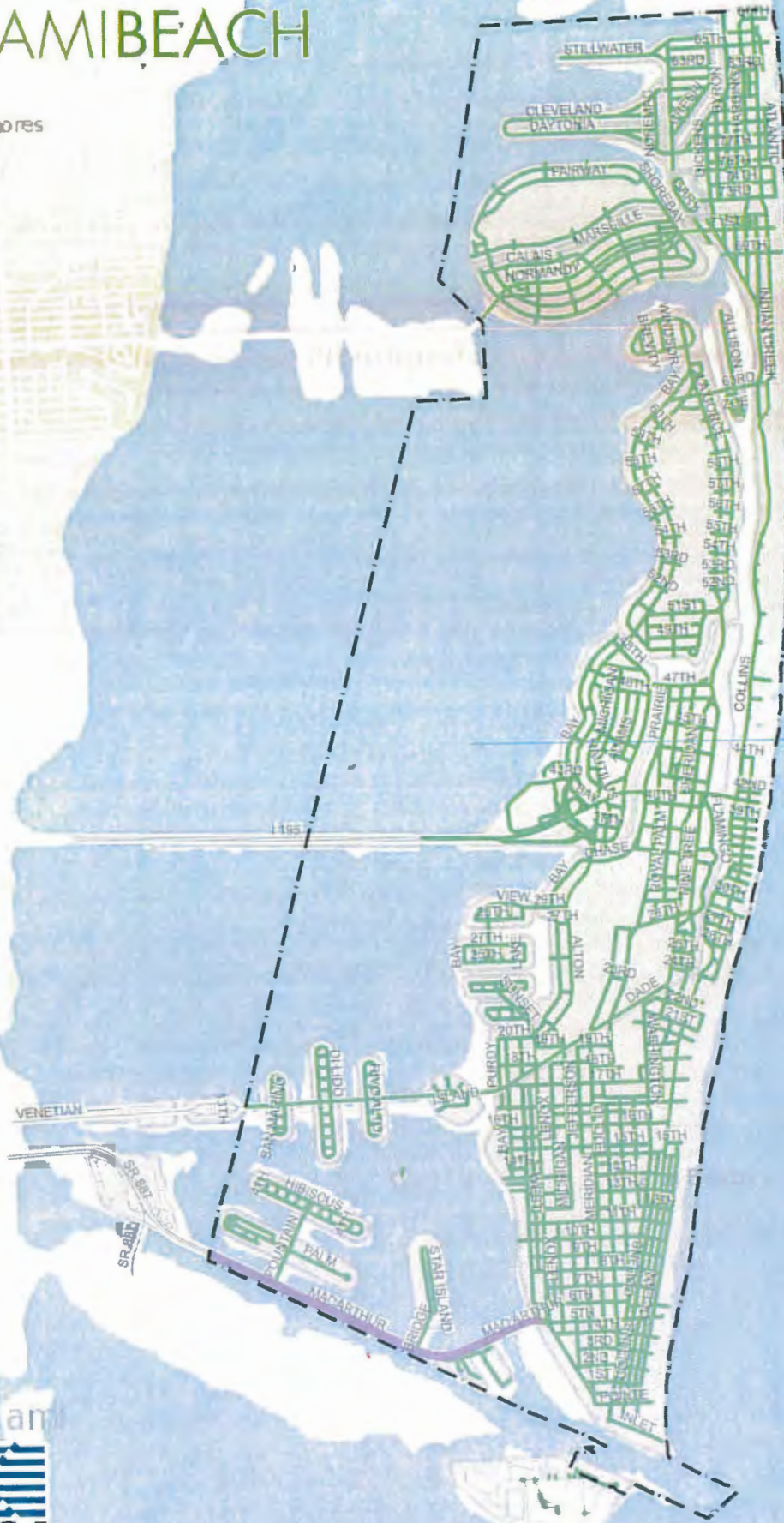


Date: 7/11/2019

Existing Roadway Lane Count

MIAMI BEACH

Miami Shores



Legend

Municipal Boundary

Number of Directional Lanes

2

3

Local Streets



0 0.25 0.5 1 1.5 Miles

Atlantic Greenway/Bikeway Network

MIAMI BEACH

Legend

-  Bike Slot Locations
-  Florida Greenways Existing Trails
-  Florida Greenways Trail Priorities
-  Florida Greenways Trail Opportunities
-  Bikeways
-  Park Areas
-  Municipal Boundary



0 0.25 0.5 1 1.5 Miles

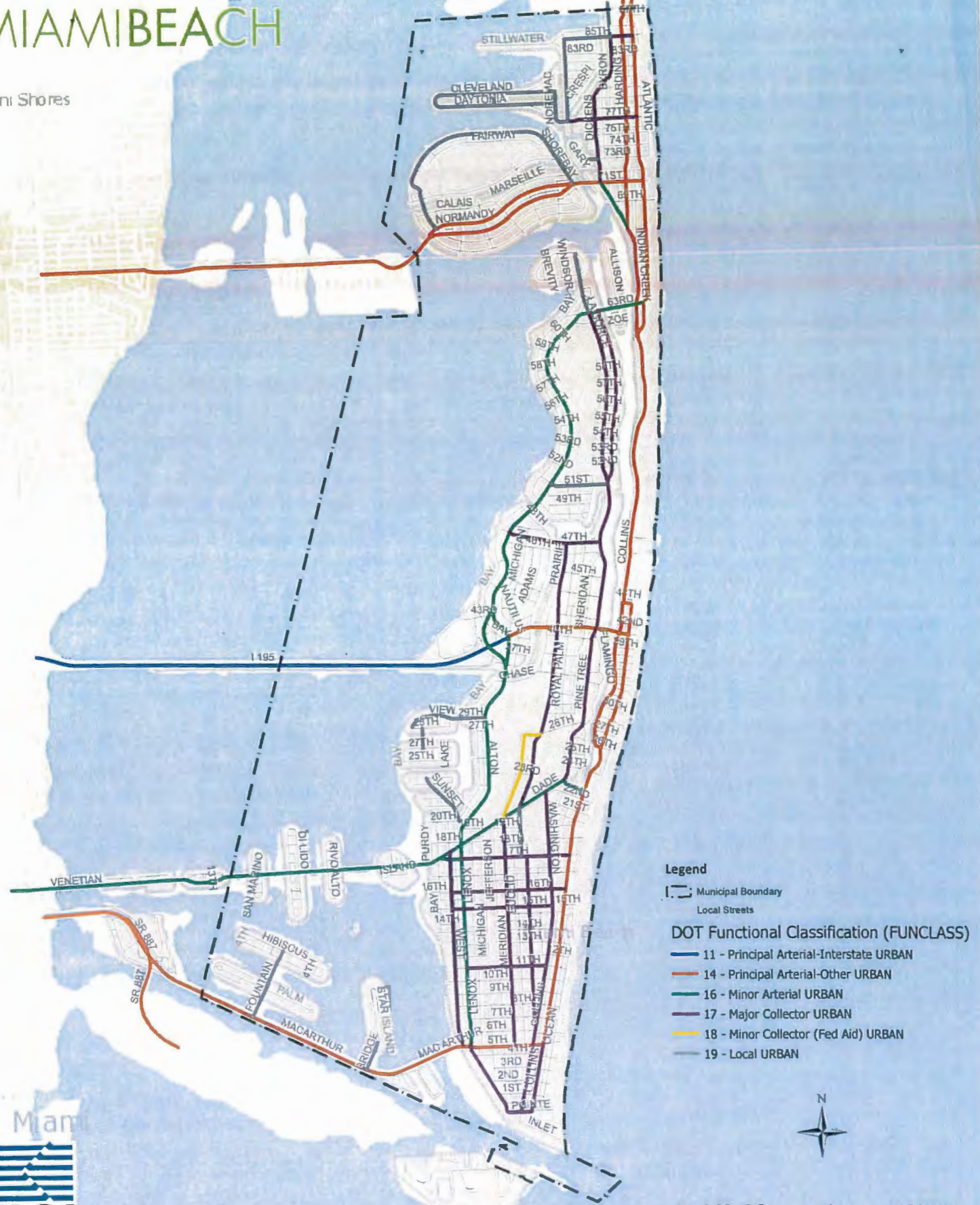
Data Sources: Parks, Bikeways, Bike Slot, from Miami-Dade Open Data Hub
 downloaded on 5/31/2019; Greenways and Trails data from Florida Greenways
 Planning Project, Florida Department of Environmental Protection, downloaded on 5/31/2019



Date: 7/11/2019

Federal Functional Classification MIAMI BEACH




Miami Shores



Existing Roadway System



Legend

-  Municipal Boundary
 Local Alleyways
 Streets of Miami Beach



The City of Miami Beach Comprehensive Plan

Data and Analysis 2019

Prepared by
KCI Technologies, Inc.

MIAMI BEACH 2019 EAR-BASED COMPREHENSIVE PLAN AMENDMENTS

DATA & ANALYSIS

These following support documents are Data and Analysis for the amended Goals, Objectives and Policies of the 2019 EAR based amendments. The data and analysis is not formally adopted, but serves as supporting documentation to the proposed amendments included in the transmitted element to the Florida Department of Economic Opportunity. In addition to the data and analysis provided in this document, the supporting local studies and master plans are identified by applicable element and available online:

- <https://www.miamibeachfl.gov/city-hall/city-manager/master-plans/>
- <http://www.mbrisingabove.com/>

Overview

The City of Miami Beach is a dense urban community located on a barrier island on the southeast coast of Florida. Incorporated in 1915, the City has grown from a resort island into a vibrant, tropical, historic city, though tourism is still our largest industry. The southern portion of Miami Beach, commonly known as South Beach, is the primary dining and entertainment destination in Southeast Florida for tourists and residents of the greater metropolitan area. It should also be noted that to a great extent, the National Register Architectural District, most commonly known as the “Art Deco” District, a collection of 20th Century architecture consisting of approximately 800 buildings, is a great attractor of international tourism.

The Goals, Objectives and Policies of the City’s adopted Comprehensive Plan direct the vision of the City for the future and how to meet the needs of current and future residents, visitors and businesses. The proposed amendments were prepared as part of 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 have been considered, including the storm water master plan, the transportation master plan, the Urban Land Institute (ULI) report, and the Resilient 305 plan.

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, were utilized to determine best practices for policies to incorporate into the plan, while addressing the needs of residents and other stakeholders.

Chapter 1 - Resilient Land Use and Development Element

The Resilient Land Use and Development Element (RLU) of the Comprehensive Plan, previously titled Land Use Element, serves as a guide for future land development and redevelopment in a manner consistent with the City's vision of a vibrant and resilient Miami Beach, and the requirements of the Florida Statutes. The Principles, Goals, Objectives and Policies in the Resilient Land Use and Development Element are closely interrelated to most, if not all other elements in this Comprehensive Plan. Its function is to define future land uses and set their location, and to draw upon the core principles within the Comprehensive Plan to help ensure that growth is directed in a manner that is resilient, sustainable, supported by essential services, and improves the quality of life of the City and its residents. The majority of the changes to the element are housekeeping changes and include a reorganization of the element for easier use and understanding of the GOPs of the element. A set of principles were added to aid in the review of amendments based on the planning GOPs of the element.

Summary of Element Revisions:

- Renames the Future Land Use Element to the *Resilient Land Use and Development Element*.
- Adds sound planning criteria for consideration when making recommendations on future land use map (FLUM) and comprehensive plan amendments.
- Removes the Parking (P) future land use category and designates those parcels as Public Facility: Governmental Uses (PF).
- Incorporates descriptions for RM-PS-1 and RM-PRD-2 future land use categories that were on the FLUM but not described in the element.
- Improves internal consistency and clarity.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the general organization of the Element to improve usability.

Supporting Studies and Master Plans

- Miami Beach Florida: Stormwater Management and Climate Adaptation Review, *Urban Land Institute* (2018)
- North Beach Master Plan (2016)
- South Florida and Sea Level: The Case of Miami Beach, *Harvard Graduate Study* (2017)

Supporting Data & Analysis:

Population

Between the 2000 and 2010 U.S. Census, the permanent population of the City of Miami Beach decreased from 87,933 to 87,779 (0.17% decrease). Estimates and projections show growth will occur slowly in the City; however these projections are based on prevailing trends.

According to the 2017 Population estimates by the U.S. Census Bureau, the total population for the City of Miami Beach is 92,307. According to the Bureau of Economic and Business Research Florida Estimates of Population, the 2018 estimate for the City of Miami Beach is 92,502.

The table below shows the comparison from the 2010 Census (actual) to the estimates to date, which indicates a growth of 5.2% in seven years.

Population Estimates, 2010-2017¹

	2010	2011	2012	2013	2014	2015	2016	2017 ²
Population	87,779	87,956	88,628	89,412	90,669	91,564	91,784	92,307

Attached is a data and analysis document that identifies expected changes in population. The estimated growth in population, as identified by the State of Florida Shimberg Center is below:

Permanent Population Projections (2010-2040)							
	2010	2016	2020	2025	2030	2035	2040
Miami Beach	87,779	92,799	95,537	98,342	98,342	100,526	105,144

The expected population for the 2040 planning horizon of the comprehensive plan is 105,144. According to the estimate, there were 92,799 residents in 2016. Therefore, throughout the planning horizon, there is an expected population increase of 12,345 residents.

As the City of Miami Beach is built-out, it is expected that this population increase will be accommodated through infill redevelopment. The City expects to be able to accommodate an additional 2,655 residents in the North Beach Town Center – Central Core (TC-C) area, which currently has an estimated population of 735 residents, but can accommodate approximately 2,655 residents. It is anticipated that the remaining population can be accommodated through redevelopment of vacant or underutilized properties throughout the City.

Demographic and Economic Information³

Demographic and Economic Information									
	1980	1990	2000	2006	2008	2010	2012	2013	2014
Population									
Total Population	96,298	92,639	87,933	84,880	84,633	87,779	88,628	91,026	90,669
Population under 18	n/a	13,081	11,815	13,624	11,970	11,220	13,980	13,912	11,605
Population over 65	48,727	27,884	16,927	13,808	13,628	14,233	13,444	14,262	14,544
Median Age	65	45	39	40	41	41	39	39	40
Race									
White	n/a	n/a	86.7%	87.3%	88.5%	87.6%	77.0%	78.4%	77.0%
African American	n/a	n/a	4.8%	1.4%	2.8%	4.3%	4.90%	4.90%	4.80%
Asian	n/a	n/a	1.4%	0.6%	1.7%	1.8%	2.10%	2.60%	1.84

¹ 2010, U.S. Census Bureau; 2010-2016, American Community Survey 5 year estimates

² U.S. Census Bureau; 2017 QuickFacts, Population Estimates

³ Miami Beach Environmental Scan 2016- All data based on Census for 1980, 1990, 2000, and 2010.

Data from 2005, 2007, 2008, 2012, 2013, and 2014 based on American Community Survey.

