

MIAMI BEACH

Land Use and Sustainability Committee

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

March 31, 2020 - 8:00 AM

Commissioner Mark Samuelian, Chair
Commissioner Michael Gongora, Vice-Chair
Commissioner Ricky Arriola, Member
Commissioner Micky Steinberg, Alternate

Alina T. Hudak, Liaison
Naima De Pinedo, Support Staff

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

Tuesday, March 31, 2020, 8:00 AM

ACTION ITEMS

- 1 Discussion Pertaining To Amendments To The City Code Regarding Potential Requirements For Higher Elevation For New Commercial Construction That Is Vulnerable To Flooding.

Commissioner Ricky Arriola
July 31, 2019 C4 D (Deferred from January 21, 2020)
- 2 Discussion: Establishment Of Penalties For Property Owners Engaging In Demolition By Neglect.

Commissioner Ricky Arriola
July 17, 2019 C4 O (Deferred from January 21, 2020)
- 3 Discussion Pertaining To Strategic Increases In FAR Related To Resiliency And Other Defined Policy Benchmarks.

Mayor Dan Gelber
January 15, 2020 C4 K (Continued from February 18, 2020)
- 4 Parking Requirements in Historic and Conservation Districts – MXE Regulations.

Commissioner Ricky Arriola
February 12, 2020 R5 H
- 5 Proposed Zoning Overlay For The Lehrman Day School At 77th Street And Dickens Avenue.

Commissioner Micky Steinberg
December 11, 2019 C4 N (Deferred from February 18, 2020)
Time Certain 9 a.m.
- 6 Discuss Permitting Outdoor Theatre Use.

Commissioner Ricky Arriola
February 12, 2020 C4 X (Continued from February 18, 2020)

DISCUSSION ITEMS

7. Discussion On The Status of Suite-Hotels In The West Avenue Neighborhood.
Commissioner Mark Samuelian
February 12, 2020 (C4 V)
Planning
8. Review Of Resilience Strategy Workplan – Planned And In Progress Resiliency Projects: PALM HIBISCUS, WEST AVENUE, FIRST STREET AND INDIAN CREEK.
Commissioner Mark Samuelian
Capital Improvement Projects / Public Works
9. Matrix Recommendations – Simplification Of Single Family Home Regulations And DRB Administrative Review Procedures.
No Sponsor
October 16, 2019 R5 V
Planning
10. Mitigation Project funding from the U.S. Department of Housing and Urban Development.
Commissioner Mark Samuelian
September 11, 2019 C4 P (Continued from October 23, 2019 Sustainability and Resiliency Committee)
Office of the City Manager - Grants and Intergovernmental Affairs
11. Discussion Regarding Tight Urbanism.
Commissioner Ricky Arriola
September 11, 2019 C4 Z (Deferred from February 18, 2020)
Planning
12. Discuss RM-2 Zoning At The West End Of Arthur Godfrey Road/41st Street And Potential For Public Benefits.
Commissioner Michael Gongora and Co-Sponsored by Commissioner Ricky Arriola
October 16, 2019 C4 T Deferred from February 18, 2020)
Planning
13. 16. Discussion Regarding The Frequency Of Water Testing In Miami Beach.
Commissioner Micky Steinberg
September 11, 2019 R9 S (Continued from January 21, 2020)
Environment & Sustainability Department
14. Discussion To Explore Increasing The Usage Of Temporary Pumps And Funding It Using Monies From The Convention Center Hotel.
Commissioner Mark Samuelian
January 15, 2020 C4 N (Continued from February 18, 2020)
Public Works
15. Discuss Piloting The Closure Of 9th Street Between Ocean Drive And Collins Avenue.
Commissioner Ricky Arriola
January 15, 2020 C4 P
Transportation & Mobility
16. Discuss Designating Ocean Drive As A Valet Only Street.
Commissioner Ricky Arriola
January 15, 2020 C4 Q (Deferred from February 18, 2020)
Parking

SUPPLEMENTAL

17. Discussion To Review The Role Of Land Use Boards In Neighborhood Improvement Projects.
Commissioner Mark Samuelian
April 11, 2018 C4 N (Deferred from January 21, 2020)
18. 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 January 21, 2020)
19. Discuss Limiting Big Box Formula Retail And Formula Restaurants In Sunset Harbour.
Commissioner Ricky Arriola
June 5, 2019 C4 Q (Continued from February 18, 2020)
20. Discussion Pertaining To A Transfer Of Development Rights (TDR) Along The Tatum Waterway Area.
Commissioner Ricky Arriola
July 17, 2019, C4 R (Deferred from January 21, 2020)

DEFERRED ITEMS

21. Discussion Regarding How Green infrastructure Including Living Or Hybrid Shorelines Can Complement Grey infrastructure In Our Climate Adaptation On-Going Work.
Commissioner Micky Steinberg
April 13, 2016 C4 N
22. Discussion On City Of Miami Beach Stormwater, Sanitary, Sewer, And Water Infrastructure Best Management Practices.
Commissioner Micky Steinberg
May 11, 2016 C4 U
23. Discussion On Repurposing Our Golf Courses For The Future.
Commissioner Ricky Arriola
May 16, 2018 C4 AB (Deferred from February 18, 2020)
24. Discussion On Artificial Reefs.
Commissioner Ricky Arriola
May 16, 2018 C4 AI (Deferred from January 21, 2020)
25. Discuss The July 30, 2019 Sustainability Committee Motions.
Commissioner Mark Samuelian
October 16, 2019 C4 K
26. Discussion: Review of Allowable Store Signage.
Commissioner Micky Steinberg
January 15, 2020 C4 R (Deferred from February 18, 2020)
27. Discuss The Potential Implementation Of Adopt-A-Drain Or Similar Program In Miami Beach.
Commissioner Mark Samuelian
February 12, 2020 C4 U

WITHDRAWN ITEMS

28. Proposed Sale of City Owned Lot at 6950 Harding Avenue (PL 84) to Integra Real Estate LLC.

Commissioner Mark Samuelian
October 30, 2019 C4 A

29. Discuss Updates To The City Code Referencing Turtle Nesting.

Commissioner Mark Samuelian
September 25, 2017 C4 F



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

Item 1
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSSION PERTAINING TO AMENDMENTS TO THE CITY CODE REGARDING POTENTIAL REQUIREMENTS FOR HIGHER ELEVATION FOR NEW COMMERCIAL CONSTRUCTION THAT IS VULNERABLE TO FLOODING.

ACTION REQUESTED:

Discuss the item and recommend that the City Commission refer the attached draft ordinance to the Planning Board.

ADMINISTRATION RECOMMENDATION:

Conclude the item and recommend that the City Commission refer the attached draft ordinance to the Planning Board.

HISTORY:

On July 31, 2019, at the request of former Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Sustainability and Resiliency Committee (Item C4 D). Subsequent to this referral, Commissioner Ricky Arriola agreed to co-sponsor the item and is now the sponsor.

The item was discussed at the September 25, 2019 SRC meeting and continued to the November 27, 2019 meeting, with direction to the administration to come back with options on how to build additional resiliency into commercial structures.

The November 27, 2019 and December 18, 2019 SRC meetings were cancelled, and the item was moved to the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was continued to the March 17, 2020 LUSC meeting.

ANALYSIS:

Recently released 2019 sea level rise projections from the South Florida Climate Compact indicate that sea levels are rising faster than previously anticipated. Additionally, as the climate continues to change, Miami Beach expects to see an increase in major rain events which can cause flash flooding. As the City continues to grow, it is important to ensure that new developments are resilient to and able to adapt to sea level rise and climate change.

The attached draft ordinance contains different options to ensure that ground floor commercial

uses in different types of buildings are resilient to sea level rise in the near-term and able to adapt to increasing sea level rise with minimal alterations in the long-term. The proposal would also reduce the risks of significant flooding and related damage during major rain events. Standards are provided for three (3) different thresholds in an increasing manor to ensure that the mitigation required is feasible for the type of development being proposed. The proposed ordinance contains four major components as follows:

Minimum Ground Floor Heights

Today, the City of Miami Beach Land Development Regulations (LDRs) provide that height is measured from the Base Flood Elevation (BFE) plus the City of Miami Beach Freeboard. On October 29, 2019, Allan Shulman presented his team's Historic District Resiliency Guidelines. One of the recommendations in this plan is to require that the height of buildings be measured from the "Design Flood Elevation" (DFE). This term does not change the way the City measures height, but rather provides a catchall term for this measurement. The proposed ordinance therefore proposes to measure building heights from the DFE which is defined as "the BFE plus City of Miami Beach Freeboard..."

Currently, the LDRs require that commercial ground floors have a ceiling elevation of 12 feet above the Future Crown of Road Elevation (5.26' NGVD). While this provides greater resilience for a building by allowing it to adapt by raising the ground floor in the future, it is an insufficient clearance for the very long term pursuant to the South Florida Climate Compact Unified Sea Level Rise Projects and projected King Tides. The proposed ordinance establishes a "Minimum height of non-residential ground floors." This requires that the underside of a ceiling of a new development be located at least 12 feet above the DFE. This provides a minimum of an additional 3.74' of headroom for the ground floor to be raised. This will allow buildings to be resilient for a much longer period.

Existing Building Standards

As existing buildings are renovated, it is important to ensure that improvements are made to those structures so that they are made more resilient to the impacts of sea level rise and major rain events. The Land Development Regulations contain requirements to bring existing non-conforming structures that are being renovated in excess of 50% of the value of the building in conformance with several aspects of the code. For buildings undergoing such a renovation, the proposed ordinance would require improvements to help mitigate against the impacts of sea level rise and climate change. For such buildings, the ordinance proposes the following:

1. To improve a building's resiliency to sea level rise and major rain events, the proposed ordinance requires that where feasible, the ground floor shall be located at a minimum elevation of one foot (1') above the highest sidewalk elevation adjacent to the frontage. Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur inside the property and not encroach into the public sidewalk or setback areas.
2. In order to limit a building's risk during a major rain events, knee walls should be provided to limit water's ability to seep into buildings to doorways. Therefore, the proposed ordinance requires that except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the sidewalk elevation.

3. In order to limit a building's risk during a major rain events, the proposed ordinance requires that where feasible, ground floors shall utilize flood damage resistant materials for a minimum of 2' 6" above the floor elevation.

4. Flood panels are useful when there is a predicted hurricane; however, when there is a significant rain event, there is rarely sufficient time to install them. Where buildings are in low-lying areas that necessitate the use of flood panels, it is important that the flood panels that are for doorways be easily accessible so that they can be quickly installed in case of a storm. Therefore, the proposed ordinance requires that flood panels for doorways shall be permanently located next to all doorways.

Because there may be circumstances where such improvements may not be feasible due to the existing nature of the building, the proposed ordinance incorporates a provision that allows the HPB or the DRB, as applicable, to waive the requirements. For example, raising the ground floor may be difficult or unfeasible if there is a historic public interior that has architecturally significant flooring or if there is insufficient headroom. However, the applicant must demonstrate how the development will mitigate against the impacts of sea level rise and storm water.

Short Frontage Standards

The City has seen several infill buildings with ground floor commercial uses that have been developed in recent years which are adjacent to existing and historic buildings which are built at lower elevations. These buildings typically have a frontage that is less than 150 feet long. While it is important to make sure that the new buildings are resilient and able to adapt, it is also important to ensure that those buildings are compatible with the surrounding built environment. In such a situation, there are many features that can be incorporated into the building that will allow it to be more resilient and able to adapt to sea level rise in the future, while remaining compatible with the built environment.

In order to allow buildings to be more resilient and adaptable, the following requirements are incorporated into the draft ordinance, in addition to those required for existing buildings:

1. To improve a building's resiliency to sea level rise and major rain events, the ground floor should be located higher than the sidewalk elevation. Because access ramps and steps consume large areas, it is suggested that the floor be at least two (2) steps (14 inches) above the sidewalk elevation. Therefore, the proposed ordinance requires that the ground floor shall be located a minimum of fourteen inches (14") above the highest sidewalk elevation adjacent to the frontage. Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur within the property and shall not encroach into the public sidewalk or setback areas.

2. Ground floor setbacks must be wide enough to allow for wider pedestrian circulation paths and sufficient landscaped areas and facilitate the ability to adapt in the future as rights of way are raised to mitigate against the impacts of sea level rise. Landscape areas should be larger in order to help drain and treat stormwater. As a result, the proposed ordinance proposes that there should be a minimum of 15 feet from the back of the curb of the roadway, to provide for a ten (10) foot wide sidewalk Circulation Zone that includes a five (5) foot wide Clear Pedestrian Path, and a five (5) foot wide landscape area.

3. There are developments that have multiple frontages; this presents an opportunity to provide additional mitigation measures. The proposed ordinance requires that for developments that have multiple frontages and one frontage is greater than 150 feet, the development shall follow the more stringent standards for buildings with long frontages, which are described below.

The Historic Preservation Board (HPB) or the Design Review Board (DRB), as applicable, is able to waive the requirements if implementing them is unfeasible; however, the applicant is required to demonstrate how the development will mitigate against the impacts of sea level rise and stormwater.

Long Frontage Standards

The City has several examples of new commercial and mixed-use development which have raised the public sidewalks adjacent to their properties in order to facilitate incorporating higher ground floor elevation. These projects tend to have frontages that are longer than 150 feet. The majority are located on or near commercial sections of Alton Road. The sidewalks are generally being raised to the Future Crown of Road Elevation as designated in the City's Stormwater Master Plan which is currently set at 5.26' NGVD (3.7' NAVD)

The Planning Department has analyzed how those buildings and sidewalks are being developed and how transitions between lower and higher sidewalk levels are occurring. Since uniform standards do not exist, each sidewalk is being developed in a different fashion. Each example that was analyzed has both positive and negative aspects. The proposed ordinance consolidates the positive aspects of each example into uniform sidewalk and ground floor commercial standards that can be followed by future projects.

Below is a description of some of the major sites that were analyzed, including positive and negative aspects. Photos and a more detailed description are available in the attached PowerPoint presentation.

- 709 Alton Road (Baptist Urgent Care) – This development contains raised sidewalks. A very positive aspect is that the ground floor façade is setback, allowing for a wider pedestrian circulation area. The landscape transition area between the raised sidewalk and the lower parallel parking is wide enough for the landscaping to succeed. However, no access is provided to the vehicles from the sidewalk, leading to people walking through and damaging the landscaping to access the sidewalk, or alternatively, dangerously walking along the edge of travel lanes to get to access points at the corners of the block. The transition area to one of the lower level adjacent sidewalks exceeds 5% and therefore necessitating that handrails being placed in public rights of way.
- 1212 Lincoln Road – This development contains raised sidewalks. A very positive aspect is that the ground floor façade is setback to allow for wider pedestrian circulation areas and future outdoor cafes. Transitions to lower adjacent sidewalks are gradual and therefore do not require handrails being placed in public rights of way. However, the landscape transition area between the raised sidewalk and the lower parallel parking is narrow, and the landscaping has struggled to survive. The landscape transition area has areas with steps to allow direct access to on-street parallel parking; however, they are insufficient to provide access to the entire row of parallel parking and they are placed in locations where access can be blocked by parked vehicles.

- 1045 5th Street (Target) – This development contains raised sidewalks. However, the pedestrian circulation paths are somewhat narrow and broken up by planters. Because there are minimal landscape transition areas between the raised sidewalk and the vehicle travel lanes, handrails are necessitated along the edge of the raised sidewalks. Because the location of building entrances was not considered prior to the design of the raised sidewalk, ADA access requirements necessitate the use of awkward steps and switchback ramps with handrails to transition between the raised sidewalk elevation and the adjacent lower sidewalk elevations. One positive aspect is that trees are planted in raised planters that will allow the trees to survive sea level rise and future roadway adaptation.

In addition to the requirements for existing buildings and buildings with short frontages, and based on the analysis of the various sites, the following best practices for developments with raised sidewalks have been identified and incorporated into the draft ordinance for developments that have a frontage that is longer than 150 feet:

1. Developments with longer frontages have an easier ability to raise sidewalks and provide transitions to areas with lower elevations. Because these buildings are larger there is a bigger area that can facilitate sea level rise mitigation. Therefore, the proposed ordinance requires that, with the exception of transition areas, the sidewalk must be raised at a minimum to the future crown of road elevation (5.26' NGVD).

2. Ground floor setbacks are to allow for a wider pedestrian circulation zone and sufficient landscape transition areas between the raised sidewalks and lower level roadways. Landscape transition areas must be sufficiently wide to allow trees to thrive and eliminate the need for handrails along the edge of the circulation zone. As a result, the proposed ordinance proposes that there should be a minimum of 15 feet from the back of the curb of the roadway, to provide for a ten (10) foot wide sidewalk circulation zone that includes a five (5) foot wide clear pedestrian path, and a five (5) foot wide landscape transition area between the raised sidewalk and the lower vehicular roadway.

3. As sea levels rise, the fresh water source required for trees to survive will diminish. Additionally, as roads are raised, it is important that trees will not be impacted. Therefore, it is important that trees be planted at higher elevations so that they will be resilient. As a result, the proposed ordinance requires that trees be planted in raised planters or stabilized planting areas with a minimum elevation of the future crown of road.

4. The sidewalk transitions between higher and lower elevations should be designed to minimize impacts to pedestrian comfort and safety. Low slopes on transitions between raised sidewalks and lower sidewalk elevations should be provided. This should be considered before entry points into a building are sited to remove the need for steps and the use of minimize handrails. Generally, this necessitates that slopes of less than five (5%) percent be provided so that ADA access can be maintained. Therefore, the proposed ordinance requires that the use of switchbacks, and handrails be prohibited in parallel transition areas.

5. In order to improve safety for those parallel parking and minimize impacts to landscaping, developments must provide properly placed access steps where there is lower elevation parallel

parking adjacent to a raised sidewalk. Therefore, the proposed ordinance requires that steps that are no wider than 36 inches be placed between every two parking spaces where parallel parking exists.

6. Because the sidewalk is being raised, there are opportunities to raise the ground floor even further than what is typically done, providing for resilience to sea level rise for a longer time frame. Therefore, the proposed ordinance requires that the ground floor elevations be located a minimum of 14 inches above the raised sidewalk elevation.

7. Because the sidewalk is raised, knee walls can be measured from a higher elevation, improving the building's resilience to major rain events. Therefore, the proposed ordinance requires that except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the raised sidewalk elevation.

As with the short frontage standards, the HPB or the DRB will have the ability to waive standards, provided that the applicant provides measures to mitigate against sea level rise and storm water.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description	Type
□ Draft ORD	Memo
□ Power Point Presentation and Graphics	Memo

Standards to Reduce Risk for Non-Residential Buildings

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-1, ENTITLED "DEFINITIONS," TO MODIFY THE DEFINITION OF "HEIGHT OF BUILDING" AND ESTABLISH DEFINITIONS FOR "DESIGN FLOOD ELEVATION," "MINIMUM HEIGHT OF NON-RESIDENTIAL BUILDINGS," AND RELATED DEFINITIONS; AND AMENDING CHAPTER 118, ENTITLED, "ADMINISTRATION REVIEW AND PROCEDURES," ARTICLE IX, ENTITLED "NONCONFORMANCES," TO CLARIFY THAT MINIMUM FIRST FLOOR ELEVATION STANDARDS APPLY IN THE EVENT A NONCONFORMING STRUCTURE IS DEMOLISHED; AND AMENDING CHAPTER 133, ENTITLED "SUSTAINABILITY AND RESILIENCY," TO ESTABLISH ARTICLE III, TO BE ENTITLED "GROUND FLOOR COMMERCIAL STANDARDS," TO ESTABLISH REGULATIONS FOR BUILDING FRONTAGES WITH GROUND FLOOR COMMERCIAL USES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, Comprehensive Plan Goal RLU 3 seeks to "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;" and

WHEREAS, Comprehensive Plan Guiding Principle 1 states that "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;" and

WHEREAS, Comprehensive Plan Policy RLU 2.1.6 seeks to "Maximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, Florida friendly or native, able to withstand the marine environment, and 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;" and

WHEREAS, Comprehensive Plan Objective RLU 2.4 seeks to "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;" and

WHEREAS, the Miami Beach Comprehensive Plan designates the entire City as an Adaptation Action Area (AAA) containing 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; and

WHEREAS, Comprehensive Plan Climate Resiliency and Sustainability Element Policy RSE 1.1.4 states that “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;” and

WHEREAS, Comprehensive Plan Policy RSE 1.2.4 states that “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;” and

WHEREAS, Comprehensive Plan Policy RSE 2.2.1 states that “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;” and

WHEREAS, the City Code provides for the regulation of how the height of buildings are measured, including definitions and exclusions; and

WHEREAS, the City desires to change the method in which the height of buildings are measured to address sea level rise; and

WHEREAS, it is appropriate to update the definitions in the Land Development Regulations; and

WHEREAS, the proposed amendments to the Land Development Regulations are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

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

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

SECTION 1. The following provisions of Chapter 114 of the City Code, entitled “General Provisions,” is hereby amended as follows:

Chapter 114 – General Provisions

Sec. 114-1. – Definitions.

Design flood elevation means the base flood elevation plus “City of Miami Beach Freeboard.” For existing development where the minimum finished floor elevation is located below the “City of Miami Beach Freeboard,” the design flood elevation means the minimum finished floor elevation.

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Height of building means the vertical distance from the lowest floor design flood elevation according to the highest point of a roof following, as applicable follows:

- ~~(a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;~~
- ~~(b) When the minimum finished floor elevation is located above the base flood elevation plus freeboard, height shall be measured from the base flood elevation plus freeboard.~~

The highest point of a roof is as follows:

1. The highest point of a flat roof;
 2. The deck line of a mansard roof;
 3. The average height between eaves and ridge for gable hip and gambrel roofs; or
 4. The average height between high and low points for a shed roof.
- ~~(c) For commercial new non-residential development properties, height shall be measured from the base flood elevation, plus freeboard, provided that the height of the first ground floor shall comply with the minimum height of non-residential ground floors. be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus freeboard, with a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way is elevated as provided under the city's public works manual.~~

* * *

Minimum finished floor elevation means the lowest enclosed floor above grade and shall not include areas for building access, provided such areas do not exceed a depth of 20 feet from the exterior building face. Interior stairs, ramps and elevators used to transition from grade to the minimum finished floor elevation may be located beyond the 20 feet depth from the exterior building face. However, areas for building access may exceed a depth of 20 feet from the exterior building face if approved by the design review board or historic preservation board, as applicable.

Minimum height of non-residential ground floor means the minimum elevation of the underside of the ceiling of the ground floor of a non-residential use, which shall be located a minimum of 12 feet above the design flood elevation.

SECTION 2. Chapter 118, entitled, "Administration Review and Procedures," Article IX, entitled "Nonconformances," is hereby amended as follows:

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

* * *

- (b) *Nonconforming buildings.*

* * *

- (5) Notwithstanding the foregoing, in the event of a catastrophic event, including, but not limited to, fire, tornado, tropical storm, hurricane, or other act 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, such building may be reconstructed, repaired or rehabilitated, and the structure's floor area, height, setbacks and any existing parking credits may remain, if the conditions set forth in subsection (b)(1)a—d herein are met. However, the structures first floor elevation shall meet all applicable provisions of these land development regulations.

SECTION 3. The following provisions of Chapter 133 of the City Code, entitled “Sustainability and Resiliency,” is hereby amended as follows:

Chapter 133 – Sustainability and Resiliency

* * *

Article III. – Ground Floor Commercial Standards

Sec. 133-60. – Existing Building Standards.

Existing non-residential buildings that are being substantially renovated (AKA 50% rule), as determined by the Building Official shall comply with the following standards:

- (a) Where feasible, the ground floor shall be located at a minimum elevation of one foot (1') above the highest sidewalk elevation adjacent to the frontage. Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur inside the property and not encroach into the public sidewalk or setback areas, unless adequate space exists on the exterior.
- (b) Except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the sidewalk elevation. Such knee walls shall include any required flood barrier protection. The Planning Director or designee may wave this knee wall requirement if the applicant can substantiate that the proposed glass storefront system satisfies all applicable building code requirements for flood barrier protection.
- (c) Where feasible, ground floors, walls system, partitions, doors and finishes shall utilize waterflood damage resistant materials in accordance with all applicable requirements of the Florida Building Code, FEMA regulations, and American Society of Civil Engineer (ASCE) - Flood Resistant Design and Construction Standards, for a minimum of 2' 6" above the floor elevation.
- (d) Flood panels for doorways shall be permanently located next to all doorways.
- (a) Where implementation of these regulations is unfeasible or incompatible with the surrounding areas, they may be waived to the minimum extent necessary by the Historic Preservation Board (HPB) or Design Review Board (DRB), as applicable; provided, however, that the property owner demonstrates adequate mitigation for flooding.

Sec. 133-61. – Short Frontage Standards.

The following regulations shall apply to new construction with ground floor commercial uses on frontages with a width of 150 feet or less:

- (a) The ground floor shall be located a minimum of fourteen inches (14") above highest sidewalk elevation adjacent to the frontage. Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur within the property and shall not encroach into the public sidewalk or setback areas, unless adequate space exists on the exterior.
- (b) Except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the sidewalk elevation. Such knee walls shall include any required flood barrier protection. The Planning Director or designee may wave this knee wall requirement if the applicant can substantiate that the proposed glass storefront system satisfies all applicable building code requirements for flood barrier protection.
- (c) Ground floors shall utilize water resistant materials for a minimum of 2' 6" above the floor elevation.
- (d) Flood panels for doorways shall be permanently located next to doorways.
- (e) *Sidewalk Standards.* Where feasible, sidewalks shall be developed as follows:
 - (1) *Circulation Zone.* The sidewalk shall contain a "circulation zone" with a minimum dimension of ten (10) feet wide, pursuant to the following standards:
 - a. The "circulation zone" shall be fully illuminated, consistent with the City's lighting policies.
 - b. The "circulation zone" shall be consistent with the City's public sidewalk requirements.
 - c. The "circulation zone" may be in areas of the public right-of-way and setback areas that are in front of the building facade.
 - d. The "circulation zone" shall remain free from obstructions created by landscaping, signage, utilities, stairs, ramping, handrails, and lighting fixtures.
 - e. Pedestrians shall have 24-hour access to the "circulation zone."
 - f. The "circulation zone" shall maintain a minimum five-foot (5') wide "clear pedestrian path," free from obstructions, including but not limited to outdoor cafés, sidewalk cafés, handrails, and door swings. The "clear pedestrian path" shall be delineated by in-ground markers that are flush with path, differing pavement tones, pavement type, or other method to be approved by the City.
 - g. An easement to the city providing for perpetual public access shall be provided for portions of the "circulation zone" that fall within the property line.

(2) *Landscape area.* A landscape area shall be provided between the “circulation zone” and the adjacent automobile parking or vehicle travel lanes shall be provided as follows:

- a. The “landscape area” shall be predominantly landscaped, except where there are access paths, lighting fixtures, pedestrian crossings, or driveways.
 - b. The “landscape area” shall have a minimum width of five (5) feet.
 - c. Street trees shall be planted within the “landscape area.”
 - d. Where the “landscape area” is adjacent to on-street parking, access paths shall be provided between parking spaces so that each parking space has access to the “circulation zone” generally from either the front end or rear end of the vehicle. Access paths shall be no wider than 36 inches.
 - e. Street and pedestrian lighting fixtures shall be located within the “landscape area.”
 - f. The “circulation zone” may encroach into the “landscape area” in order to meet adjacent sidewalks and street crossings.
- (f) *Setbacks.* The building’s ground floor façade, parking areas, and loading areas shall be setback a minimum of 15 feet from the back of curb to provide sufficient area to accommodate the required “circulation zone” and “landscape area” in cases where the public right-of-way is not sufficiently wide. If the underlying zoning regulations require a larger setback, the larger setback shall be required.
- (g) For developments that contain more than one frontage, and where one such frontage is greater than 150 feet, the requirements of section 133-62 shall be followed.
- (h) Where implementation of these regulations is unfeasible or incompatible with the surrounding areas, they may be waived to the minimum extent necessary by the Historic Preservation Board (HPB) or Design Review Board (DRB), as applicable; provided, however, that the property owner demonstrates adequate mitigation for flooding.

Sec. 133-62. – Long Frontage Standards.