Other	n/a	n/a	7.1%	0.4%	8.5%	3.4%	13.80%	15.20%	14.34%
Hispanic Origin	n/a	n/a	53.4%	52.1%	49.4%	53.2%	52.30%	52.40%	53.52%
Households									
Total Households	55,673	49,234	46,242	44,521	41,463	47,168	43,115	43,312	43,650
Median Household Income	\$8,503	\$15,312	\$27,322	\$44,739	\$42,274	\$38,640	\$43,321	\$43,316	\$42,547
% Income from Earnings	37.4%	57.1%	72.2%	79.0%	78%	77.5%	78.1%	**	**
Mean Earnings	\$16,234	\$31,320	\$56,767	\$79,940	\$81,863	\$77,829	\$86,688	\$83,225	\$85,725
Average Household Size	n/a	1.85	1.87	1.91	2	1.84	2.21	2.09	2.05
Family Households	24,895	21,326	18,342	17,652	16,228	18,350	17,979	17,844	18,476
Median Family Income	\$14,061	\$22,020	\$33,440	\$54,431	\$53,491	\$50,758	\$54,155	\$53,351	\$54,513
Family Size	n/a	n/a	2.76	2.84	3.00	2.70	2.99	3.01	3.00
Total Housing Units	64,129	62,413	59,723	65,583	66,194	67,499	68,237	67,975	68,388
Housing Unit Occupancy									
Owner-Occupied	14,447	14,067	16,895	19,109	22,804	18,194	15,521	16,154	15,683
Renter-Occupied	41,238	35,238	29,299	25,412	18,659	28,974	27,932	27,158	27,967
Vacant	n/a	13,108	13,529	20,123	**	20,331	27,784	24,663	24,738
Vacant Seasonal Use	n/a	4,207	7,668	10,680	10,979	11,988	**	**	**
Apartment Rents (Adjusted for Inflation)									
Lower Quartile	n/a	\$562	\$603	**	**	\$746	**	**	\$786
Median	n/a	\$719	\$747	**	**	\$933	\$1,059	\$1,088	\$1,115
Upper Quartile	n/a	\$964	\$958	**	**	\$1,248	**	**	\$1,576

Population

Households: According to the U.S. Census, the average household size increased slowly from 1.85 in 1990 to 1.87 in 2000, and continued to increase in 2014 (2.05). According to the 2011-2015 and 2012-2016 American Community Survey (ACS) 3-Year Estimates, there is a slight increase in rental vacancy rates and owner vacancy rates from 2015-2016, and a slight decrease in average household size in both rental-occupied units and owner-occupied units.

Vacancy Rate and Household Assumptions		
	2015	2016
Rental Vacancy Rate	5.6	5.9
Owner Vacancy Rate	3.2	3.6
Household Size of Rental-Occupied Units	2.02	1.97
Household Size of Owner-Occupied Units	2.21	2.19

The City of Miami Beach has unique circumstances that set it apart from the rest of Miami-Dade County because of the significant influx of tourists and seasonal residents. The 1998 EAR noted that due to the large number of tourists and seasonal residents, the demand on City services is higher than the impact of the permanent residents. A formula was devised to portray more accurately the need for services within the city by multiplying the permanent population of the City increasing it 20% to estimate required services and facilities.

Average Daily Population⁴

Average Daily Population									
	2005	2009	2010	2011	2012	2013	2014	2015	% Change Since 2005
Permanent Residents	84,086	86,916	87,779	88,349	89,546	90,588	91,540	91,714	9.1%
Seasonal Residents	14,917	20,927	22,780	22,928	23,239	23,509	23,756	23,801	59.6%
Residents leaving for work	(28,551)	(27,106)	(27,402)	(27,939)	(28,528)	(28,759)	(30,007)	(32,513)	13.9%
Non-Resident Workers	29,278	28,985	30,252	31,303	33,519	33,561	31,510	33,080	13.0%
Hotel Guests	26,986	21,042	22,226	24,983	25,208	25,688	27,257	32,985	22.2%
Other Tourists	8,675	9,368	10,773	10,923	13,606	13,726	14,565	22,312	157.2%
Beach Visitors	22,202	19,861	24,480	24,293	30,917	31,191	33,096	30,800	38.7%
Daily Population	157,593	174,808	182,077	183,588	201,640	203,765	206,847	222,079	40.9%

⁴Source: City of Miami Beach Environmental Scan 2016

Definitions Demographic Table:

- Permanent Resident- Residents that live in Miami Beach year round
- Seasonal Residents- Residents utilizing a Miami Beach residence as vacation/second home
- Residents leaving for work- Residents leaving Miami Beach for work
- Non-Resident Workers- Number of non-Miami Beach resident workers
- Hotel Guests- Average amount of guests staying in Miami Beach hotels on a daily basis
- Other Tourists- Tourists visiting tourist locations/events other than beaches
- Beach Visitors- Average number of beach goers on a daily basis

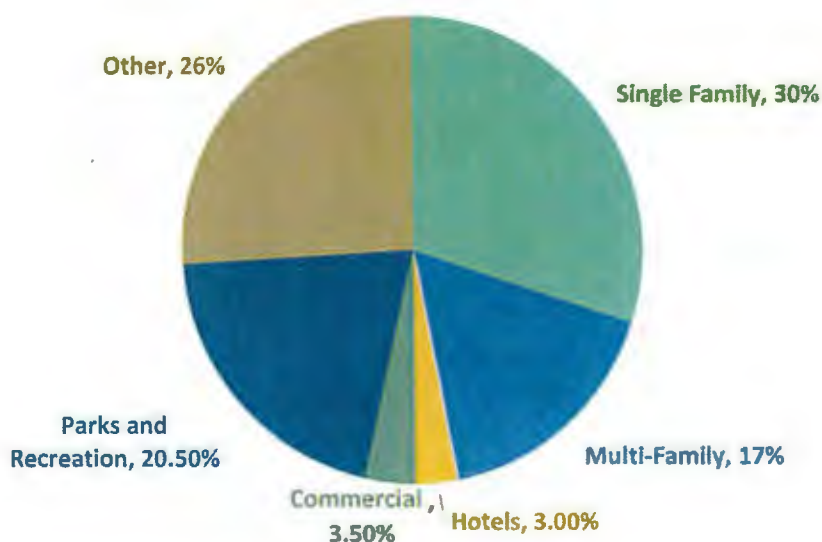
Existing Land Use Inventory

The *Existing Land Use* table shows the existing land use acreage by land use category and by neighborhood. This pattern has changed very little and with most of the land developed, the potential for land use shifts is minimal. Instead, reinvestment in the same land use is the pattern.

The single-family density category ranges from 1 to 7 units per acre. The multifamily categories range from 25 units per acre in the Low Density Planned Residential Category to 150 in the High Density Multifamily Residential and the High Intensity Commercial Categories. It must be noted that, with a few exceptions, most land use categories in the City of Miami Beach permit a mix of residential and commercial uses.

Miami Beach Land Uses

MIAMI BEACH LAND USES



Land Use

The City of Miami Beach is approximately 7.1 square miles in size, and is bounded by three other municipalities: Miami (west of Biscayne Bay), North Bay Village and Surfside, as well as Biscayne Bay and the Atlantic Ocean. It consists of a number of islands interconnected with bridges and also a portion of Fisher Island, which is separated by Government Cut and connected to the City via a ferry service from Terminal Island in the City proper. The City has not expanded in land area since the data of the last Data and Analysis and does not expect to expand in the future. As urban community located on a barrier island, only by annexation can the City aggregate land. The *Existing Land Use* table reflects the existing land use categories by acreage and the *Miami Beach Land Uses* figure depicts the future land use categories.

Existing Land Use (in acres)

Zoning District	Acreage	Percent of City
CD-1	18.00	0.50%
CD-2	106.35	2.97%
CD-3	61.27	1.71%
CPS-1	12.07	0.34%
CPS-2	25.80	0.72%
CPS-3	1.96	0.05%
CPS-4	15.80	0.44%
I-1	28.55	0.80%
MR	1.49	0.04%
MXE	50.12	1.40%
P	25.70	0.72%
PF	69.09	1.93%
PF(CCC)	58.67	1.64%
PF(E)	49.39	1.38%
PF(HD)	58.57	1.64%
RM-1	427.04	11.93%
RM-2	122.92	3.43%
RM-3	272.63	7.61%
RM-PRD	16.09	0.45%
RM-PRD-2	8.54	0.24%
RMPS-1	7.09	0.20%
RO	13.75	0.38%
ROS	651.97	18.21%
RPS-1	5.11	0.14%
RPS-2	10.69	0.30%
RPS-3	12.62	0.35%
RPS-4	31.44	0.88%
RS	1,374.20	38.38%
SPE	4.90	0.14%

TC-1	1.34	0.04%
TC-2	0.40	0.01%
TC-3	2.56	0.07%
TC-3(c)	0.95	0.03%
TC-C	20.84	0.58%
TH	12.86	0.36%
Total	3,580.73	100.00%

Vacant Land

Most of the City's land identified as vacant is currently being used as surface parking lots. Privately-owned, vacant land is approximately 101 acres scattered throughout 367 parcels. All the vacant land is fully developable and zoned for development.

These vacant parcels are subject to the existing Future Land Use Map categories and Land Development Regulations of the City Code and will be reviewed on an individual basis as development proposals are submitted. The development and re-development that has occurred in the City has been consistent with the City's adopted Future Land Use Map and the Land Development Regulations that govern each zoning district. The difference between 2008 and 2018 in vacant land may be due to the demolition of unsafe structures or redevelopment of properties that is planned but has not occurred.

Demands of Growth

During the last few years, the City has experienced a wave of development and redevelopment, notwithstanding the down-zoning that occurred between 1997 and 1999. About the same time, the Portofino DRI was approved, which when completed would result in construction of approximately 1400 residential units and commercial space. Construction under the approved DRI is still ongoing. Demands on services throughout the City have continued to rise, however, levels of service have been maintained throughout with a few exceptions relating to traffic at some intersections.

Previous Reduction in Density Impairing Redevelopment Property Rights

With regard to redevelopment of non-conforming buildings in the event of a catastrophic event, including, but not limited to, fire, tornado, tropical storm, hurricane, or other acts of God, which results in the complete demolition of a building or damage to a building that exceeds 50 percent of the value of the building as determined by the building official, the Land Development Regulations of the City Code provide that such building may be reconstructed, repaired or rehabilitated, and the structure's floor area, height, setbacks and any existing parking credits may remain, if certain conditions set forth in the LDRs are met. These conditions are, but not limited to, residential units meeting the minimum unit size requirements, having a previously issued certificate of use, certificate of completion, certificate of occupancy or occupational license by the city to reflect its current use; the building must meet the Florida Building Code and any other life safety codes that may be required; and if located within a designated historic district, or a historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as well as the Certificate of Appropriateness criteria in the LDRs.

Chapter 2 - Climate Resiliency and Sustainability Element

Previously Conservation / Coastal Zone Management Element

The Resiliency and Sustainability Element consolidates the principles of sustainability and resiliency that were previously located in studies and other planning efforts commissioned by the City, as well as adopted objectives and policies that were previously located in other elements of the Comprehensive Plan. The element's central purpose is to centralize these objectives and policies regarding climate change and sea level rise. The element includes goals, objectives and policies that address interdisciplinary nature of resiliency planning, including natural resource protection, land development, city operations and emergency preparedness. This element also houses the goals, objectives and policies required for consistency with the Florida Statutes for the Conservation and Coastal Management Elements.

Summary of Element Revisions:

- The proposal merges policies from the Conservation/Coastal Zone Management into a new Climate Resiliency and Sustainability Element.
- Incorporates guiding principles of the ULI Miami Beach Study.
- Incorporates the Resilient 305 and the Miami Beach Strategic Plan to the list of referenced documents.
- Updates *Adaptation Action Area* (AAA) strategies to utilize more relevant language.
- Incorporates strategies to promote placemaking as a way to complement sea level rise mitigation strategies.
- Incorporates policies to incentivize and support private property adaptation.
- Incorporates policies to support the City maintaining or improving its FEMA community rating system score.
- Provides policies to that ongoing environmental issues are addressed through proactive planning approaches.
- Incorporates policies to provide for the protection of cultural and historic resources.
- Provides that the City will consider ecologies when making decisions on future projects.
- Updates references to other environmental documents.
- Establishes policies to promote energy efficiency.
- Provides policies to improve the resiliency of the City's operations.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the organization of the Element to improve usability.

Supporting Studies and Master Plans

- <http://www.mbrisingabove.com/your-city-at-work/resilience-strategy/climate-action-plan/>
- Elevation Calculator: <https://gis.miamibeachfl.gov/Html5Viewer/Public/index.html?viewer=EC>
- Resilient 305
- Miami Beach Florida: Stormwater Management and Climate Adaptation Review, *Urban Land Institute* (2018)
- North Beach Master Plan (2016)
- South Florida and Sea Level: The Case of Miami Beach, *Harvard Graduate Study* (2017)
- Miami Beach Sustainability Plan https://www.miamibeachfl.gov/wp-content/uploads/2017/12/City-of-Miami-Beach-Sustainability-Plan_FINAL.pdf

- 2017 Local Mitigation Strategy <https://www.miamibeachfl.gov/wp-content/uploads/2017/12/local-mitigation-strategy-part-4-appendices.pdf>

Supporting Data & Analysis:

Water Resources

There are few seagrass beds in and around the waters adjacent to the City. It is important that any development along the western shoreline must be sensitive to these seagrass beds and their critical importance to the ecosystem of Biscayne Bay. In this regard, the City, along with Miami Dade County DERM, is vigilant when these types of developments are proposed, whether large or small as a residential dock projecting into the Bay or any of the waterways surrounding the City.

Soils

The entire City is essentially “made land” except for the sand along the ocean beach. Therefore, soil erosion is not a problem.

Vegetative Cover

Between the man-made soil of the island and the full development pattern, there is no significant natural vegetation cover. Vegetation is limited the landscaping planted in conjunction with development, including parks, and limited ocean dune vegetation.

Minerals

The man-made nature of most of the island’s subsoil means there are no commercially significant minerals.

Floodplains

According to 163.3178, F.S., the Coastal High Hazard Area (CHHA) is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The entire City is classified as a Coastal High Hazard Area (CHHA) which is reflective of its status as a Category 1 Evacuation Zone.

Hurricane Vulnerability Zones are defined as areas delineated in the regional or local evacuation plan as requiring evacuation. In Miami-Dade County, the Hurricane Vulnerability Zones are considered Hurricane Evacuation Zones A and B. Following Hurricane Andrew, State law redefined the “Coastal High Hazard Area” (CHHA) from the FEMA “V” Zone to the Category 1 Hurricane evacuation zone as established in the regional hurricane evacuation plan. In Miami-Dade County the CHHA consists of the barrier islands. The State also eliminated the “Coastal Hazard Area” and established the “Hurricane Vulnerability Zone” (HVZ), defined as areas delineated as Category 3 Hurricane Evacuation Areas by the regional or local evacuation plan. In addition, the Strategic Regional Policy Plan for South Florida established policies addressing hurricane Category 4 and 5 evacuation areas.⁵

⁵ Source: Miami Dade County CDMP

Conservation

Biscayne Bay

The Bay is an important recreational asset, particularly boating and fishing. Commercial boating and fishing play a lesser role in the vicinity of Miami Beach.

Floodplains

The Florida Building Code requirement for new construction to have its first floor elevated to meet FEMA standards is the most practical means of floodplain conservation.

Wildlife

The most significant conservation concerns are manatees and sea turtles. Manatees have sighted in a number of the City's waterways. The City of Miami Beach is nesting habitat for three species of protected sea turtles; the Loggerhead, Green, and Leatherback. Annually, beginning in April and extending through early November, the native sea turtles come to nest on our beaches. On beaches where artificial lighting is visible, nesting females may be deterred from nesting and the hatchlings' important journey to the sea can be disrupted. To prevent disorientation and adverse impacts on nesting turtles, installation of oceanfront exterior lighting that is disruptive to sea turtles is prohibited by state law (Chapter 62B-55, Florida Administrative Code). The City of Miami Beach has adopted a Turtle Nesting Protection Ordinance to minimize the impact of artificial lighting on hatchlings and nesting sea turtles and thereby protect the endangered species which frequently visits its beaches. The Ordinance encourages light management on private and public lands, preventing light pollution that is problematic for sea turtles and other nocturnal animals.¹

Water Needs

The City's 10-Year Water Supply Facilities Work Plan is hereby incorporated in this analysis by reference.

Water Quality

It is the City's goal to provide its residence a safe and dependable supply of drinking water. To ensure the safety of the water, the City routinely monitors for contaminants in the drinking water according to Federal and State laws, rules and regulations. A water quality report based on the results of Miami Beach and Miami-Dade Water and Sewer Department (WASD) monitoring for the period of January 1, 2017 to December 31, 2017 is available on the Florida Department of Environmental Protection's website cited below.

Miami-Beach receives treated water from Miami-Dade County. Miami-Dade's source of water is groundwater from wells. The wells draw solely from the Biscayne Aquifer for a large part of WASD's system. The Alexander Orr, Jr. Water Treatment Plant, draw water mostly from the Biscayne Aquifer and some water from the Floridian Aquifer, and receives lime treatment to reduce hardness, and is then disinfected and filtered.

Water from WASD's other two regional water treatment plants-Hialeah and John E. Preston-comes solely from the Biscayne Aquifer. Together with the Alexander Orr, Jr. plant, all three plants supply treated water to a common distribution system, running throughout most of Miami-Dade

¹ Source: <https://fldep.dep.state.fl.us/swapp/SelectPWS.asp?county=13>
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County. In general, the Hialeah and John E. Preston Plants treat water that is supplied to residents who live north of SW 8 Street up to the Miami-Dade/Broward Line. Water from the Hialeah plant is treated similarly to that from the Alexander Orr, Jr. plant, plus fluoridation and water supplied to the John E. Preston plant has a higher level of naturally occurring organic materials than the water at the other plants. It goes through a slightly different process called enhanced softening. It is disinfected, fluoridated and filtered, before going through air stripping towers that remove volatile organic compounds. This process has the added benefit of reducing the yellow tint once present in water supplied by the Preston plant.²

Storm Water Outfall Mitigation

The City will use an integrated stormwater management approach that will also address climate change and sea level rise. The approach will allow the City to evaluate cost-effective stormwater infrastructure improvements, remediate excessive flooding, prioritize stormwater basins, and ensure continued compliance with regulatory agencies. This work will also allow the City to better evaluate drainage hot spots and protect the City from flooding resulting from high tidal conditions (i.e. Tideflex Valves, Injection systems, etc.)

Hurricane Planning

Coastal High Hazard Area

According to Section 163.3178 (2) (h), F.S., the coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Miami-Dade County Department of Emergency Management and Homeland Security, the evacuation in the case of any hurricane. The City does not maintain shelters; those persons needing emergency shelter are transported to those maintained by Miami Dade County Emergency Management.

Evacuation Routes

The four causeways that provide evacuation routes for Miami Beach, as well as the CHHA Cat. 1 Storm surge:

- MacArthur Causeway
- Venetian Causeway
- Julia Tuttle Causeway
- 71st Street, a/k/a Kennedy Causeway (79th Street in Miami) Causeway

² Source: 2016 Water Quality Report MB

Climate Change – Resiliency and Adaptation

As the economic, environmental, and social impacts of climate change are becoming more apparent, the City of Miami Beach is hoping to provide a proactive planning framework through the creation of the Climate Resiliency and Sustainability Element. The purpose of this Element is to make the City of Miami Beach a climate resilient and sustainable community that will sustain itself for years to come.

The City of Miami Beach recognizes, and agrees with the international scientific consensus that climate change is occurring from the anthropogenic burning of fossil fuels. The city understands the reality of climate change, and the threat it poses to the City of Miami Beach. As a coastal community, consisting of multiple barrier islands, Miami Beach is extremely vulnerable to sea level rise and other climate change impacts, such as increased weather intensities. Accepting the inevitable challenges Miami Beach will face due to climate change, the city has made numerous strides in transforming Miami Beach into a sustainable community.

The City of Miami Beach has been an instrumental leader in publicly addressing sea level rise, with the outreach tool known as “Miami Beach Rising Above.” The City provided residents with this resource in order for them to be updated on the climate adaptation and mitigation strategies performed by the City.

Sea Level Rise

The Southeast Florida Climate Compact developed a unified existing local sea level rise projection, which is used as a single regional sea level rise projection, including Miami Beach. The entire southeastern portion of the state is adapting to sea levels which is shown in the figure below. While Miami Beach is more vulnerable than other areas to sea level rise, it is crucial to coordinate with other municipalities in the climate compact.

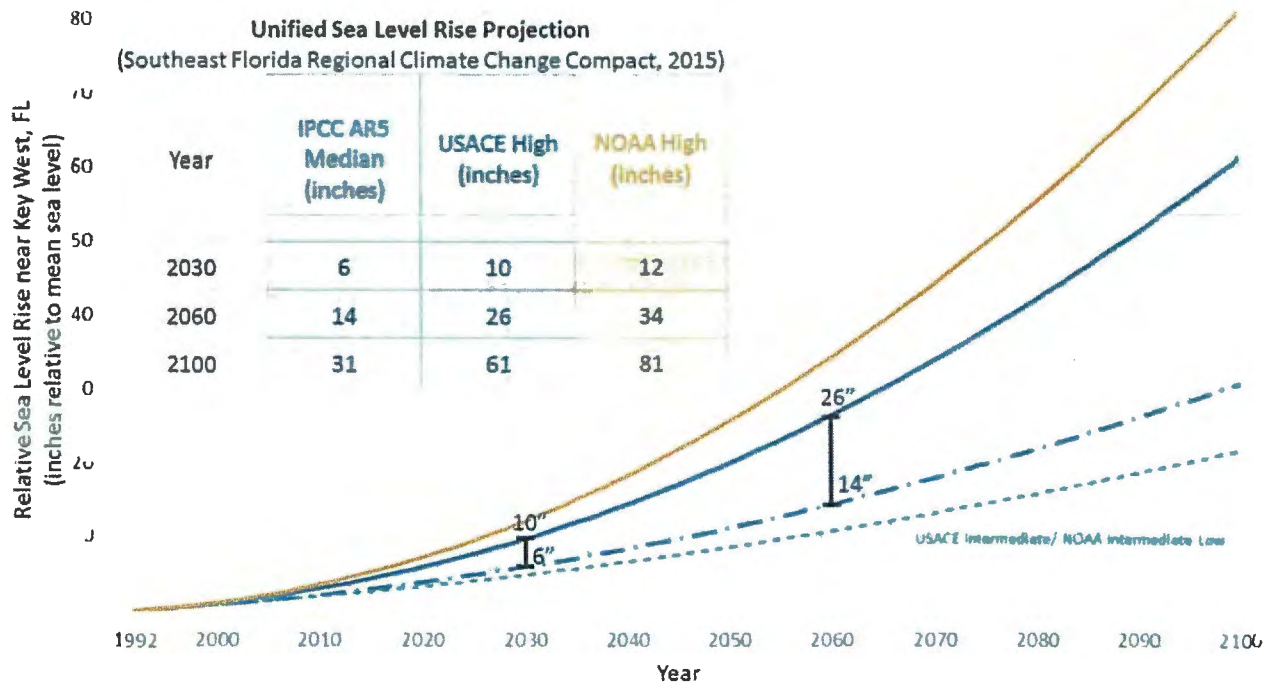


Figure A-1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

2015 Climate Compact Projections for Sea level Rise by Planning Horizon:

- Short term, by 2030, sea level rise is projected to be 6 to 10 inches above 1992 mean sea level;
- Medium term, by 2060, sea level rise is projected to be 14 to 26 inches above 1992 mean sea level with the less likely possibility of extending to 34 inches;
- Long term, by 2100 sea level rise is projected to be 31 to 61 inches above 1992 mean sea level with the less likely possibility of extending to 81 inches.

Projection Conversion table From MSL to NAV88*

	Mean Sea Level (MSL) in feet NAVD 88	Mean Sea Level in inches NAVD 88
Miami Beach	-0.96	-11.5

*North American Vertical Datum of 1988 (NAVD 88) is the topographic reference point used in surveying land elevations. By definition it is the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Adaptation Action Areas

While Adaptation Action Areas are optional frameworks for comprehensive plans, the City is responding to the Southeast Florida Regional Climate Change Compact (SFRCC) encouragement of the addition of an Adaptation Action Area into the document. As defined in Section 163.3164 (1) of the Florida Statutes, an Adaptation Action is a designation of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The Florida Statutes also state in Section 163.3177(6)(g)(10) that an Adaptation Action Area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

Rising seas cannot be avoided, and the impacts are detrimental to the City's fabric and the residents. Impacts of rising sea levels include:

- Increased flooding
- Drainage issues
- Destruction of natural resource habitats
- Higher storm surge, increased evacuation areas and evacuation time frames
- Increased shoreline erosion
- Saltwater intrusion
- Loss of infrastructure and existing development

The City is composed of barrier islands, and has an average elevation of 4.4 feet NAVD⁶ increasing the vulnerability to climate change. Over 90,000 people live in Miami Beach, and millions of tourists visit annually, making this 7.1 mile land mass a popular destination. According to the Florida Department of Revenue, residents in 2016 were paying a median of \$1.5 million for a single family home, and \$346,900 for a condo. These residents have large amounts of money invested in the City, and by developing an Adaptation Action Area, Miami Beach is proactive to the potential impacts of sea level rise, such as a loss in property value. It is essential to invest in protecting the City's infrastructure and residents today, rather than spending large sums on repairing damages to buildings and infrastructure.

Hurricane Planning

Hurricane Irma presented Miami-Dade County and Miami Beach with a test for resiliency. The category 5 storm of 2017 presented the City and County with flaws in hurricane planning.

Evacuation During the evacuation phase of the storm, many faced heavy traffic congestion on major north thoroughfares. The City utilizes four major causeways during hurricane evacuation which are:

- MacArthur Causeway
- Venetian Causeway
- Julia Tuttle Causeway

⁶ Miami Beach Rising Above

- 71st Street, a/k/a Kennedy Causeway (79th Street in Miami) Causeway

The City and the County should coordinate evacuation efforts with the State of Florida, in order for a more efficient hurricane

Shelters

The City does not maintain shelters; those persons needing emergency shelter are transported to those maintained by Miami Dade County Emergency Management. During Hurricane Irma, shelters were not filled to maximum capacity, and pet friendly shelters were offered. However, communication of which shelters were open was limited, and better coordination between the City and the County needs to occur in the future.

LEED

On February 10, 2016, the City Commission adopted the Sustainability and Resiliency ordinance which requires LEED Gold certification or Living Building Challenge certification for new constructions over 7,000 square feet or ground floor additions to existing structures that encompass over 10,000 square feet of additional floor area. In order to achieve green building standards, the proposed ordinance requires the payment of a Sustainability Fee prior to obtaining a Temporary Certificate of Occupancy, Certificate of Occupancy, or Certificate of Completion. This fee is set as a five (5%) percent of the construction valuation. If there is a failure to obtain the gold certification, the fee is not refunded or is partially refunded according to the level of certification achieved below Gold. The applicant has up to two years to obtain a full or partial refund of the fee or bond depending on the level of green building certification achieved. Earned fees in the Sustainability and Resiliency Fund shall be utilized to provide public improvements that increase the sustainability and resiliency of the City. Expenditures from these funds shall require prior City Commission approval. Prior to any expenditure, the City Manager shall provide a recommendation to the City Commission.

- Total Existing Bike Network: 29.5 miles Number of Bikeway Types: 3 Existing Bicycle Lanes: 17 miles Existing Bicycle Route: 7.7 miles Existing Shared-Use Path: 4.8 miles³

Sustainability

Sustainability is defined as the extent which a system in its current state will be able to meet the economic, environmental, and social needs of future generations. As a step toward the overall cities goal of sustainability, the City's Sustainability Plan was created. This plan was drafted to improve resources, prevent harm to the natural environment, protect human health, and benefit the social, economic, and environmental well-being of the community for present and future generations. The plan also functions as the work plan for the city's participation in the Energy Economic Zone Pilot Program administered by the Florida Department of Community Affairs.

³ Source: Southeast Florida Regional Compact Climate Change
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As a world-class city, Miami Beach is striving to be a leader in sustainability. The Environment and Sustainability Department was created in 2015, and is one of a kind

- Buildings
- Fuel and Energy use
- Water Management
- Transportation
- Affordable Housing

Resiliency

Resiliency is defined as the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow, no matter what kinds of chronic stresses and acute shocks they experience. City resilience is centered on improving a city, in both good times and bad, for the benefit of all its citizens, particularly those most vulnerable.⁷

Collaboration

With thousands of lives, and billions of dollars at stake, collaboration has been a key strategy for the City of Miami Beach when faced with the challenges presented from climate change. The City has been collaborating with other cities in Miami-Dade County, such as the City of Miami, and together as the “Greater Miami and the Beaches”, the metropolitan area was selected to join 100 Resilient Cities. The organization has indicated the main shocks and stresses the area faces. These shocks and stresses include⁸: coastal/tidal flooding, hurricanes, inadequate public transportation systems, infrastructure failure, and lack of affordable housing, poverty, rainfall flooding, and sea level rise /coastal erosion. Other cities around the world are facing challenges similar to Miami Beach, and through this collaboration of ideas, smart and effective investments in adaptation and mitigation plans can be made.

Miami-Dade County has collaborated with Broward, Palm Beach, and Monroe County to form the Southeast Florida Climate Compact. This group unified the region by developing “regionally-consistent methodologies for mapping sea-level rise impacts, assessing vulnerability, and understanding the sources of regional greenhouse gas emissions⁹”. While each county is diverse, issues and opportunities similar to those in Miami-Dade County are present in other counties.

Vulnerability

As a coastal city, that is an average of 4.4 NAV above sea level, the residents and infrastructure of the City are vulnerable to the flooding and other impacts resulting from climate change. Adaptation Action Areas have been assigned to determine the most vulnerable areas within the City. Striving for urban resiliency, the City is focusing on the protection of its most vulnerable populations; such as those living in poverty and the elderly.

As represented in the *Percent of Persons Living in Poverty* table, the percentage of the population living in poverty in the City of Miami Beach is higher than in Florida for the 2016. According to the 2010 census numbers in the *Population by Age* table there are 14,233 Miami Beach residents

⁷ 100 Resilient Cities

⁸ Greater Miami and the Beaches’ Resilience Story, 100 Resilient Cities

⁹ Southeast Florida Regional Climate Change Compact Counties – Regional Climate Action Plan, 2012

over the age of 65. These results indicate the need to prioritize these populations that require more assistance during these times of adaptation and mitigation.