The following regulations shall apply to new construction with ground floor commercial (non-residential) uses on frontages with a width greater than 150 feet:

(a) *Sidewalk Standards.* The sidewalk shall be raised to the future crown of road elevation, except for transition areas and where there are driveways, as follows:

- 1. *Circulation Zone.* The sidewalk shall contain a “circulation zone” with a minimum dimension of ten (10) feet wide, pursuant to the following standards:
 - a. The “circulation zone” shall be fully illuminated, consistent with the City’s lighting policies.
 - b. The “circulation zone” shall be consistent with the City’s public sidewalk requirements.

- c. The “circulation zone” may be located in areas of the public right-of-way and setback areas that are in front of the building facade.
 - d. The “circulation zone” shall remain free from obstructions created by landscaping, signage, utilities, stairs, ramping, handrails, and lighting fixtures.
 - e. Pedestrians shall have 24-hour access to the “circulation zone.”
 - f. The “circulation zone” shall maintain a minimum five-foot (5’) wide “clear pedestrian path,” free from obstructions, including but not limited to outdoor cafés, sidewalk cafés, handrails, and door swings. The “clear pedestrian path” shall be delineated by in-ground markers that are flush with path, differing pavement tones, pavement type, or other method to be approved by the City.
 - g. An easement to the city providing for perpetual public access shall be provided for portions of the “circulation zone” that fall within the property line.
2. *Parallel Transition Areas.* “Parallel transition areas” between the raised “circulation zone” and lower level sidewalks, street crossings, and driveways shall be accommodated within the frontage adjacent to the new development as follows:
- a. The “parallel transition areas” shall not contain steps, switchback ramps, or handrails.
 - b. The “parallel transition areas” shall be of the minimum length necessary so as to not require the use of steps, switchback ramps, and handrails between the higher future crown of road elevation and the lower level sidewalk, pedestrian crossing, or driveway elevation.
3. *Landscape Transition Areas.* “Landscape transition areas” between the raised “circulation zone” and the adjacent automobile parking or vehicle travel lanes shall be provided as follows:
- a. The “landscape transition area” shall be predominantly landscaped, except where there are access steps, lighting fixtures, pedestrian crossings, or driveways.
 - b. The “landscape transition area” shall have a minimum width of five (5) feet.
 - c. Street trees shall be planted within the “landscape transition area” in raised planters that at a minimum match the elevation of the “circulation zone.”
 - d. Where the “landscape transition area” is adjacent to on-street parking, access steps shall be provided between parking spaces so that each parking space has access to the “circulation zone” generally from either the front end or rear end of the vehicle. Steps shall be no wider than 36 inches, not included handrails.
 - e. Handrails shall only be permitted for access steps to on-street parking.
 - f. Street and pedestrian lighting fixtures shall be located within the “landscape transition area.”

- g. The “circulation zone” may encroach into the “landscape transition area” in order to meet adjacent sidewalks and street crossings. The encroachment shall be the minimum necessary to comply with the requirements for and shall comply with the requirements of “parallel transition areas.”
- (b) Setbacks. The building’s ground floor façade, parking areas, and loading areas shall be setback a minimum of 15 feet from the back of curb to provide sufficient area to accommodate the required “circulation zone” and “landscape transition areas” in cases where the public right-of-way is not sufficiently wide. If the underlying zoning regulations require a larger setback, the larger setback shall be required.
- (c) Driveways. Driveways to access off-street parking, drop-off, and loading areas shall comply with the following:
1. Where a development has more than one frontage, driveways should be located facing the street with the lowest traffic volumes.
 2. The number of driveways should be minimized to the greatest extent possible.
 3. Where the “circulation zone” passes through a driveway, the surface shall be fully horizontal in a direction perpendicular to the façade of a building, so as to provide a safe and comfortable pedestrian environment.
 4. Mountable curbs and sloped driveways shall be utilized, where feasible.
- (d) Ground Floor Elevation. The ground floor shall be located a minimum elevation of 14 inches above the future crown of road elevation. Ramping and stairs from the sidewalk “circulation zone” to the ground floor elevation shall occur within the property and not encroach into the “circulation zone” or setback areas, unless adequate space exists on the exterior.
- (i) Knee Wall. Except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2’-6”) above the future crown of road elevation. Such knee walls shall include any required flood barrier protection. The Planning Director or designee may wave this knee wall requirement if the applicant can substantiate that the proposed glass storefront system satisfies all applicable building code requirements for flood barrier protection.
- (e) Flood Damage Resistant Materials. Ground floors, walls system, partitions and doors shall utilize water flood damage resistant materials in accordance with all applicable Florida Building Code, FEMA regulations and American Society of Civil Engineer (ASCE)- Flood Resistant Design and Construction Standard, for a minimum of two feet-six inches (2’-6”) above the ground floor elevation.
- (f) Flood Panels. Flood panels for doorways shall be permanently located next to doorways.
- (g) Waivers. Where implementation of these regulations is unfeasible or incompatible with the surrounding areas, they may be waived to the minimum extent necessary by the Historic Preservation Board (HPB) or Design Review Board (DRB), as applicable; provided, however, that the property owner demonstrates adequate mitigation for flooding.

SECTION 4. REPEALER.

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

SECTION 5. CODIFICATION.

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

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2020.

Attest:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

Underline denotes additions
~~Strike through~~ denotes deletions

First Reading: May 13, 2020
Second Reading: June 24, 2020

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



Standards to Reduce Flood Risk for Non-Residential Buildings

MIAMIBEACH



Purpose

- To Encourage commercial development to be more resilient by providing:
 - Greater interior floor to ceiling height.
 - Elevated finished floors.
 - Transition areas that can accommodate and facilitate the harmonization between the elevated ground floors or future elevated streets.
 - Raising sidewalks when there is sufficient room.
 - Larger landscape areas to absorb stormwater.



Compliance with the 2040 Comprehensive Plan

- Comply with Comprehensive Plan Goal RLU 3 seeks to “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;”
- Comprehensive Plan Policy RLU 2.1.6 seeks to “Maximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, Florida friendly or native, able to withstand the marine environment, and 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;”.
- Comprehensive Plan Objective RLU 2.4 seeks to “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;” .



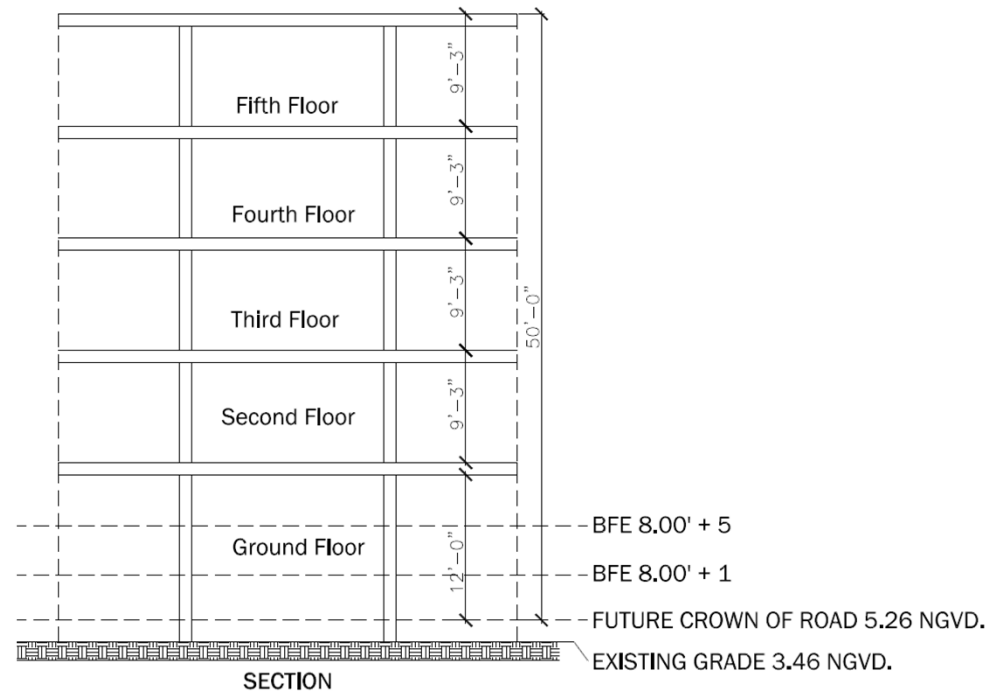
Background

- **Ordinance 2016-4010:** to encourage that new commercial construction provide adequate interior floor to ceiling height to accommodate the future raising of adjacent streets and sidewalks. (12 feet from future crown of road)
- **Ordinance 2017-4124:** On July 26, 2017 the CC adopted regulations where the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

Current Code:

There is currently no minimum ground floor height requirement for commercial properties.

The code has an incentive, which allows commercial heights to be measured from base flood elevation plus freeboard, provided a minimum height of 12 feet of interior height is provided above the future crown of road. If a developer chooses not to provide this clearance, height is measured from the elevation of the lowest floor.



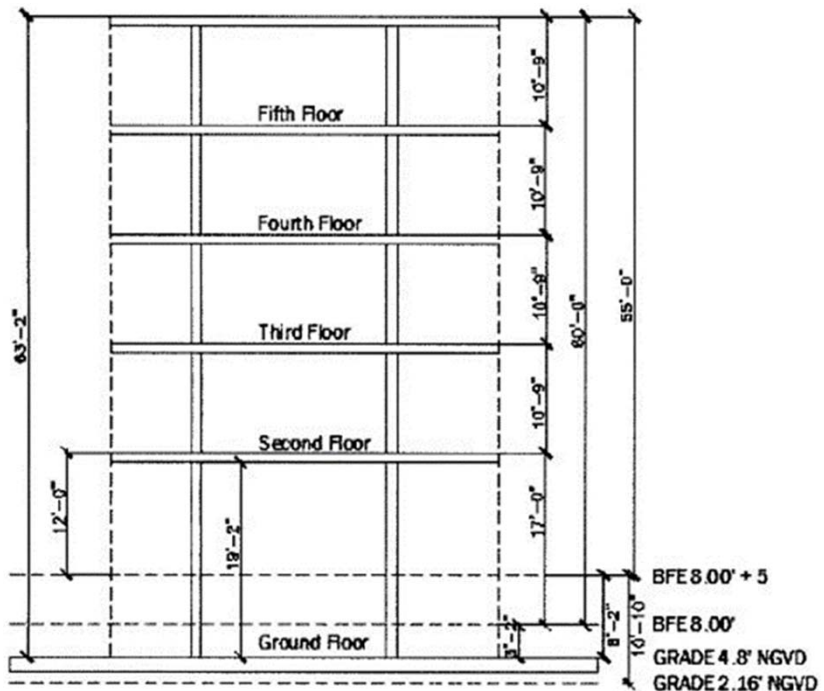
Current Code

Commercial District Incentives

CD-2 – Maximum height - Section 142-306:

50 feet (except as provided in section 142-1161).

Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

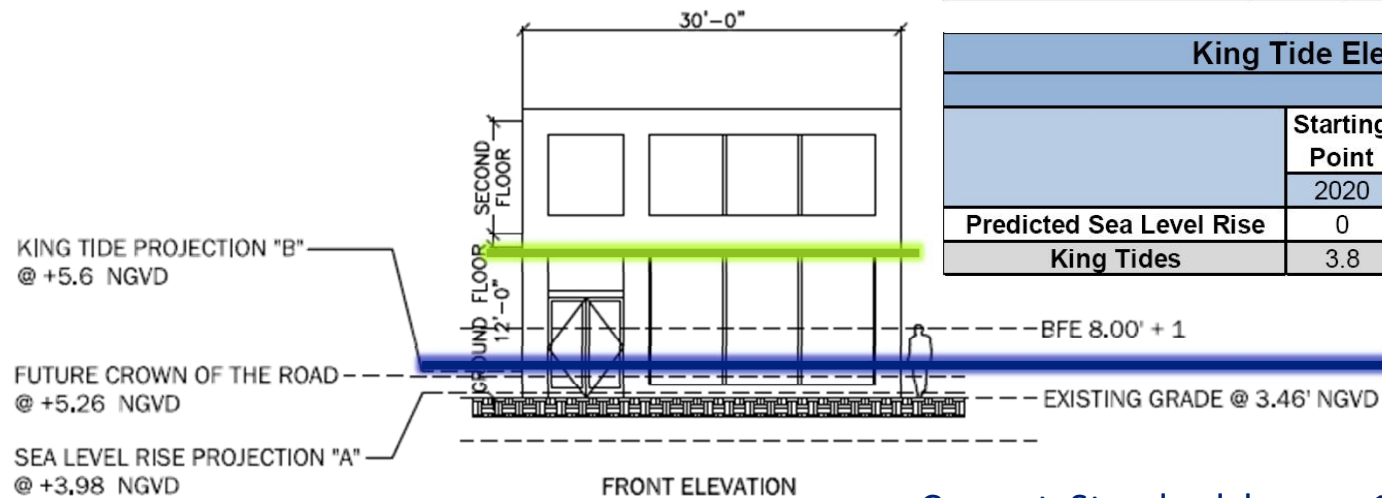


Sea Level Rise Projections

For the purpose of this proposal we took in to account the 2060 sea level rise, king tide and storm surge projections

Sea Level Rise Projections (NGVD)				
	Low Prj.	High Prj.	Low Prj.	High Prj.
	Mean Sea Level		Mean High Water	
1992	0.60	0.60	1.81	1.81
2030	1.10	1.43	2.31	2.64
2060	1.77	2.77	2.98	3.98

Storm Surge Elevation (Feet NGVD)			
		USACE 2013 High Curve	
Storm Frequency	Starting Point	(+) 20 YEAR	(+) 40 YEAR
	2003	2040	2060
Predicted Sea Level Rise	0	(+) 1.1 ft	(+) 2.2 ft
10 YEAR	8.1	9.2	10.3
20 YEAR	9.5	10.6	11.7
50 YEAR	10.8	11.9	13.0
100 YEAR	13.6	14.7	15.8
500 YEAR	17.7	18.8	19.9



King Tide Elevation (Feet NGVD)			
		USACE 2013 High Curve	
	Starting Point	(+) 20 YEAR	(+) 40 YEAR
	2020	2040	2060
Predicted Sea Level Rise	0	(+) 0.8 ft	(+) 1.8 ft
King Tides	3.8	4.6	5.6

2060 King Tide Projection

Current Standard leaves 11.7' of headroom if floor is raised to match the 2060 King Tide Elevation

SEA LEVEL RISE PROJECTION "A" : 2060 HIGH PRJ. MEAN HIGH WATER @ +3.89 NGVD
KING TIDES PROJECTION "B" 2060 @ +5.6 NGVD



Draft Ordinance Outline

- Modify definition of “Height”
 - Establish definition for “Design Flood Elevation” (DFE) – *Base Food Elevation (BFE) plus the City of Miami Beach Freeboard*
 - Establish a “Minimum Height of Non-Residential Ground Floor”
- Buildings w/ Ground Floor Commercial Standards:
 - Existing Building Standards
 - New Building Short-Frontage Standards
 - New Building Long-Frontage Standards (Raised Sidewalks)

What to avoid - again

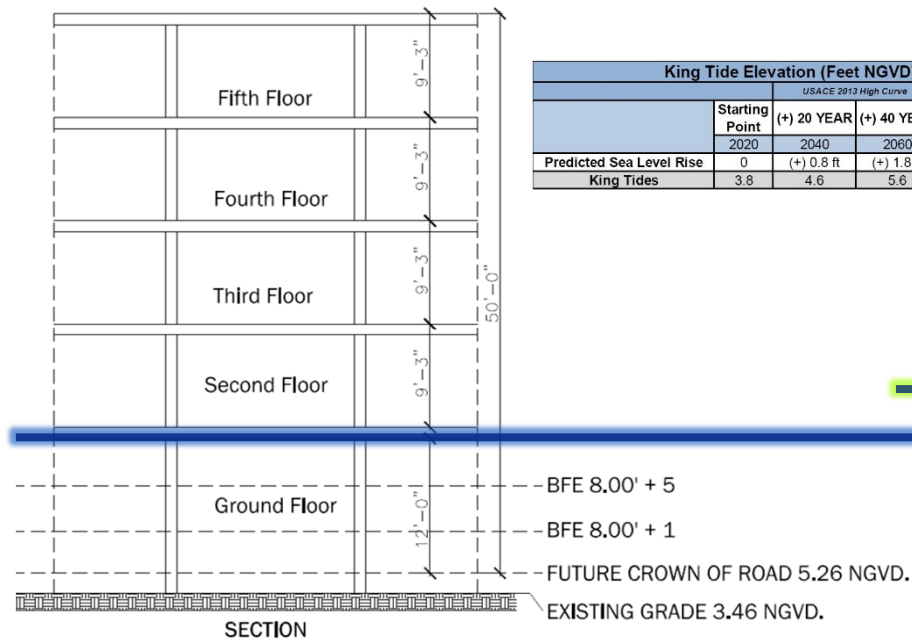
Prevent travel lanes being located higher than sidewalk
(Sunset Harbor)



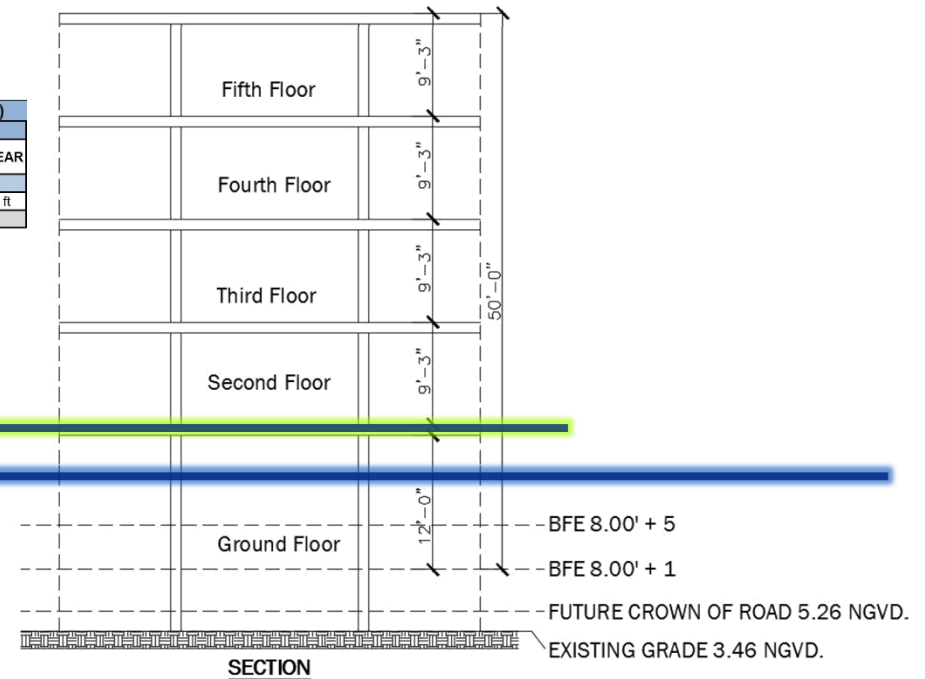
Proposed Amendment:

- Define Base Flood Elevation plus City of Miami Beach Freeboard as the “**DESIGN FLOOD ELEVATION**” (DFE).
- Require the “**Minimum Height of Non-Residential Ground Floor**” to be **12’** above the DFE

Current Minimum
Incentive Standard



Currently permitted but not mandated
Proposed Minimum Standard



Proposed standard leaves 15.4’ of headroom if floor is raised to match the 2060 King Tide Elevation. This is an extra 3.74’ from the current standard.



Existing Building Standards

For buildings undergoing a substantial renovation (50% rule):

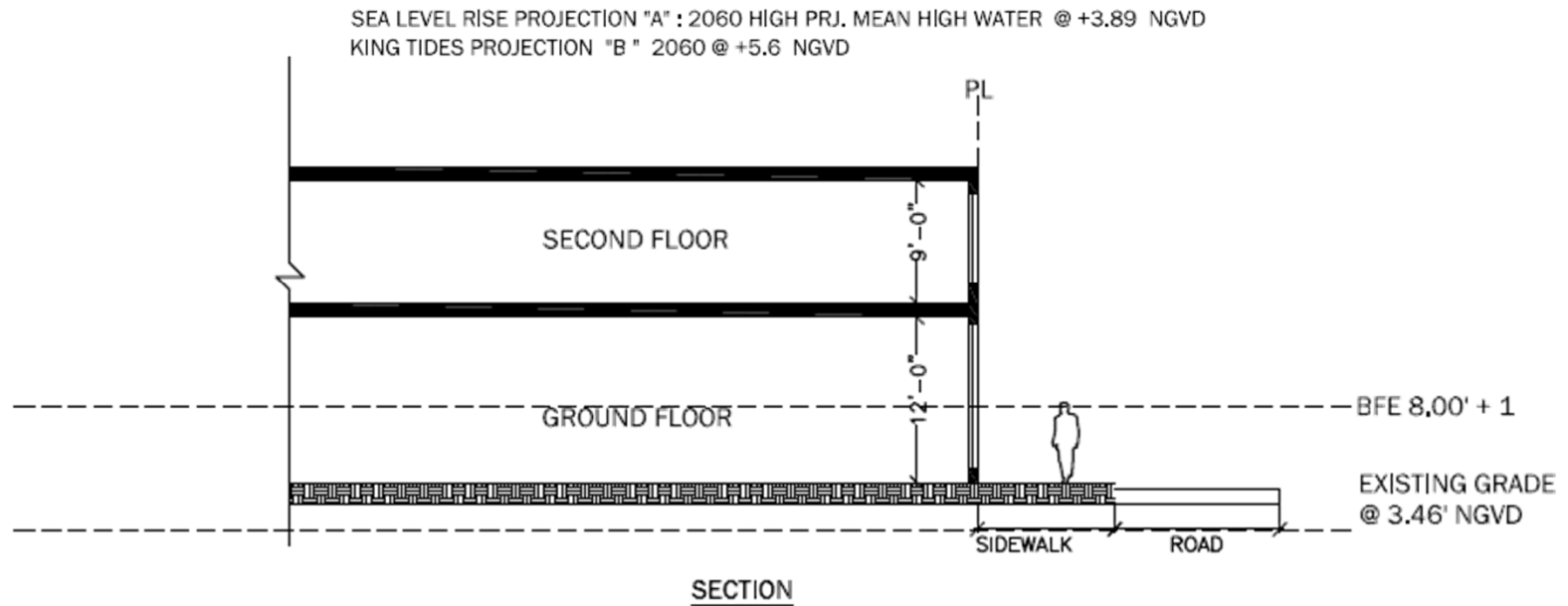
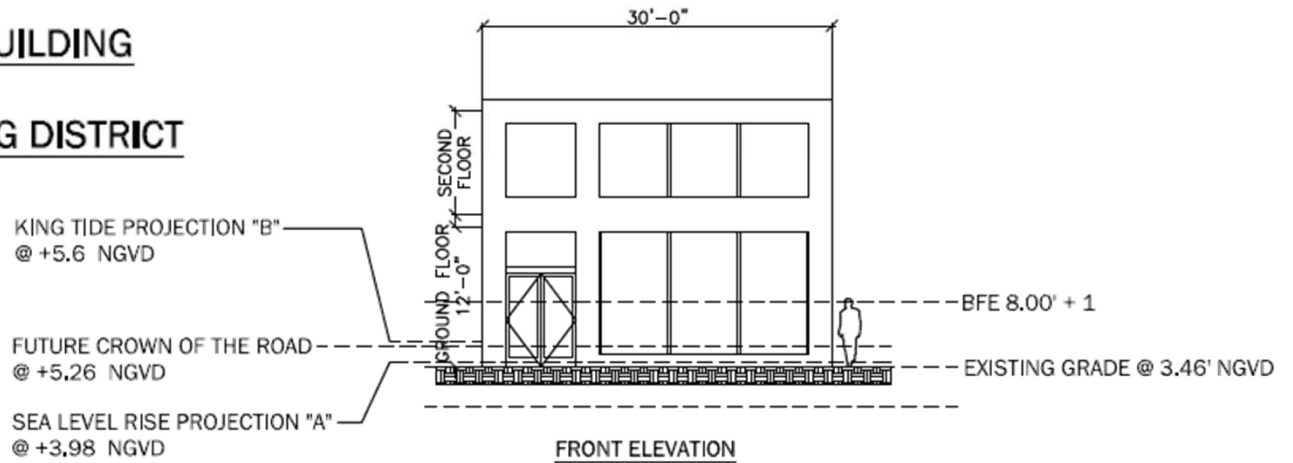
- Where feasible, the ground floor shall be located at a minimum elevation of one foot (1') above the highest sidewalk elevation adjacent to the frontage.
 - Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur inside the property and not encroach into the public sidewalk or setback areas.
- Except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the sidewalk elevation.
- Where feasible, ground floors shall utilize flood damage resistant materials for a minimum of 2' 6" above the floor elevation.
- Flood panels for doorways shall be permanently located next to all doorways.

1- CASE STUDY - COMMERCIAL BUILDING

EXISTING CODE

1428 ALTON ROAD - CD 2 ZONING DISTRICT

EXISTING GRADE 3.46 NGVD



Short-Frontage Standards

Frontages less than 150' wide

Incorporates Existing Building Standards + the following:

- The ground floor shall be located a minimum of 14" (2 *steps*) above the highest sidewalk elevation adjacent to the frontage.
 - Ramping and stairs from the sidewalk elevation to the ground floor elevation shall occur within the property and shall not encroach into the public sidewalk or setback areas
- Minimum ground floor setback of 15' from the back of the curb of the roadway, to provide:
 - 10' wide sidewalk Circulation Zone
 - 5' must be a "Clear Pedestrian Path"
 - 5' wide landscape area
- For developments that have multiple frontages and one frontage is greater than 150', the development shall follow the more stringent standards for buildings with long frontages



(Harmonization purposes)

3- COMMERCIAL BUILDING - SHORT FRONTAGE STANDARDS

LESS THAN 150 FT OF FRONTAGE

EXISTING BUILDING - RENOVATION

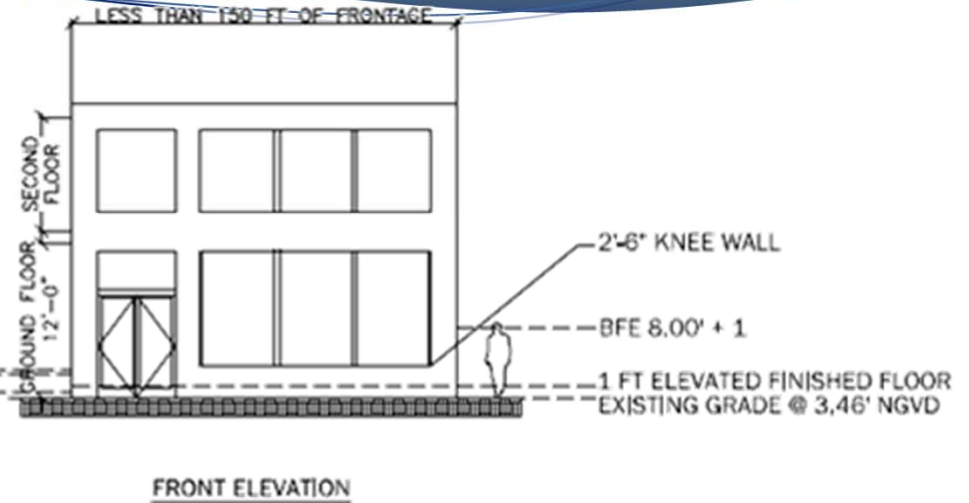
EXISTING GRADE 3.46 NGVD

GROUND FLOOR ELEVATED 14" FROM SIDEWALK ELEVATION AND
A 2'-6" KNEE WALL

KING TIDE PROJECTION "B"
@ +5.6 NGVD

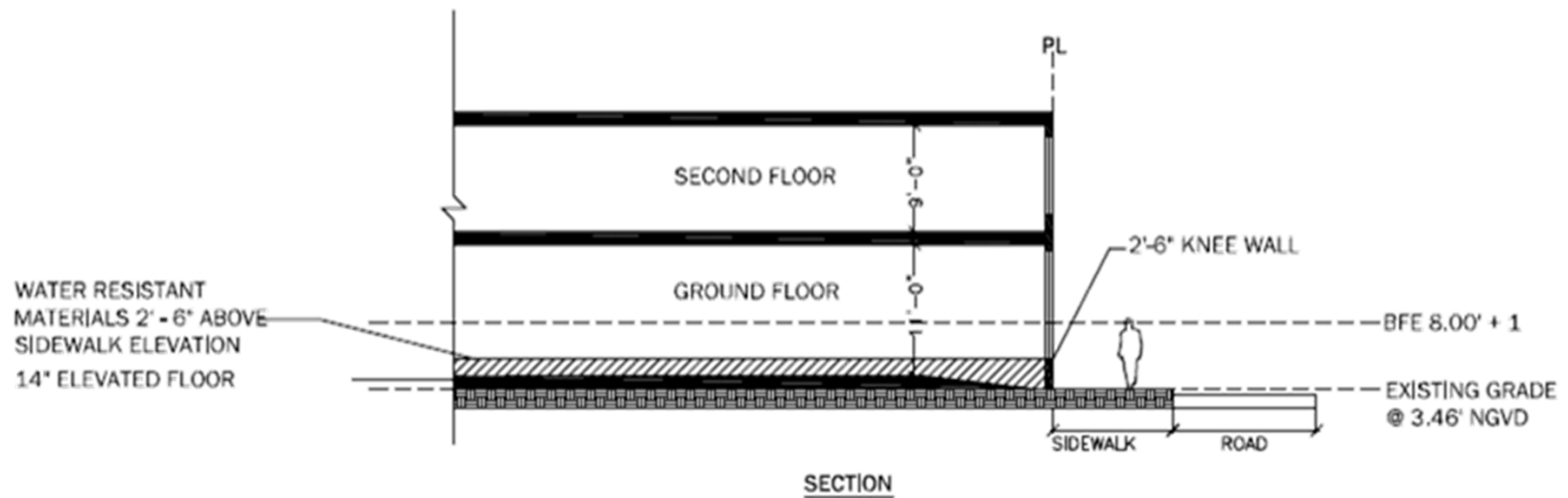
FUTURE CROWN OF THE ROAD
@ +5.26 NGVD

SEA LEVEL RISE PROJECTION "A"
@ +3.98 NGVD

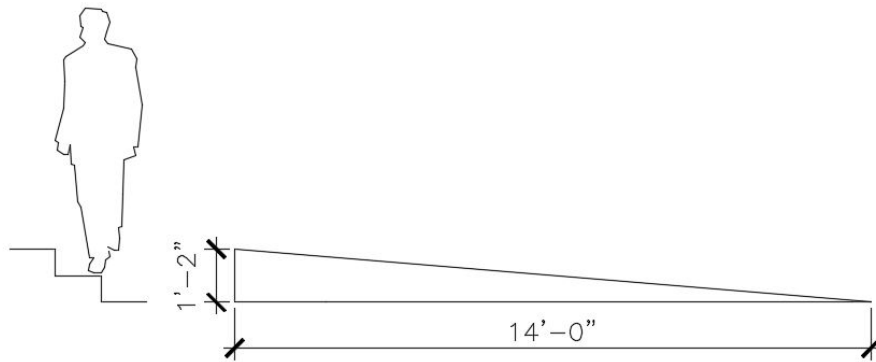


SEA LEVEL RISE PROJECTION "A" : 2060 HIGH PRJ. MEAN HIGH WATER @ +3.89 NGVD

KING TIDES PROJECTION "B" 2060 @ +5.6 NGVD



INTERIOR RAMP & STEPS REQUIREMENTS





Long-Frontage Standards

Long frontage standards: frontages with a width greater than 150 feet, where sidewalks are currently being raised.

Recent projects that have elevated ground floors and sidewalks:



709 Alton Road:
Frontage: 300 feet



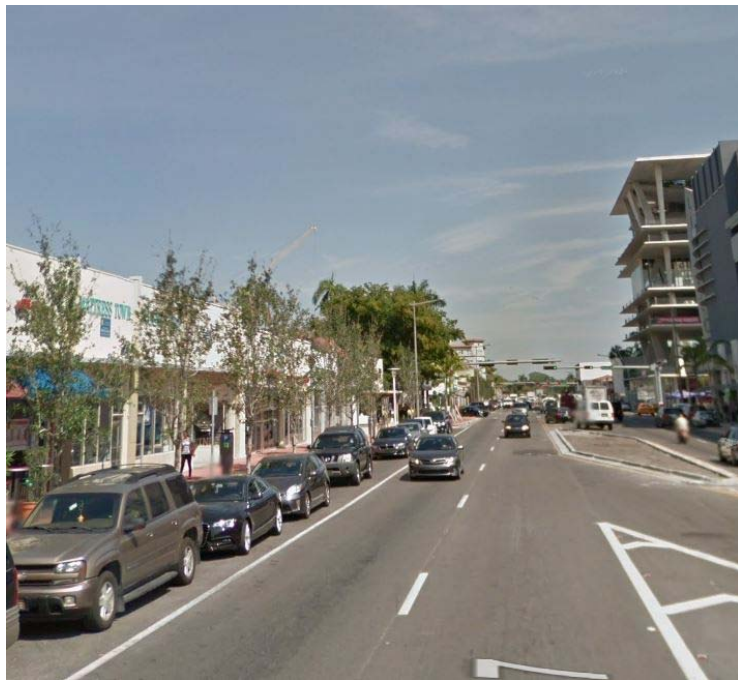
1614 Alton Road Phase I:
Frontage: 250 feet



1824 Alton Road
Frontage: 150 feet on Alton Rd

Building & Sidewalk gets elevated first:

(1614 Alton Road -1212 Lincoln Road)



Examples

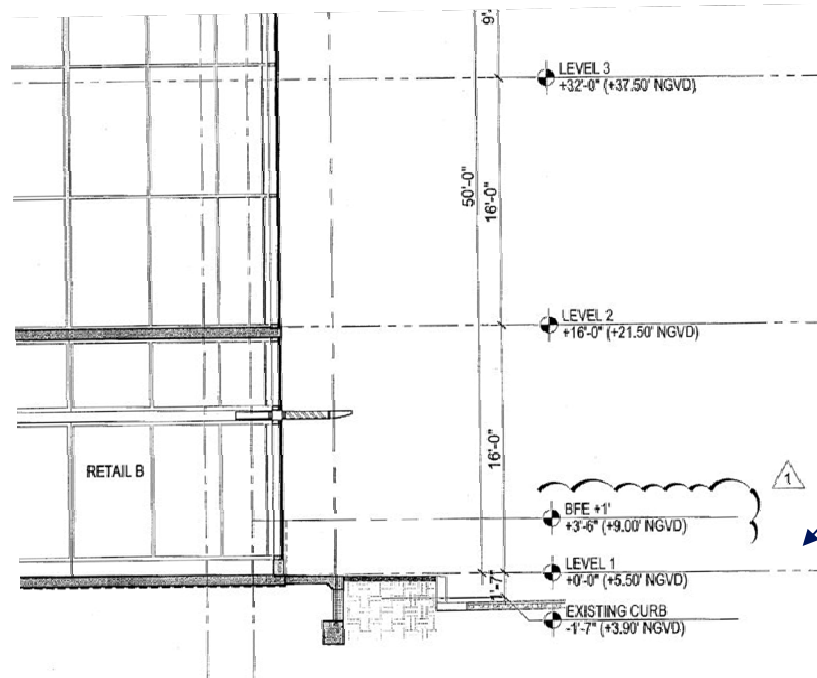
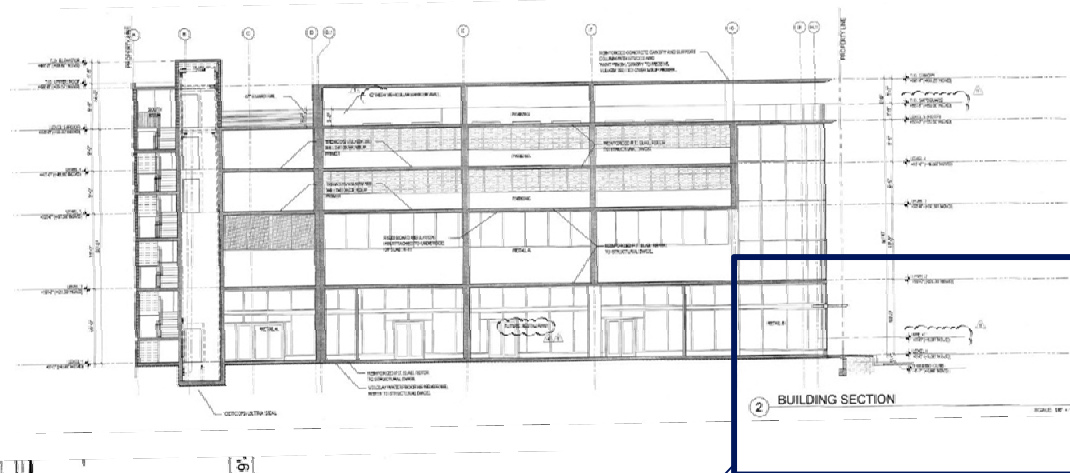
- Projects that have ground floor and elevated sidewalks to the future crown of the road elevation – ~5.26' NGVD
 - (Not BFE+1).
- There are NO uniform standards
 - There are pros and cons to each example.



709 Alton Road - Baptist



1824 Alton Road – Michael's



- 1824 Alton Road – Michael's:
- Raised sidewalk
- Ground floor at 5.5 NGVD

2 BUILDING SECTION

1212 Lincoln Road



1212 Lincoln Road

Positive:

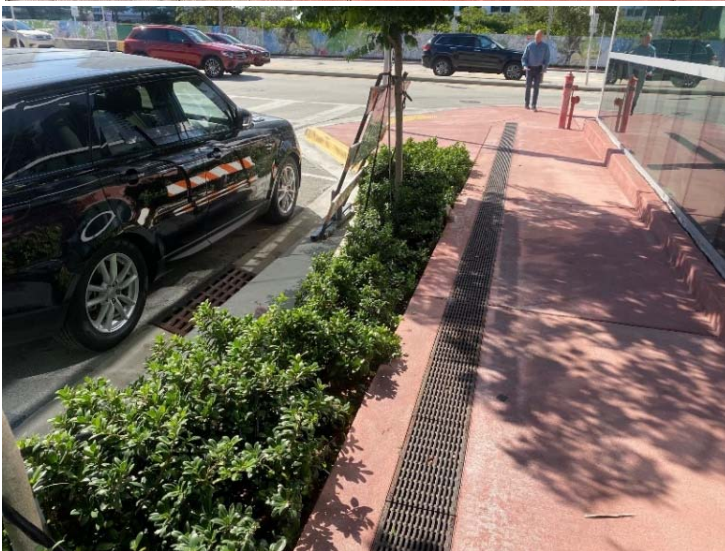
- Ground floor level has an additional setback that provides a wider sidewalk.
- Some access to on-street parking.

Negative:

- Insufficient and poorly located access to street parking
- Insufficient room for landscape to thrive and green infrastructure co-benefits.



709 Alton Road – Baptist Urgent Care





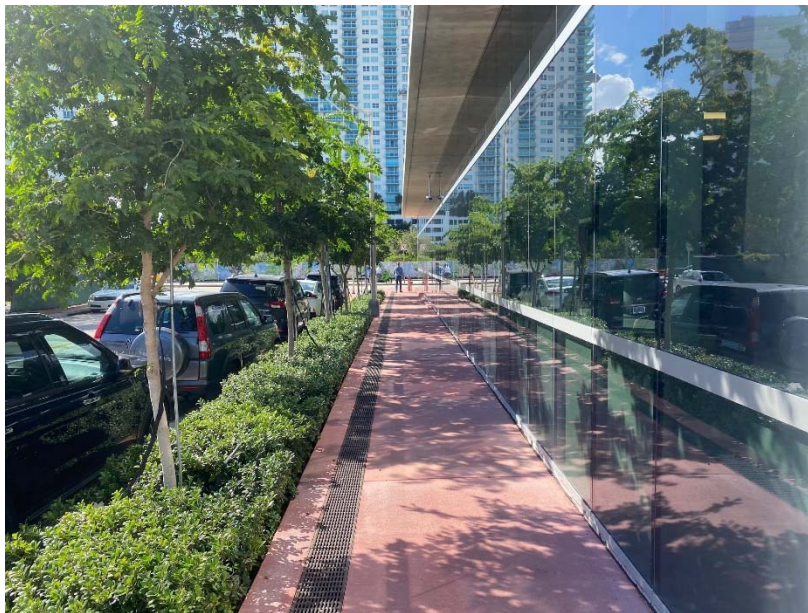
Baptist Urgent Care

Positive

- Wide sidewalks accommodate pedestrian activity
- Wide landscape area allows landscape to thrive
- Wide landscape area minimizes need for rails

Negative:

- No access to sidewalk
- Landscape gets trampled
- Handrails in the public right of way



1045 5th Street – Target

Right of way harmonization issues between sidewalk elevation/size, landscape areas, driveways, street parking and the street.



Positive:

- Trees are elevated

Negative:

- Inadequate space for tree planter and pedestrian paths
- Railings necessary
- Landscape verge inadequate for co-benefits
- Landscape quality
- Quality of finish materials for planters



1045 5th Street - Target

Negative:

- Unnecessary steps in public sidewalk due to unplanned building access points.
- Heavy use of unsightly handrails.



What **NOT** to Do



Undesirable commercial spaces that create isolated pedestrian circulation areas with minimal landscaping



Knee walls that block eyes on the street and limit pedestrian interaction



Findings:

- Need for additional ground floor height for future adaption
- When ground floors are elevated, right of way harmonization must be considered.
- Issues arise between sidewalk elevation/width/access, landscape areas, driveways, street parking and street travel lanes.
- Appropriate transition areas inside the structure or in larger setbacks provide opportunities to mitigate the negative urbanistic impacts.
 - Need for extra space for harmonization purposes.
 - Need for wider sidewalks on commercial zoning districts.
 - Appropriate and safe pedestrian facilities that encourage walking.
 - Better landscape that works for these transition areas.

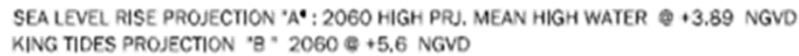


Long-Frontage Standards

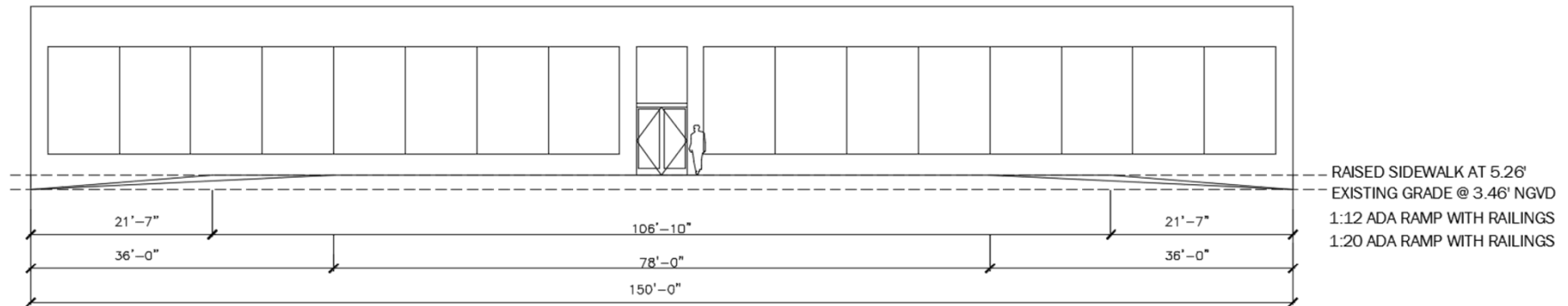
Incorporates Short-Frontage Standards + the following:

- With the exception of transition areas, the sidewalk must be raised at a minimum to the future crown of road elevation (5.26' NGVD).
- Minimum ground floor setback of 15' from the back of the curb of the roadway
 - 10' wide sidewalk circulation zone
 - 5' must be a "Clear Pedestrian Path"
 - 5' wide landscape transition area between the raised sidewalk and the lower vehicular roadway.
- Trees be planted in raised planters or stabilized planting areas with a minimum elevation of the future crown of road.
- The use of ramp switchbacks, and handrails be prohibited in parallel transition areas.
- Steps that are no wider than 36 inches should be placed between every two parking spaces where parallel parking exists.
- The ground floor elevations be located a minimum of 14" (2 steps) above the raised sidewalk elevation.
- Except where there are doors, facades shall have a knee wall with a minimum height of two feet-six inches (2'-6") above the raised sidewalk elevation.

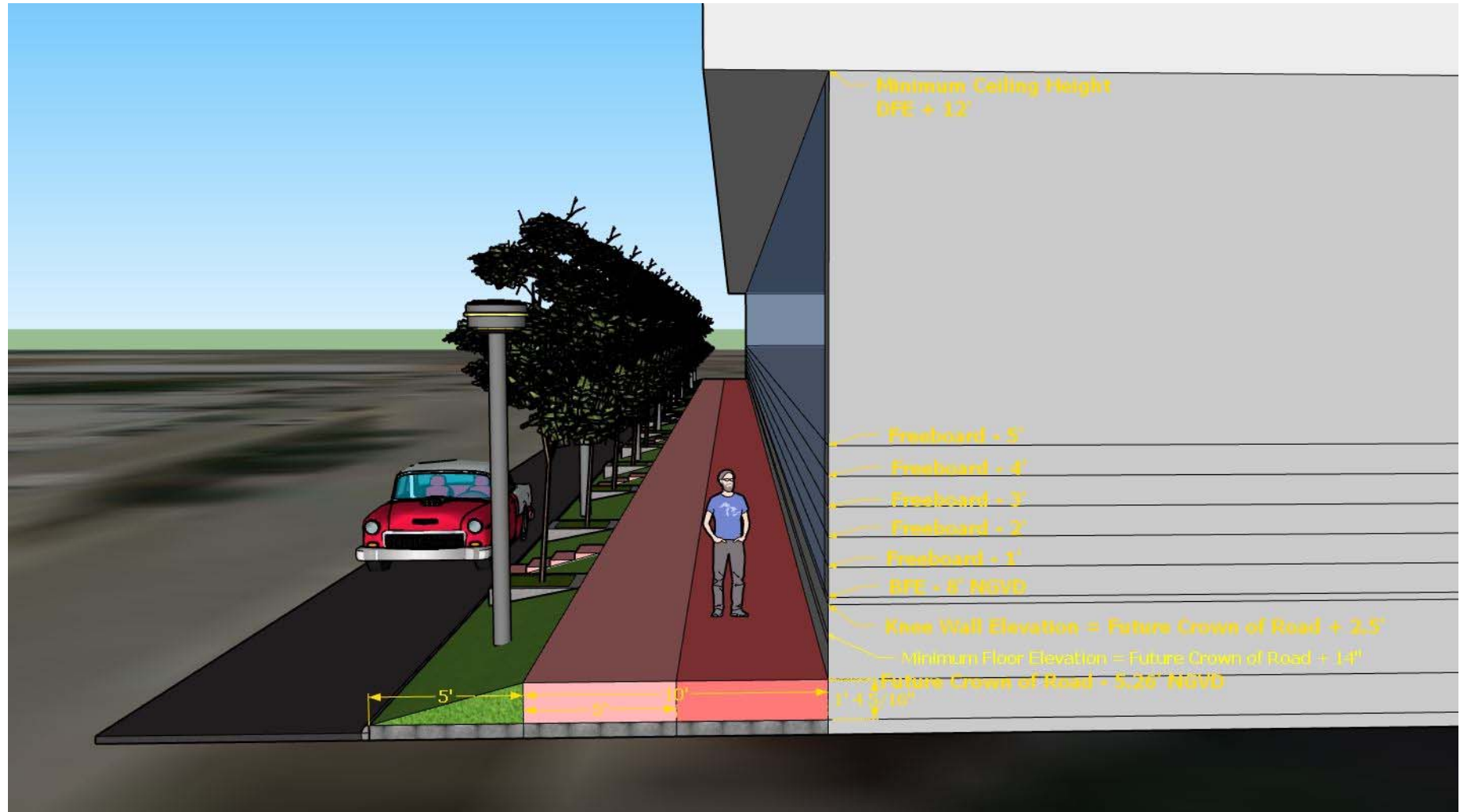
ADDITIONAL GROUND FLOOR SET BACK MAY BE REQUIRED
TO ACCOMMODATE TRANSITION AREAS



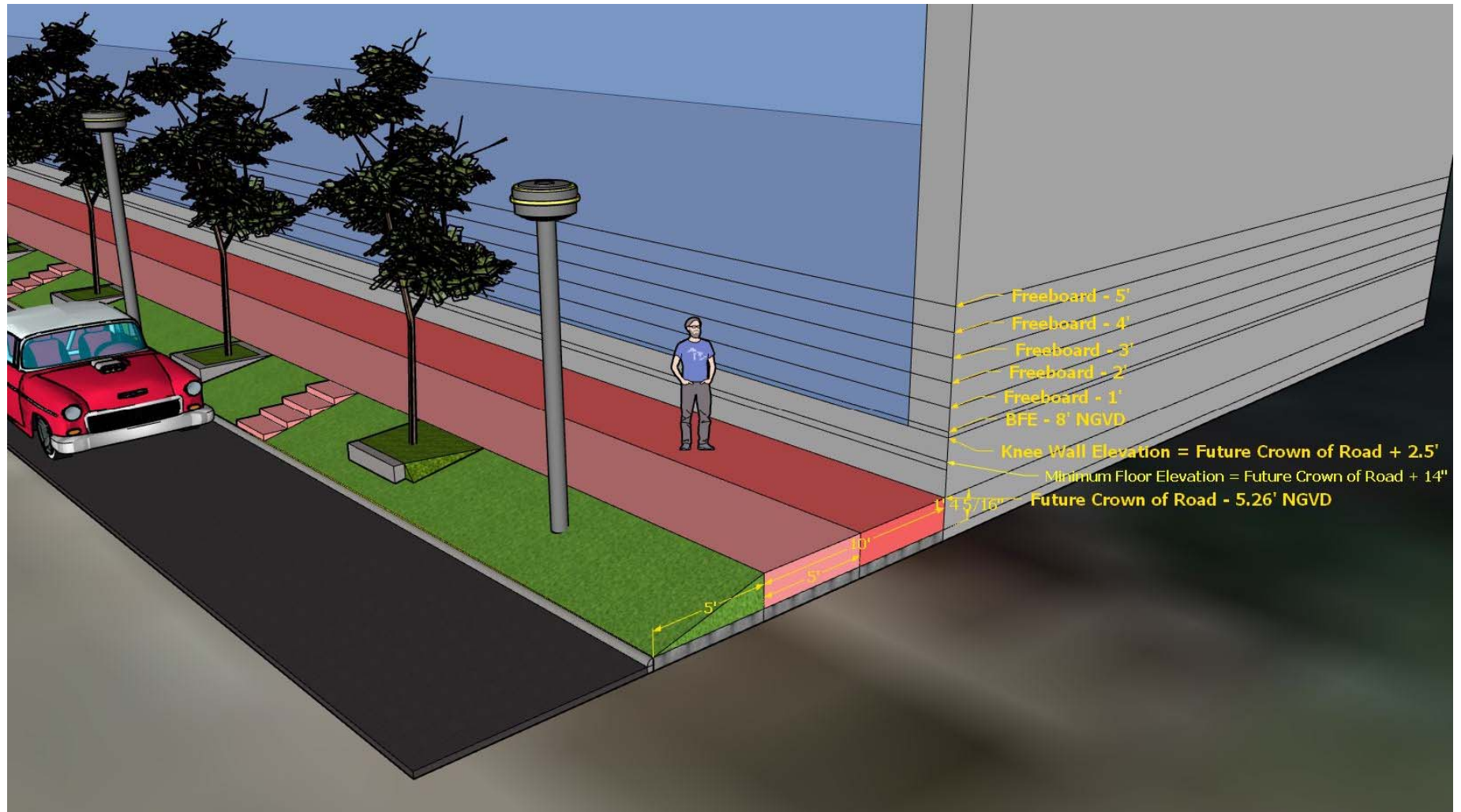
EXTERIOR RAMP REQUIREMENTS



Requires architects to consider the placement of doorways in relation to raised sidewalks before the building is designed. *Currently this is an afterthought.*









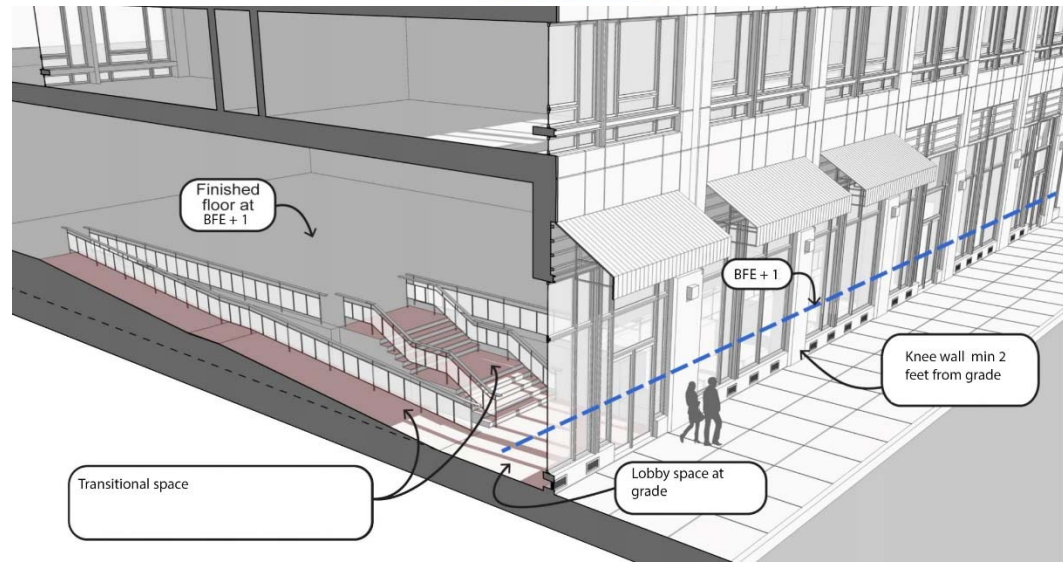
Why not raise floors higher today?

If commercial ground floors are required to be located at BFE + 1-5, there could be negative impacts, especially on small sites :

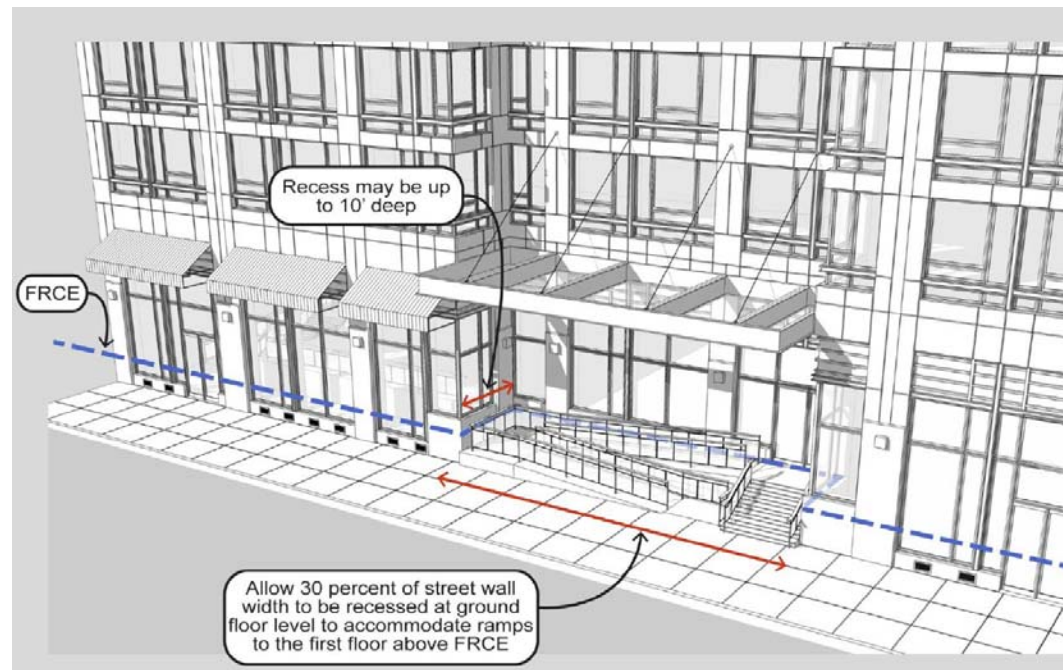
- Undesirable pedestrian experience.
- Undesirable commercial space since large areas are required for transition areas.
- Undesirable commercial space related to transparency and difference of heights between sidewalk and interior space.
- Potential unsafe spaces (lack of eyes on the street).
- Undesirable Architecture (tall knee walls).
- Elevated Construction Cost.
- Can be offset by large transition areas inside the structure or outside by providing greater setbacks; however, many sites do not have the depth, FAR, or historic character to accommodate this.
- Transitions between elevations are more complex.