Percent of Persons Living in Poverty			
Year	Florida	Miami Dade County	City of Miami Beach
2011	14.7%	13.0%	15.0%
2012	15.6%	13.5%	16.3%
2013	16.3%	14.3%	16.9%
2014	16.7%	14.6%	17.5%
2015	16.5%	14.5%	17.7%
2016	16.1%	19.9%	16.7%

Source: U.S. Census Bureau, 2007-2011 American Community Survey, 5-Year Estimates

Population by Age		
Age Range	Population	Percent
Total Population	87,779	100.0
Under 5 years	3,727	4.2
5 to 9 years	3,028	3.5
10 to 14 years	5,177	5.9
15 to 19 years	3,082	3.5
20 to 24 years	5,177	5.9
25 to 29 years	8,353	9.6
30 to 34 years	7,530	8.6
35 to 39 years	8,384	9.6
40 to 44 years	7,530	8.6
45 to 49 years	7,028	8.0
50 to 54 years	5,878	6.7
55 to 59 years	5,141	5.9
60 to 64 years	4,490	5.1
65 to 69 years	3,636	4.1
70 to 74 years	3,250	3.7
75 to 79 years	2,729	3.1
80 to 84 years	2,281	2.6
85 years and over	2,337	2.7
Median age (years)	40.3	

Source: 2010 U.S. Census

Post-Disaster Redevelopment

There were no proposed substantive changes to the post-disaster redevelopment. Existing adopted Goals, Objectives and Policies address redevelopment planning, including the impact of Living with Water as the sea level continues to rise. The impacts of sea level rise are document below in images from the NOAA sea level rise viewer:

Miami Beach with Current Mean Higher High Water Levels



Miami Beach at 1 Foot of Sea Level Rise



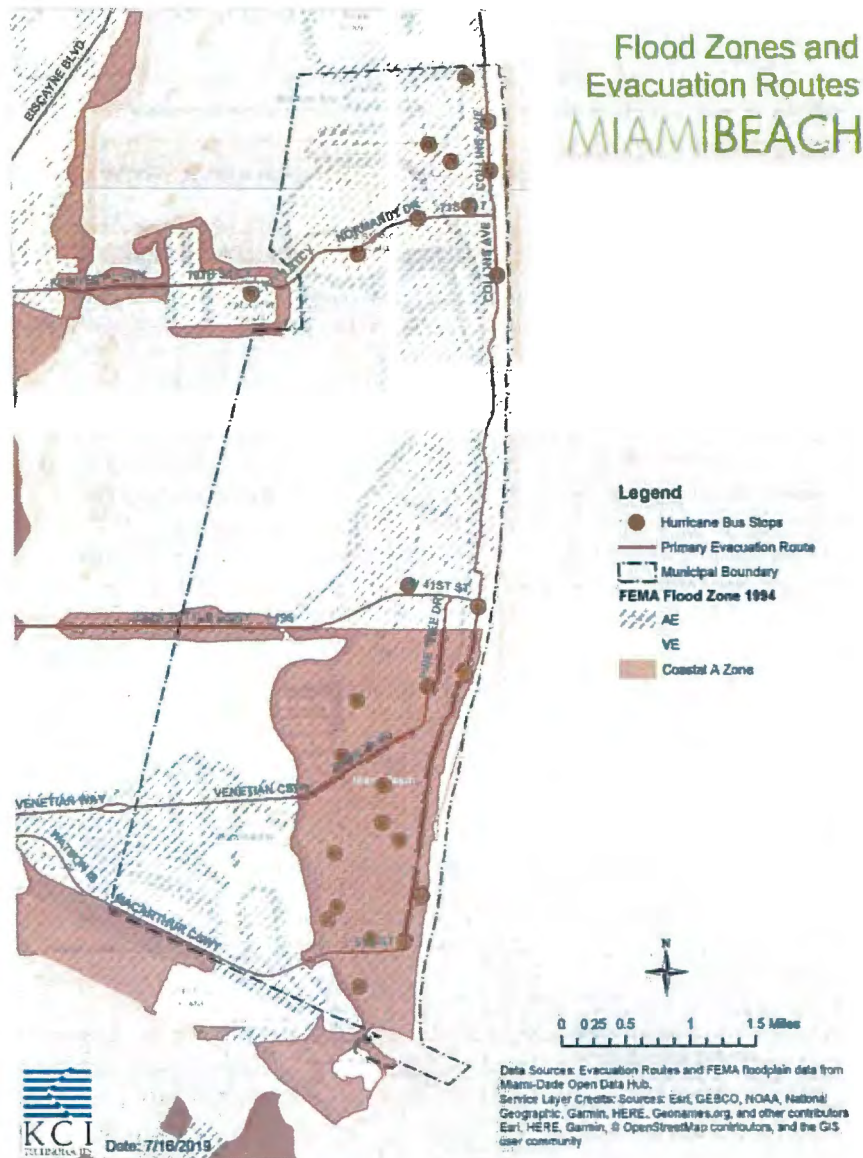
Miami Beach with 3 Feet of Sea Level Rise



Miami Beach with 6 Feet of Sea Level Rise



Storm Surge Planning Zone



The southern tip of Miami Beach is categorized at Zone A, which means it is at the greatest risk for storm surge for Category 1 and higher storms.

In order to comply with the Southeast Florida Climate Change Regional Compact, the City of Miami Beach created a "Greenhouse Gas Emissions Inventory" report to guide the city in the process of establishing emissions reduction targets.

- In 2015, there were 1,247,211 MT CO₂e released community-wide.
- Commercial energy use created 50% of GHG emissions in the community.
- Emissions from electricity use accounted for 69% of the total GHG emissions in the community.
- Emissions from the combustion of gasoline and diesel for transportation accounted for 18% of the emissions in the community.

The 2015 Community Inventory Greenhouse Gas Emissions Results¹⁰

Residential Energy	Usage	Units	CO ₂ e (MT)	% of Emissions
Residential Natural Gas	2,163,381	Therms	11,503.74	0.92%
Residential Electricity	613,366,809	kWh	303,219.71	24.3%
Commercial Energy				
Commercial Natural Gas	12,929,242	Therms	68,750.99	5.51%
Commercial Electricity	1,113,323,891	kWh	550,374.99	44.13%
Public Streets & Highway Lighting	10,369,923	kWh	5,126.40	0.41%
Other Sales	160,686	kWh	79.44	0.01%
Industrial Energy				
Industrial Electricity	4,549,221	kWh	2,248.92	0.18%
Transportation & Mobile Services				
Diesel Vehicles	456,914,972	VMT	38,055.77	3.05%
Gasoline Vehicles	456,914,972	VMT	182,323.55	14.62%
Water & Wastewater				
Combustion of Digester Gas	92,312	People	6.03	0.00%
Process N ₂ O from Effluent Discharge	92,213	People	1,863.51	0.15%
Solid Waste				
Community Waste Generation	92,312	People	83,657.85	6.71%
2014 Community Wide				
Total Emissions			1,247,210.90	100.00%

2015 Government Greenhouse Gas Inventory

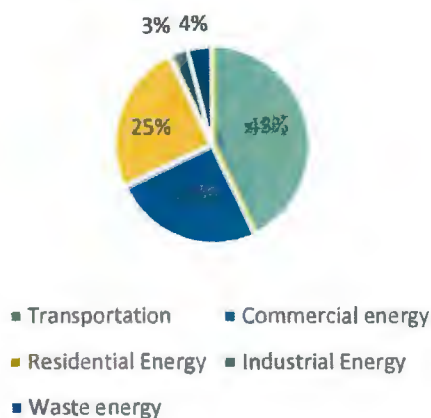
¹⁰ Miami Beach Greenhouse Gas Inventory, 2015

- In FY 2015, there were 35,238 MT CO₂e released through government operations and city-owned buildings and facilities which represents 2.8% of the community wide emissions.
- Buildings and facilities accounted for 65.8% of the emissions from the government inventory.
- The greatest source of emissions was grid-supplied electricity. It emitted 77% of the emissions from government building, facilities and operations.

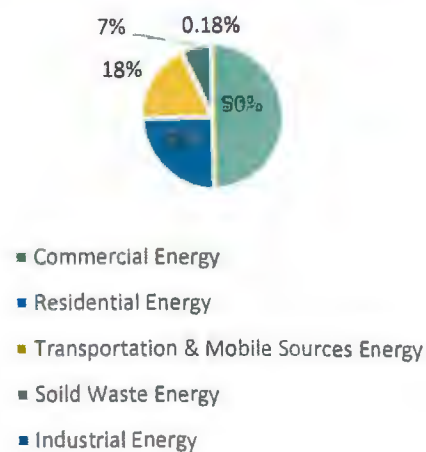
Buildings, Facilities & Operations	Usage	Units	CO₂e (MT)	% of Emissions
Building Electricity	46,117,521	kWh	22,798.33	64.70%
Buildings Natural Gas	72,714	Therms	386.52	1.10%
Public Street & Highway Lighting				
Street Lighting Electricity	8,438,928	kWh	4,171.81	11.84%
Vehicle Fleet				
Diesel Vehicles	133,541	Gallons	1,363.50	3.87%
Gasoline Vehicles	716,710	Gallons	6,292.70	17.86%
Transit Fleet				
City Trolley – NBT	25,610	Gallons	224.86	0.64%
2015 Governmental Operations				
Total Emissions			35,237.72	100.00%

Regional Emissions by County

Miami-Dade County 2005
Community-Wide Emissions
Inventory by Community Sector



Miami Beach 2015 Emissions by
Sector



Higher Emissions Scenario⁹¹ Projected Temperature Change (°F) from 1961-1979 Baseline

Mid-Century (2040-2059 average)

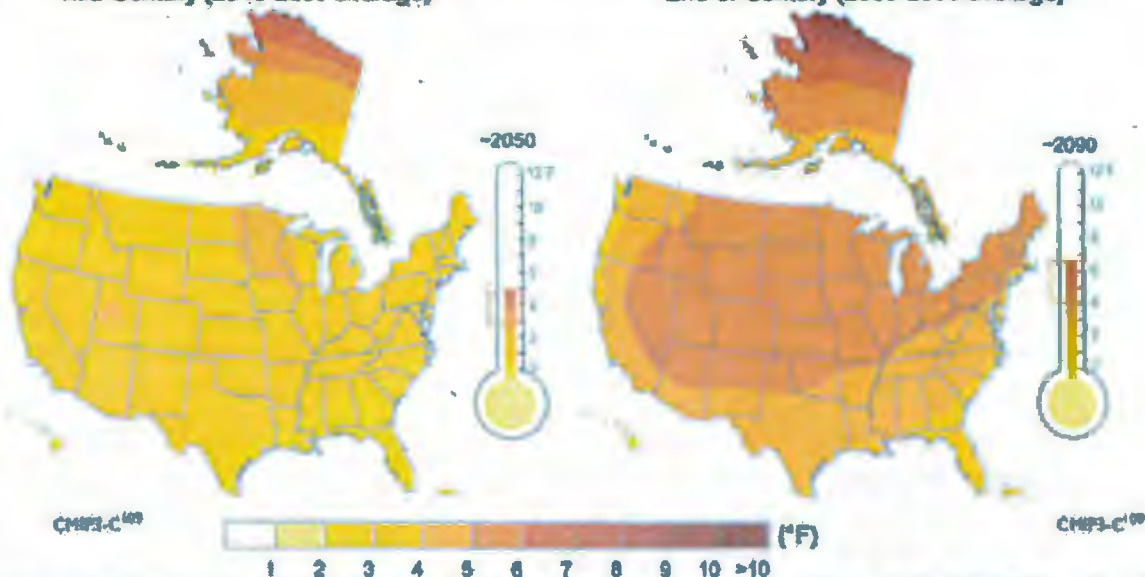
End-of-Century (2080-2099 average)



Lower Emissions Scenario⁹¹ Projected Temperature Change (°F) from 1961-1979 Baseline

Mid-Century (2040-2059 average)

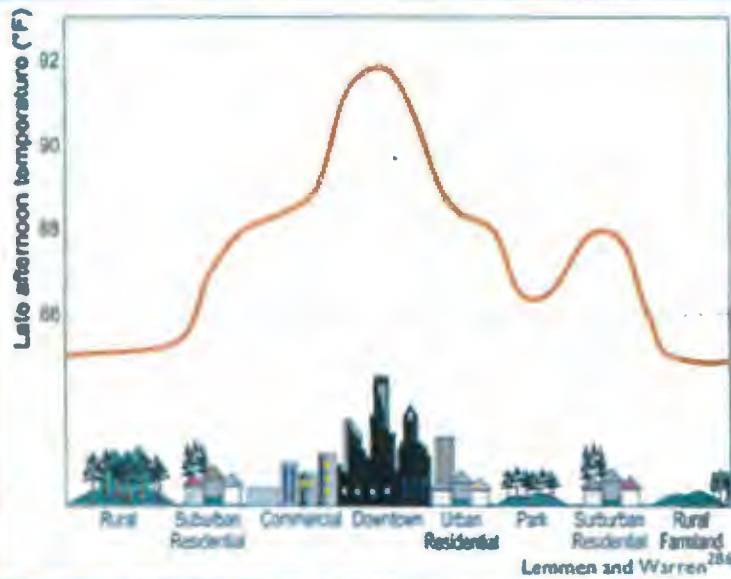
End-of-Century (2080-2099 average)



The maps on this page and the previous page are based on projections of future temperature by 16 of the Coupled Model Intercomparison Project Three (CMIP3) climate models using two emissions scenarios from the Intergovernmental Panel on Climate Change (IPCC). *Special Report on Emission Scenarios (SRES)*.⁹¹ The "lower" scenario here is B1, while the "higher" is A2.⁹² The brackets on the thermometers represent the likely range of model projections, though lower or higher outcomes are possible. Additional information on these scenarios is on pages 22 and 23 in the previous section, *Global Climate Change*. These maps, and others in this report, show projections at national, regional, and sub-regional scales, using well-established techniques.¹¹⁰

Source: Global Changes, Climate Impacts Report

Urban Heat Island Effect



Large amounts of concrete and asphalt in cities absorb and hold heat. Tall buildings prevent heat from dissipating and reduce air flow. At the same time, there is generally little vegetation to provide shade and evaporative cooling. As a result, parts of cities can be up to 10°F warmer than the surrounding rural areas, compounding the temperature increases that people experience as a result of human-induced warming.³¹³

Source: Global Changes, Climate Impacts Report

Chapter 3 - Transportation Element

The Transportation Element (TE) outlines a proactive approach to moving residents, commuters, and tourists around the City of Miami Beach in a safe and accessible manner. This Element's policies are complimentary to the Goals, Objectives and Policies in the City's Resilient Land Use and Development Element and the Resiliency and Sustainability Element. The Element promotes mobility, economic growth and resiliency within the limited land area of the City, and supports the City's efforts in storm hardening and decreasing the City's carbon footprint.

Summary of Element Revisions:

- Improves internal consistency and clarity.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the organization of the Element to improve usability.
- Incorporates policies to establish a transportation concurrency exception area and a mobility fee program.
- Removes references to transportation concurrency management areas and levels of service.
- Provides policies authorizing the City to create pedestrian priority zones.
- Incorporates additional policies to support the use of alternative modes of transportation.
- Incorporates policies to support the City's circulator trolleys.
- Provides policies to support the City's initiatives to improve bicycle infrastructure.
- Provides guidance and standards for the preparation of transportation analyses and mitigation plans.
- Provides policies to encourage the City to study freight loading patterns and mitigate the impacts of freight loading on the transportation network.
- Provides policies to encourage parking garages to be designed to be convertible to other uses.
- Provides policies to encourage resiliency through transportation infrastructure, such as pervious pavements, blue and green infrastructure, and reduction in the urban heat island effect.
- Updates references and departmental citations.

Supporting Studies and Master Plans

- Transportation Master Plan (2016)
- Street Design Guidelines (2016)
- Miami Beach Sidewalk Report (2017)
- Miami Beach Bicycle Pedestrian Master Plan (2015)
- Miami Beach Florida: Stormwater Management and Climate Adaptation Review, *Urban Land Institute* (2018)
- Miami Beach Blueways Master Plan (2017)
- Miami Beach Citemextrix Analysis Report (2016)

Supporting Data & Analysis

The City has adopted a Transportation Master Plan (TMP) in 2016 which is designed to provide future direction for the City's transportation system. It will be integrated into the City of Miami Beach

2025 Comprehensive Plan. In addition, the TMP recommends amendments to the Transportation Element of the Comprehensive Plan which will be considered in this update.

In recognition of the growth in population, future traffic and transit conditions will be forecasted into the year 2035. In an effort to provide guide for future transportation strategies, the TMP has generated a project list for the City of Miami Beach, composed of multi-modal projects, and will analyze new prospects for funding the future endeavors and potential policy. Below are the existing conditions for all modes of travel, as presented in the 2016 TMP.

Existing Conditions¹

Bicyclists and Pedestrians

- 29.5 miles of bicycle network
- 7.0 miles of bicycle lanes
- 17.0 miles of bicycle lanes
- 4.8 miles of shared paths
- 11% of residents utilize biking and walking as their primary mode of transportation
- 3.5% of people ride bikes to work
- 9.9% of people walk to work
- 5 pedestrian bridges

Transit

- 119 transit routes
- Maximum of 17,046 daily boardings and alightings
- 3 stops reach that up to 950 daily boardings each
- 11% of residents using transit as primary mode of transportation
- 13.3% of people ride city transit to work
- Average transit speeds are as low as 5 MPH
- Three existing local transit routes:
 - North Beach Trolley Loop
 - South Beach Circulator
 - Alton-West Avenue Trolley Loop
- 362 transit stops
- 13 regional transit routes
- 3 local transit routes

Automobiles

- 22.6 miles of arterial roadways
 - 2 north-south arterials
 - 4 east-west arterials

¹ City of Miami Beach Transportation Master Plan (2016)
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- SR A1A / Collins Avenue is the only road directly connecting the north and south ends of the City
- 8 major roads with a level of service “E” or worse
- Daily traffic volumes ranging up to 105,000 on MacArthur Causeway and Julia Tuttle Causeway
- 8,425 city-wide crashes from 2011-2013
 - 310 involved a pedestrian
 - 166 involved a bicyclist

Mobility Fee

The adoption of a Transportation Mobility Fee to replace the current Transportation Concurrency Fees is included in the transmittal packet as it is proposed for concurrent adoption with the EAR base amendments. Since the State’s 2011 repeal of Transportation Concurrency, many cities have enacted alternative methods of funding transportation needs provided for in the Florida Statutes, Section 163.3180, “Concurrency”.