The most important thing is for buildings to have sufficient height so that they can adapt as necessary. Windows and other façade elements are typically changed every 20 years, raising floors can be considered at those times.

Interior ramps
consume a significant
amount of floor area



Unsightly exterior
ramps



Project with a ground floor at BFE+ 1 1234 Washington Ave



←→ Plaza

Greater setback to accommodate ramps and steps



Any Questions?



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

Item 2
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

**TITLE: DISCUSSION: ESTABLISHMENT OF PENALTIES FOR PROPERTY OWNERS
ENGAGING IN DEMOLITION BY NEGLIGENCE**

ACTION REQUESTED:

Conclude the item and recommend that the City Commission adopt the attached ordinance.

ADMINISTRATION RECOMMENDATION:

Discuss the item and recommend that the City Commission adopt the attached ordinance.

HISTORY:

On July 17, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 O). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with the following direction:

1. The administration and City Attorney's office will research and provide recommendations regarding a process for imposing proportional fines, development and use reductions, and building registrations.
2. The administration will bring a discussion item to the October 8, 2019 meeting of the Historic Preservation Board for recommendations on posting unsafe structures on the city's website.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The administration and the City Attorney will further evaluate the recommendations noted in the LUDC memo regarding proportional fines and building registry, as well as creating a process for as-built drawings of contributing structures.
2. Recommend that the City Commission refer the proposed amendment to chapter 118, article X, pertaining to a presumption clause, to the Planning Board.

3. The addresses of properties that have both an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official will be posted on the City website. This list shall be posted within the Building Department webpage, and the Planning Department webpage shall contain a direct link.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was continued to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was continued to March 17, 2020.

ANALYSIS:

PLANNING AND LEGAL ANALYSIS

On October 8, 2019, the Historic Preservation Board discussed the matter and recommended that the City begin the process of posting the addresses of properties that have an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official on the City website. The Board also recommended that this information be available on either the Building Department or Planning Department page.

As indicated on October 30, 2019, planning staff and the City Attorney's office have researched and discussed other options to address demolition by neglect in historic districts. The following is an update and summary of these efforts:

1. Fines. The way properties are currently fined is general and not specific to the size of the building. The administration and the City Attorney's office have researched the concept of proportional fines and it appears that it is not pre-empted under State law. The administration and the City Attorney are exploring potential amendments that would result in more proportional fines for larger buildings.

2. Building Registry. The Building Department is researching and evaluating a method to establish a building registry process.

UPDATE

The ordinance pertaining to the presumption clause, as previously recommended by the Land Use and Development Committee, is pending before the City Commission and scheduled to be adopted on March 18, 2020. Additionally, a list of unsafe buildings has been posted on the City website, with a direct link from the planning department webpage.

About as-built drawings, as indicated previously, there are a couple of different options; each, however, has a budget impact and would need to be part of a budget enhancement for FY 2021. These include hiring an architectural firm or local University to do built drawings based upon available archival plans and a field assessment. Another potential option would be laser scanning and point cloud files that are then rendered. In those instances where a contributing building is proposed to be replaced or substantially modified, the Architect of record already puts together a detailed set of as-built drawings. Given the current limited need for such drawings on an emergency basis, as well as the potential cost of computer software required, the administration recommends that such a process not move forward at this time.

The administration has reviewed a model building registry ordinance from the City of Riviera

Beach, as well as an updated list of abandoned commercial properties, which is color coded based on priority. Also included in the list of properties is the number of stories and the square footage to assist with determining appropriate, proportional fees. The attached draft ordinance, which amends chapter 58 of the City Code, and creates a building registry process specific to Miami Beach. The following is a summary of the key points of the proposed ordinance:

- Terms specific to the proposed Abandoned and Vacant Properties Registry have been defined.
- Division 4 has been created within chapter 58, establishing an Abandoned and Vacant Properties Registry.
- Applicability: All properties within a locally designated historic district are subject to the Abandoned and Vacant Properties Registry. A property must register within 15 days of becoming abandoned or vacant.
- Detailed registration requirements have been developed. This includes a nonrefundable annual registration fee in the amount of two hundred dollars (\$200) per property, as well as a nonrefundable annual fee of thirty cents (\$0.30) per square foot shall be paid for any building or structure that exceed three (3) stories. This tiered approach to assessing fees will have a greater impact on larger structures, which are typically more vulnerable to demolition by neglect.
- A responsibility for compliance section is established, requiring that is the responsibility of the owner to maintain the property in accordance with the provisions in this article.

The administration believes that the proposal herein will create a fair and transparent process for tracking at risk properties within the City's local historic district. Additionally, it will allow for the City to proactively monitor the conditions of the structures, and better enforce the demolition by neglect section of the City Code.

The one section of the legislation that still needs to be worked out is the administering City department for the registry. The administration is discussing this internally, and it is anticipated that this piece of the legislation will be ready for first reading.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description	Type
□ Draft ORD - Building Registry	Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART A, ENTITLED "GENERAL ORDINANCES," BY AMENDING CHAPTER 58, ENTITLED "HOUSING," ARTICLE I, ENTITLED "IN GENERAL", DIVISION 1, ENTITLED "GENERALLY" BY AMENDING SECTION 58-31, ENTITLED "DEFINITIONS, AND BY AMENDING CHAPTER 58, ENTITLED "HOUSING," ARTICLE III, ENTITLED "PROPERTY MAINTENANCE STANDARDS," BY CREATING DIVISION 4, ENTITLED "ABANDONED AND VACANT PROPERTIES REGISTRY," AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS,

WHEREAS,

WHEREAS

WHEREAS,

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

SECTION 1. Article III, entitled "Property Maintenance Standards," of Chapter 58, entitled "Housing," of the Code of the City of Miami Beach, Florida is hereby amended creating Division 4, entitled "Abandoned and Vacant Properties Registry," as follows:

**CHAPTER 58
HOUSING**

ARTICLE I. In General

DIVISION 1. Generally

Sec. 58-31. - Definitions.

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

Abandoned means any real property that is vacant and/or is under a public notice of default, notice of mortgagee's sale, pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where title is retained by the mortgagee including, any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any other legal means to the mortgagee.

Accessible means a property, structure or building that is unsecured and/or breached in such a way as to allow access by trespassers, criminals, or other unauthorized persons.

Enforcement officer means any law enforcement officer, building inspector, building official, fire inspector or code enforcement officer employed by the City of Miami Beach.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off; stagnant swimming pool; statements by neighbors, passer-by, delivery agents or government agents; accumulation of abandoned personal property' and/or readily accessible residence, structures and buildings on the property.

Nuisance means any condition, including, but not limited to, an abandoned, unsafe, accessible residence, building, structure, or real property with code violations that constitute a menace to life, property, public health, or the public welfare, or create a fire hazard; or any conditions that constitute and attractive nuisance or otherwise endanger the public's safety while in the vicinity thereof.

Mortgagee the creditor, including, but not limited to, service companies, lenders in a mortgage agreement, and any agent, servant, employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement. For the purpose of this chapter, real estate brokers and agents, solely marketing and/or selling real property on behalf of a mortgagee, shall not be considered an agent, servant, or employee of the mortgagee.

Owner means any person, persons, or entity having legal or equitable title, or any real or contingent interests in any real property; being shown to be the property owner in the records of the Miami-Dade County Property Appraiser's Office; or being a mortgagee in possession of real property.

Property Management Company means a local property manager, property maintenance company, or similar person or entity responsible for the maintenance and security of abandoned real property.

Vacant means any real property, including any building or structure thereon that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of evidence of vacancy above.

* * *

ARTICLE III. Property Maintenance Standards

* * *

DIVISION 4. Abandoned and Vacant Properties Registry

* * *

Sec. 58-302. Public nuisance.

All abandoned and vacant real property, which is unmaintained or unsecured, is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, safety and welfare of the residents of the City of Miami Beach

Sec. 58-303. Applicability.

This division applies to abandoned or real property, whether occupied or vacant, within a local historic district within the City of Miami Beach.

Sec. 58-304. Administration and enforcement.

- (a) Within 15 days after a property has become abandoned or vacant, property owner of record and/or mortgagee shall register such property with the [REDACTED] or designee.
- (b) Failure of the property owner of record and/or mortgagee to properly register or to modify the registration from time to time to reflect a change in circumstances as required by this article is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the City.
- (c) Pursuant to any judicial finding and determination, including any administrative proceeding that the property is in violation of this division, the City may take the necessary action to ensure compliance and may place a lien on the property for the cost of the work performed, including an administrative fee, to benefit the property and to bring it into compliance.
- (d) Failure of the property owner of record and/or mortgagee to properly inspect and secure a property subject to this article, and post and maintain the signage required in this article, is a violation of this division and shall be subject to enforcement by any means available to the City. Pursuant to a finding and determination, the City may take the necessary action to ensure compliance with this article and recover costs and expenses in support thereof.

Sec. 58-305. Registration requirements.

- (a) A nonrefundable annual registration fee in the amount of two hundred dollars (\$200) per property shall be paid.
- (b) A nonrefundable annual fee of thirty cents (\$0.30) per square foot shall be paid for any building or structure that exceed three (3) stories.
- (c) The annual registration fee shall correspond to the fiscal year of the City and the renewal of the registration, along with the payment of the annual fee, shall be completed prior to October 1st of any year.
- (d) The renewal of the registration with its accompanying fee, shall be the responsibility of the property owner of record and/or mortgagee and a failure to do so in a timely manner shall subject the property owner of record and/or mortgagee to code enforcement action pursuant to the City of Miami Beach Code of Ordinances.
- (e) Properties subject to this division shall be maintained in accordance with the provisions contained within this article.

- (f) Properties subject to the provisions of this article shall be posted with the name, address and 24-hour contact phone number of the local property management company. The posted sign shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall also contain the language "THIS PROPERTY IS MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS" with the applicable contact information. All information thereupon shall be clear, legible, and updated as required.

Sec. 58-306. Responsibility for compliance.

- (a) It is the responsibility of the owner to maintain the property in accordance with the provisions in this article. A mortgagee of any mortgage agreement which exists on abandoned real property that is in violation of this division shall be a responsible party for compliance with this article upon the filing of a lis pendens and/or action, the purpose of which is to foreclose upon the mortgage or similar instrument that secures debt upon the residential real property. The mortgagee's responsibility for compliance with the provisions of this division shall only be effective during periods of time that the property is vacant and in foreclosure. The responsibility of the mortgagee shall remain until such time as the subject property is sold or transferred to a new owner, or the foreclosure action described herein is dismissed.

Sec. 58-307. Additional authority.

- (a) If an appropriate enforcement officer has reason to believe that a property subject to the provisions of this division is posing a serious threat to the public health, safety and welfare, the enforcement officer may bring the violation before the code enforcement special master, or a court of competent jurisdiction as soon as possible to address the conditions of the property.
- (b) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the code enforcement special master or a court of competent jurisdiction may direct the City to abate the violation and charge the mortgagee with the cost of abatement.
- (c) If the mortgagee does not reimburse the City for the cost of abatement within thirty (30) days of the City sending the mortgagee the invoice, then the City may lien the property with the cost of abatement, along with any and all administrative fees allowed by law to recover the administrative personnel services.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

First Reading: April 22, 2020
Second Reading: May 13, 2020

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2020\3- March 17, 2020\Demo By Neglect - Vacant and Abandoned Properties Registry - ORD March 17, 2020 LUSC.docx



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

Item 3
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSSION PERTAINING TO STRATEGIC INCREASES IN FAR RELATED TO RESILIENCY AND OTHER DEFINED POLICY BENCHMARKS

ACTION REQUESTED:

Discuss and provide recommendations to the full City Commission.

ADMINISTRATION RECOMMENDATION:

Provide recommendations to the City Commission for review and referral to the Planning Board.

HISTORY:

On January 15, 2020, at the request of Mayor Dan Gelber, the City Commission referred a discussion item to the Land Use and Sustainability Committee (LUSC) regarding strategic increases in FAR citywide. The item was discussed briefly at the January 21, 2020 LUSC meeting and continued to the February 18, 2020 meeting.

On February 18, 2020, the LUSC discussed the options provided and recommended continuance of the discussion in order to further develop the following FAR options:

1. Resiliency bonuses
2. Workforce/Affordable housing
3. FAR bonus pool (monetary contribution for added FAR)

ANALYSIS:

BACKGROUND

The maximum square footage (intensity) of a building is regulated by the Floor Area Ratio (FAR), which applies to all zoning districts except for single-family districts. Floor area ratio (FAR) is a defined term in Section 114-1 of the Land Development Regulations (LDRs) and is essentially a multiplier used to regulate the maximum size of a building based on the lot size. For example, a 10,000 square foot lot with an FAR of 2.0 would be allowed to build up to a 20,000 square foot building.

Floor area is also a defined term in Section 114-1 of the LDRs and provides the specific requirements for the calculation of floor area. Under section 114-1, floor area consists of the

gross horizontal areas of the floors of a building, unless such areas are specifically exempted. The only exceptions to the definition of floor area are expressly listed in Section 114-1.

The purpose of the regulation of floor area, including FAR, both in the City of Miami Beach and in other municipalities, is to provide a quantifiable mechanism to control both the size and intensity, as well as the overall exterior mass, of a building. That is why floor area is measured to the exterior face of exterior walls or from the exterior face of an architectural projection. Under the Miami Beach City Code, it is from this total floor area volume that certain areas are excluded.

The current requirements for FAR and floor area have been in place since 1989 (Ordinance 89-2665), and the only amendments subsequent to 1989 have been to the exceptions from floor area.

BACKGROUND ANALYSIS

Any increase in FAR, either through a bonus/incentive provision, percent increase, or additional exclusions, must be effectuated in a deliberate and thoughtful manner, and needs to be supported by a thorough planning analysis. This will promote thoughtful development incentives, prevent unintended consequences related to FAR increases, as well as ensure the continuation of a predictable method of plan review.

The definition of floor area in the City Code, as well as the application of FAR regulations in general, has not been evaluated comprehensively since 1989. In this regard, staff believes that the subject discussion is much needed and well overdue. Additionally, the decisions and recommendations made as part of this exercise will better inform the resiliency code.

In order to provide structure and organization for this FAR discussion, the administration previously provided the following five categories:

1. Bonus FAR/incentives related to resiliency and other defined policy benchmarks.
2. New exclusions from the calculation of floor area to address evolving building and life safety code requirements.
3. Strategic FAR increases within specific zoning districts.
4. The creation of Transfer of Development Rights (TDR) Programs in specified areas of the City.
5. Removing all exemptions, counting everything including parking, and increasing the FAR across the City.

The following is the analysis of each category provided previously. Staff had previously recommended prioritizing FAR increases that are easier to understand as part of a ballot question:

1. Bonus FAR/incentives related to resiliency and other defined policy benchmarks.

- a. Exclusions for the conversion of non-required enclosed parking spaces facing a waterway.

b. Introduction of original floor plates in contributing buildings. Re-introducing original, historic floors to buildings where the floors may have been removed in years past. In this regard, if a hotel building had floors removed to create volumetric space, and they seek to re-introduce those floors, this would not be possible under the regulations of the code if the building or building site is legal non-conforming as to maximum FAR.

Unfortunately, the floor plates of many contributing buildings have been severely modified or removed in order to transfer the square footage of the contributing building to a new building. Only the MXE zoning district restricts the percentage of demolition allowed for interior floor plates of contributing building. This option would allow the re-introduction of original floor plates in contributing buildings.

The administration should note that a ballot measure including a variation of this proposal failed last November. Limiting the types of uses to residential or hotel uses (not including accessory uses), or including some variation of a public benefit, may make this proposal more acceptable. Additionally, the proposal should be contingent on the full restoration of the structure.

c. Resiliency and adaptation bonuses. This would apply to all zoning districts, and the actual bonus number would be conditioned upon tangible improvements that substantially increase and improve the sustainability of new and existing structures. These improvements would go above and beyond minimum code requirements and the bonuses are intended to incentivize such improvements. The actual bonus points would be added to the maximum FAR permitted on the property and would be capped at a fixed number. For example, an RM-2 property, which has a maximum FAR of 2.0, would be able to increase the overall FAR to a maximum of 2.5 with resiliency bonus points.

d. First level interior transitional access for non-residential buildings. This would include stairs, ramps, and lifts required to get from the sidewalk level up to a higher finished first floor level. This would encourage commercial properties to elevate their first floor to be more resilient to flooding, while still providing a transparent, active storefront at the sidewalk level.

e. New floor area within volumetric buildings such as historic theatres. In this regard, there are historic theatres in the City that need adaptive re-purposing, such as a conversion to retail or food & dining establishments. However, if the building is legal non-conforming as to maximum FAR, there is no opportunity under the code to add additional floor plates within the structure, even though they will not be visible.

f. Exempting the floor area of existing contributing buildings which are elevated. Although any demolition is subject to a Certificate of Appropriateness from the Historic Preservation Board, such exemption could encourage elevating such structures to ensure their long-term viability, as the added square footage could help offset the costs to elevate these buildings.

g. Bonus for providing affordable and/or workforce housing, as defined in the City Code. The Comprehensive Plan already has increased density allowances for affordable and workforce housing. As such, an FAR bonus for providing such types of units should not require modifying the density limitations of the Comprehensive Plan. This should be limited to rental housing to ensure that the constructed units are available for the long-term.

h. Bonus for providing Transit Oriented Development (TOD) along defined corridors in the City. TOD's are an excellent tool for promoting development that minimizes the impact of single car vehicles. As TOD's are located adjacent to or abutting dedicated transit lines, as well as multiple transit modes, they are ideal for end users who do not own or rely on a single motor vehicle. In order to encourage these types of uses, additional FAR in the form of a bonus or TDR is ideal.

2. New exclusions from the calculation of floor area to address evolving City Code, Florida Building Code and Life Safety Code requirements.

a. Bicycle Parking. Exclusions for secured bicycle parking, whether required or not.

b. Stairwells and elevators above main roof decks.

c. FPL Transformer vaults. These vault rooms have becoming increasingly larger, and often include additional infrastructure required by FPL to also help serve neighboring properties. Their location within an enclosed building is preferable to any exterior pad-mounted option.

d. Fire control rooms and related public safety spaces, not accessible to the general public.

3. Strategic FAR increases within specific zoning districts. Existing low intensity districts, such as RM-1, low intensity residential districts, and CD-1, commercial low intensity districts, currently have very low maximum FAR and face challenges with regard to meeting minimum building and life safety code requirements. In the administration's prior analysis, the areas of stair and elevators consume, on average, about 8% of a building's available FAR. For an RM-1 zoned property, an increase of 8% would result in an FAR of 1.35, vs the typical maximum of 1.25. For an 8,000 SF lot, the resulting FAR of 1.35 would result in an area of 10,800 SF, vs the current maximum of 1.25 or 10,000 SF.

4. The creation of Transfer of Development Rights (TDR) Programs in specified areas of the City. Allowing properties, within defined transfer and receiver districts, to transfer some or all their development rights to another property has two significant benefits. First, it does not result in an overall increase in intensity within the larger area. Second. It provides a vehicle for vulnerable and at-risk properties to become adaptation areas.

A process to manage a TDR program would need to be developed, and transfer and receiving districts would need to be established. Transfer districts could, potentially, be limited to lower-density zoning districts such as RM-1, as well as more vulnerable areas on the west side of the City. Receiving districts should be areas with higher intensity and higher density zoning, such as the CD-2 and CD-3 Commercial Districts, and RM-3 high intensity residential district. Additionally, receiving districts should be located within defined transportation corridors.

A cap on the maximum percentage beyond the FAR of the underlying zoning district would also need to be established, as well as a review of potential height increases to go along with an increased FAR.

5. Removing all exemptions, counting everything within a building envelope, including parking, and increasing the FAR across the City. This would incentivize less parking and more efficient circulation. However, the actual increases in FAR would need to be evaluated on a district basis.

As noted previously, although increases in FAR will increase the bulk and mass of buildings, as well as the intensity, the existing density limitations in the City's Comprehensive Plan will ensure that residential density would not be increased. Any increase in density would require an amendment to the Comprehensive Plan. Additionally, changes pertaining the calculation of FAR will have no impact on single family home regulations or single family districts, as they are regulated by unit size and lot coverage, as separately defined in Section 142-105.

CITY CHARTER

In order to amend the Land Development Regulations of the City Code to allow an increase in zoned floor area, pursuant to City Charter Section 1.03(c), approval of the City's voters will be required. The following is the language in Section 1.03(c):

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.

An increase in zoned FAR includes, but is not limited to, modifications of the definition of floor area, amendments to the exclusions of floor area and a direct increase in the FAR number. All of the potential options identified above would require a ballot question for an amendment that would allow a property to add FAR, as they would result in an increase in zoned FAR "by zoning, transfer, or any other means" pursuant to City Charter Section 1.03(c).

March 17, 2020 UPDATE

Based on the direction of the LUSC at the February 18, 2020 meeting, the administration has prepared a draft Public Benefits Ordinance, which includes the recommended focus items. This includes resiliency bonuses, workforce/affordable housing bonuses, and a FAR bonus pool (monetary contribution). The following is a summary of the draft Ordinance (Attachment "A") for a public benefits program:

1. Zoning districts established.

a. Included zoning districts and base bonus increases. Applicable zoning districts are identified where additional height and FAR may be permitted. The maximum limits range from a bonus FAR of 0.25 for low intensity districts, such as RM-1, residential low-intensity and CD-1, commercial medium intensity, to 0.50 for higher intensity zoning districts such as RM-3, residential high intensity and CD-3, commercial high intensity zoning districts. Additional height ranges from 10 feet to 20 feet, commensurate with the FAR bonus.

A lower bonus of 0.25 was used for zoning districts with a lower FAR, as an increase to .5 would result in a disproportionately large increase of 40% for example in the RM-1 zoning district. The chart below indicates some base FAR requirements and the percentage increase proposed.

Zoning District Base FAR increase Resulting FAR

RM-1 1.25 +.5 (40% increase) = 1.75 **

RM-1 1.25 +.25 (20% increase)= 1.5

RM-2, CD-2 2.0 +.5 (25% increase) = 2.5

RM-3, CD-3 3.0 +.5 (17% increase) = 3.5

** Not recommended

b. Added bonus for workforce/affordable housing. In addition to the bonus height and FAR noted above, an additional bonus of up to 0.50 FAR and 20 more feet in additional height is available exclusively for workforce/affordable housing for zoning districts where the base FAR for the property is a minimum of 2.0 and which is also located along an established transit corridor.

c. Exempt districts. Lower Intensity zoning districts, zoning districts where FAR is not applicable (such as single family) and other zoning districts are specifically excluded, including properties which recently received an increase in FAR through a ballot initiative.

2. Location of bonus FAR. The only square footage allowed above the maximum height for the underlying zoning district is that achieved through the public benefits program.

3. Monetary option for benefits and establishment of Trust Funds.

4. Criteria for the public benefits program.

a. Affordable/workforce housing.

1. On-site. For each square foot of Affordable/Workforce housing provided on site, the development shall be allowed an equivalent amount of additional Floor Area up to the bonus height and floor area as described in Section 142-3.1

2. Off-site. For each square foot of affordable /workforce housing provided off site, in a location within the City approved by the City Commission, the development shall be allowed 0.5 square feet of additional floor area up to the bonus height and floor area.

b. Trust Fund contributions. For a cash contribution to the City of Miami Beach Benefit Trust Fund, the development shall be allowed additional Floor Area up to the bonus Height and floor area. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable or rentable square foot within market area to equate to between 10 (ten) to 15 (fifteen) percent of market area's weighted average sales price per square foot. The cash contributions shall be adjusted on an annual basis to reflect market conditions effective October 1st of every year.

(Note: the contribution fund calculation is a placeholder requiring further analysis.)

c. Resiliency and adaptation bonuses:

1. Elevating first floor of an existing structure. When the first floor of an existing structure is elevated to a minimum of BFE +1 foot, the development may receive a bonus FAR, equivalent of the FAR of the elevated area only, not to exceed a bonus FAR of 0.25.

2. Seawall improvements. When the entirety of a property's seawall is improved or reconstructed to a minimum height of 5.7 feet NAVD, the development may receive a bonus FAR of 0.10.

3. Self-sustaining electrical and surplus stormwater retention and reuse. When a development is fully self-sustaining in terms of electrical power using solar power and similar electricity generating

devices, and also includes stormwater retention that is over and above the minimum requirements in order to accommodate offsite stormwater, including the reuse of such stormwater through purple pipes throughout the building, the development may receive a bonus FAR of 0.25.

4. LEED Platinum certification. When LEED platinum certification is achieved in accordance with Chapter 133 of the City Code, the development may receive a bonus of 0.15.

If at the time the first Certificate of Occupancy is issued for the Building that received a public benefits bonus for a LEED platinum certification and the LEED certification has not been achieved, then the owner shall post a performance bond in a form acceptable to the City. The performance bond shall be determined based on the value of land per square foot of Building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The City will draw down on the bond funds if LEED certification has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the Building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the City of Miami Beach Public Benefits Trust Fund established by this Code.

5. Onsite Adaptation Areas. When onsite adaptation areas are provided, which are fully accessible from the public right of way and provide tangible drainage, stormwater retention and related resiliency and sustainability benefits, the development may receive a bonus of 0.10 to 0.35 points depending upon the overall size and level of improvement.

(Note: this option requires further development)

6. Publicly accessible recreation facilities. When active recreation facilities that are available to the general public, and serve a recreational need for the immediate area are provided on site, a bonus FAR of 0.10 points may be permitted, subject to the approval of the city's parks and recreation department.

(Note: this option requires further development)

In addition to the Public Benefits ordinance noted above, the administration would also recommend a separate ordinance (Attachment "B") be considered for new exclusions from the calculation of floor area to address evolving City Code, Florida Building Code, and Life Safety Code requirements, outlined as follows:

1. Bicycle Parking. Currently required automotive parking is exempt from inclusion as floor area, and up to two vehicular parking spaces may be provided per apartment unit, without counting as floor area. Further, in most districts where the City has reduced the vehicular parking requirements, parking may still be provided in most cases in accordance with Parking District No. 1, which generally has the highest parking requirements. A typical parking space, including half of the abutting drive occupies an area of approximately 250 square feet, whereas the same area could easily accommodate more than 10 bicycles.

2. Stairwells and elevators above main roof decks. The area of two typical stairwells and a typical elevator at one level is approximately 500 square feet. While such area is minimal, its exception from inclusion as floor area would be especially beneficial to existing buildings that are currently over their maximum FAR. While many older buildings may have one stair to the roof, in order to add a rooftop deck or pool, building code and life-safety requirements must be satisfied, which usually requires two stairs as well as an accessible means of vertical access (an elevator). Such an exception would allow these non-conforming buildings to add desirable roof-top amenities.

3. FPL Transformer vaults. These vault rooms, when required, have become increasingly larger, and often include additional infrastructure required by FPL to also help serve neighboring

properties. Their location within an enclosed building is preferable to any exterior pad-mounted option. The typical area occupied by such use is generally around 300-500 square feet depending on the size of the project. Such exemption again would be especially helpful for existing buildings undergoing renovations, which may need to remove a hotel room or other space to accommodate for the required area for the FPL vault.

4. Fire control rooms and related public safety spaces, not accessible to the general public. Such control rooms are important life-safety requirements for larger projects and were not standard requirements decades ago. The typical area occupied by these rooms is 300-500 square feet.

Lastly, the administration would recommend that the following continue to be explored as separate, stand-alone ordinances in the future.

1. Exclusions for the conversion of non-required enclosed parking spaces facing a waterway. The City has many non-conforming parking areas facing a waterway, including the ocean. The Code was modified many years ago to require active uses at all levels of a building when facing a waterway. Such existing non-conforming parking areas are typically characterized by blank walls, often several stories high, or open parking structures. Such structures have a significant negative impact on the City's overall character, especially when viewed from the public beach walk or bay walk. Conversion of such spaces would allow active uses with glazing and architectural treatment that would improve the visual character along the waterfront.

The administration should note that a ballot measure including this proposal failed last November. Additional restrictions and protections may need to be contemplated to limit the area and depth of non-conforming parking to be converted. Such non-conforming areas could be limited to conversion of 10 parking spaces (approximately 2500 SF) or 15 spaces (approximately 3750 SF), both including half of the abutting drive aisle. Converted uses could also be limited to back-of-house uses and/or retail uses, and limited to oceanfront parking structures within local historic districts which also expand public access to the beach.

SUMMARY

July 31, 2020 is the deadline for adopting a resolution to place a ballot question(s) on the City's November 3, 2020 ballot. As such, the City Commission will need to reach consensus on any proposed FAR questions in time for the July Commission meetings. First reading referrals to the Planning Board should be made no later than the April 22, 2020 City Commission meeting, so that such legislation can be considered and transmitted by the Planning Board at their May meeting. This would allow for first reading to occur in June.

The administration is seeking action based upon the modified recommendations noted above. Additionally, the administration recommends that individual, narrowly crafted ballot questions, which are easy to understand, be proposed, as opposed to larger, more cumbersome ballot questions.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to

Does this item utilize G.O. Bond Funds?

City Code Section 2-14?

Yes

No

Departments

Planning

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Attach A - Public Benefit ORD	Memo
<input type="checkbox"/>	Attach B - Sec 114 ORD	Memo

ATTACHMENT “A”

Draft Public Benefits Program for bonus FAR and height in specified zoning districts.

Chapter 142 - ZONING DISTRICTS AND REGULATIONS

ARTICLE I. – GENERAL TO ALL ZONING DISTRICTS

*

*

*

Sec. 142-3.0 – Public benefits program.

The intent of the Public Benefits Program established in this section is to allow bonus building height and Floor Area Ratio (FAR) in the specified zoning districts in exchange for the developer's contribution to specified programs that provide benefits to the public.

Sec. 142-3.01 – Definitions.

Workforce housing shall be as defined in Section 58-501.

Affordable housing shall include both *elderly* and *non-elderly Low income and moderate income* housing, as defined in Section 58-401.

Sec. 142-3.1 – Applicable Zoning Districts

- (a) The bonus Height and Floor Area (FAR) shall be permitted if a proposed Development contributes toward the specified public benefits, above the maximum which is otherwise allowed by the City Code, in the amount and in the manner as set forth herein.
- (1) RM-1: 10 feet additional height, FAR bonus of 0.25.
 - (2) RM-2: 20 feet additional height, FAR bonus of 0.50.
 - (3) RM-3: 20 feet additional height, FAR bonus of 0.50.
 - (4) CD-1: 10 feet additional height, FAR bonus of 0.25.
 - (5) CD-2: 20 feet additional height, FAR bonus of 0.50.
 - (6) CD-3: 20 feet additional height, FAR bonus of 0.50.
 - (7) I-1: 10 feet additional height, FAR bonus of 0.25; however I-1 zoned properties are not eligible for any bonuses related to workforce/affordable housing.
 - (8) MXE: 20 feet additional height, FAR bonus of 0.50.
 - (9) RPS-1: 10 feet additional height, FAR bonus of 0.25.
 - (10) RPS-2: 10 feet additional height, FAR bonus of 0.35.
 - (11) RPS-3: 10 feet additional height, FAR bonus of 0.35.
 - (12) RPS-4: 20 feet additional height, FAR bonus of 0.50.
 - (13) TC-1: 20 feet additional height, FAR bonus of 0.5.
 - (14) TC-2: 20 feet additional height, FAR bonus of 0.5.
 - (15) TC-3: 10 feet additional height, FAR bonus of 0.25.

(16) GU: 20 feet additional height, FAR bonus of 0.50.

- (b) In addition to the height and FAR bonus noted in Sec. 142-3.1(a) an additional 20 feet in height and 0.5 bonus FAR shall also be available exclusively for additional workforce/affordable housing for properties located in a zoning district which has a minimum base FAR of 1.5 and which are also located along the following established transit corridors:

(1) Fifth Street

(2) Alton Road

(3) 17th Street

(4) Washington Avenue

- (b) Exemptions. The height and Floor Area (FAR) bonuses shall not apply to the following districts in any manner:

(1) RS-1, RS-2, RS-3, RS-4,

(2) RM-PRD1, RM-PRD-2

(2) CCC

(3) GC

(5) HD

(6) MR

(7) RO

(8) TH

(9) WD-1

(10) WD-2

(11) SPE

(12) TC-C

Sec. 142-3.2 – Location.

Upon providing a binding commitment for the specified public benefits as provided in Section 142-3.3 below, the proposed development project shall be allowed to build within the restrictions of the specific zoning district, with the additional bonus height and floor area ratio as established in this Section. The only square footage allowed above the maximum height for the underlying zoning district is that achieved through the Public Benefits program.

Sec. 142-3.3 – Benefits monetary contribution.

- (a) The proposed bonus Height and floor area ratio (FAR) shall be permitted in exchange for contribution to the City for the following public benefits:

- (1) Affordable/workforce housing;

The City shall establish a City of Miami Beach Public Benefits Trust Fund for the cash contributions for Affordable/ Workforce Housing

(2) Resiliency and adaptation bonuses:

The City's established Sustainability and Resiliency Fund shall be utilized for all contributions made to resiliency and adaptation bonuses made under this section.

The City Commission, upon the manager's recommendation, shall annually decide the allocation of funds from the Trust Fund collected under this section.

Sec. 142-3.4

For the purposes of the public benefits program, the following criteria shall apply:

(a) **Affordable/ Workforce Housing.** A development project may provide any of the following or combination thereof:

(1) **Affordable/Workforce housing on site of the development.** For each square foot of Affordable and/or Workforce housing provided on site, the development shall be allowed an equivalent amount of additional floor area up to the bonus height and floor area as described in Section 142-3.1

(2) **Affordable/Workforce housing off-site.** For each square foot of affordable and/or workforce housing provided off site, in a location within the City approved by the City Commission, the development shall be allowed 0.5 square feet of additional floor area up to the bonus height and floor area as described in Section 142-3.1. No additional allowance is given for the purchase of the site.

(b) **Trust Fund contributions.** For a cash contribution to the City of Miami Beach Benefit Trust Fund, the development shall be allowed additional Floor Area up to the bonus height and floor area as described in Section 142-3.1. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable or rentable square foot within market area to equate to between 10 (ten) to 15 (fifteen) percent of market area's weighted average sales price per square foot. The cash contributions shall be adjusted on an annual basis to reflect market conditions effective October 1st of every year.

(Note: the contribution fund calculation is a placeholder requiring further analysis.)

(c) **Resiliency and adaptation bonuses:**

(1) **Elevating first floor of an existing structure.** When the first floor of an existing structure is elevated to a minimum of BFE +1 foot, the development may receive a bonus FAR, equivalent of the FAR of the elevated area only, not to exceed a **bonus FAR of 0.25.**

(2) **Seawall improvements.** When the entirety of a property's seawall is improved or reconstructed to a minimum height of 5.7 feet NAVD, the development may receive a **bonus FAR of 0.10.**

(3) **Self-sustaining electrical and surplus stormwater retention and reuse.** When a development is fully self-sustaining in terms of electrical power using solar power and similar electricity generating devices, and also includes stormwater retention that is over and above the minimum requirements in order to accommodate offsite stormwater, including the reuse of such stormwater through purple pipes throughout the building, the development may receive a **bonus FAR of 0.25.**

- (4) **LEED Platinum certification.** When LEED platinum certification is achieved in accordance with Chapter 133 of the City Code, the development may receive a **bonus of 0.15.**

If at the time the first Certificate of Occupancy is issued for the Building that received a public benefits bonus for a LEED platinum certification and the LEED certification has not been achieved, then the owner shall post a performance bond in a form acceptable to the City. The performance bond shall be determined based on the value of land per square foot of Building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The City will draw down on the bond funds if LEED certification has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the Building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the City of Miami Beach Public Benefits Trust Fund established by this Code.

- (5) **Onsite Adaptation Areas.** When onsite adaptation areas are provided, which are fully accessible from the public right of way and provide tangible drainage, stormwater retention and related resiliency and sustainability benefits, the development may receive a bonus of 0.10 to 0.35 points depending upon the overall size and level of improvement.

(Note: this option requires further analysis)

- (6) **Publicly accessible recreation facilities.** When active recreation facilities that are available to the general public, and serve a recreational need for the immediate area are provided on site, a bonus FAR of 0.10 points may be permitted, subject to the approval of the city's parks and recreation department.

(Note: this option requires further analysis)

Sec. 142-3.4

No Building permit shall be issued for bonus height and FAR until the Planning Director, or designee has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments. Certification shall be made only after a certified check has been deposited and cleared to the City of Miami Beach Public Benefits Trust Fund or, for non cash contributions, a binding commitment has been approved by the City Manager. The cash contribution shall be nonrefundable once paid.

ATTACHMENT “B”

Chapter 114 – GENERAL PROVISIONS

Sec. 114-1. - Definitions.

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

* * *

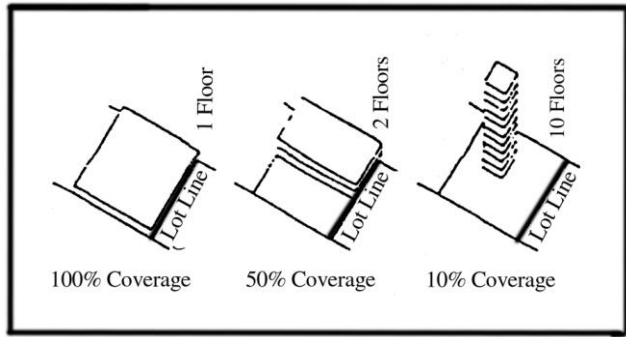
Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. However, the floor area of a building shall not include the following unless otherwise provided for in these land development regulations.

- (1) Accessory water tanks or cooling towers.
- (2) Uncovered steps.
- (3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.
- (4) Terraces, breezeways, or open porches.
- (5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.
- (6) Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.
- (7) Mechanical equipment rooms located above main roof deck.
- (8) Exterior unenclosed private balconies.
- (9) Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.
- (10) Enclosed garbage rooms, enclosed within the building on the ground floor level.
- (11) Stairwells and elevators located above the main roof deck.
- (12) Transformer vault rooms
- (13) Fire control rooms and related command centers for life-safety purposes.
- (14) Bicycle parking (secured).

Volumetric buildings, used for storage, where there are no interior floors, the floor area shall be calculated as if there was a floor for every eight feet of height.

When transfer of development rights are involved, see chapter 118, article V for additional regulations that address floor area.

Floor area ratio means the floor area of the building or buildings on any lot divided by the area of the lot.



Each example illustrated above has a floor area ratio of 1.0.

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

Item 4
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **PARKING REQUIREMENTS IN HISTORIC AND CONSERVATION DISTRICTS –
MXE REGULATIONS.**

ACTION REQUESTED:

Conclude the item and recommend that the City Commission approve the subject ordinance.

ADMINISTRATION RECOMMENDATION:

Conclude the item and recommend that the City Commission approve the ordinance in accordance with the analysis herein.

HISTORY:

On February 12, 2020, the City Commission approved, at first reading, an ordinance reducing the parking requirements for hotel and residential uses in the CD-2 zoning districts within the Normandy Isles national register conservation district. At the request of Commissioner Ricky Arriola, the City Commission referred the MXE portion of the subject ordinance to the Land Use and Sustainability Committee (Item R5 H).

The subject ordinance, as originally proposed, would reduce the parking requirements for hotel and residential uses in the following, limited areas of the City:

1. CD-2 zoning districts within the Normandy Isles national register conservation district.
2. MXE zoning districts south of 16th Street.

The attached map shows the MXE areas of the City that the new parking reductions are intended to apply. Overlaid into this map are locations of existing parking facilities, as well as dedicated transit stops and ridership information for these stops. This map illustrates how transit stops and parking facilities are well within the established industry standard walking distance of ¼ mile, or 1,500 feet.

On February 12, 2020, the City Commission approved the subject ordinance at first reading, but

only for the Normandy Isle portion of the legislation. The MXE portion of the proposal was bifurcated and referred to the LUSC for further discussion.

ANALYSIS:

The subject ordinance only applies to new construction (existing buildings do not have a parking requirement); as such, the number of actual spaces required is limited to the square footage of new construction, which is typically in the form of a ground level or roof-top addition. Attached are illustrations of recent projects, approved or contemplated, within the MXE area south of 16th Street. As the LUSC will note, the impact of these projects, from a size standpoint is minimal.

The administration believes that the subject ordinance is good policy and will be an incentive for existing buildings to be renovated and restored, as additions will be more economically feasible. All addition and renovation proposals within the MXE district are subject to the review and approval of the Historic Preservation Board. This will ensure that any proposed additions are limited, as well as sensitive and contextually compatible with both the structure on site and the surrounding area.

Finally, as noted on the attached map, a number of publicly accessible parking structures have been built in and abutting the MXE district since 1991. With the recent adoption of the City-wide mobility fee, which replaced the concurrency management fee for traffic, a broader measurement for mobility, as opposed to solely vehicular traffic, has been put in place. The mobility fee takes into account all mobility aspects of a project and is not limited solely to vehicular congestion and off-site vehicular storage.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description	Type
□ First Reading - ORD	Memo
□ MXE Illustrations	Memo
□ MXE Map	Memo

**Parking Requirements in Historic and Conservation Districts
(REVISED FOLLOWING FIRST READING)**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED "OFF-STREET PARKING REQUIREMENTS," ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," SECTION 130-31, ENTITLED "PARKING DISTRICTS ESTABLISHED," ~~SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1" AND SECTION 130-33, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, AND 8,"~~ TO AMEND THE PARKING REQUIREMENTS FOR RESIDENTIAL, HOTEL, NON-RESIDENTIAL AND ACCESSORY USES LOCATED WITHIN HISTORIC DISTRICTS, HISTORIC SITES AND CONSERVATION DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 130 of the Land Development Regulations of the City Code sets forth various provisions related to off-street parking; and

WHEREAS, in areas of the City with access to high-quality transit, the City has sought to reduce or eliminate parking requirements in order to incentivize the use of public transportation; and

WHEREAS, the construction of excess parking spaces results in more massive buildings and places severe limitations on the amount of pervious landscaped areas that can be provided on a site; and

WHEREAS, the regulations proposed herein would further facilitate new construction on small lots by reducing the parking requirements generally and, on the smallest of lots, eliminating parking requirements altogether; and

WHEREAS, the regulations proposed herein will promote the general health, safety, and welfare of the residents of the City.

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

SECTION 1. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," is hereby amended as follows:

CHAPTER 130 – OFF-STREET PARKING

* * *

ARTICLE II. - DISTRICTS; REQUIREMENTS

* * *

Sec. 130-31. - Parking districts established.

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

* * *

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

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

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

(c) The off-street parking requirements associated with the new construction of residential and hotel units, including allowable accessory uses, that are located in CD-2 zoning districts within the Normandy Isles national register conservation district and in MXE zoning districts south of 16th Street, shall be as follows:

(1) One space per residential unit and 0.5 space per hotel unit.

(2) There shall be no parking requirement for the following:

a. Development sites of 6 units (hotel or residential) or fewer.

b. Properties located within 1,500 feet of a public transit stop, or within 1,500 feet of any public or private parking garage. **Additionally, for properties located in CD-2 zoning districts within the Normandy Isles national register conservation district, the first level of the structure shall be fully activated at the ground level with non-office and non-financial institution uses.**

(3) *Additions to existing buildings.* For existing buildings, which are classified as "contributing" and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved, and/or restored, there shall be no parking requirement for the existing building, or for any new residential or hotel units, whether attached or detached, regardless of lot width or number of units. Any proposed addition to the existing building shall be subject to the certificate of appropriateness or design review criteria set forth in chapter 118, as applicable, and shall include a renovation plan for the existing building that is fully consistent with the Secretary of the Interior's Guidelines and Standards for the Rehabilitation of Historic Buildings.

(4) *Waiver.* The off-street parking requirements set forth in subsection (c)(1) may be waived by the design review board or historic preservation board, pursuant to the design review or certificate of appropriateness criteria, as may be applicable, upon a finding that off-street parking is not necessary to support the construction of new residential or hotel units within a local historic district or conservation district.

(5) Minimum bicycle parking requirements. Secure off-site storage for bicycles shall be required as follows:

a. Short-term bicycle parking: Four (4) spaces per building or one (1) space per ten units, whichever is greater.

b. Long-term bicycle parking: One (1) space per unit.

(d) Any building or structure erected in within a local historic district, historic site, or conservation district may provide required parking on-site as specified in the regulations applicable to parking district no. 1. Such required parking, if provided, shall be exempt from the definition of "floor area," in accordance with the regulations specified in chapter 114 of these land development regulations.

SECTION 2. Repealer.

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

SECTION 3. Codification.

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

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: February 12, 2020
Second Reading: March 11, 2020

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

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Rafael E. Granado 1-29-20
City Attorney Date
NK



Essex Hotel
1001 Collins Av, rooftop and ground level additions



Hotel Clifton
1343 Collins Av, rooftop addition



Aqua Hotel
1530 Collins Av, ground level addition



Nassau Hotel
1414 Collins Av, ground level addition



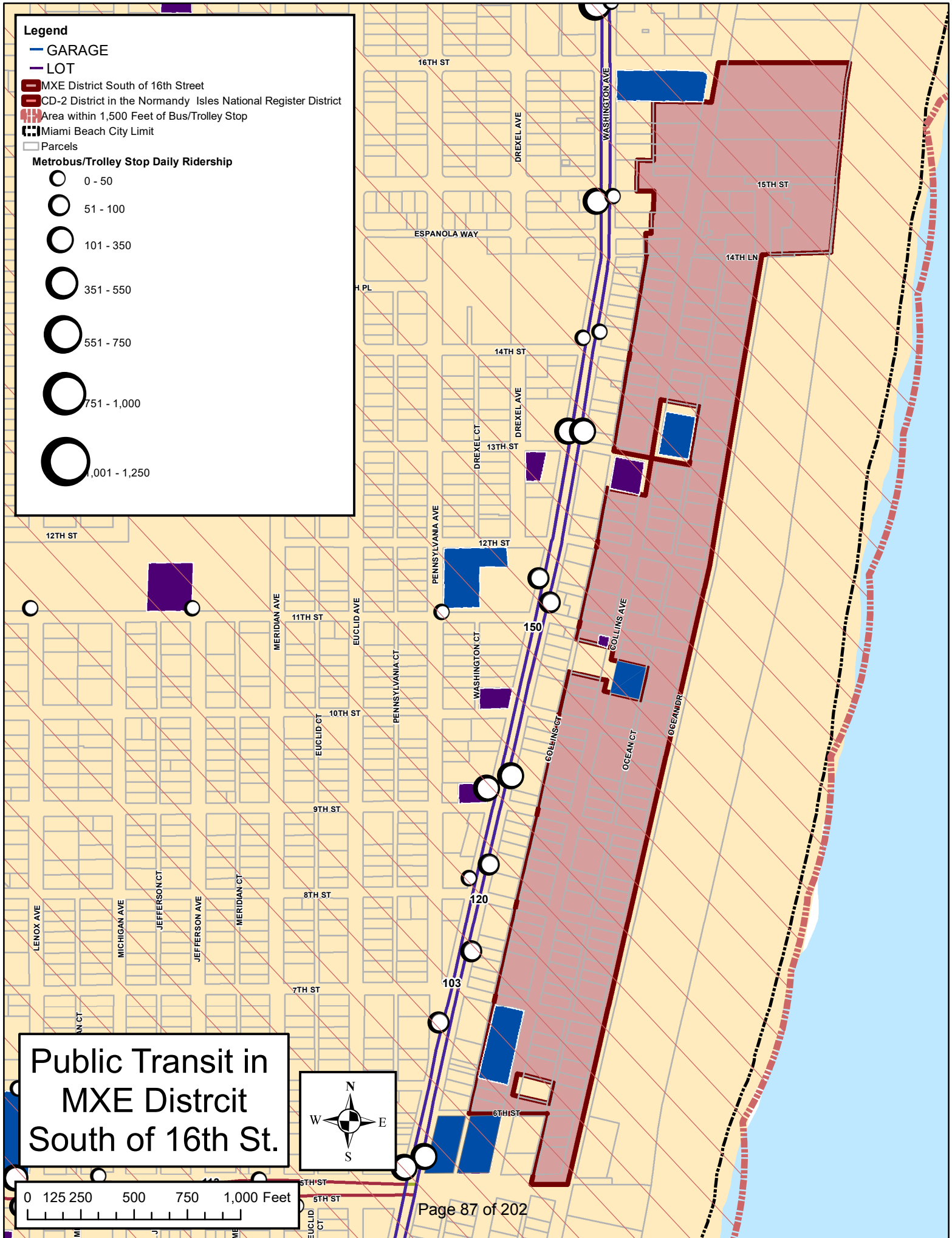
Page 86 of 202
President Villa Hotel
1425 Collins Av, ground level addition

Legend

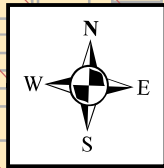
- GARAGE
- LOT
- MXE District South of 16th Street
- CD-2 District in the Normandy Isles National Register District
- Area within 1,500 Feet of Bus/Trolley Stop
- Miami Beach City Limit
- Parcels

Metrobus/Trolley Stop Daily Ridership

- 0 - 50
- 51 - 100
- 101 - 350
- 351 - 550
- 551 - 750
- 751 - 1,000
- 1,001 - 1,250



**Public Transit in
MXE District
South of 16th St.**



0 125 250 500 750 1,000 Feet



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Item 5
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **PROPOSED ZONING OVERLAY FOR THE LEHRMAN DAY SCHOOL AT 77TH STREET AND DICKENS AVENUE.**

ACTION REQUESTED:

Discuss the item and move to the Planning Board.

ADMINISTRATION RECOMMENDATION:

Endorse the proposal and forward to the Planning Board.

HISTORY:

On December 11, 2019, at the request of Commissioner Micky Steinberg, the City Commission referred the item to the Land Use and Development Committee and the Planning Board (Item C4N). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting. On February 18, 2020, the item was deferred to March 17, 2020.

ANALYSIS:

The Lehrman Day School is a long standing, community institution that has served the residents of Miami Beach for decades. In order to accommodate modest expansion plans, inclusive of a new gym facility and internal drop-off and pick-up area, the school is seeking modifications to the RM-1 development regulations. These modifications would be specific to an overlay for the institutional use.

The Lehrman School has prepared the attached draft of the proposed overlay and LDR amendments. The proposed changes modify the physical development regulations of a school parcel within the overlay, more particularly as it relates to building height, setbacks, lot width and minimum lot aggregation.

Subsequent to a recommendation by the LUSC, the proposal will proceed to the Planning Board for a formal review and recommendation. The administration is supportive of the modifications proposed in the draft overlay and recommends that it be forward to the Planning Board.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Departments

Planning

ATTACHMENTS:

Description

 Draft Text - ORD

Does this item utilize G.O. Bond Funds?

No

Type

Memo

****DRAFT****

DIVISION __. - NORTH BEACH PRIVATE AND PUBLIC SCHOOL DISTRICT OVERLAY

Sec. 142- _____. - Location and purpose.

- (a) The overlay regulations of this division shall apply to all new and existing schools located in the RM-1 Residential Multifamily Low Intensity zoning district, which are located within the following boundaries:
1. Boundary to the North, properties bounded by south side of 78th Street;
 2. Boundary to the West, properties to the East of the Tatum Waterway
 3. Boundary to the South, properties bounded by north side of 75th Street
- (b) In the event of a conflict with the regulations of the underlying RM-1 zoning district and/ or North Beach National Register Conservation District Overlay, the provisions herein shall control.
- (c) The purpose of this overlay district is to:
- (1) Provide land-use regulations that encourage the retention and preservation of existing public and private schools within the overlay.
 - (2) To promote enhancements for children in educational facilities, safeguards and greater security.
 - (3) To ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods.

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

The following overlay regulations shall apply to the **North Beach Private and Public School District Overlay**. All **In the event of a conflict with the** development regulations in the underlying RM-1 and North Beach National Register Overlay regulations, **the following shall control**: shall apply, except as follows:

- (a) ~~There shall be no limitation for properties zoned RM-1 within North Beach Private and Public School District Overlay district.~~ The lot area, lot width, and lot aggregation requirements for properties zoned RM-1 within the North Beach Private and Public School District Overlay district are as follows:

Minimum Developable Lot Area (Square Feet)	Minimum Developable Lot Width (Feet)	Maximum Developable Lot Width (Feet)	Maximum Developable Aggregation (Platted Lots)
5,000 SF	50 feet	Developments for Schools shall have no	Subject to Sec. 142-883, two lot maximum aggregation; for Schools up to nine (9) lots may be aggregated.

		maximum lot width restriction.	There shall be no variances from these maximum lot aggregation restrictions.
--	--	---------------------------------------	---

- (c) The **height requirements** for RM-1 properties within the North Beach Private and Public School District Overlay district are as follows:
- (1) The maximum building height for new construction shall be 32 feet for the first **10 feet** of building depth, as measured from the minimum required front setback and a maximum of **60 feet for the remainder of the building depth when a building includes a gymnasium; otherwise 45 feet.**
 - (2) In the event that the existing building exceeds 32 feet in height that existing height shall control.
 - (4) Elevator and stairwell bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement, unless waived by either the historic preservation board or design review board, as may be applicable.
- (d) Exterior building and lot standards.
- 1) There shall be no minimum or maximum yard elevation requirements, or maximum lot coverage requirements within the North Beach Private and Public School District Overlay.
- (e) The setback requirements for all buildings located in the RM-1 district within the North Beach Private and Public School District are as follows:

Front	Interior Side	Street Side	Rear
10 feet	<p>Notwithstanding the requirements of Sec. 142-1131</p> <p>Non-waterfront: Lot width of 60 feet or less: five feet. Lot width of 61 feet or greater: 7.5 feet, or eight percent of lot width, whichever is greater.</p>	<p>Notwithstanding the requirements of Sec. 142-1131</p> <p>Five feet</p>	<p>Non-waterfront lots: Five feet</p>

- (f) ~~Notwithstanding Sec. 142-870.17~~ No additional setback requirements shall be imposed for landscaping.
- (g) For development a school sites consisting of nine platted lots or less, the **width of any new building shall not have any restrictions.**
- (h) For development a school sites consisting of nine platted lots, there shall not be require a **minimum separation of building width within a single site.**
- (i) For development of school sites, **a courtyard or semi-public outdoor area**, shall not be required.

- (j) Notwithstanding Sec. 142-1132, within the require front yard, rear yard or side yards facing a street or interior, fences, walls and gates shall not exceed eight (8) feet as measured from grade.

Sec. 142- . - Additional parking standards.

- (a) There shall be no parking requirements under Sec. 130-32 if there is a redevelopment of an existing school.
- (b) All exterior parking and driveway surface areas shall be composed of semi-pervious or pervious material such as concrete or grass pavers, set in sand.
- (c) Required wheel stops shall be low profile and shall not exceed five feet in width.
- (d) All parking lots for schools shall meet minimum 5' front, 5' rear, 5' side-interior, and 5' side facing a street, yard setback notwithstanding any other regulations and section 142-156.
- (e) For schools a maximum of five (5), one-way driveway curb cut per platted lot within a development site shall be permitted, and the maximum width of a driveway curb cuts shall not exceed fifteen (15) feet.
- (f) Notwithstanding Sec. 130-101 when an existing school is being expanding with new building, structure or increase floor area no loading spaces are required.
- (g) Notwithstanding Sec. 126-11 for landscaped areas in permanent parking lots, when reconfiguring existing parking for a school they minimum requirements shall not apply.

Item 6
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **DISCUSS PERMITTING OUTDOOR THEATRE USE.**

ACTION REQUESTED:

Discuss the item and continue to May 6, 2020.

ADMINISTRATION RECOMMENDATION:

The administration recommends that the LUSC endorse the C4 referral of the attached ordinance to the Planning Board.

HISTORY:

On February 12, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Sustainability Committee (Item C4 X). The item was discussed at the February 18, 2020 LUSC meeting and continued to March 17, 2020 with the following direction:

1. The item proposer shall engage in community outreach to gauge public and neighborhood support for the proposal.
2. A C4 referral item shall be placed on the March 18, 2020 agenda of the City Commission, to refer an ordinance to the Planning Board that would permit outdoor theater uses along the west side of Alton Road.

ANALYSIS:

BACKGROUND/PROPOSAL

The developer of the 1212 Lincoln Road project, which is located on the west side of Alton Road, from 16th Street to Lincoln Road, is proposing to introduce a roof-top, outdoor movie theater use, with an accessory outdoor bar. Attached is an illustration of the proposal.