Mobility Fees are an option that replaces concurrency and road impact fees. They function as a payment toward multi-modal improvements identified in a list of projects that are planned to accomplish the City’s transportation objectives. Instead of using the common practice of road widening to increase vehicle capacity, the priority in Miami Beach is given to non-automobile modes of travel, making transit and rideshare more convenient, and increasing safety for bicycle and pedestrian travel.

Instead of the Concurrency Fee, developers would pay a fee that is based on the type of new use and customized for the unique character of Miami Beach’s transportation mode share. The fee is calculated in a manner that takes into account the use of all modes of travel, including private automobiles, transit, pedestrian, bicycle and “other”; along with a thoroughly analyzed formula detailed in the technical analysis. The technical analysis to support the Mobility Fees is to be included by reference in the Land Development Code along with a fee schedule.

Chapter 4 - Housing Element

The Housing Element (HE) of the Comprehensive Plan serves as a guide to achieve an inclusive and vibrant community. The Goals, Objectives and Policies in the Housing Element work to provide equitable housing options to support the City's socio-economically diverse population and ensures that all residents of the City have access to quality, energy efficient housing.

Summary of Element Revisions:

- Improves internal consistency and clarity.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the organization of the Element to improve usability.
- Incorporates policies to provide guidance on the location of affordable and workforce housing.
- Provides policies to provide for more energy-efficient housing within the City.

Supporting Studies & Master Plans:

- Miami Beach Sustainability Plan https://www.miamibeachfl.gov/wp-content/uploads/2017/12/City-of-Miami-Beach-Sustainability-Plan_FINAL.pdf
- Resilient 305

Supporting Data & Analysis:

The overview of housing needs summarizes the housing needs of the community over the next five years. The quantitative analysis identifies both the current housing need and projected future housing need for Miami Beach. The Housing Needs Analysis identifies the following critical needs:

- Approximately 49% of all households are at or below 80% AMI.
- About 19% of all households are at, or below 30% AMI, represented by a significant number of elderly residents.
- Almost half (46%) of the households at or below 30% AMI have a household member over 62 years of age, and 27% of those households have a member over 75 years of age.
- Hispanic households that have income of less than 30% AMI, represent nearly 64% of the households with at least one severe housing problem within that income category.
- Waiting list for Rebecca Towers South consists of 656 applicants, of which 38% are extremely low income.
- The waiting list for the Section 8 Housing Choice Voucher Program consists of 1204 applicant households
- Approximately 4,300 housing units have the potential of a Lead-Based Paint hazard.
- There is a total of 21,175 low to moderate-income households in Miami Beach.
- In 2009, 11,202 individuals living with HIV/AIDS in the County were in need of housing assistance, only 1,291 units were subsidized (Source: Miami-Dade County 5-Year Consolidated Plan).
- Approximately 73% of the housing units in Miami Beach were constructed prior to 1979.

Household Need

Household need is calculated by determining the number of households with any type of housing problem. For purposes of this analysis, housing problems are defined as any occupied units lacking complete kitchen facilities, lacking plumbing, having more than 1.01 persons per room (i.e. overcrowded) or costing more than 30 percent of the occupant household's income (i.e. cost-burdened).

Types of Households

- **Family:** Housing serving the general population (as well as special needs households) with qualifying income.
- **Elderly:** Units designated for those at least 62 years of age (or in some instances, 55 years and older).
- **Disabled:** Housing units servicing households where one or more person experiencing a physical or mental disability.
- **Homeless:** Housing assistance for the homeless.

Household Need by Income

Within this report, area median income refers to the median family income established annually by the U.S. Department of Housing and Urban Development (HUD). In 2018, the area median income for Miami-Dade County is \$52,300.² According to HUD guidelines, low-income households earn less than 80% of the area median income (AMI).

- **Extremely Low-income:** At or below 30% AMI
- **Very Low-income:** Between 31% and 50% AMI
- **Low-income:** Between 51% and 80% AMI

The Comprehensive Housing Affordability Strategy (CHAS) information was used to identify housing problems within Miami Beach. The U.S. Department of Housing and Urban Development, in conjunction with the U.S. Census Bureau, provides a CHAS Analysis for all local jurisdictions. The tables below outline the households by income.

² Source: Miami-Dade County Website

Total Renter Occupied Households in Miami Beach by Income

Income	2010 Census	2016 Estimate	2040 Projection
Extremely Low-Income	6,241	6,735	8,456
Very Low-Income	4,831	5,155	6,229
Low-Income	5,235	5,542	6,166
Moderate to Upper Income	6,787	7,146	7,703
TOTAL HOUSEHOLDS	23,094	24,578	28,554

Source: Shimberg Center for Housing Studies

<http://flhousingdata.shimberg.ufl.edu/comprehensive-plan-data/results?nid=4348>

Total Owner Occupied Households in Miami Beach by Income

Income	2010 Census	2016 Estimate	2040 Projection
Extremely Low-Income	1,911	2,118	2,899
Very Low-Income	2,177	2,420	3,365
Low-Income	1,904	2,105	2,769
Moderate to Upper Income	4,657	5,099	6,339
TOTAL HOUSEHOLDS	10,649	11,742	15,372

Source: Shimberg Center for Housing Studies

<http://flhousingdata.shimberg.ufl.edu/comprehensive-plan-data/results?nid=4348>

Total Households in Miami Beach by Income

Income	2010 Census	2016 Estimate	2040 Projection
Extremely Low-Income	8,152	8,853	11,355
Very Low-Income	7,008	7,575	9,594
Low-Income	7,139	7,647	8,935
Moderate to Upper Income	11,444	12,245	14,042
TOTAL HOUSEHOLDS	33,743	36,320	43,926

Source: Shimberg Center for Housing Studies

<http://flhousingdata.shimberg.ufl.edu/comprehensive-plan-data/results?nid=4348>

Public and Assisted Housing³

The Public and Assisted Housing section reviews eligibility guidelines, identifies assisted housing inventory and outlines local government programs.

Eligibility Guidelines

Specific eligibility requirements and/or income restrictions for assisted housing facilities are determined by the program used to fund the project. While some developments target special needs populations such as the elderly, homeless or disabled, most housing programs provide assistance to individuals and families earning below 80% of the area median income. Each year, the U.S. Department of Housing and Urban Development (HUD) determines specific income

³ Source: Department of Housing and Urban Development
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limitations for extremely low-, low- and moderate-income families based on family size. The chart below illustrates the income limits for Miami Beach in 2018.

Miami Beach Income Limits (2018)⁴

Miami Beach 2018 Income Limits			
Household Size	Extremely Low 0-30% AMI	Very Low 31-50% AMI	Low 51-80% AMI
1	\$16,550	\$27,550	\$44,100
2	\$18,900	\$31,500	\$50,400
3	\$21,250	\$34,450	\$56,700
4	\$25,100	\$39,350	\$62,950
5	\$29,420	\$42,500	\$68,000
6	\$33,740	\$45,650	\$73,050
7	\$38,060	\$48,800	\$78,100
8	\$42,380	\$51,950	\$83,100

Assisted Rental Housing Inventory

Because this element largely deals with housing services, it is important to understand the varying types of housing arrangements. Below is a delineation of housing categories within the assisted housing inventory:

- **HOME Investment Partnership Program (HOME):** Projects targeting families earning less than 60% AMI can qualify for non-amortized, low-interest loans from the state for acquisition, construction or rehabilitation costs.
- **HUD Rental Assistance:** HUD provides rental subsidies to low-income families through its Section 8 voucher programs. Additional rental assistance programs are available for the elderly (Section 202) and persons with disabilities (Section 811).
- **HUD Section 207/223(f):** HUD insures mortgage loans to facilitate the purchase or refinancing of existing multifamily rental housing.
- **HUD Section 236:** HUD subsidizes the interest payments on mortgages for rental or cooperative housing owned by private nonprofit or limited-profit landlords and rented to low-income tenants.
- **Low-income Housing Tax Credits:** Both a non-competitive 4% tax credit and a competitive 9% tax credit program is available through the state for new construction, acquisition and rehabilitation of affordable rental housing households earning less than 60% AMI.
- **Predevelopment Loan Program (PLP):** State program provides below-market interest rate financing and technical assistance to non-profit organizations for pre-development activities to plan, finance and develop affordable housing.
- **State & Local Bonds:** Either the state or local housing authority may issue Multifamily Mortgage Revenue Bonds (typically tax-exempt) to finance below market rate units. While there may be set-aside and/or income requirements, there are no rent restrictions.

⁴ Source: Miami-Dade County Income Limits Note: Area Median Income is \$52,300.

- **State Apartment Incentive Loan (SAIL):** Funded through Florida's Housing Trust Fund, the program provides low-interest gap financing to affordable housing developers.
- **Community Development Block Grant (CDBG):** The City has prioritized CDBG funds to address significant needs in its residential affordable housing portfolio to ensure safe, decent and sanitary housing for the residents. The City has rehabilitated the London House (24-units) and in the process of rehabilitation the Lottie (9-units), Madeleine Village (16-units) and the Neptune Apartments (35-units)
- **State Housing Initiatives Partnership (SHIP)-** The City utilizes annual SHIP allocations to fund the following activities: Purchase assistance under the First Time Homebuyer Program, Homeowner Rehabilitation Assistance, Multi-Family Rental Rehabilitation (for income-eligible multi-family housing developments) and Disaster Recovery. In FY 16/17, the City assisted three income-eligible household with funds to purchase a unit and perform minimal improvements and provided funds to one multi-family rehabilitation project. In FY 17/18, the City assisted four households with funds to purchase a unit and perform minimal improvements and two households with homeowner rehabilitation assistance.

Financial assistance for the aforementioned programs is derived from the U.S. Department of Housing and Urban Development (HUD), Florida Housing Finance Corporation (FHFC), Miami-Dade County, and the City of Miami Beach.

Public Housing

According to the inventory of assisted rental housing compiled by the Florida Housing Data Clearinghouse, the City of Miami Beach has 1,913 rental units that have received some type of government assistance.

Subsidized Renter-Occupied Housing

Property Name	Address	Units
Funded by CMB		
Allen Apartments	2000 Washington Avenue	39
Crespi Park Apartments	1023 79 Street	16
Fernwood Apartments	935 Pennsylvania Avenue	18
Jefferson Apartments	542 Jefferson Avenue	27
Knightsbridge	7133 Bay Drive	2
London House Apartments	1965 and 1975 Washington Avenue	24
Lottie Apartments	530 75 Street	9
Madeleine Village	7861 and 7871 Crespi Blvd.	16
Madison Apartments	259 Washington Avenue	17
Meridian Place	530 Meridian Avenue	36
Michigan 530	530 Michigan Avenue	9
Michigan 532	532 Michigan Avenue	18
Neptune Apartments	1632 Meridian Avenue	35

Sabrina Apartments	1551 Pennsylvania Avenue	20
Shelbourne House	710 Jefferson Avenue	24
Steven E. Chaykin Apts	321 Michigan Avenue	30
Villa Maria	2800 Collins Avenue	34
Waterway Village	1945 Calais Drive	10
Westchester	516 15 Street	24
Allen Apartments	2000 Washington Avenue	39
	Subtotal	408
Non CMB Funded		
Ann-Ell Apartments	700 Euclid Avenue	44
Blackstone Apartments	800 Washington Avenue	130
Cielo Apartments	1930 Marseille Drive	18
Council Towers North	1040 Collins Avenue	125
Council Towers South	533 Collins Avenue	125
Douglas Gardens	1960 Park Avenue	22
Edward Apartments	935 Collins Avenue	112
Federation Towers	757 West Avenue	113
Four Freedoms House	3800 Collins Avenue	179
Harding Village Apartments	8500 and 8540 Harding Avenue	92
Lois Apartments	211 Collins Avenue	16
London Arms	727 Collins Avenue	24
Lulav Square	628 Lenox Avenue	140
Rebecca Towers North	200 Alton Road	200
Rebecca Towers South	150 Alton Road	200
Riviera	337 20 Street	56
Shep Davis Plaza	220 23 Street	49
Stella Maris	8638 Harding Avenue	136
Swezy	1200 Pennsylvania Avenue	10
Villa Matti	221 28th Street	36
1158 Marseille Drive	1158 Marseille Drive	4
1168 Marseille Drive	1168 Marseille Drive	4
405 76 Street	405 76 Street	4
841 80 Street	841 80 Street	4
Henderson Court	328 Jefferson Avenue	5
Leonard Turkel Residences	234 Jefferson Avenue	21
	Subtotal	1869
Under Development		
Section 8 Vouchers	Housing Authority Jurisdiction	3407
	Subtotal	3407

	Total	5703

Affordable Housing Programs⁶

- The City receives funds from the U.S. Department of Housing & Community Development (HUD) and the State Housing Initiative Program (SHIP) annually for a variety of programs including Public Services and Capital Improvements. However, for the past several years these awards have been declining.
- The Section 8 Program is operated directly by the Housing Authority of the City of Miami Beach. The number of units in Miami Beach receiving assistance from the Section 8 Program is estimated to be around 1100 and is not accepting applications.
- The Office of Housing & Community Services is now managing the Homeowner Rehab program being funded through the State Housing Initiative Program (SHIP).

Expiring Uses

Of the 1,913 assisted units, up to 486 are in danger of being lost in the next five years to contract expiration and expiring affordability periods. Still, many contracts are renewed on an annual basis and it is likely that many of these affordable units will not actually be lost.

Homeownership Programs

Similar to the rental development, there are a wide variety of homeownership programs. Most offer either direct assistance to the homeowner or land and financial contributions to the developer. Assistance can be in the form of a grant or a loan. Some of the more common programs offered in Florida include the State Housing Initiatives Program (SHIP), Florida Housing Ownership Assistance Program (HAP), Predevelopment Loan Program (PLP) and Community Workforce Housing Innovation Pilot Program (CWHIP). Additional subsidies are also offered through the private sector and local government entities.

While homeownership programs provide assistance for low- and moderate-income households and, in some instances workforce housing, they are not generally considered part of the assisted housing inventory. This is due to the fact that in the absence of resale restrictions, many of the affordable owner-occupied units are quickly lost to the market.

Miami-Dade County is the only county in Florida with a local Documentary Surtax Stamp Program¹¹ for affordable housing. Established in 1984, the surtax collects \$0.45 on every \$100 of recorded commercial property sales. The funds are used for a wide-range of housing programs that assist both rental and homeownership projects. From 1984 to 2011, the Surtax Program has provided the following:

- 7,128 low-to-median income families with low-interest second mortgages, allowing them to become first-time homeowners.

⁶ Source: City of Miami Beach Environmental Scan 2016

¹¹ <http://www.miamidade.gov/housing/surtax.asp#0>

- Homebuyer counseling, which has kept the mortgage default rate to less than 1.1% among Surtax Program participants.
- Low-cost construction financing that has allowed the County to partner with not-for-profit and for-profit affordable housing developers to produce over 15,000 affordable multi-family rental units.
- At least 50% of Surtax funds have benefitted low-income families.