The developer has proposed the following operational components:

- A single screen theater with one showing each evening; movies would commence once it is dark.
- A concession stand with food and beverage, similar to indoor movie theater.
- The hours of operation are 5:00 pm to 12:00 midnight on weekdays and 5:00pm to 1:00 am on weekends. The outdoor bar counter would cease operations at 11:00 pm on weekdays and 12:00

midnight on weekends.

- The theater seats 250 persons, using both single seats and couch seats.
- The sound of the movie is heard only through headsets.
- All of the parking spaces proposed to be converted to theater area are excess, surplus parking and not required parking.
- Food preparation is proposed to take place in the restaurant downstairs, but sales, including table service, will occur upstairs.

Under the current regulations of the City Code, the proposed use is not permitted on the roof top of a structure on the west side of Alton Road. Specifically, the Alton Road corridor, which includes properties on the west side of Alton Road and east of Alton Court, between 14th Street and Collins Canal, has explicit regulations pertaining to roof-top uses and alcoholic beverage establishments, and the proposal herein is inconsistent with some of the current regulations.

It should also be noted that an outdoor movie theater meets the definition of an outdoor entertainment establishment. As such, pursuant to section 142-303 of the LDR's, conditional use approval from the Planning Board would be required (with or without an accessory outdoor bar). Additionally, pursuant to section 142-304 of the LDR's, the accessory outdoor bar counter proposed would not be permitted to operate past 12:00 midnight.

In order to allow for the proposed outdoor theater use at the subject location, the developer has drafted the attached ordinance, which proposes to amend sections 142-305, 142-310, 142-1109 and 142-1161 of the LDRs, as well as section 6-4 of the City Code, in order to allow for an outdoor movie theater use with an accessory outdoor bar. The following is a summary of the specific code sections that are proposed to be amended:

Sec. 142-305. - Prohibited uses AND Sec. 142-310. - Special regulations for alcohol beverage establishments.

The following new text is proposed:

Notwithstanding the foregoing, outdoor movie theaters with accessory outdoor bar counters may be permitted, including on rooftops, subject to conditional use approval and the following operational limitations:

a. The use shall front on Alton Road.

b. No music may exceed ambient, background levels. On rooftops, audio from the theater presentation may be delivered to patrons only through individual headphones.

c. The use shall cease operations no later than 12:00 a.m. on weekdays and 1:00 a.m. on weekends. Any accessory bar counter shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends.

Section 142-1109 - Accessory outdoor bar counters.

The following amended text is proposed:

Accessory outdoor bar counters shall be prohibited as a main permitted use and shall only be permitted as an accessory use to an outdoor movie theater fronting on Alton Road as provided in section 142-310, article IV, division 2 of this chapter, an outdoor cafe with a minimum of 30 chairs, or as an accessory use to a hotel pool deck. Accessory counters shall not be visible from any point along the property line adjacent to a public right-of-way.

Section 142-1161 – Height Exceptions.

The following new text is proposed:

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

* * *

(20) Movie screens, lobby, and concession space serving an outdoor movie theater fronting on Alton Road as provided in section 142-310, article IV, division 2 of this chapter.

Sec. 6-4. - Location and use restrictions.

The following modified text is proposed:

(4) Motion picture theaters. No alcohol beverages shall be sold or offered for consumption in any motion picture theater, or in any room opening directly or indirectly into or in connection with any motion picture theater, except alcohol beverages may be served in motion picture theaters (i) of at least 15,000 square feet in total floor area, (ii) containing at least 300 permanent auditorium seats, and (iii) which are located in CD-3 commercial, high intensity districts. Additionally, alcohol beverages may be served in outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, article IV, division 2 of this chapter. Notwithstanding chapter 142, article 5, division 6 of the city Code, a an indoor motion picture theater in which the sale and consumption of alcohol beverages is permitted shall not be considered a neighborhood impact establishment. Motion picture theaters shall not be permitted to operate between the hours of 3:00 a.m. and 8:00 a.m., except that motion picture theaters may apply for up to three special event permits from the city per calendar year to operate during such hours. This section shall not relieve any person, entity or establishment from the restrictions contained in chapter 6, article II or the land development regulations of the city Code.

(10) Entertainment establishments. The minimum distance separation between entertainment establishments licensed to sell alcohol beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet. This shall not apply to outdoor movie theaters fronting Alton Road that meet the requirements of Section 142-310.

PLANNING ANALYSIS

The concept of an outdoor, roof-top movie theater venue is intriguing, as it would provide a unique and forward-thinking level of roof-top activation. Additionally, with the use of individual headphones, the negative impacts of spillover noise are reduced. Based upon the information provided by the developer to date, the administration has identified the following areas that will require more information and/or further development:

1. According to the Building Permit for the main building (B1505070) only 20 parking spaces are excess / surplus parking. A detailed roof top plan and floor plans for the proposal will be needed, in order to verify whether the operational attributes of theater utilize more than 20 parking spaces. Such roof plan will need to clearly delineate all of the components of the proposed theater, including, but not be limited to seating, café space, bar counter, concession areas, restrooms and all points of access. If more than 20 parking spaces are needed for the theater operation, an additional amendment to Chapter 130 may be required.

2. Detailed elevation and section plans will be required, in order to determine whether any other components of the proposed theater exceed the height limits of the code. If other elements should exceed the maximum building height permitted, an additional amendment to section 142-1161, pertaining to height exceptions, may be required.

3. The location and operation of the accessory bar component of the proposal needs to be further studied, in order to prevent the venue from becoming an outdoor bar with an accessory theater use. To this end, it is suggested that the bar component be located closer to the east side of the roof, and that the areas for outdoor bar congregation and theater seating be segregated and tightly controlled. These types of operational components are typically addressed in greater detail as part of the planning board conditional use process.

4. The location of the movie screen should be placed on the west side of the roof top, with the projection facing east. This could also be addressed as part of a future DRB application, should the theater use be permitted.

The administration recommends that any referral of the subject ordinance address all the aforementioned issues.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

Strategic Connection

Neighborhoods - Modernize and streamline our old and complex land development regulations and City codes.

ATTACHMENTS:

Description	Type
□ Theater Rendering	Memo
□ Draft ORD	Memo



CD-2 Alton Road Outdoor Movie Theaters

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," SECTION 142-310, ENTITLED "SPECIAL REGULATIONS FOR ALCOHOL BEVERAGE ESTABLISHMENTS," SECTION 142-1109, ENTITLED "ACCESSORY OUTDOOR BAR COUNTERS," AND SECTION 142-305, ENTITLED "PROHIBITED USES;" SECTION 142-1161, ENTITLED "HEIGHT REGULATION EXCEPTIONS," BY AMENDING CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES," SECTION 6-4, ENTITLED "LOCATION AND USE RESTRICTIONS" IN ORDER TO PERMIT OUTDOOR MOVIE THEATERS FRONTING ON ALTON ROAD; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to encourage innovative and compatible redevelopment in the Alton Road Corridor;

WHEREAS, outdoor movie theater uses are an innovative entertainment use that will help encourage the commercial success of the Alton Road area.

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

SECTION 1. Chapter 142 of the City Code, entitled "Special regulations for alcohol beverage establishments," Section 142-310 is hereby amended as follows:

Sec. 142-310. - Special regulations for alcohol beverage establishments.

- (a) *Alton Road corridor.* The following additional requirements shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road:
- (1) Operations shall cease no later than 2:00 a.m.
 - (2) Establishments with sidewalk cafe permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant, shall cease sidewalk cafe operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
 - (3) Commercial uses on rooftops shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.

- (4) Entertainment establishments shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved as a conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
- (5) Outdoor bar counters shall be prohibited.
- (6) No special event permits shall be issued.
- (7) This subsection (a) above shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that (i) is in application status prior to April 14, 2015; or (ii) issued prior to May 21, 2015; or (iii) to an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired, prior to May 21, 2015. Any increase to the approved hours of operation shall meet the requirements of this subsection (a).
- (8) Notwithstanding the foregoing, outdoor movie theaters with accessory outdoor bar counters may be permitted, including on rooftops, subject to conditional use approval and the following operational limitations:
 - a. The use shall front on Alton Road.
 - b. No music may exceed ambient, background levels. On rooftops, audio from the theater presentation may be delivered to patrons only through individual headphones.
 - c. The use shall cease operations no later than 12:00 a.m. on weekdays and 1:00 a.m. on weekends. Any accessory bar counter shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends.

SECTION 2. Chapter 142 of the City Code, entitled “Accessory outdoor bar counters,” Section 142-1109 is hereby amended as follows:

Accessory outdoor bar counters shall be prohibited as a main permitted use and shall only be permitted as an accessory use to an outdoor movie theater fronting on Alton Road as provided in section 142-310, article IV, division 2 of this chapter, an outdoor cafe with a minimum of 30 chairs, or as an accessory use to a hotel pool deck. Accessory counters shall not be visible from any point along the property line adjacent to a public right-of-way.

SECTION 3. Chapter 142 of the City Code, entitled “Height exceptions” Section 142-1161 is hereby amended as follows:

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

- (a) The height regulations as prescribed in these land development regulations shall not apply to the following when located on the roof of a structure or attached to the main structure. For exceptions to the single-family residential districts, see subsection 142-105(e).

- (1) Air conditioning, ventilation, electrical, plumbing equipment or equipment rooms.
- (2) Chimneys and air vents.
- (3) Decks, not to exceed three feet above the main roofline and not exceeding a combined deck area of 50 percent of the enclosed floor area immediately one floor below.
- (4) Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, 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.
- (5) Elevator bulkheads or elevator mechanical rooms.
- (6) Flagpoles subject to the provisions of section 138-72.
- (7) Parapet walls, not to exceed three and one-half feet above the main roofline unless otherwise approved by the design review board up to a maximum of 25 feet in height.
- (8) Planters, not to exceed three feet in height above the main roofline.
- (9) Radio, television, and cellular telephone towers or antennas, and rooftop wind turbines.
- (10) Stairwell bulkheads.
- (11) Skylights, not to exceed five feet above the main roofline.
- (12) Stage towers or scenery lofts for theaters.
- (13) Swimming pools, whirlpools or similar structures, which shall have a four-foot wide walkway surrounding such structures, not to exceed five feet above the main roofline.
- (14) Trellis, pergolas or similar structures that have an open roof of cross rafters or latticework.
- (15) Water towers.
- (16) Bathrooms required by the Florida Building Code, not to exceed the minimum size dimensions required under the Building Code, provided such bathrooms are not visible when viewed at eye level (five feet, six inches from grade) from the opposite side of the adjacent right-of-way; for corner properties. Such bathrooms shall also not be visible when viewed at eye level (five feet, six inches from grade) from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way.
- (17) Solar panels.
- (18) Wind turbines on oceanfront properties.
- (19) Sustainable roofing systems.
- (20) Movie screens, lobby, and concession space serving an outdoor movie theater fronting on Alton Road as provided in section 142-310, article IV, division 2 of this chapter.

- (b) The height of all allowable items in subsection (a) of this section, unless otherwise specified, shall not exceed 25 feet above the height of the roofline of the main structure. With the exception of items described in subsection (a)(17) and (a)(18) of this section, when any of the above items are freestanding, they shall follow the height limitations of the underlying zoning district (except flagpoles which are subject to section 138-72).
- (c) Notwithstanding other provisions of these regulations, the height of all structures and natural growth shall be limited by the requirements of the Federal Aviation Agency and any airport zoning regulations applicable to structure and natural growth.

SECTION 4. Chapter 142 of the City Code, entitled “Prohibited uses,” Section 142-305 is hereby amended as follows:

The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in section 142-310, article IV, division 2 of this chapter and in chapter 6. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, also include hostels, outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, bars, dance halls, and entertainment establishments (as defined in section 114-1 of this Code).

SECTION 5. Chapter of 6 the City Code, entitled “Alcoholic Beverages,” Section 6-4, entitled “Location and use restrictions,” is hereby amended as follows:

Sec. 6-4. - Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcohol beverages for consumption:

(1) *Educational facilities.* No alcohol beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina.

(2) *Places of worship.* No alcohol beverage shall be sold or offered for consumption in an alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.

(3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 1,500 feet. A retail store primarily selling alcoholic beverages may obtain conditional use approval from the planning board to operate at a lesser distance from an existing store, but in no event shall such a store open at a distance less than 700 feet from an existing store. There shall be no variances from this distance separation requirement.

(4) *Motion picture theaters.* No alcohol beverages shall be sold or offered for consumption in any motion picture theater, or in any room opening directly or indirectly into or in connection with any motion picture theater, except alcohol beverages may be served in motion picture theaters (i) of at least 15,000 square feet in total floor area, (ii) containing at least 300 permanent auditorium seats, and (iii) which are located in CD-3 commercial, high intensity districts. Additionally, alcohol beverages may be served in outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, article IV, division 2 of this chapter. Notwithstanding chapter 142, article 5, division 6 of the city Code, a an indoor motion picture theater in which the sale and consumption of alcohol beverages is permitted shall not be considered a neighborhood impact establishment. Motion picture theaters shall not be permitted to operate between

the hours of 3:00 a.m. and 8:00 a.m., except that motion picture theaters may apply for up to three special event permits from the city per calendar year to operate during such hours. This section shall not relieve any person, entity or establishment from the restrictions contained in chapter 6, article II or the land development regulations of the city Code.

Any approval granted pursuant to this section shall also be subject to the following restrictions:

- i. The sale of alcohol beverages for consumption off the premises is strictly prohibited.
 - ii. A minor control plan, setting forth conditions regarding hours of operation and alcohol sales, alcohol service and monitoring procedures, food service, and staff training, must be approved by the city manager or designee prior to the issuance of a license for alcohol sales or consumption.
 - iii. Designated alcohol beverage consumption areas, including concession and cafe areas, and those specific auditoriums in which alcohol beverages may be served and consumed, must be clearly designated as such and separated from the remainder of the theater by a barrier or other physical demarcation. All alcohol beverages must be served from within the designated alcohol beverage consumption areas, and no alcohol beverages may be consumed or carried beyond the boundary limits of the designated alcohol beverage consumption areas. Access to the designated alcohol beverage consumption areas is restricted to patrons who can present a valid identification for inspection demonstrating they are 21 years of age or older.
 - iv. There may be special customer promotions that combine purchase of a motion picture theater ticket with purchase of food and an alcohol beverage. No "happy hour" type of reduced price alcohol beverage promotion shall be allowed.
 - v. Motion picture theaters selling alcohol beverages, shall obtain the requisite state license for sales and consumption of such beverages.
 - vi. Motion picture theaters selling alcoholic beverages as defined in section 102-306 shall collect and remit resort taxes to the city for alcohol sales as required under section 102-306.
- (5) *Filling station.* No liquor as defined by F.S. § 568.01, shall be sold or offered for consumption on or off the premises of any filling station.
- (6) *Curb service sales.* No alcohol beverages shall be sold or served to persons in a vehicle of any kind or from an exterior counter or any type of walk-up window. All sales are to be from the interior of the structure.
- (7) *Off-premises consumption.* All sales of alcohol beverages for consumption off the premises shall be in a sealed container.

(8) *Bottle clubs.* There shall be no bottle clubs within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning or place of worship.

(9) *Dance halls.* The minimum distance separation between dance halls licensed to sell alcohol beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet.

(10) *Entertainment establishments.* The minimum distance separation between entertainment establishments licensed to sell alcohol beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet. This shall not apply to outdoor movie theaters fronting Alton Road that meet the requirements of Section 142-310.

(b) *Determination of minimum distance separation.*

(1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcohol beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcohol beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

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

(c) *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 118-351 et seq., except that no variances may be granted on the provisions of [subsection] 6-4(a)(4) concerning the sale or consumption of alcohol beverages in motion picture theaters.

SECTION 6. 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 7. 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 8. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 9. EFFECTIVE DATE AND APPLICABILITY. This Ordinance shall take effect ten days following adoption. The terms of this ordinance shall not apply to any development

undertaken pursuant to a vested rights determination issued by the City related to the definition of “floor area” or calculation thereof.

PASSED and **ADOPTED** this _____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language



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

Item 7.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSSION ON THE STATUS OF SUITE-HOTELS IN THE WEST AVENUE NEIGHBORHOOD

ACTION REQUESTED:

Discuss the item and recommend potential actions, if any.

ADMINISTRATION RECOMMENDATION:

Discuss the item and recommend changes to the current regulations, if any.

HISTORY:

On February 12, 2020, at the request of Commissioner Mark Samuelian, the City Commission referred the subject discussion to the Land Use and Sustainability Committee (Item C4V).

ANALYSIS:

BACKGROUND

The West Avenue Bayfront Overlay District is comprised of RM-1, residential multifamily low intensity and RM-2, residential multifamily medium intensity zoning districts. There are no historic districts or individually designated historic sites with the overlay district.

The City Commission adopted the Overlay District on June 19th, 2002, (Ord. No. 2002-3374). The primary reason for the creation of the overlay was to preserve the character and quality of the neighborhoods fronting West Avenue, which was being impacted by infill development that did not reflect the cohesive low scale character of the area. The subject overlay, by expanding the list of main permitted uses for existing low-scale buildings in the neighborhood to include suite hotels and bed and breakfast inns, created incentives to retain and adaptively re-use existing single family and/or multifamily buildings that are no more than three (3) stories in height. Additionally, the parking regulations were modified to include the allowance for a limited number of parking spaces within required front yards. Attachment "A" includes the current regulations for the subject overlay district.

On October 16, 2013, the City Commission adopted Ordinance No. 2013-3820, prohibiting hotel uses within the West Avenue area. This applies to the properties zoned RM-2 and RM-3. Elsewhere in the City, hotels are a main permitted use within RM-2 and RM-3 zoning districts, with the exception of the West Avenue and Palm View neighborhoods. The concern with hotel uses in

the neighborhood initially arose after the introduction of the Mondrian Hotel at 1100 West Avenue. Attachment “B” identifies the prohibition of hotels in the West Avenue neighborhood as well as the restrictions for existing non-conforming hotels.

The attached map indicates the area of the West Avenue Bayfront Overlay District. The darker shading denotes the area zoned RM-2, and the lighter shading denotes the area zoned RM-1.

In order to address the concerns expressed by the hotels that were legally operating within the West Avenue Overlay, the amended code included the following provisions:

Section 142-212(b) - Main Permitted uses (RM-2):

“...A property that has a "legal conforming use" as used in this subsection prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and/or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.”

Section 142-245. Prohibited uses (RM-3):

“The prohibited uses in the RM-3 residential multifamily, high intensity district are...; for property located within the West Avenue corridor, hostels; for properties located within the West Avenue corridor, hotels and apartment hotels, except to the extent preempted by F.S. § 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.”

PLANNING ANALYSIS

Prior to the creation of the West Avenue Overlay District, hotels, apartment-hotels, and suite hotels were permitted uses in the RM-2 and RM-3 zoning districts in the neighborhood. In the RM-1 zoning district before the overlay, and within the subject area, only single family homes, townhomes, apartments and bed and breakfast inns were permitted. In 2002, the creation of the West Avenue Overlay District expanded the list of main permitted uses within the RM-1 zoning district to include suite hotels and offices consistent with the regulations for the RO, residential office zoning district.

Separate from the West Avenue Overlay District the City has citywide regulations pertaining to bed and breakfast inns (Section 142-1401, Attachment “D”), and Suite Hotels (Section 142-1105, Attachment “E”). When the West Avenue Overlay District was created in 2002, more specific regulations for Suite Hotels and Bed and Breakfast Inns were included, which were tailored for the neighborhood.

It is very likely that removing the incentives for the adaptive re-use of existing low-scale buildings in the neighborhood would result in more demolition of such structures and the replacement with larger buildings, up to the maximum allowed in the underlying zoning district. For the RM-1 zoned properties, a maximum FAR of 1.25 is permitted, with a maximum height of up to 55 feet, and for the RM-2 zoned properties, a maximum FAR of 2.0 is permitted with a maximum height of 65 feet.

It is also important to point out that the minimum room size for a suite hotel is 400 square feet, and only those uses that are also accessory to an apartment building are allowed. There are also occupancy limitations placed on such units in the neighborhood.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

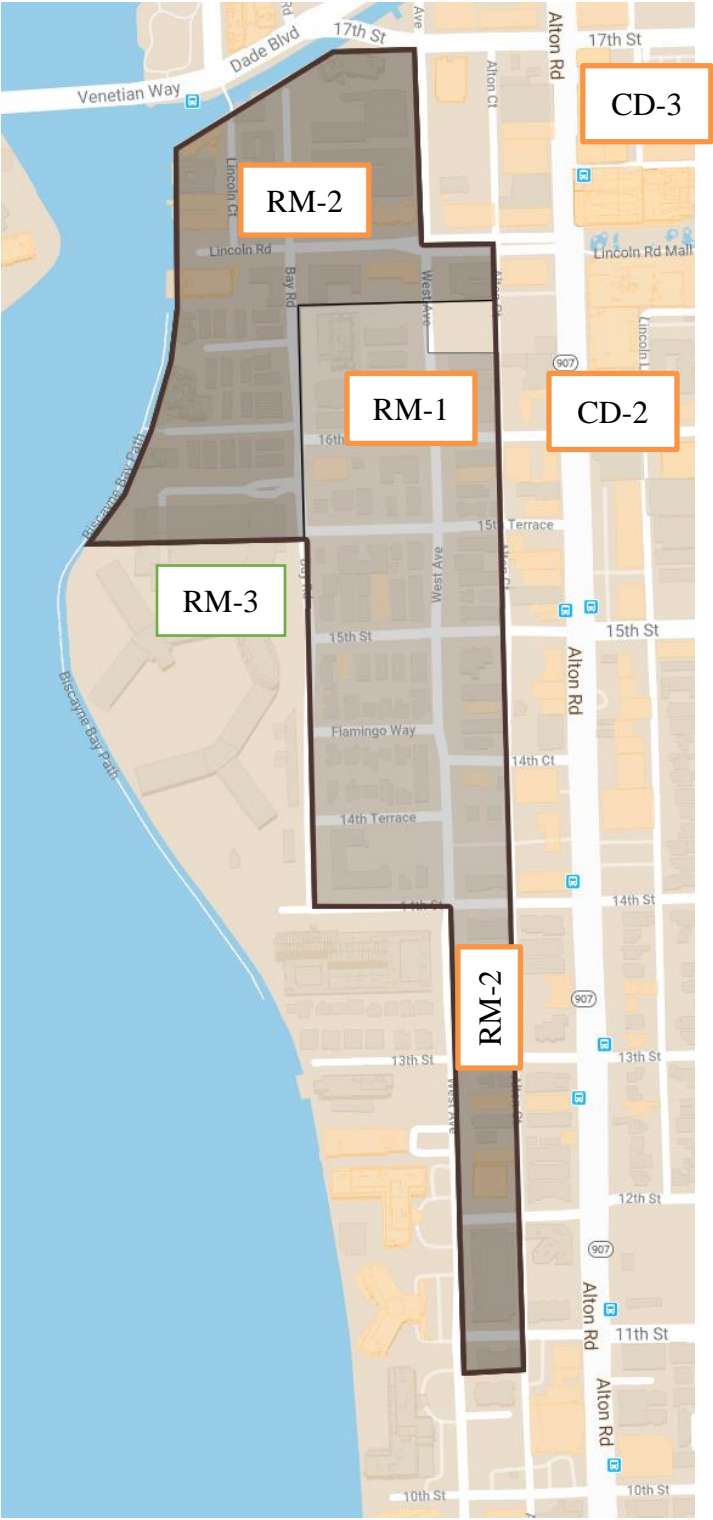
Departments

Planning

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Overlay MAP	Memo
<input type="checkbox"/>	Attachment A	Memo
<input type="checkbox"/>	Attachment B	Memo
<input type="checkbox"/>	Attachment C	Memo
<input type="checkbox"/>	Attachment D	Memo

West Avenue Bayfront Overlay



Attachment "A"

DIVISION 5. - WEST AVENUE BAY FRONT OVERLAY

Sec. 142-842. - Location and purpose.

- (a) The subject overlay district shall be bounded by the south bulkhead line of the Collins Canal on the north, the south side of 11th Street inclusive of Lot 8, Block 84, on the south, and between the centerline of Alton Court on the east and the Biscayne Bay bulkhead line on the west.
- (b) The purpose in identifying this subject overlay district is to provide district specific land development regulations and land-use incentives to property owners and developers who retain existing structures and/or provide new infill structures that maintain the low-scale, as-built character predominant in the existing low intensity (RM-1) and medium intensity (RM-2) underlying residential zoning district of the subject overlay area.
- (c) The intent of the overlay regulations of this division relating to minimum and maximum developable lots within the underlying RM-1 zoning district shall be to bring into conformance existing undersized lot configurations that currently do not meet code and to further regulate new infill development upon aggregated lots to an incremental lot configuration of generally one or two contiguous parcels aggregated along existing side property lines.
- (d) The overlay regulations of this division relating to residential offices, suites hotel or bed and breakfast inns shall only apply to existing low scale properties, which were designed and constructed to be no more than three stories in height, and are located in the subject overlay district.

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2004-3458, § 1, 10-13-04)

Sec. 142-843. - Compliance with regulations.

- (a) The following overlay regulations shall apply to those areas of the subject district which have an underlying zoning designation of (RM-1) Residential Multifamily Low Intensity and (RM-2) Residential Multifamily Medium Intensity. In particular, the overlay regulations shall allow the additional main permitted uses specified in this division, in the RM-1 and RM-2 of the subject area only if all the required criteria herein have been satisfied.
- (b) As specified in chapter 118, article VI, design review regulations, applications for a building permit shall be reviewed and approved in accordance with design review procedures.
- (c) The residential offices, suites hotel or bed and breakfast inn may only be permitted in structures that have been rehabilitated in general accordance with the U.S. Secretary of the Interior's standards for rehabilitation of historic buildings as determined by the planning director or his designee, or in buildings that have been substantially rehabilitated or where a request for a building permit will result in the building being substantially rehabilitated.
- (d) All development regulations and setback requirements in the underlying land-use zoning district shall remain. However, a residential office, suites hotel or bed and breakfast inn may only be established where:
 - (1) Demolition to the original building envelope does not exceed ten percent of the area of the original building lot coverage. At-grade additions that demolish or conceal primary facades (i.e., main entry porticoes and facades facing a street) shall not be permitted.
 - (2) The area of rooftop additions to existing multi-family structures does not exceed 50 percent of the area of the original floor immediately below. Such rooftop additions shall be set back a minimum of 15 feet from the facade of the existing building fronting a primary public-right-of-way with an established street wall.

- (3) The area of rooftop additions to existing single-family structures does not exceed 50 percent of the area of the original lot coverage of the structure. The maximum height of the altered main structure shall not exceed $\frac{1}{2}$ the original lot width up to a maximum of 33 feet.
- (4) On sites where unity of title has combined two or more lots, the original rear setbacks for the main structure shall conform to the underlying zoning regulations. However, building additions may encroach into side setbacks which have become internal to the parcel. In addition to the allowable encroachments as outlined in section 142-1132, loggias (covered walkways), gazebo structures and pools may encroach into original rear and/or side setbacks that have become internal to the assembled lot.
- (e) All development regulations and setback requirements in the underlying (RM-1) zoning district shall remain except that the following regulations regarding minimum and maximum developable lot shall apply:
 - (1) The maximum developable lot area shall be limited to no more than two contiguous lots joined along the side property lines.
 - (2) The maximum developable lot area shall not be achieved through the assembly of two contiguous lots assembled along the rear property line.
 - (3) Minimum and maximum lot dimensions shall be as follows:

West Avenue Overlay

Developable Lot Regulations Within The Existing RM-1

Existing Platted Lot Depth	Minimum Developable Lot Width		Maximum Developable Lot Width	Minimum Developable Lot Area	Maximum Developable Lot Area
100ft. @ Blocks 67-A, 67-B 79-A, 79-B, 79-C	Interior	50ft.	100ft.	5000sq. ft.	10,000 sq. ft.
			125ft. @Blk.67-A		12,500 sq. ft. @Blk.67-A
	Corner	60ft.	110ft.	6000sq. ft.	11,000 sq. ft.
			135ft. @Blk.67-A		13,500 sq. ft. @Blk.67-A
105ft. @ Block 81	Interior	50ft.	100ft.	5250 sq. ft.	15,000 sq. ft.
	Corner	65ft.	115ft.	6825 sq. ft.	17,250 sq. ft.
112ft. @ Block 79-	Interior	50ft.	100ft.	5600 sq. ft.	11,200 sq. ft.