The City of Miami Beach has also targeted funding from the Miami Beach Redevelopment Agency (RDA) for affordable and workforce housing (0-120% AMI). To date, the RDA has invested \$13 million to purchase and rehabilitate Meridian Place Apartments, the Allen Apartments, Barclay Hotel, and London House. The rental development was managed by the Miami Beach Community Development Corporation. Meridian Place Apartments and the Allen Apartments is an affordable housing property for elderly residents currently owned and operated by MBCDC. In 2015, the City acquired the Barclay Plaza Apartments and the London House from MBCDC after a review of their projects and operations revealed a variety of operational and compliance lapses which jeopardized the projects and raised concerns regarding MBCDC's operational capacity. The London House has since been rehabilitated and is fully operational with a total of 24 affordable housing units. The City Commission directed the Administration to issue an RFP to identify a Public-Private Partnership to develop the Barclay Plaza Apartments as workforce housing. An RFP was issued in 2017, however the one applicant was deemed unresponsive. The City is currently working with a consultant to assist in the issuance of an RFQ to develop the Barclay as workforce housing.

The City has partnered with Mount Sinai Medical Center on a housing development to serve its workforce. The hospital received a \$5 million grant from the Community Workforce Housing Innovation Program for the Lowenstein Building.

Housing Authority of the City of Miami Beach

The Housing Authority of the City of Miami Beach (HACMB) is a public housing authority created by Section 421.04, Florida Statutes, and operates as an independent housing agency with a five-member Board of Commissioners appointed by the City of Miami Beach. The mission of HACMB is to provide those in need with quality, affordable housing in economically mixed settings while promoting resident self-sufficiency and fostering strong neighborhoods.

Currently, the HACMB oversees the City's public housing and private rental housing (Section 8) programs. In 1975, the HACMB constructed Rebecca Tower South, a thirteen-story elderly designated Public Housing building with 200 units (120 efficiencies and 72 one bedrooms, and 8 two bedrooms). The following year, the HACMB completed Rebecca Tower North, a thirteen-story elderly designated Section 8 New construction building constructed with 200 units (120 efficiencies and 80 one bedrooms). HACMB also owns a historic three-story building at 211 Collins Avenue. The 16 units (1 efficiency, 11 one bedrooms, 4 two bedrooms) are rented to Section 8 Housing Choice Voucher holders. In all, the HACMB administers 3,407 Section 8 vouchers. HACMB also administers Homeownership and Family Self-Sufficiency programs. HACMB is developing additional units of affordable rental or homeownership units. Their most recent developments include the 30 unit Steven E. Chaykin Apartments, the 21 unit Leonard Turkel Residences, and the five-unit Henderson Court historic building.

Improvements to Housing Authority

The HACMB recently completed its 5-year strategic plan and identified key goals.

To achieve its goals, the HACMB developed 51 new units for the elderly, rehabilitated a five-unit historic building, renovated Rebecca Towers, and is constantly improving Homeownership and Family Self-Sufficiency programs. In accordance with its Section 504 needs assessment, HACMB also updated Rebecca Towers to be ADA compliant.

HOUSING INVENTORY

While the housing supply represents the number of units available at any given time, the housing inventory refers to the total number of housing units found within the City limits. In 2016, there were approximately 69,771 housing units in Miami Beach. Originally built as a vacation resort and destination, most of the units in Miami Beach are small studio efficiencies and one-bedroom units, and nearly all of the housing in the City (92%) is multifamily units (from townhouses to high-rises). The table below identifies existing housing in Miami Beach.

The housing inventory in Miami Beach is diversified not only by housing type but also by the age of the housing units. There has been considerable new housing construction in the City since 2000 with 8,533 new units added. However, the majority of housing consists of older developments: approximately 56,000 housing units were built more than twenty-five years ago, half of which are more than fifty years old.

Substandard Housing

Substandard housing in the City of Miami Beach is predominately a matter of overcrowding rather than substandard physical conditions. The following table sets forth the number of substandard housing units, and the basis for such conditions, estimated in the American Community Survey.

Substandard Housing in Miami Beach⁷

Housing Condition	%	2016
Lacking complete kitchen/plumbing facilities	1.6%	2,710
Overcrowded	6.0%	2,663
Total Substandard	7.2%	5,373

More than half of the housing stock was built between 1950 and 1979 which suggests that rehabilitation is necessary, even in those properties that have been generally well-maintained throughout the years. This also suggests that there is a risk of lead-based paint existing in many of the properties as most of the City's residential buildings were constructed prior to the banning of lead paint.

⁷ Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates
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Definitions

Substandard Unit: A housing unit that does not meet local housing building codes and/or does not meet HUD Housing Quality Standards (HQS).

Substandard condition but suitable for rehabilitation: A substandard unit that based on reasonable cost of rehabilitation or historical significance, should be saved and rehabilitated.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	7,508	46%	14,678	54%
With two selected Conditions	60	0%	1,401	5%
With three selected Conditions	0	0%	63	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	8,586	53%	11,016	41%
Total	16,154	99%	27,158	100%

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	1,331	8%	2,333	9%
1980-1999	3,141	19%	3,877	14%
1950-1979	8,020	50%	14,081	52%
Before 1950	3,662	23%	6,867	25%
Total	16,154	100%	27,158	100%

Inventory of Mobile Home Parks

There are no mobile home parks or subdivisions in Miami Beach.

Projected Demand for Housing

The overall housing need is to maintain the total number of housing units at a minimum of 69,771 which is an amount equal to the total number of households (plus an adequate vacancy rate) projected to reside in Miami Beach in 2040.

In 2016 there was an estimation of 69,771 housing units in the City of Miami Beach, a 2.6% increase from 67,966 in 2010. In 2016, there were 44,190 households living in Miami Beach, with an average household size of 2.05. Approximately 25,581 units were vacant or second homes. Many property owners are renting out their properties through short term vacation rental businesses which have increased in popularity in the past few years. Housing unit information will be updated as the City's property tax roll from Miami-Dade County is received in July of each year.

Land Requirements for the Estimated Housing Need

The City of Miami Beach is 7.1 square miles in size, and is bounded by three other municipalities (Miami (west of Biscayne Bay), North Bay Village, and Surfside), Biscayne Bay and the Atlantic Ocean. It consists of a number of islands interconnected with bridges and also a portion of Fisher Island, which is separated by Government Cut and connected to the City via a ferry service from Terminal Island in the City proper. The City has not expanded in land area since the date of the last EAR and does not expect to expand in the future.

Currently, the City's estimated population is 91,784 persons⁸ after a slow decline from 2000-2010, followed by a slow increase from 2010 to present. The City's population is projected to continue to slowly rise. Based on the U.S. Census, the City's population is estimated to rise to about 105,144 by 2040.

As noted above, the current number of existing housing units is estimated at approximately 69,771. These figures would suggest that units would need to be added during the 22 years between 2018 and 2040 to accommodate the expected population increase. While the City's land use data indicates that the City is virtually built out, there is some potential for redevelopment, and the small number of additional housing units projected to be needed could certainly be accommodated within this scenario by envisioning slightly more residential development in areas that permit mixed uses of both residential and commercial. Since the economic recession, development has recovered, and it continues to grow, along with construction.

Existing Housing Delivery System

The City of Miami Beach contains nominal vacant land and is considered a built-out community. Development of new housing is predominantly the result of rehabilitation of existing residential properties and/or the re-use of historic buildings such as former hotels. A significant amount of existing rental housing stock has been converted to condominium ownership in recent years. While the majority of housing is for owner occupants, a part of this inventory is made available to the rental market, particularly in the case of condominium units. The housing delivery system in the City of Miami Beach also includes private multi-family rental housing properties. There appears to be ample private sector capacity to satisfy anticipated demand for most housing. Non-profit affordable housing providers, particularly community development corporations, and the Housing Authority of the City of Miami Beach work closely with the City to address the housing needs of very low- to low-income households.

Private financing for acquisition, redevelopment and purchase of housing has been readily available in recent years. However, current economic conditions have severely tightened both commercial and residential lending in Miami-Dade County.

There are resources to assist qualified low-income homebuyers to purchase homes through local banks and government programs such as those offered by the Miami-Dade Housing Finance Authority and the Florida Housing Finance Agency. The City of Miami Beach reviews funding applications for housing initiatives. The Committee is a 7-member board that meets monthly, with the exception of August. City Commissioners appoint members of the Committee.

⁸ Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates
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Public Sector Funding Sources Available

The following funding sources support housing activities within the City of Miami Beach:

RDA- Redevelopment Agency Funds: Miami Beach Redevelopment Agency provides funding for affordable and workforce housing in target areas. The RDA has invested in four affordable housing projects since 2007.

CDBG- Community Development Block Grant: Federal funds are allocated to entitlement communities to improve housing conditions, infrastructure, and expand economic opportunities for low-income persons. The City's CDBG funds are used for, purchase assistance and affordable housing acquisition and rehabilitation.

HOME- Home Investment Partnership Funds: The City's federal HOME funds are used primarily for the rehabilitation of units. Funds will be set aside for a certified Community Housing Development Organization (CHDO) to undertake eligible HOME activities.

NSP I- Neighborhood Stabilization Program I: The City received HUD stimulus funds through the State of Florida's Department of Community Affairs to purchase and rehabilitate foreclosed or abandoned multi-family buildings for use as rental housing for income-qualified households.

SHIP- State Housing Initiative Partnership: Annual allocation of SHIP funds support owner-occupied housing rehabilitation, first-time homeowner assistance, and homeowner rehabilitation, as well as affordable rental housing renovation.

Additional Public Sector Leverage Resources

Housing developers can seek financing or subsidies for affordable housing from the following sources:

Miami Dade County Documentary Surtax Funds: Documentary stamp revenue collected by Miami-Dade County is directed toward housing-related projects throughout the County.

SAIL-State Apartment Incentive Loan Program: The state program provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the development's primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities, not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low-income individuals and families.

Predevelopment Loan Program: The state program provides below-market interest rate financing and technical assistance to non-profit organizations for pre-development activities to plan, finance and develop affordable housing.

LIHTC-Low Income Housing Tax Credit Program and Tax Exempt Bonds: The LIHTC program provides an allocation of federal tax credits that are used for the construction or rehabilitation of rental housing that must remain affordable to low-income households for 15 years or more. Rent restrictions are also in place. Tax-exempt bonds provide below market-rate loans to nonprofit and for-profit developers who set aside a certain percentage of their apartments for low-income

households. The program requires that at least 20% of the units be set aside for households earning at or below 50% of the area median income. The developer may also opt to set aside 40% of the units for households earning at or below 60% of area median income.

Section 202 and 811 Programs: Federal programs designed to promote new construction or substantial rehabilitation of housing by non-profit organizations for the elderly or persons with disability.

Housing Sale Trends

In the first five years of the 21st century, the entire nation witnessed an unprecedented housing boom, with appreciation in South Florida drastically outpacing other regions of the country. As property values soared, the median price for a single family home in Miami-Dade County more than doubled in five years reaching a high of \$401,100 in May 2007.

While there has been significant appreciation in the housing market since 2000, market stabilization began in 2006. With the recession in full force by 2010 and 2011, single family home and condominium prices were at a low. According to the Florida Housing Data Clearinghouse, the median sale price for a single family home in Miami Beach was as low as \$825,000 in 2009, and the median sales price for a condominium dropped to \$245,000 in 2011. Since these low points, the home values have been increasing. In 2017, the value for a single family home rose to \$1,418,750 and the value for a condominium is \$322,500.⁹

Housing Rent Trends¹²

The average rent rose from \$581 in 2000 to \$985 in 2013 - a 70% increase. Current HUD Fair Market monthly rents in Miami Beach are shown in the table below.

ZIP Code	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
33139	\$1,310	\$1,600	\$2,030	\$2,690	\$3,260
33140	\$1,240	\$1,520	\$1,930	\$2,570	\$3,110
33141	\$1,020	\$1,240	\$1,580	\$2,100	\$2,540

The City of Miami Beach has also targeted funding from the Miami Beach Redevelopment Agency (RDA) for affordable and workforce housing (0-120% AMI). To date, the RDA has invested \$13 million to purchase and rehabilitate Meridian Place Apartments, the Allen Apartments, Barclay Hotel, and London House. The rental development was managed by the Miami Beach Community Development Corporation. Meridian Place Apartments and the Allen Apartments is an affordable housing property for elderly residents currently owned and operated by MBCDC. In 2015, the City acquired the Barclay Plaza Apartments and the London House from MBCDC after a review of their projects and operations revealed a variety of operational and compliance lapses which jeopardized the projects and raised concerns regarding MBCDC's operational capacity. The London House has since been rehabilitated and is fully operational with a total of 24 affordable

⁹ Source: Shimberg Center, Florida Housing Data Clearinghouse

¹² Source: City of Miami Beach Housing and Community Services
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housing units. The City Commission directed the Administration to issue an RFP to identify a Public-Private Partnership to develop the Barclay Plaza Apartments as workforce housing. An RFP was issued in 2017, however the one applicant was deemed unresponsive. The City is currently working with a consultant to assist in the issuance of an RFQ to develop the Barclay as workforce housing.

The City has also partnered with Mount Sinai Medical Center on a housing development for its workforce. Mount Sinai received a \$5 million grant from the Community Workforce Housing Innovation Program.

Obstacles

Obstacles for meeting underserved needs continue to be funded. With the increased value of housing and land, developing new affordable housing units will continue to be an obstacle. Additional obstacles include the availability and cost of housing, reduced State and Federal funds, as well as competition among the low-income and median-income workforce households.

Affordable Housing – Removing Barriers

The City of Miami Beach has implemented “the expedited processing of permits for affordable housing projects” and “an ongoing process for review of local policies, ordinances, regulations and comprehensive plan provisions that impact the cost of housing.” This incentive gives priority to designated affordable housing projects when scheduling Pre-Design Conferences with all relevant agencies including but not limited to: Fire, Planning and Zoning, Building, Historic Preservation, Public Works, Americans with Disabilities Act (ADA), and the Housing and Community Development Division of the Office of Housing and Community Services. Also, when the plans are ready for permitting, first priority is provided.

In 2007, the City established the Cultural Arts Neighborhood District Overlay (CANDO) and committee. The mission of CANDO is to stimulate the creation of affordable housing (that meets Federal and State income guidelines) for cultural workers, encourage arts-related businesses to establish within the district and reverse the gentrification process whereby high rents and property values displace artists, art galleries and cultural activities from this area. The boundaries of the CANDO district are: 24th Street and North Lincoln Lane on the south and the Atlantic Ocean on the east.

The CANDO district crosses over several zoning districts with different development regulations. Because there are several zoning districts involved, the overlay district was developed with regulations and incentives that are applied to this district only, without changing the underlying development regulations. The CANDO district provides regulatory incentives for the creation of long-term (30 years) affordable housing units created within mixed use projects. The City of Miami Beach also has an ordinance that permits the relaxation of parking requirements for long-term affordable housing projects developed for the elderly and workforce.

The City Commission has directed Administration to proceed with a new parking garage development which will incorporate workforce and artist housing in the Collins Park neighborhood on the corner of 23rd Street and Liberty Avenue. The City is currently in discussions with Art Center South Florida and Miami City Ballet who have expressed interest in the development of workforce housing benefitting artists for their respective organizations.

As a recipient of Florida's SHIP funds, the City of Miami Beach was required to reinstate its Affordable Housing Advisory Committee (AHAC) in 2008. The AHAC is an 11-person advisory board that is charged with the responsibility of reviewing the City's processes, policies and ordinances to recommend monetary and non-monetary incentives for the development of affordable housing, including recommending actions or initiatives to encourage or facilitate the development or retention of affordable housing, while protecting the ability of the property to appreciate in value. Members are appointed by the Commission. The City is required to submit to the State the committee's updated policy review and recommendations every three years incorporated into the Local Housing Assistance Plan (LHAP). The LHAP for 2016-2019 was submitted to FHFC February 2017 and the City will begin the draft for the new report November 2018.

Land Use Regulations

Since 1996, the City has expedited permitting for affordable housing. Affordable housing projects are given priority when scheduling pre-design conferences with relevant City agencies including, but not limited to: Fire, Planning and Zoning, Building, Historic Preservation, and Public Works as well as when plans are ready for permitting.

In addition, prior to the adoption of any proposed policy, procedure, ordinance, development plan, regulation, or Comprehensive Plan amendment that might impact housing, the City evaluates its potential effect and cost of affordable housing.

On a triennial basis, the City of Miami Beach, through its Affordable Housing Advisory Committee (AHAC) and Office of Housing and Community Services, reviews its regulatory policies and procedures and develops strategies to encourage or facilitate affordable housing.

The City has made changes to ordinances and policies to eliminate barriers and encourage affordable/workforce housing development:

- Expedited permitting process for affordable housing projects
- Reduced minimum unit size for affordable housing
- Reduction in parking space requirements for affordable housing

Furthermore, the City is working with a Public-Private Partnership Consultant to assist the City with affordable/workforce housing efforts using otherwise underutilized City assets

Short-Term Vacation Rental Trends

Since approximately 2008, "short term vacation rentals", an alternative to commercial hotel lodging while travelling, has been growing in residential areas across the globe. This involves residential property owners renting out their entire space on a short-term basis, usually a weekend or a week at a time. They utilize a website or a smartphone application so there is no travel agent, Realtor, or any need for placing advertisements. The owners will not be present in the residence while the tenants stay. Most rental laws, including those in Miami Beach, do not permit rentals for a period of less than 6 months and 1 day (per Land Development Regulations Section 142-905(b)(5) and 142-1111 (a1)). Some exceptions apply, particularly in certain districts. The City requires prior approval of a short term rental, as well as a certificate of use. In addition, resort taxes are collected.

The issues experienced within the neighborhoods are that the permanent residents feel that these short-term rentals are diminishing their quality of life due to frequent noise disruptions and uncertainty of their safety. The State of Florida has pre-empted cities from enacting new local legislation on short-term vacation rentals a number of times, so as not to inhibit tourism options. However, many cities have enacted legislation prior to the State's pre-emption.

The proliferation of short-term vacation rentals in Miami Beach was so notable that, in 2016, the City passed an ordinance and set up a steep fine structure for violators of Land Development Regulations Section 142-905(b)(5) which refers to permitted accessory uses in single-family districts, and 142-1111, which applies to short-term rental of apartment units or townhomes. The fines begin at \$20,000.

The City's intent to preserve the quality of life for permanent residents should be reflected further in the Housing Element of the Comprehensive Plan.

Chapter 5 - Historic Preservation Element

The Historic Preservation Element (HP) of the Comprehensive Plan supports the conservation of the unique character and heritage of the City by preserving historic structures, sites, and neighborhoods. The Goals, Objectives, and Policies of this element serve to protect the City's unique history and heritage through the preservation of structures and places, while supporting educational outreach, economic development, and resiliency and adaptation.

Summary of Revisions:

- Renumbers policies for internal consistency.
- Directs the City to establish resiliency guidelines for the preservation of historic buildings.
- Authorizes the City to establish neighborhood conservation districts and resiliency districts that incorporate the preservation of essential characteristics and adaptation to sea-level rise.
- Adds tools to incentivize preservation.
- Educational programs were introduced

Supporting Studies and Master Plans:

- Washington Avenue Vision and Master Plan (2016)
- North Beach Master Plan (2016)

Supporting Data & Analysis:

The presence and recognition of historically significant properties in Miami Beach continues to be part of the charm of the City. For about 4 decades, the City has supported the initiative through policy, incentives, and City staff. The City's first Historic Preservation Ordinance was adopted in 1980.

Currently, there are 2 City staff members dedicated to Historic Preservation in the Planning Department, as well as a 7 member Historic Preservation Board. The City offers reduced permit fees as an incentive to developers who apply to renovate historic structures.

Historically Significant Properties in the City include:¹

- 14 Local Historic Districts
- An inventory of 1,888 contributing buildings within existing Local Historic Districts and a total number of 2,611 buildings located within the existing Local Historic Districts
- 15 individually locally designated historic sites
- 31 individually locally designated single family homes
- 4 National Register Historic Districts
- The Miami Beach National Register Architectural District designated in 1979 (commonly known as the Art Deco District)
- The Normandy Isles National Register Historic District designated in 2008
- The North Shore National Register Historic District designated in 2009

¹ The City of Miami Beach Environmental Scan, 2016

- The National Register Collins Waterfront Architectural Historic District designated in 2011
- 7 individually designated National Register listings:
 - Beth Jacob Social Hall and Congregation listed in 1980
 - The Venetian Causeway listed in 1989
 - The Ocean Spray Hotel listed in 2004
 - The Cadillac Hotel listed in 2005
 - The Fontainebleau Hotel listed in 2008
 - Lincoln Road Mall listed in 2011
 - Giller Building listed in 2018

Survey of Historic Properties

Calendar Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of Buildings classified as Contributing within Local Historic District	1534	1549	1549	1549	1549	1549	1549	1549	1549	1549	1888
Number of Individual, Local Historic Preservation Sites Designated	12	13	13	13	13	13	13	14	15	15	15
Number of Single Family Homes locally Designated	8	10	19	22	26	27	28	30	31	32	31
Number of Districts locally Designated	11	12	12	12	12	12	12	12	12	12	14
Number of National Register Districts Listed	2	3	4	4	4	4	4	4	4	4	4
Number of National Register Individual Sites Listed	5	5	5	6	6	6	6	6	6		7

The City has made great improvements in implementing historic preservation policies and regulations. Going forward, it is recommended that the City continue to increase the total number of structures designated as historically significant whenever possible and feasible.

The City should also focus on increasing community awareness, interest, and support for the continued success for the City's historic preservation efforts in building a sustainable, vibrant and economically vital urban environment.

Chapter 6 - Recreation and Open Space Element

The Recreation and Open Space Element (ROS) of the Comprehensive Plan addresses the needs for active and passive parks, recreational facilities, open space, and access to waterways. The ROS element supports other elements within the Comprehensive Plan to help ensure that development continues to provide areas for recreation and open space uses for permanent and seasonal residents of all ages. The City's level of service requirements for recreation and open space are located in the Capital Improvement Program Element (CIE).

The 2009 Comprehensive Plan has directed many new facilities that promote access to the waterways, and several projects have been completed. The policies directing improved access to the waterways have been updated to focus on completion of the project as well as continue to maintain the facilities. These include pedestrian walkways, beach parking, and the requirement of public access to the waterfront and shoreline with non-residential property development. Also added is adherence with the recommendations in the Blueways Master Plan. Within the LOS standards, the standards for Basketball Courts and Tennis Courts have been increased.

Summary of Element Revisions:

- Incorporates policies to enhance the development of linear parks.
- Provides clarifications to policies regarding access to the waterfront and shoreline.
- References the Capital Improvements Element for parks and recreation levels of service.
- Improves internal consistency and clarity.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the organization of the Element to improve usability.

Supporting Studies and Master Plans

- City of Miami Beach Blueways Master Plan (2015)

Supporting Data & Analysis:

Existing Level of Service

There are 1,156 acres of recreation and open space Citywide. This total includes ornamental open space and ocean beach conservation area.

Adequacy of Existing Facilities

The above Level of Service figure is considerably higher than the commonly used national standard of 3.0 acres per 1,000 persons. Therefore, qualitative assessment becomes more significant than quantitative. The principal need is adequate facilities and maintenance at the existing parks.

Future Needs

With no significant population increase projected, the existing park acreage will be adequate. Again, the future need will continue to be primarily that of upgrading existing facilities as noted in the Problems and Opportunities statements for each park in the facilities inventory.

Number of Existing Miami Beach Facilities

Number	Facility Type/Site
2	Municipal Regulation Golf Courses
1	Par Three
6	Staffed Parks (North Shore Park and Youth Center, Muss Park, Flamingo Park, Normandy Isle Park & Pool, South Pointe Park and North Shore Open Space)
18	Active Parks (including staffed parks: Beachview Park Fisher Park, Maurice Gibb Memorial Park, Polo Park, Crespi Park, Fairway Park, LaGorce Park, Muss Park, Flamingo Park, Normandy Isle Park, Normandy Shore Park, North Shore Park & Youth Center, Stillwater Park, Tatum Park, Lummus Park, Palm Island Park, South Pointe Park and North Shore Open Space)
19	Passive Parks (Collins Park, Indian Beach Park, Marjory Stoneman Douglas Park, Pinetree Park, Belle Isle Park, Sunset Island II Park, Sunset Island IV Park, Triangle Park, Allison Park, Altos Del Mar Park, Brittany Bay Park, North Shore Bandshell, Parkview Island Park, Hibiscus Island Park, Pier Park, Pancoast Park, Poinciana Park, Buoy Park and Washington Park)
3	Youth/Community Centers (SRYC, NSPYC & 21 st street)
3	Pools (SRYC, Flamingo & Normandy Isle)
1	Ice Rink
6	Tennis Sites (Flamingo, Polo, Normandy Shores, NSPYC, Palm and Fairway)
42	Tennis Courts (Flamingo: 17, Polo: 4, Normandy Shores: 4, North Shore Park : 12, Palm: 3 and Fairway: 2)
4	Bark Parks (Pinetree Park, Flamingo Park, Belle Isle Park, South Pointe Park, Bark Beach, North Beach Oceanside Park, and Washington Park)
19	Playground Tot-Lots (Muss, Flamingo, Crespi, Fisher, LaGorce, Lummus, Maurice Gibb, Marjory Stoneman, Normandy Shores, Palm, Polo, Stillwater, Tatum, Fairway, South Point Park, Beach View Park – 53 rd Street, North Shore Open Space, North Shore Park & Youth Center & Normandy Isle).
1	Football Stadium and Track
1	Baseball Stadium
7	Sports Fields (Flamingo: 2, Fairway: 1, Normandy Isle: 1, NSPYC: 2 and Polo: 1)
21	Rental Sites (North Shore Open Space/Ice Rink/Youth Centers, 21 st Street Recreation Center, any and all tot-lots)
15	Basketball Courts (Flamingo: 2, Fairway:1, NSPYC: 1, Stillwater: 1, Polo Park: 4, Tatum Park: 1, SRYC: 1, Palm: 1, Normandy Isle: 2 and Crespi: 1)
6	Bowling Lanes
2	Dance Floors (21 st Street & NSPYC)
12	Computers for Public Use

The National Recreation and Parks Association has published Park Metrics which provides benchmark data and insight for park and recreation staff. The typical park and recreation agency offers one park for every 2,114 residents served, with 10.1 acres of park land per 1,000 residents. Since all municipalities are unique, including Miami Beach, the data is used to compare the city to similar areas, to gain more funding support, improve operations and better serve their communities.¹

- 50 recreation and open space sites throughout the North, Mid, and Southern Districts of the city.
- 726.83 acres of recreational open space.
- Special purpose parks comprise over 365 acres or approximately 50% of total park system.
- The South District, which is currently providing only 2.86 acres per 1,000 population, does not meet the city's LOS minimum standard for open space.
- The Mid-Beach District has the largest amount of recreation space of any district at over 376 acres, or just over 15 acres per 1,000 population.
- The North District is currently meeting the city's LOS standard at 6.74 acres for open space per 1000 population.
- The City of Miami Beach suffers from a lack of large open field space. There is currently only one regulation baseball field and one regulation softball field within the city limits.
- With more children under 18 living in the City of Miami Beach than ever before, it has been necessary to re-asses the needs of the community and its respective populations accordingly.

¹ Source: <https://www.nrpa.org/publications-research/ParkMetrics/>
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Chapter 7 - Infrastructure Element

The Infrastructure Element (INF) of the Comprehensive Plan addresses the services of potable water, sanitary sewer, drainage, and solid waste. The Goals, Objectives, and Policies in the Infrastructure Element establish the level of service and maintenance standards of infrastructure within the City of Miami Beach. The INF element supports other elements within the Comprehensive Plan to help ensure that development continues to be adequately served by utilities while conserving water and protecting floodplains.

The Infrastructure Element is updated to provide additional policies furthering the goals of other Elements, particularly in regards to stormwater management, sea level rise, and resiliency. In addition, State requirements for peril of flood have prompted a policy in regards to FEMA requirements for new construction. Educating the public on water conservation has also been added to bring more attention to resources. Policies have been removed if the new projects they directed in the 2009 Comprehensive Plan have been completed, such as the Stormwater Management Master Plan.

Summary of Revisions:

- Provides policies that direct infrastructure to be provided that furthers the goals of the Climate Resiliency and Sustainability Element.
- Updates requirements for infrastructure to incorporate the City of Miami Beach Freeboard previously adopted by ordinance.
- Improves internal consistency and clarity.
- Updates Goals, Objectives, and Policies to be consistent with changes in state law.
- Removes citations to obsolete Florida Statutes and Florida Administrative Code sections.
- Modifies the organization of the Element to improve usability.

Supporting Studies and Master Plans

- Miami Beach Florida: Stormwater Management and Climate Adaptation Review, *Urban Land Institute* (2018)
- South Florida and Sea Level: The Case of Miami Beach, *Harvard Graduate Study* (2017)
- Transportation Master Plan (2016)
- Miami Beach Sustainability Plan https://www.miamibeachfl.gov/wp-content/uploads/2017/12/City-of-Miami-Beach-Sustainability-Plan_FINAL.pdf

Supporting Data & Analysis:

The Public Works Department is a large, full service organization providing planning, design, construction, maintenance, repair, and operation of City infrastructure including utility systems and City buildings and facilities. The Department is also responsible for City cleanliness and manages the Solid Waste Collection and Disposal Program. The Department is represented by a professional, semi-professional and licensed disciplines working in the Infrastructure, Sanitation, Engineering, and Greenspace Divisions on a \$152.8 million annual budget.

The City infrastructure managed by the Public Works Department is comprised of:

- 96 municipal buildings;

- 23 city owned bridges; monuments; water fountains; swimming pools;
- 1.8 miles of Boardwalk;
- 2.87 miles of Beachwalk; playground equipment; parking garages; street furniture;
- 180 miles of water piping;
- 23,000 water valves;
- 717 fire lines;
- 1,009 fire hydrants;
- 86 water crossings;
- 4 water storage tanks with total storage capacity of 14 million gallons;
- 6 water pumping stations;
- 13,526 water meters;
- 152 miles of sewer piping;
- 3,293 sewer manholes;
- 23 sewer pump stations;
- 110 miles of stormwater pipes and valves;
- 367 stormwater outfalls;
- 172 drainage basins;
- 6,100 catch basins; 2,688 stormwater manholes;
- 7,300 feet of seawall;
- 140 miles of City street;
- 242 miles of sidewalks;
- 200 miles of curb and gutter;
- 34 stormwater pump stations;
- 33 miles of alleyways;
- 7,200 street lights;
- 263 miles of underground wiring; and
- 1,200 landscape up-lights.

Sanitary Sewer

The Miami-Dade County Water and Sewer Department (WASD) is responsible for the treatment of sewage. The system serves the entire City so the existing land use data in the Future Land Use Element applies. All uses must tie into the sanitary sewer system as a matter of policy.

The City's sewage is currently being treated at the Central District Wastewater Treatment Plant. The adopted Level of Service is 140 average gallons per capita per day. The City's collection system currently has adequate capacity to meet current needs and is deemed to continue to be adequate as it is replaced and upgraded as needed.

Potable Water

The City's Public Works Department is responsible for 180 miles of water piping; 23,000 water valves; 717 fire lines; 1,009 fire hydrants; 86 water crossings; 4 water storage tanks with total storage capacity of 14 million gallons; and 6 water pumping stations. The Department is also responsible for the safe and efficient distribution of 7.6 billion gallons of water annually and to

minimize the distribution system water loss. The Miami-Dade County Water and Sewer Department is responsible for the water supply and treatment. The entire City is served by the City distribution system.