A					
	Corner	60ft.	110ft.	6720 sq. ft.	12,320 sq. ft.
115ft. @ Block 81	Corner	45ft.	150ft	5175 sq. ft.	17,250 sq. ft.
150ft. @ Blocks 45, 66, 66-A, 67-B, 78, 78-A, 81	Interior	50ft.	100ft.	7500 sq. ft.	15,000 sq. ft.
	Corner	50ft.	100ft.	7500 sq. ft.	15,000 sq. ft.
		55ft. @Blk.78	105ft.	8250 sq. ft.	15,750 sq. ft. @Blk. 78
		57ft. @Blk.78-A	107ft.	8550 sq. ft.	16,050 sq.ft. @Blk. 78-A
		60ft.@Blk. 67-B	110ft.	9000 sq. ft.	16,500 sq.ft. @Blk. 67-B
		65ft. @Blk. 81	115ft.	9750 sq. ft.	17,250 sq. ft. @Blk. 81
160ft. @ Block 44	Interior	50ft.	100ft.	8000 sq. ft.	16,000 sq. ft.
	Corner				

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2004-3458, § 1, 10-13-04)

Sec. 142-844. - Residential Office Overlay Area.

The Residential Office Overlay Area is designed to accommodate the adaptive reuse of existing single-family and multi-family residential structures as of (the effective date of this ordinance) to allow as main permitted uses such uses permitted in the RO Residential/Office district. All other main permitted uses, conditional uses and accessory uses shall be the same as those provided for in the underlying RM-1 or RM-2 land-use designation.

(Ord. No. 2002-3374, § 1, 6-19-02)

Sec. 142-845. - Suites Hotel and Bed and Breakfast Inn Overlay Area.

- (a) The Suites Hotel and Bed and Breakfast Inn Overlay Area is designed to accommodate the adaptive reuse of existing single-family and multi-family residential structures as of (the effective date of this ordinance) to allow for lodging and guest amenities as main permitted uses.
 - (1) Suites hotels and bed breakfast inns in the Overlay Area shall not be permitted to have dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments.
 - (2) The building identification sign for a suites hotel or bed and breakfast inn shall be the same as allowed for an apartment building in the underlying zoning district in which it is located.
 - (3) The building(s) shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street or the Bay.
 - (4) The maximum amount of time that any person other than the owner may stay in a suites hotel or bed and breakfast inn during a one-year period shall not exceed six months.
- (b) Suites hotels are permitted in existing multi-family structures and in single-family structures, including those that have been combined with adjacent multi-family or single-family structures through unity of title. The maximum occupancy of such suite hotel units shall be limited to four persons for units less than 500 square feet and six persons for units greater than 500 square feet. Additionally, suite hotels shall be subject to the following conditions:
 - (1) Suites hotels may have full cooking facilities in units with a minimum of 400 square feet.
 - (2) The building shall be maintained and operated as a hotel, with a registration desk and a lobby.
 - (3) Should the facility convert from a suites hotel to a multifamily/single-family residential building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.
 - (4) Suites hotels located in the subject district may have accessory uses based upon the below criteria:
 - a. A dining room operated solely for registered hotel guests and their visitors, located inside the building, with no exterior signs, entrances or exits except as required by the South Florida Building Code. Such dining room shall not be licensed separately, not licensed as a restaurant, and shall not be permitted to have a commercial kitchen, but may have separate areas for food preparation and storage, provided there are not cook-tops, stoves, ovens or broilers, and exterior kitchen ventilation is not required.
 - b. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel guests and their visitors only.
- (c) Bed and breakfast inns are permitted only in existing single-family structures as of (the effective date of this section) and shall be subject to the following conditions:
 - (1) The owner/operator of the bed and breakfast inn shall permanently reside in the structure.
 - (2) The structure shall have originally been constructed as a single-family residence. The structure may have original auxiliary structures such as a detached garage or servant's residence that may or may not be used as part of the inn.
 - (3) The structure shall maintain main public rooms (living room/dining room) for use of the guests.
 - (4) Original auxiliary structures, such as detached garages and servants' residences, may be converted to guestrooms or other appropriate use. New bedrooms constructed shall have a minimum size of 200 square feet and shall have a private bathroom.
 - (5) There shall be no cooking facilities/equipment in guestrooms. One small refrigerator with maximum capacity of five cubic feet shall be permitted in each guestroom. All cooking equipment, which may exist, shall be removed from the structure with the exception of the single main kitchen of the house.

- (6) The bed and breakfast inn may serve meals to registered guests and their visitors only. Permitted meals may be served in common rooms, guestrooms or on outside terraces (see subsection 142-1401(9)). The meal service is not considered an accessory use and is not entitled to an outside sign.
- (7) Permitted meals may be served in areas outside of the building under the following conditions:
- The area shall be landscaped and reviewed under the design review process. Landscape design shall effectively buffer the outdoor area used for meals from adjacent properties and the street.
 - All meals served outdoors shall be prepared for service from inside facilities. Except for the use of a barbecue, all outdoor preparation, cooking as well as outdoor refrigeration and storage of food and beverages shall be prohibited.

(d) Hostels shall be prohibited within the subject overlay area.

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2017-4107, § 2, 6-7-17)

Sec. 142-846. - Off-street parking regulations.

In general, off-street parking within the required front yard setback is discouraged in residential neighborhoods as outlined by the underlying zoning designation, however, in the subject area parking may be permitted in the front yard setback subject to the following regulations:

Minimum Lot Width	Minimum Building Front Setback	Maximum Driveway Curb Cut Width	Max. No. of Parking Spaces Permitted per Platted Lot	Orientation of Spaces	Fundamental Design Requirements
50 ft.	20 ft.	12 ft.	Two (2) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
50 ft.	30 ft.	12 ft.	Three (3) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
60 ft.	20 ft.	12 ft.	Four (4) spaces	Parallel to street	Buffer parking from street view with landscaping. No

					asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
60 ft.	30 ft.	12 ft.	Six (6) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2), 18" tire strips per space, No asphalt

- (a) *Corner lots.* The above regulations shall allow off-street parking for only one yard facing a street, generally the secondary or narrow elevation of the building.
- (b) *Bay Front culs-de-sac.* The regulations as outlined in the chart above shall not apply to those yards facing 16th Street and Lincoln Terrace between Bay Road and Biscayne Bay.
- (c) *Parking impact fee program exemption.* Residential offices, suites hotels and bed and breakfast inns as outlined in sections 142-844 and 142-845 of this division shall be exempt from the off-street parking requirements as outlined in sections 130-130—130-132.
- (d) *Curb-cuts.* Access driveways shall be setback a minimum of three feet from any side property line. Access driveways for corner properties shall be located such that the edge of the drive is either a minimum of three feet from the end of the curb return or a minimum of 25 feet from the intersection of two non-arterial streets, whichever is greater. All curb and driveway modifications shall require a driveway permit from the Miami Beach Public Works Department prior to construction.
- (e) *Hardscape.* All proposed hardscape shall consist of pavers set in sand or a like material of equal quality. Asphalt is prohibited.
- (f) *Parking spaces.* All permitted parking spaces shall be in compliance with the minimum standards as outlined herein:
- (1) *Wheel stops.* Each permitted parking space shall require a wheel stop placed at least 18 inches from the edge of landscaped areas as protection from vehicular encroachment.
 - (2) *Markings.* All permitted parking areas shall be bordered in a subtle manner using a different pattern or contrasting color of a like material. Parking spaces shall also be delineated using a different pattern or a contrasting color of a like material of equal quality.
 - (3) *Wheel strips.* All permitted parking areas, which are perpendicular to the street, shall be constructed of no more than two strips per car of a paver material and/or integral color concrete and shall be no more than 18 inches in width and no more than 18 feet in length. Asphalt is prohibited.
- (g) *Screening.* In order to buffer automobiles from the street, solid evergreen hedges, masonry walls or a combination of the two must be incorporated into the design as follows:

- (1) *Hedges.* Shrubs shall be planted a minimum of 30 inches in height, not less than 24 inches on center, and branches shall touch at the time of planting. Shrubs shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting.
 - (2) *Masonry walls.* Masonry walls shall be setback a minimum of two feet from the property line in order to provide a landscaped buffer in front of the wall.
- (h) *Required landscape material.* All permitted parking areas shall be in compliance with the minimum standards as outlined herein:
- (1) One specimen or accent tree shall be planted on site for every proposed off-street parking space.
 - (2) Where tire strips are proposed, a durable sod or ground cover shall be planted between the strips.
 - (3) All significant trees and shrubs removed in order to construct new off-street parking shall be relocated and/or replaced on site with equivalent trees and shrubs.
 - (4) Street trees shall be planted in accordance with the West Avenue/Bay Road Neighborhood Streetscape Master Plan.

(Ord. No. 2002-3374, § 1, 6-19-02)

Secs. 142-847—142-849. - Reserved.

Attachment "B"

Sec. 142-212. - Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are single-family detached dwellings; townhomes; apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter).

- (a) Except that in the Palm View corridor, defined in this subsection as all properties abutting the west side of Meridian Avenue between 17th Street and Collins Canal, apartment hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the design review board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a "legal conforming use." A property that has a "legal conforming use" as used in this subsection prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and/or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.
- (b) Except that in the West Avenue corridor, defined in this subsection as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the west, and 6th Street to the south, apartment-hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the design review board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a "legal conforming use." A property that has a "legal conforming use" as used in this subsection prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and/or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.

The main permitted uses in the RM-2 residential multifamily, medium intensity district also includes offices that are incidental and customary to a hotel in the RM-3 district fronting Collins Avenue located no more than 1,200 feet from the RM-3 hotel property. For purposes of this section, the distance between the RM-3 hotel property and the RM-2 office property shall be measured by following a straight line between the properties' boundaries; further that office property shall be governed by a restrictive covenant approved as to form by the city attorney, recorded in the public records, stipulating that the office use may only remain as long as the hotel use continues.

(Ord. No. 89-2665, § 6-3(A)(2), eff. 10-1-89; Ord. No. 95-3020, eff. 11-4-95; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3819, § 1, 10-16-13; Ord. No. 2013-3820, § 1, 10-16-13; Ord. No. 2014-3849, § 1, 3-5-14; Ord. No. 2014-3869, § 1, 5-21-14; Ord. No. 2017-4146, § 2, 10-18-17)

Attachment “C”

Sec. 142-245. - Prohibited uses.

The prohibited uses in the RM-3 residential multifamily, high intensity district are accessory outdoor bar counter, except as provided in section 142-244; for properties located within the Sunset Harbour neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road, and Dade Boulevard, hostels; for property located within the West Avenue corridor, hostels; for properties located within the West Avenue corridor, hotels and apartment hotels, except to the extent preempted by F.S. § 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

(Ord. No. 89-2665, § 6-4(A)(5), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3820, § 2, 10-16-13; Ord. No. 2016-4005, § 1, 3-9-16; Ord. No. 2017-4146, § 2, 10-18-17)

Attachment “D”

DIVISION 7. - BED AND BREAKFAST INNS^[22]

Footnotes:

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Cross reference— Businesses, ch. 18.

Sec. 142-1401. - Conditions for bed and breakfast inns.

Bed and breakfast inns are permitted with the following conditions:

- (1) The use shall be situated in a contributing building and located in a locally designated historic preservation district. The use may also be situated in a noncontributing building if it is restored to its original historic appearance and re-categorized as "contributing."
- (2) The owner of the bed and breakfast inn shall permanently reside in the structure.
- (3)
 - (a) The structure shall have originally been constructed as a single-family residence; and
 - (b) The existing structure is not classified by the city as an apartment building as defined in section 114-1 of the City Code.

The structure may have original auxiliary structures such as a detached garage or servant's residence, but shall not have noncontributing multifamily or commercial auxiliary structures.

- (4) The structure shall maintain public rooms (living room/dining room) for use of the guests.
- (5) The size and number of guestrooms in a bed and breakfast inn shall conform to the following:
 - a. The structure shall be allowed to maintain (or restore) the original number and size of bedrooms which, with the exception of rooms occupied by the owner, may be rented to guests.
 - b. Historic auxiliary structures, such as detached garages and servants' residences, may be converted to guestrooms. New bedrooms constructed shall have a minimum size of 200 square feet and shall have a private bathroom.
 - c. Architecturally compatible additions not exceeding 25 percent of the floor area of the historic building shall be permitted to accommodate emergency stairs, other fire safety requirements, and new bathrooms. Additions shall be consistent with required setbacks and shall not be located on primary or highly visible elevations.
 - d. If there is evidence of interior alterations and original building plans are not available, the guestrooms shall be restored to the probable size and configuration as proposed by a preservation architect and subject to approval by the historic preservation/design review board.
- (6) There shall be no cooking facilities/equipment in guestrooms. One small refrigerator with maximum capacity of five cubic feet shall be permitted in each guestroom. All cooking equipment which may exist shall be removed from the structure with the exception of the single main kitchen of the house.
- (7) The bed and breakfast inn may serve breakfast and/or dinner to registered guests only. No other meals shall be provided. The room rate shall be inclusive of meal(s) if they are to be made available; there shall be no additional charge for any meal. Permitted meals may be served in

common rooms, guestrooms or on outside terraces (see subsection 142-1401(9)). The meal service is not considered an accessory use and is not entitled to an outside sign.

- (8) Permitted meals may be served in areas outside of the building under the following conditions:
 - a. Existing paved patios shall be restored but not enlarged. If no paved surface exists, one consistent with neighboring properties may be installed.
 - b. The area shall be landscaped and reviewed under the design review process. Landscape design shall effectively buffer the outdoor area used for meals from adjacent properties.
 - c. Any meal served outdoors shall be carried out from inside facilities. Outdoor cooking, food preparation, and/or serving/buffet tables are prohibited.
- (9) Notwithstanding subsections (7) and (8) above, bed and breakfast inns that have had historic assembly use prior to December 18, 2010, for which documentation is accepted and confirmed by the planning director or designee, may be permitted to have limited nonentertainment assembly uses (including, but not limited to: art exhibits, corporate seminars, educational lectures and presentations and similar assembly uses without entertainment as defined in section 142-1361), if approved by the planning board as a conditional use, subject to the following limitations:
 - a. The assembly uses shall consist of private events by invitation only, not open to members of the general public;
 - b. The assembly events shall end no later than 11:30 p.m.;
 - c. Invitations to assembly events must indicate that no street parking is available for the events, and direct guests to city parking lots or licensed private parking lots; and
 - d. No deliveries to the bed and breakfast inn shall occur before 9:00 a.m., or after 5:00 p.m. during weekdays, and before 10:00 a.m., or after 3:00 p.m., during weekends.
 - e. No speakers shall be permitted in outdoor areas.
- (10) The entire building shall be substantially rehabilitated and conform to the South Florida Building Code, property maintenance standards, the fire prevention and life safety code and the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, as amended. In addition, the entire main structure shall have central air conditioning and any habitable portion of auxiliary structures shall have air conditioning units.
- (11) Building identification sign for a bed and breakfast inn shall be the same as allowed for an apartment building in the zoning district in which it is located.
- (12) The maximum amount of time that any person other than the owner may stay in a bed and breakfast inn during a one-year period shall not exceed three months.
- (13) The required off-street parking for a licensed bed and breakfast inn shall be the same as for a single-family residence. There shall be no designated loading zones on any public right-of-way and required parking spaces shall not be constructed on swales, public easements or rights-of-way.

(Ord. No. 89-2665, § 6-22(H), eff. 10-1-89; Ord. No. 92-2786, eff. 7-19-92; Ord. No. 2010-3712, § 1, 12-8-10; Ord. No. 2014-3877, § 1, 6-11-14)

Secs. 142-1402—142-1410. - Reserved.



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

Item 8.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: Discussion Regarding Status And Jumpstarting Of First Street Neighborhood Project

HISTORY:

At its March 1, 2017 meeting, the City Commission approved a Resolution for Architectural and Engineering Design Services for the 1st Street (Alton Road to Washington Avenue) Project, and to enter into negotiations with Wade Trim Inc. ("Wade Trim").

The City and Wade Trim executed an agreement to perform design, permitting and construction services for the 1st Street drainage improvements between Washington Avenue and Alton Road, including the design of the drainage trunk lines along Alton Road and Washington Avenue, between Fifth Street and South Point Drive.

The design was based on the hydraulic model for the South Pointe Neighborhood project developed by AECOM as part of the stormwater program, which included pipe and pump station size based on the design storm event of a 5 year, 24 hour rain event. In October 2017, the City Commission adopted a Resolution to increase the design storm event from a 5 year, 24 hour duration to a 10 year, 24 hour duration.

The original design included a fixed location of the pump station at the triangular park at the southeast corner of 1st Street and Alton Road, and an outfall to the Marina along an 80 foot utility easement held by the City at the main entrance of the Murano at the Portofino property.

In the past two years, Wade Trim Inc. and City staff have been coordinating with residents and project stakeholders to develop a consensus on an appropriate typical section along 1st Street. Project stakeholders had requested that the City evaluate other potential options for the location of the pump station and outfall.

CURRENT STATUS

City staff continues its discussions with neighborhood residents on where the stormwater outfall should be installed.

An option would be to place the outfall by a City's easement in front of the Murano at Portofino, located at 1000 South Pointe Drive, Miami Beach. However, its building residents have shared

concerns on noise and construction disruption on the proposed location and have requested that the City look for alternative locations, perhaps on South Pointe Park.

The Murano at Portofino building administration has committed to arrange negotiations with neighboring buildings to try to accommodate an alternate outfall route which could decrease construction impacts to its residents.

City staff and members of the South of Fifth Neighborhood Association (SOFNA) have coordinated subsequent meetings, including an open house scheduled for March 5, 2020, where the latest designs for a typical section, pump station and outfall will be presented and maybe voted on. The stormwater outfall installation is scheduled to take place on December 2021.

ANALYSIS:

Results from the 2019 Resident Survey related to perception satisfaction of the City show that 79% of residents were very satisfied/satisfied and rated the City of Miami Beach as a place to live; and 70% were very satisfied/satisfied with the overall image of the City. In order to continue maintaining excellent standards in this area, the City is proposing installing a stormwater outfall.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Capital Improvement Projects / Public Works

Strategic Connection

Environment & Infrastructure - Reduce risk from storms, high tides, groundwater, and sea level rise.

ATTACHMENTS:

Description	Type
❑ 2017-29759 Reso	Other
❑ 2017-30039 Resolution	Other
❑ Planned And In Progress Spreadsheet	Memo

RESOLUTION NO.

2017-29759

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ 2017-003-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE 1ST STREET (ALTON ROAD TO WASHINGTON AVE) PROJECT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH WADE TRIM, INC., AS THE TOP RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH WADE TRIM, INC., AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH HAZEN AND SAWYER, AS THE SECOND HIGHEST RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH HAZEN AND SAWYER, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH KIMLEY-HORN AND ASSOCIATES, INC. , AS THE THIRD HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on October 19, 2016, the City Commission approved the issuance of Request for Qualifications (RFQ) No. 2017-003-KB for Architectural and Engineering Design Services for the 1st Street (Alton Road to Washington Ave) Project; and

WHEREAS, Request for Qualifications No. 2017-003-KB (the "RFQ") was released on October 24, 2016; and

WHEREAS, a voluntary pre-proposal meeting was held on November 3, 2016; and

WHEREAS, on December 9, 2016, the City received a total of six (6) proposals; and

WHEREAS, the Committee convened on January 18, 2017 to review and score the remaining proposals; and

WHEREAS, the Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law, general information on the scope of services, and a copy of each proposal; and

WHEREAS, the Committee's ranking was as follows: Wade Trim, Inc., as the first-ranked proposer; Hazen and Sawyer, as the second-ranked proposer; Kimley-Horn and Associates, Inc. as the third-ranked proposer; Chen Moore and Associates and The Corradino Group tied as the fourth-ranked proposer; and 300 Engineering Group, P.A. as the sixth-ranked proposer; and

WHEREAS, after reviewing the qualifications of each firm, and having considered the Evaluation Committee's comments and rankings, the City Manager has recommended that the Mayor and the City Commission authorize the Administration to enter into negotiations with Wade Trim, Inc., as the top ranked proposer; and, should negotiations with Wade Trim, Inc. not be successful, authorizing the Administration to enter into negotiations with Hazen and Sawyer, as the second-ranked proposer; and, should negotiations with Hazen and Sawyer not be

successful, authorizing the Administration to enter into negotiations with Kimley-Horn and Associates, Inc., as the third highest ranked proposer.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals, pursuant to Request for Qualifications (RFQ) No. 2017-003-KB for Architectural and Engineering Design Services for the 1st Street (Alton Road to Washington Ave) Project; authorize the Administration to enter into negotiations with Wade Trim, Inc., as the top ranked proposer; further, should the Administration not be successful in negotiating an agreement with Wade Trim, Inc., authorize the Administration to enter into negotiations with Hazen and Sawyer, as the second highest ranked proposer; further, should the Administration not be successful in negotiating an agreement with Hazen and Sawyer, authorize the Administration to enter into negotiations with Kimley-Horn and Associates, Inc., as the third highest ranked proposer; and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

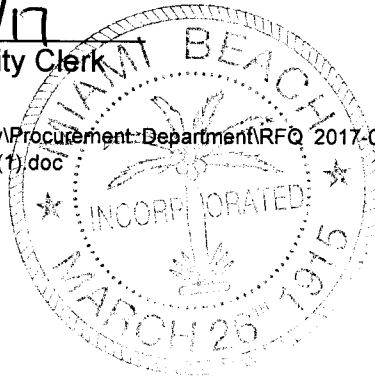
PASSED AND ADOPTED this 1 day of March 2017.


Philip Levine, Mayor

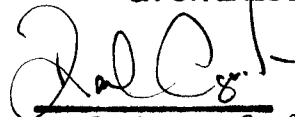
ATTEST:


Rafael E. Granado, City Clerk

T:\AGENDA\2017\2 - February\Procurement Department\RFQ 2017-003-KB Design 1st Street\RFQ-2016-003-KB Design 1st Street - Resolution (1).doc



**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


City Attorney RAJ 1-25-17
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 8, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ 2017-003-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE 1ST STREET (ALTON ROAD TO WASHINGTON AVE) PROJECT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH WADE TRIM, INC., AS THE TOP RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH WADE TRIM, INC., AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH HAZEN AND SAWYER, AS THE SECOND HIGHEST RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH HAZEN AND SAWYER, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH KIMLEY-HORN AND ASSOCIATES, INC. , AS THE THIRD HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.
(ITEM TO BE SUBMITTED IN SUPPLEMENTAL)

ANALYSIS

(ITEM TO BE SUBMITTED IN SUPPLEMENTAL)

Legislative Tracking

Public Works / Procurement

ATTACHMENTS:

Description

- ▢ Attachment A: Evaluation Committee Scoring and Ranking
- ▢ Resolution

REQUEST FOR QUALIFICATIONS (RFQ) 2017-003-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES 1ST STREET (ALTON ROAD TO WASHINGTON AVE)													
	Eric Arenchiba	Ranking	Sabrina Baglieri	Ranking	Michael Bartheau	Ranking	Clare McCord	Ranking	Igor Vassiliev	Ranking		<u>LOW AGGREGATE TOTALS</u>	Rank
Page 1 of 102													
309 Engineering Group, P.A.	83	6	70	6	75	4	80	6	60	6		28	6
Chen Moore & Associates	87	5	93	3	60	5	90	4	70	5		22	4
The Corradino Group	88	4	80	4	55	6	85	5	75	3		22	4
Hazen and Sawyer	98	2	98	2	95	2	98	2	90	2		10	2
Kimley-Horn and Associates, Inc.	90	3	80	4	80	3	93	3	75	3		16	3
Wade Trim	102	1	101	1	105	1	105	1	102	1		5	1

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: March 1, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ 2017-003-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE 1ST STREET (ALTON ROAD TO WASHINGTON AVENUE) PROJECT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH WADE TRIM, INC., AS THE TOP RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH WADE TRIM, INC., AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH HAZEN AND SAWYER, AS THE SECOND HIGHEST RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH HAZEN AND SAWYER, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH KIMLEY-HORN AND ASSOCIATES, INC., AS THE THIRD HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City is seeking qualified consultants to design infrastructure improvements on 1st Street from Alton Road to Washington Avenue in the City of Miami Beach in the South Pointe Neighborhood. Utilities will be upgraded where necessary and include the installation of a new storm drainage system as well as a 60,000 gallons per minute (GPM) pump station.

The City sought proposals from professional consulting architectural/engineering firms which have proven experience in the preparation of construction contract documents for roads, sidewalks, utilities, stormwater pumping stations with facilities and amenities. The successful firm must have technical expertise to conduct the design, permitting, bid and award, and construction administration services for these roadway improvements, and prepare the associated construction contract documents that allow the City of Miami Beach to advertise, bid and award a contract for the construction services.

RFQ PROCESS

On October 19, 2016, the City Commission approved to issue the Request for Qualifications (RFQ) No. 2017-003-KB for Architectural and Engineering Design Services 1st Street (Alton Road to Washington Ave). On October 24, 2016, the RFQ was issued. A voluntary pre-proposal conference to provide information to the proposers submitting a response was held on November 3, 2016. RFQ responses were due and received on December 9, 2016. The City received a total of six (6) proposals. The City received proposals from the following firms: 300 Engineering Group, P.A., Chen Moore & Associates, The Corradino Group, Hazen and Sawyer, Kimley-Horn and Associates, Inc., and Wade Trim, Inc.

The Evaluation Committee convened on January 18, 2017 to consider proposals received. The committee was comprised of Eric Arencibia, Civil Engineer I, Public Works Department, City of Miami Beach; Sabrina Baglieri, Senior Capital Projects Coordinator, Capital Improvement Program Division, City of Miami Beach; Michael Barrinbeau, Resident and President of South of Fifth Neighborhood Association; Clare McCord, Resident, President of the Courts South Beach Condo Association, and South of Fifth Neighborhood Association Board Secretary; and Igor Vassiliev, Civil Engineer II, Public Works Department, City of Miami Beach. The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services and a copy of each proposal. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ. The evaluation process resulted in the ranking of proposers as indicated in Attachment A.

MANAGER'S DUE DILIGENCE & RECOMMENDATION

After reviewing all the qualifications of each firm and having considered the Evaluation Committee's comments and rankings, the City Manager recommends that the Mayor and the City Commission enter into negotiations with Wade Trim, Inc., as the top ranked proposer; and, should negotiations fail, authorizing the Administration to enter into negotiations with Hazen and Sawyer, as the second highest ranked proposer; and, should negotiations fail, authorizing the Administration to enter into negotiations with, Kimley-Horn and Associates, Inc., as the third highest ranked proposer.

Wade Trim, Inc.

Wade Trim's 90-year existence in the engineering community provides the firm with a wealth of knowledge dealing with numerous municipal projects. Their experience includes site development, stormwater control, traffic engineering, electrical, parking lot design, drive access, roadway design, permitting, water and wastewater treatment, reclaimed water distribution, utility design and relocation, pipelines, and pumping. Over the years, the firm has completed a significant number of projects that include the services requested under this RFQ.

The Wade Trim Team has completed several roadway reconstruction projects for the City of Miami Beach that include raising the roads and constructing stormwater pump stations with force main outfalls. Wade Trim is familiar with the standards set forth in the Public Works Manual, understand the critical nature of the project, and have established a technical approach and methodology that provide creative solutions that could be implemented as part of the design.

Hazen and Sawyer

Hazen's roots go back over 100 years to the accomplishments of Allen Hazen, one of the pioneers of modern water supply engineering and co-developer of the Hazen-Williams formula for fluid flow in pipes in 1903. Hazen was established by Hazen's son Richard and Alfred W.

Sawyer in 1951. Together they created a company culture focused on the profession not just the business—of engineering. Their legacy is a firm with a reputation for high-quality work and customer service. Hazen is a nationally and internationally recognized environmental engineering consulting firm, specializing in water and wastewater projects, including the engineering and management of wastewater collection, pumping, treatment, and disposal; stormwater management; water resources; solid and hazardous waste management; and computer applications. Since its founding more than half a century ago, the firm has completed thousands of major assignments in the United States and abroad for government agencies, utilities, and industrial organizations. These have ranged in scope from simple analyses for small communities to multi-municipal, multi-million dollar projects.