The City of Miami Beach is served by the Hialeah-Preston sub-area water treatment plants. The treatment plants are interconnected and act as a single system. The plants operate under a Title V Florida Department of Environmental Protection permit number 02502810005-AV. Both of these treatment facilities obtain raw water from the Biscayne Aquifer under consumptive use permit number 13-00017-W and utilize the same basic process for water treatment. The treatment process includes lime softening, chlorination, ammonization, fluoride, filtration and air stripping.

In addition to these plants, Miami-Dade WASD also operates the Alexander Orr, Jr. Water Treatment Plant and other minor water treatment plants servicing the southern portion of the County. The Alexander Orr, Jr. plant utilizes the same water treatment process as the Hialeah-Preston plants with the exception of the air stripping. The City is within Miami-Dade County WASD service area which provides potable water and sanitary sewer services. As discussed the potable water and sanitary sewer systems have adequate capacity to meet the needs of current and future residents.

The adopted Level of Service for Potable Water consumption is 140 average gallons per capita per day, with a peak of 168 gallons per capita per day.

The City adopted a 10-Year Water Supply Facilities Work Plan, which is hereby incorporated for reference. The Water Supply Plan contains data and analysis for the Potable Water section of the Infrastructure Element.

Wellfields

There are no wellfields within the municipal boundaries of Miami Beach

<https://www.miamidade.gov/environment/library/maps/wellfield-protection-areas.pdf>

Miami-Dade County Water Wholesale Customers

The City of Miami Beach is a MDWASD wholesale water customer. Maps and other supporting data and analysis related to the treatment and connections of the City's bulk water supply are located in the 2014 County's water supply work plan:

<https://www.miamidade.gov/planning/library/reports/planning-documents/2014-water-supply-plan.pdf>

WASD Water Allocation Map – Water Concurrency

Miami-Dade County provides an interactive GIS based map of all water concurrency for development approvals within Miami Beach and the WASD greater service area.

<https://gisweb.miamidade.gov/iWASDAllocation/>

Solid Waste

The City contracts with private haulers for collection of solid waste from residential and non-commercial areas. The Miami-Dade County Public Works Department operates the collection of recyclable solid waste, the transfer stations and disposal facilities. The entire City is served by the above system.

State Statute obligates the County Solid Waste Management System to collectively maintain disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows, for at least five years. The citywide Level of Service standard for solid waste generation is 1.275 tons per capital per year. This is the minimum that shall be able to be accommodated.

County disposal facilities have adequately handled the solid waste that has been generated by the City of Miami Beach as a customer. Disposal facilities, along with transfer stations and Trash and Recycling Centers, exhibited sufficient capacity and provision for future demand or needs is being provided by the County. Household Hazardous Waste and Electronic Waste/Recycling is also available to Miami Beach residents.

Stormwater

The Public Works Department is responsible for operation of a system of storm sewers. The City faces two kinds of drainage problems. One is that if certain high tide patterns coincide with a heavy rain, backup can occur in certain sections of the storm sewer system. This is further discussed in the Sustainability and Resiliency Element. Secondly, the nature of the soil composition of the City, mainly fill, means that natural infiltration can be slow.

The City of Miami Beach is one of 33 municipalities that entered into an Interlocal Agreement with Miami-Dade County, authorizing Miami-Dade County to be the lead permittee in submitting a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application. One condition of the Interlocal Agreement requires Miami Beach to develop a Stormwater Management Master Plan (SWMMP) that is consistent with Miami-Dade County's Master Plan. The Citywide Stormwater Management Master Plan was also directed to be prepared in the 2009 Comprehensive Plan. In 2012, the SWMMP was completed and focuses on best operation and management of stormwater. The City is currently undergoing a more current update to the stormwater master plan that will use an integrated water management approach in dealing with stormwater management, climate change, sea level rise, and environmental challenges.

Chapter 8 - Intergovernmental Coordination Element

The Intergovernmental Coordination Element (ICE) of the Comprehensive Plan establishes standards for coordination with the plans of other government agencies at the Federal, State, Regional, and Local levels, including adjacent municipalities. Such coordination is necessary for the provision of services as well as ongoing maintenance of infrastructure and to provide a regional approach to climate resiliency to support the quality of life in the City of Miami Beach.

Summary of Revisions:

- Updates department and document citations.
- Updates to policy numbering for internal consistency with new format.

Supporting Studies and Master Plans:

- Resilient 305

Strategic Partners:

The following provides a list of the entities with which Miami Beach coordinated in implementing this Plan. The Analysis section outlines the nature of the intergovernmental relationship and the City office with prime responsibility for the coordination.

Adjacent Municipalities:

Miami
North Bay Village
Surfside

Miami-Dade County:

Planning Department
Department of Environmental Resource Management (DERM)
Water and Sewer Department
Office of Emergency Management
Miami-Dade Transit
Public Works
Metropolitan Planning Organization
Biscayne Bay Shoreline Department Review Committee

Regional:

South Florida Regional Planning Council
South Florida Water Management District

State:

Department of Economic Opportunity
Department of Education
Department of Environmental Protection
Department of State; Division of Historical Resources
Department of Transportation

Others:

Miami-Dade County School Board
The Housing Authority of Miami Beach
Miami Beach Community Development Corporation
Miami Design Preservation League
Florida Trust for Historic Preservation
Dade Heritage Trust
U.S. Department of Housing and Urban Development

Supporting Data & Analysis:

The following provides an analysis of the intergovernmental coordination process for the various elements to show nature of the relationships and office with responsibility.

Resilient Land Use and Development Element

The Planning Department implements the Land Development Regulations of the City Code in its review of minor (i.e., signs, fences, paint, etc.) and major (i.e., new construction or complete restoration or renovation) building plans.

The Planning Director, and a Historic Preservation Manager staff member coordinate with prospective developers to provide guidance relative to new or redevelopment projects. The Department coordinates with outside agencies such as Miami-Dade DERM, FDOT, Miami Beach Community Development Corporation, and others as necessary.

Transportation Element

The Transportation Element was developed and will be updated based on recommendations in the Transportation Master Plan and coordinated with the Planning Department and the Transportation Division of the Public Works Department. These two departments coordinate with Miami-Dade County Public Works, the Metropolitan Planning Organization (MPO), as well as Miami-Dade Transit and FDOT as necessary. The MPO is responsible for coordinating local and state transportation plans and programs and produces the Transportation Improvement Program (TIP), which it evaluates and updates periodically.

Housing Element

The Housing and Community Development Division administers State and Federal funding to develop decent, safe and sanitary affordable housing and revitalize urban neighborhoods through community and economic development in Miami Beach. The Division also strengthens efforts of the continuum of care for homelessness by providing emergency shelter and other support services for homeless individuals and families, and/or interim assistance for the prevention of homelessness. The Division has developed and established a variety of housing and community development programs to address the specific needs of the low- and moderate-income residents of Miami Beach as a vibrant, tropical, historic community and is part of the City's Neighborhood Planning Division.

The main programs administered by the Division are the federal Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program, and the State of Florida-funded housing program, known as the State Housing Initiatives Program (SHIP). The

Division also administers other special initiative programs targeted at income eligible recipients, and frequently relating to housing opportunities.

Annually, the City of Miami Beach receives approximately \$900,000 in CDBG funds from HUD¹³. Not less than 70 percent of CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

The Housing & Community Services Department is the office with primary responsibility for coordination with other City departments as well as with the Housing Authority, HUD, Miami Dade County and other external agencies. The Housing Authority of the City of Miami Beach (HACMB) is responsible for administering the Section 8 program in the City.

Infrastructure

The Public Works Department is the office of primary responsibility to coordinate issues regarding Sanitary Sewer, Solid Waste, Drainage, and Potable Water. The Miami-Dade County Water and Sewer Department (WASD) is responsible for the treatment of sewage. All uses must be connected to the City's sanitary sewer system.

The Public Works Department is a large, full service organization providing planning, design, construction, maintenance and repair, and operation of City infrastructure, including utility systems and City buildings and facilities and manages the solid waste collection and disposal program. The Department also includes the Water, Sewer, Stormwater and Sanitation Divisions. It is also responsible for the operation, repair and maintenance of City's water distribution system.

The water section focuses on preventative maintenance programs with the goal of reducing water leaks, water main breaks and fire hydrants out of service. This includes 180 miles of piping, 23,000 water valves, 717 fire lines, 1,009 fire hydrants, 86 water crossings, 4 water storage tanks (14 million gallons total), 6 water pump stations, and 13,526 water meters.

The Sewer Section is responsible to operate and maintain a reliable sanitary sewer system that protects public health and safety and complies with all federal, state, and local regulations. The Division installs, maintains the City's sewer collection and conveyance system and its appurtenances. This includes 152 miles of sanitary sewer pipes, 3,293 sewer manholes and 23 sewer pump stations. It is responsible for the efficient collection and conveyance of approximately 26 million gallons of sewer per day, including the waste water from four neighboring cities in the north.

The Storm Water Utility Section is responsible for operating and maintaining a reliable stormwater collection and conveyance system that protects public health and safety and complies with all federal, state and local regulations. This includes 59 miles of drainage pipes,

¹³ 2016 Environmental Scan

82 gravity drainage wells, 4 injection wells, 367 stormwater outfalls, 172 drainage basins, 6,100 catch basins and 2,688 stormwater manholes. This division is responsible to reduce and eliminate polluted storm water run-off; complying with National Pollutant Discharge Elimination System (NPDES) permit requirements; and relieving flooding conditions. In 2012, the City completed a Citywide Comprehensive Stormwater Management Master Plan (SWMMP) in order to evaluate and update stormwater management practices, infrastructure, funding, and regulatory practices¹⁴. It is an update and expansion to the original SWMMP as a condition of the 1993 Interlocal agreement with Miami-Dade County.

The project created a model of the existing stormwater system and has identified the basins that are experiencing reduced Levels of Service (LOS). The model has allowed the City to evaluate cost-effective stormwater infrastructure improvements, remediate excessive flooding, prioritize stormwater basins, and ensure continued compliance with regulatory agencies.

The SWMMP is intended to be a guide for improving the City's stormwater management system flood control and water quality performance for the next 20 years, with considerations of potential sea level change over 20-years of stormwater infrastructure and a 50-year planning horizon for sea wall heights. Sea level change, to the extent it occurs, will worsen flooding potential in the City by raising the tide levels and water table and by making it more difficult to discharge stormwater out of the area¹⁵.

The Department coordinates as necessary with the following outside agencies:

- Miami-Dade County Water and Sewer
- Miami-Dade County Environmental Resource Management
- Florida Department of Environmental Protection

Resiliency and Sustainability Element

The City of Miami Beach is a unique mix of ultra-urban meets the natural environment. There are many natural resources including; canals, waterways, sand dunes, 26 parks and green spaces, and just over 7 miles of white, sandy beaches. Miami Beach is a natural nesting habitat for endangered sea turtles, butterflies, and is home to several endangered plant species including the Biscayne Prickly Ash, Beach Cluster Vine and the Beach star.

With regard to sea turtles, in September 2006 the City adopted regulations in the City code to reduce the impacts of artificial coastal lighting on threatened and endangered sea turtles that nest on the beaches of Miami Beach by restricting artificial lighting and other activities that disorient turtle hatchlings, causing them to crawl toward land rather than toward the ocean. One such regulation pertains to the criteria for lighting located east of the Coastal Construction Control Line (CCCL) or lighting that directly illuminates the beach and interferes with turtle nesting.

¹⁴ Citywide Comprehensive Stormwater Management Master Plan, 2012

¹⁵ Citywide Comprehensive Stormwater Management Master Plan, 2012
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Several different agencies are responsible for varying aspects of the beachfront conservation area. FDEP approves coastal construction; the Bureau of State Lands owns the beach; and Miami-Dade County DERM.

Additionally, as the City is a Coastal High Hazard Area, evacuation is mandatory. The City's Emergency Manager in the Miami Beach Fire Department has the primary responsibility of coordinating the mandatory evacuations. The Emergency Manager coordinates with the Miami-Dade Office of Emergency Management, Miami-Dade Transit, public safety personnel from the City as well as the County and Mount Sinai Hospital, which is the only hospital located in the city. The evacuation routes for the City are located in the Comprehensive Plan Map Series.

Recreation and Open Space Element

The City has adequate land devoted to recreation and open space. In addition, the City collaborates with the Miami-Dade School Board for the mutual utilization of City parks and School facilities. Further, since 2003, the City is a party of the Interlocal Agreement for Public School Facility Planning in Miami-Dade County, later amended and reinstated in 2008.

Historic Preservation Element

The Planning Department is responsible through its Design and Preservation area for the implementation of the Land Development Regulations with regard to the rehabilitation and review of historic preservation projects, and the compliance with the U.S. Secretary of Interior Standards.

The City contains the largest concentration of Twentieth Century resort architecture in the United States. It has also expanded the preservation vision of architectural districts in North Beach which have been inscribed in the National Register of Historic Places – the North Shore Architectural District and the Normandy Isles Architectural District.

In going forward the City should focus on increasing community awareness, interest, and support for the continued success of the City's historic preservation efforts in building a sustainable, vibrant and economically vital urban environment.

Chapter 9 - Public School Facilities Element

The Public School Facilities Element (PSF) of the Comprehensive Plan corresponds with the interlocal agreement requirements established between Miami-Dade County Public Schools and municipalities in Miami-Dade County to provide for adequate public education facilities for the current and future students in Miami Beach.

Summary of Revisions:

- Renumbers policies for internal consistency.

Supporting Data & Analysis:

The element is consistent with the County interlocal agreement and no substantive changes were required. The policies were renumbered consistent with the updated format of the Comprehensive Plan for ease of use. Details on the County's school concurrency management system can be found at: <http://pdfs.dadeschools.net/schoolboard/archives/022210/FINALIMR2-19-10.pdf>

Chapter 10 -Capital Improvements Element

The Capital Improvement Program Element (CIP) of the Comprehensive Plan addresses the level of service and funding of the City's capital facilities. The Goals, Objectives and Policies in the Capital Improvement Program Element support other elements within the Comprehensive Plan to help ensure that development and redevelopment does not commence without adequate capital facilities in place.

The Level of Service Standards throughout other Elements of the Comprehensive Plan have been relocated throughout other Elements of the Comprehensive Plan have been relocated to the Capital Improvements Program Element. The City is also concurrently processing a proposed amendment to adopt a Mobility Fee Program in lieu of the existing Transportation Concurrency Management system, the revised element reflects these proposed concurrent changes.

Summary of Element Revisions:

- Updates policies regarding the City's capital facilities planning and procedures.
- Revises Recreation and Open Space Levels of Service to be consistent with improved parks facilities.
- Authorizes the City to explore replacing Recreation and Open Space Levels of Service with a Parks Impact fee to provide for additional flexibility.

Supporting Studies and Master Plans:

- 5-Year Capital Improvement Program

Supporting Data & Analysis:

Adopted 2018 G.O. Bond Program

The voters have adopted a \$439 million General Obligation Bond program as part of the City's CIP on November 6, 2018. A General Obligation Bond is a form of debt financing payable solely from property taxes, backed by the pledge of the City's "full faith and credit" or taxing power, and is used to finance capital projects.

Three separate ballot questions will encompass the capital projects included in the G.O. Bond program:

- Parks, Recreation Facilities & Cultural Facilities: \$169 million
- Neighborhood and Infrastructure: \$198 million
- Police, Fire, and Public Safety: \$72 million

The City currently is paying toward the \$46,380,000 outstanding balances from the Series 2003 and Series 2011 General Obligation bonds.

FY 2019-2023 Capital Improvement Plan by Program

Attached as Appendix A.

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



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: July 24, 2019

TITLE: **DISCUSSION TO REVIEW THE ROLE OF LAND USE BOARDS IN
NEIGHBORHOOD IMPROVEMENT PROJECTS
(ITEM DEFERRED)**



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: July 24, 2019

TITLE: **DISCUSSION PERTAINING TO A TRANSFER OF DEVELOPMENT RIGHTS
(TDR) ALONG THE TATUM WATERWAY AREA.
(VERBAL REPORT)**