Hazen and Sawyer staff includes a wide range of engineering disciplines, including environmental, civil, structural, mechanical, electrical, chemical, instrumentation and control, construction, and cost control, as well as experts in the financial and business aspects of the water, wastewater, and stormwater industry.

Kimley-Horn and Associates, Inc.

Kimley-Horn was founded as a transportation firm in 1967 and is now one of the largest and fastest growing full-service consulting firms in Florida. Their permanent staff includes more than 2,800 professional, technical, and support staff nationwide and more than 550 employees in 14 offices throughout Florida. As an engineering, planning, landscape architecture, surveying, and environmental services firm, Kimley-Horn offers a full range of consulting services to local, regional, national, and international clients. Kimley-Horn remains one of the few employee-owned consulting firms in the nation.

Kimley-Horn has continuously had offices in South Florida for the past 48 years and are proud to have worked on projects in Miami Beach and the surrounding communities during this time. Their knowledge and understanding of the area has grown significantly with decades of service in the community. Kimley-Horn is confident that their local presence and sensitivity to the community's concerns will benefit the City by providing an unmatched accountability, responsiveness, and value. Additionally, Kimley-Horn currently serves more than 30 municipalities and have extensive experience serving other governmental agencies such as the Florida Department of Transportation and numerous drainage districts throughout Florida.

CONCLUSION

After reviewing all the submissions and the results of the evaluation process, the City Manager recommends that the Mayor and City Commission approve the resolution authorizing the Administration to enter into negotiations with Wade Trim, Inc., as the top ranked proposer; and, should negotiations fail, authorizing the Administration to enter into negotiations with Hazen and Sawyer, as the second highest ranked proposer; and, should negotiations fail, authorizing the Administration to enter into negotiations with, Kimley-Horn and Associates, Inc., as the third highest ranked proposer; further, authorizing the Mayor and City Clerk to execute the agreement with the successful firm.

KEY INTENDED OUTCOMES SUPPORTED

Build And Maintain Priority Infrastructure With Full Accountability

FINANCIAL INFORMATION

The cost of the related services, determined upon successful negotiations, are subject to funds

availability approved through the City's budgeting process. Grant funding will not be utilized for this project.

Amount 1	\$253,859	Account 1	request to de-appropriate from South Pointe Park Remediation 389-0820-067357-00-410-546-00-00-00-29430 and appropriate to 389-0810-061-35700-410-000-00-00-00-20280 Reallocation to Drainage Improvement to Wash and So. Pointe
Amount 2	\$346,141	Account 2	Future Stormwater Bond Proceeds Project 20280 Drainage Improvement to Wash and So. Pointe

Legislative Tracking

Public Works / Procurement

ATTACHMENTS:

Description

- ▢ Attachment A: Evaluation Committee Scoring and Ranking
- ▢ Resolution

RESOLUTION NO. 2017-30039

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
AMENDING BOTH THE CITY'S PUBLIC WORKS MANUAL, AND
THE CITY'S 2011 STORMWATER MANAGEMENT MASTER PLAN
(PLAN) TO INCORPORATE MODIFICATIONS TO THE STANDARDS
FOR THE CONSTRUCTION OF NEW ROADS, STORMWATER
SYSTEMS, AND DEVELOPMENTS IN ORDER TO INCREASE THE
LEVEL OF PROTECTION TO PROTECT FROM A 10 YEAR/24
HOUR STORM EVENT; AND WHICH MODIFICATIONS ARE
ATTACHED HERETO AS COMPOSITE EXHIBIT A.**

WHEREAS, over the past several years, the City enacted several measures which created the City's Stormwater Management Master Plan (Plan) [Resolution 2012-28068, November 14, 2012], and subsequently adopted several standards that have been incorporated into the Plan; and

WHEREAS, the Plan is intended to be a guide for improving the City's stormwater management system performance for the next 20 years, while taking into consideration potential sea level rise over the next 20-years and the impacts sea level rise would have on the City's stormwater infrastructure; and

WHEREAS, the Plan also contemplates a 50-year planning horizon relating to seawall heights, and increasing heights of sea walls due to the sea level rise projections; and

WHEREAS, on February 12, 2014, the City adopted Resolution 2014-28499, which approved the recommendation of the Flooding Mitigation Committee to amend the Plan so as to modify the design criteria for the water level in Biscayne Bay, to be increased from 0.5 Ft-NAVD to 2.7 Ft-NAVD for all tidal boundary conditions; and

WHEREAS, on September 28, 2017, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise voted to make a recommendation to the City Commission to amend the Plan, and the City's Public Works Manual, so as to increase the City's stormwater level of service for roadways, such that the future crown of road is not overtopped (flooded) during a 10 year/24 hour design storm event, which modification, if adopted by the Mayor and City Commission, would modify the existing standard in the Plan from having the roadway service level support for solely a 5 year/24 hour design storm event.; and

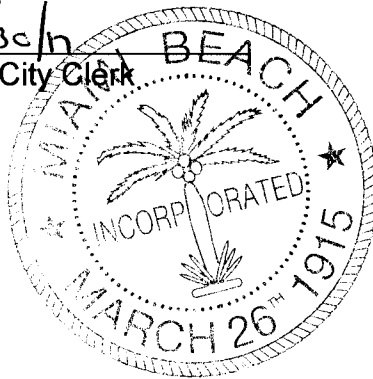
WHEREAS, the Mayor's Blue Ribbon Plan on Flooding and Sea Level Rise, and the City Administration support the modification to the City's Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission amend both the Public Works Manual, and the City's 2011 Stormwater Management Master Plan to incorporate modifications to the standards for the construction of new roads, stormwater systems, and developments; which standards would incorporate higher elevations in order to reduce the risk of flooding; and which documents are attached hereto as Composite Exhibit A.

PASSED and ADOPTED this 18 day of October, 2017.

ATTEST:

TE 10/30/17
Rafael E. Granado, City Clerk



[Signature]
Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney

10-2-17
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 18, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION AMENDING BOTH THE CITY'S PUBLIC WORKS MANUAL, AND THE CITY'S 2011 STORMWATER MANAGEMENT MASTER PLAN (PLAN) TO INCORPORATE MODIFICATIONS TO THE STANDARDS FOR THE CONSTRUCTION OF NEW ROADS, STORMWATER SYSTEMS, AND DEVELOPMENTS IN ORDER TO INCREASE THE LEVEL OF PROTECTION TO PROTECT FROM A 10 YEAR/24 HOUR STORM EVENT; AND WHICH MODIFICATIONS ARE ATTACHED HERETO AS COMPOSITE EXHIBIT A.

RECOMMENDATION

ANALYSIS

Over the past several years, the City enacted several measures which created the City's Stormwater Management Master Plan (Plan) [Resolution 2012-28068, November 14, 2012], and subsequently adopted several standards that have been incorporated into the Plan.

The Plan is intended to be a guide for improving the City's stormwater management system performance for the next 20 years, while taking into consideration potential sea level rise over the next 20 years and the impacts sea level rise would have on the City's stormwater infrastructure.

The Plan also contemplates a 50 year planning horizon relating to seawall heights, and increasing heights of sea walls due to the sea level rise projections.

On February 12, 2014, the City adopted Resolution 2014-28499, which approved the recommendation of the Flooding Mitigation Committee to amend the Plan so as to modify the design criteria for the water level in Biscayne Bay to be increased from 0.5 Ft-NAVD to 2.7 Ft-NAVD for all tidal boundary conditions.

On June 8, 2016, the City adopted Resolution 2016-29454, which approved the recommendation of the City's consultant, AECOM, to amend the Plan, specifically Section 2.5.3 to include future crown road elevation of 3.7 feet NAVD and a level of service such that the crown of the roadway is not overtopped during a 5 year / 24 hour design storm event with a 1.25 safety factor using the South Florida Water Management District (SFWMD) nomograph or 6 in ches times 1.25 for a total of 7.5 inches of rain.

On September 28, 2017, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise voted to

make a recommendation to the City Commission to amend the Plan, and the City's Public Works Manual, so as to further increase the City's stormwater level of service for roadways, such that the future crown of road is not overtopped (flooded) during a 10 year/24 hour design storm event using the SFWMD nomograph or 7 inches times 1.25, which equates to 8.75 inches of rainfall as opposed to 7.5 inches of rain previously adopted.

The Mayor's Blue Ribbon Plan on Flooding and Sea Level Rise, and the City Administration support the modification to the Plan.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida accept the recommendation of the City Manager to amend the 2011 Stormwater Management Master Plan.

Legislative Tracking

Public Works

Sponsor

Commissioner Joy Malakoff & Co-sponsored by Commissioner John Elizabeth Aleman

ATTACHMENTS:

Description

- ▢ FA Reso - Stormwater Master Pan
- ▢ Exhibit A

EXHIBIT A

ADDENDUM 2 TO THE CITY OF MIAMI BEACH STORMWATER (MANAGEMENT) MASTER PLAN FINAL REPORT

The following amendments to the following sections of the 2011 SWMP are hereby amended and incorporated by reference into the 2011 SWMP, as follows:

2.5.3 Proposed Level of Service (LOS)

As shown, CDM evaluated design storm events and joint tidal event periods to evaluate stormwater system performance and the project needs and costs to achieve various levels of service. The various evaluations for LOS indicated a point of diminishing returns at the 2 to 3 year storm event level.

Therefore, the City and CDM formulated options to best protect public safety and property with available funding. The 5-year, 24-hour design storm of 7.5 inches of rainfall was also investigated due to current LOS standards. As an example, a 5 year LOS in the Flamingo •Park Lummus Avenue project area would cost approximately \$80 million, and the City available budget for this project area is approximately \$35 million.

Based on the supplied information herein, the City should determine whether an adjustment in the design storm is prudent as it relates to the future evaluation of LOS.

"Future crown of road" and *"future back of sidewalk elevations"* shall be 3.7 feet, NAVD, unless exempt due to hardship as determined by the Director of Public Works.

For land development purposes. *"future grade"* shall be a minimum of 3.7 feet NAVD.

The stormwater level of service for roadways such that the *"future crown of road"* is not overtopped (flooded) during the ~~5-10~~ year / 24 hour design storm event shall be constructed utilizing the following parameters:

- South Florida Water Management District nomograph with 1.25 safety factor.
- The rainfall distribution shall be the SCS Type III.
- The Unit Hydrograph peaking factor shall be 150.

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
Design						
1	First Street Imp Alton & Washington	South Beach	Improvements on First Street to include complete roadway reconstruction, elevation of the roadway to a minimum 3.7 NAVD elevation, utility removal/replacement, new storm drainage line installation, new storm pump station (120,000 gpm), force main installation, landscaping and lighting. Its also includes the installation of storm drainage trunk lines along Alton Road & Washington avenue from South Point Drive to 5th Street.	\$24,000,000	Coordinating with SOFNA and other project stake holders the proposed typical section and the location of the proposed stormwater outfall. Design will continue once the typical section and the location of the outfall are selected.	March 2022
2	Indian Creek -Street Drainage Imp. - Phase III	Middle Beach	Storm water drainage improvements on Indian Creek Drive and side streets from 25 Street to 41 Street, including completing the stormwater pump station at 32nd Street. Final pavement restoration of the roadway and sidewalk on Collins Avenue between 25 Street and 26 Street; Rebuilding and raising the roadway and sidewalk on Indian Creek Drive between 26 Street and 41 Street and new street lighting, signage and pavement markings.	\$33,000,000	NTP#1 was issued on October 21, 2019, for pre-construction work. DERM Class II permit was issued on January 31, 2019. NTP#2 was issued on February 27, 2020, for a March 2, 2020, construction start date. The Maintenance of Traffic (MOT) will be in place on March 4, 2020, temporarily converting Collins Ave to two way traffic between 31 and 41 Street. On March 8, 2020, beginning at 8:00 pm, Indian Creek southbound will be closed between 41 to 31 Street.	Fall 2021
3	Maurice Gibb Park Redesign (GOB)	Middle Beach	Renovation of the park to include soil remediation, a new playground with shade canopy, pavilion(s), a dog park, walkways, landscaping with open sodded areas, irrigation, signage and park furnishings.	\$7,020,681	The 90 % Design Documents have been received by the City and the review process has commenced. The permit process with the Army Corps of Engineers, FDEP and Miami Dade County DERM is underway. Construction is estimated to commence by early 2021.	Summer 2022
4	Bayshore Park (Par 3) (GOB)	Middle Beach	A new passive community park to include environmental remediation, a central lake; open meadows and informal open play field areas; site grading; pavilion; 6 tennis courts with restroom facilities; children's playground; dog park; boardwalk and pathways; security lighting; vita course and fitness cluster; butterfly garden; linear water feature and parking lot. Resilient strategies proposed at the park include stormwater retention system, pervious pavement; solar panels for pedestrian lighting, energy efficient lighting and roof mounted solar panels.	\$21,160,190	Park design is proceeding to 90%, including the incorporation of the resiliency concept to retain storm water in proposed lake. Staff continues to meet with DERM to evaluate the design and approach. Additional ground water samples were performed and forwarded to DERM on January 29, 2019. Groundwater model was performed by DERM's consultant and a meeting to discuss the results and complete the modeling has been requested. This will allow the city to proceed with the DERM permit. If successful, staff anticipates starting the procurement process by Summer 2020. So far, there has been a six month overall delay due to the coordination with DERM. Project completion is now expected by the end of 2022.	Winter 2022
5	Middle Beach Recreational Corridor Ph 3 (GOB)	Middle Beach	Construction of approximately 3,500 linear feet of an on-grade pedestrian walkway and the demolition of the existing wooden boardwalk from 24th to 45th street. Dune enhancements such as native dune vegetation species and beach compatible dune fill and irrigation systems will be provided for the landscaping. Path lighting will meet Florida Fish and Wildlife Commission's marine turtle nesting requirements.	\$13,215,000	Demolition of the existing boardwalk has advanced North to 40 Street. The demolition activity is scheduled to be completed in March. Root raking, earthwork, and tree relocation activities have advanced to 32 Street. Underground work activities has commenced at 24 Street. The construction sequencing continues from South to North.	Winter 2021

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
6	North Beach Oceanside Park Renovation	North Beach	Renovation of the park to include pedestrian entrances with new gates, pedestrian beach access, walkways with lighting, refurbished restrooms and picnic shelters, site furnishings, open sodded areas, landscape and irrigation.	\$12,700,000	Consultant continues to revise the construction documents and implementing changes to bring the project back into budget	Spring 2022
7	Sunset Harbor Pump Station #3 Screen	Middle Beach	A perforated metal enclosure is being designed to screen the equipment at the Sunset Harbour Pump Station #3. The height of the screen will vary from 9'-0" above the traffic barricade adjacent to the generator, to 3'-0" at the westernmost portion of the pump station. At the eastern side, the enclosure will also serve as an entrance sign for the neighborhood.	\$750,000	Estimates have been procured for the fabrication and construction of the screen, in excess of the project budget. Staff is working to obtain a proposal from another contractor. A request will be made for funding to cover any additional construction cost. Upon approval of funding the contract will be awarded for construction. Fabrication of the screen is estimated to require 8-18 weeks. Construction is estimated to take 3 months.	Winter 2020
Preconstruction						
8	Brittany Bay Park	North Beach	This project includes the creation of a living shoreline between the existing remaining seawall and the concrete retaining / seawall. ADA-Accessible overlook that will allow park patrons to walk from the Park to the existing seawall's edge. The project is intended to enhance the surrounding riparian and intertidal environment by creating a new habitat for aquatic and terrestrial species and improving water quality via filtration of upland runoff. The Park renovations also include new concrete walkways, milling and resurfacing the existing parking lot, new trees, new exercise equipment, furniture, lighting and new landscaping.	\$1,400,000	The plans are being reviewed by the City of Miami Beach Building Department, Miami Dade County DERM, FDEP and the Army Corps of Engineers. The Army Corp is severely delayed in reviewing projects, resulting in delays with other agencies. Upon approval for permits, the project will enter the procurement phase for the selection of a contractor.	Spring 2021
Construction						
9	Palm & Hibiscus Island Neighborhood Improvements	South Beach	This project includes a variety of aboveground and underground improvement such as new water main and service, new storm water drainage system including 3 pump stations, lining of the sanitary sewer system and replacing all the sewer laterals, raising the elevation and reconstruction of the roadways including installation of Geo Textile, new decorative street lights, speed tables, landscape, hardscape improvements, harmonization with private properties and undergrounding the franchise utilities on Hibiscus Island. Additional scope of services was added to the project to install 3 bi-fuel generators as well as, implementation of the new drainage criteria to install and harmonize a yard drain in each private property with the finished floor elevation (FFE) lower than the crown of road.	\$48,938,882	The private drains are designed and meetings have been held with 90% of the property owners. The permit modification package to close storm water permit for Hibiscus Island has been submitted to DERM and Palm Island package is being submitted. Completed permit packages executed by the property owners for new drainage connections for Palm and Hibiscus were submitted to DERM in mid-February 2020. Working with franchise utilities to complete the Hibiscus Island utility undergrounding. Two of the generators have been installed and the location of the generator for Hibiscus Island is being coordinated with FPL and the HOA.	Summer 2020

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
10	Stormwater Pump Station at 19th Street East of Meridian	Middle Beach	Installation of a stormwater pump station, including an emergency generator and seawall reconstruction along Collins Canal near 19th Street and Meridian Avenue. A change order was approved for the extension of the Botanical Garden along the Dade Canal and a seawall at the Carl Fisher Clubhouse.	\$8,400,000	<p>19 Street Pump station is currently operational. DERM final certification is pending.</p> <p>Botanical Garden expansion, Drainage, concrete and electrical work completed. Currently finalizing ground cover and irrigation. All trees have been planted.</p> <p>Carl Fisher Seawall, SFWM, DERM, US Army Corps of Engineers permits are approved, and work commenced on February 3, 2020. Currently installing piles and panels on the first section (42 ft).</p>	<p>Completed</p> <p>Spring 2020</p> <p>Summer 2020</p>
11	Venetian Islands Neighborhood Improvements	South Beach	Work includes site preparation, earthwork, demolition, storm drainage, roadway, concrete valley gutters, paving and grading, water main, lighting, and planting. Additional scope added included installation of six (6) stormwater pump stations, two per island, and automated meter reading technology.	\$37,382,720	All six pump stations are operational and pending DERM final approvals. DERM partial inspection was completed on February 26, 2020 and February 27, 2020 and will be finalized mid March. Staff has reviewed the draft design for the roadway, submitted by the consultant that includes an improved design life based on the new test results obtained by the geotechnical engineer. However, the Venetian Islands Homeowner's Association has requested additional time to allow for homeowner input and collaboration on the final recommendation.	TBD
12	Venetian Islands Seawalls	South Beach	This project entails seawall replacement, at two (2) locations consisting of precast concrete bulkhead panels, king piles, batter piles and concrete cap; and seawall cap raising at five (5) locations consisting in new concrete cap, batter piles and retaining walls, all locations within the Venetian Islands.	\$650,000	DERM permit modification has been approved. Staff is reconciling any scope changes resulting from design revisions with the contract requirements prior to issuing Notice to Proceed. Revised plans being submitted to the building department.	TBD

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
13	West Avenue - Phase II Improvements - North of 14 Street	South Beach	West Avenue - Phase II Improvements North of 14th St - Scope includes Water, Sewer, Storm and above ground improvements from 14th Street north to the Collins Canal and include a new stormwater Pump Station and Baywalk at the end of Lincoln Road. Project is being re-designed to include the following resiliency items: Road elevation 3.7 NAVD; 10 year storm event; Mobility – 2 lanes with center continuous turn lane; Protected bike path; Street ends enhanced design; Permanent generators and 120,000 gpm pump station.	\$79,158,564	<p>Design of the watermain and sanitary sewer systems is complete.</p> <p>Roadway and landscaping plans are 90% complete. Pump Station design is 90% complete, was presented to the stakeholders, and the team is currently analyzing another location option for the above ground components, based on the feedback received by the stakeholders.</p> <p>The City intends to implement a mechanism to address the water quality "First Flush" from the stormwater system prior to entering the Biscayne Bay and has agreed with DERM to incorporate additional methods to the design in order to implement additional water quality prior to discharge into the Bay. This involves additional design and cost. An item will be submitted to Commission to seek direction on to proceed with the additional scope.</p> <p>Harmonization meetings with properties owners commenced and are ongoing. The team is also hosting by appointment sessions for the community every Friday, from 10:00 am to 12:00 pm, to answer any questions about the project.</p> <p>Due to design modifications on the pump system and the DERM permitting process the construction start date has been pushed to Fall 2020.</p>	Summer 2023
14	West Avenue - Phase II Improvements - South of 14th Street	South Beach	West Avenue - Phase II Improvements South of 14th St. The scope includes Water, Sewer, Storm and above ground improvements from 14th Street south to 5th Street. Project is being re-designed to include the following resiliency items: Road elevation 3.7 NAVD; 10 year storm event; Mobility – 2 lanes with center continuous turn lane; Protected bike path; Street ends enhanced design; Elimination of street paving to allow for wider pedestrian sidewalks and more green areas; Permanent generators for existing pump stations.		<p>Design of the watermain and sanitary sewer systems is complete.</p> <p>Roadway and landscaping plans are 90% complete.</p> <p>The City intends to implement a mechanism to address the water quality "First Flush" from the stormwater system prior to entering the Biscayne Bay and has agreed with DERM to incorporate additional methods to the design in order to implement additional water quality prior to discharge into the Bay. This involves additional design and cost. An item will be submitted to Commission to seek direction on to proceed with the additional scope.</p> <p>Harmonization meetings with properties owners commenced and are ongoing.</p> <p>Due to design modifications on the pump system and the DERM permitting process the construction start date has been pushed to Fall 2020.</p>	Winter 2022
TOTAL				\$287,776,037		



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

Item 9.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **MATRIX RECOMMENDATIONS – SIMPLIFICATION OF SINGLE FAMILY HOME REGULATIONS AND DRB ADMINISTRATIVE REVIEW PROCEDURES.**

ACTION REQUESTED:

Discuss the item and recommend that the City Commission refer the attached draft ordinance to the Planning Board.

ADMINISTRATION RECOMMENDATION:

Conclude the item and recommend that the City Commission refer the attached draft ordinance to the Planning Board.

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,

required amendments to the LDR's were referred to the LUDC and Planning Board. One of these amendments was the simplification of the single-family development regulations.

On July 24, 2019, the LUDC discussed this amendment and recommend that the Planning Board endorse the Ordinance. On September 24, 2019, the Planning Board transmitted the ordinance to the City Commission with a favorable recommendation. On October 16, 2019, the City Commission discussed the proposed ordinance amendment and rereferred the item back to the LUDC to start the amendment process with the new City Commission from the beginning.

The December 2019 LUDC was cancelled, and the subject ordinance was placed on the January 21, 2020 agenda of the Land Use and Sustainability Committee. The item was deferred to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was deferred to March 17, 2020.

ANALYSIS:

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. Several of the recommendations required amendments to the Land Development Regulations. The subject ordinance is related to the recommendation that single-family home development regulations be simplified.

The simplification of the single-family home development regulations will accomplish three main objectives:

- (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.

Among other changes, the attached proposal would simplify how lot coverage and unit size is calculated for single-family homes. The ordinance also proposes staff review for homes utilizing the understory regulations in all circumstances. The attached chart (Exhibit A) is a summary of the proposed amendments, as refined and modified based on the discussion at the City Commission meeting of October 16, 2019 and further analysis by staff. Graphic illustrations of existing and proposed regulations are also attached (Exhibit B).

Additionally, staff has met with practicing architects who frequently use the single-family regulations, as well as representatives of MDPL and MBU for their input. These discussions have also informed the proposed revisions to the ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes



Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description		Type
	Draft ORD	Memo
	SF Comparison CHART	Memo
	Graphics	Memo

**Matrix Group Recommendations:
Simplification of Single-Family Regulations and DRB Administrative Review Procedures**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “LAND DEVELOPMENT REGULATIONS,” BY AMENDING CHAPTER 114, ENTITLED “GENERAL PROVISIONS,” SECTION 114-1, ENTITLED “DEFINITIONS,” TO MODIFY THE DEFINITION OF LOT COVERAGE; BY AMENDING CHAPTER 118, ENTITLED “ADMINISTRATIVE AND REVIEW PROCEDURES,” ARTICLE VI, ENTITLED “DESIGN REVIEW PROCEDURES,” SECTION 118-260, ENTITLED “ADMINISTRATIVE REVIEW PROCEDURES,” TO AMEND ADMINISTRATIVE REVIEW PROCEDURES APPLICABLE TO THE DESIGN REVIEW BOARD; BY AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” DIVISION 2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” SECTION 142-105, ENTITLED “DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS,” TO SIMPLIFY THE CITY’S SINGLE-FAMILY DEVELOPMENT REGULATIONS, INCLUDING THE CALCULATION OF LOT COVERAGE AND UNIT SIZE, AND TO MODIFY ALLOWABLE HEIGHT EXCEPTIONS; BY AMENDING SECTION 142-106, ENTITLED “SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING,” TO MODIFY SINGLE-FAMILY SETBACK REGULATIONS; BY AMENDING ARTICLE V, ENTITLED “SPECIALIZED USE REGULATIONS,” DIVISION 8, ENTITLED “HOME BASED BUSINESS OFFICE,” SECTION 142-1411, ENTITLED “HOME BASED BUSINESS OFFICE,” TO ELIMINATE THE FEE ASSOCIATED WITH A HOME BASED BUSINESS OFFICE; AND PROVIDING FOR REPEALER, CODIFICATION, 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 of Miami Beach wishes to ensure that regulations and processes relating to private development projects are fair, balanced and efficient; and

WHEREAS, in 2018, the City solicited proposals from qualified firms to provide data-driven regulatory and process reviews, peer reviews and best practice recommendations, and recommendations for process improvements; and

WHEREAS, the City retained the Matrix Consulting Group (“Consultant”) to review the City’s regulations and processes relating to private development projects; and

WHEREAS, on June 5, 2019, the City Commission adopted Resolution No. 2019-30863, accepting and endorsing the recommendations of the Consultant’s development and permitting study; and

WHEREAS, the City’s goal in this comprehensive effort is to ensure that the regulations and processes affecting private development are efficient and streamlined; and

WHEREAS, the Consultant recommended that the City's Land Development Regulations relating to single-family homes be simplified to provide predictability for architects, home owners, and the development and construction industry; and

WHEREAS, the simplification of the City's single-family home regulations will allow for a more streamlined review of these projects; 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 114, entitled "General Provisions," is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Section 114-1. – Definitions

* * *

Lot coverage means the percentage of the lot covered by the ground floor of all principal and accessory buildings, plus all areas covered by the roofs of such buildings including, but not limited to covered porches, covered terraces, 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.~~

* * *

Section 2. Chapter 118, entitled "Administrative and Review Procedures," Article VI, entitled "Design Review Procedures," Section 118-260, entitled "Administrative Review Procedures," is hereby amended as follows:

**CHAPTER 118
ADMINISTRATIVE AND REVIEW PROCEDURES**

* * *

ARTICLE VI – DESIGN REVIEW PROCEDURES

* * *

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.

Section 3. Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 2, entitled “RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts,” is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

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:

* * *

(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:

* * *

(4) *Unit size requirements.*

- a. Minimum unit size: 1,800 square feet.
- b. For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single-family home, measured from the exterior faces of exterior walls. However, the unit size of a single-family home shall not include the following, unless otherwise provided for in these land development regulations:
1. Uncovered steps.
 2. Attic space, providing structural headroom of less than seven feet six inches.
 3. ~~Those portions of covered terraces, 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 porches, which are unenclosed and open on at least one side, with the exception of roof supports and required safety railing, ~~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, the following additional requirements shall apply to the second floor (including any portion of the home above a height of 18 feet as measured from base flood elevation plus freeboard):
1. At least 35% of the physical volume of the second floor along the front elevation shall be set back a minimum of five (5') feet from the minimum required setback. ~~not exceed 70 percent of the first floor of the main home, inclusive of any enclosed parking structure.~~
 2. At least 50% of the second floor along a side elevation facing a street shall be set back a minimum of five (5') feet from the minimum required setback.
- The DRB or HPB may forego ~~this~~ these requirements, in accordance with the applicable design review or appropriateness criteria.
- d. Non-airconditioned 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, the~~ The following may 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~~ five (5%) 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 ~~45~~ 30 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 the same as the required front setback of the principal structure 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 set back 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 50 ~~40~~ 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. Notwithstanding the foregoing, for existing one-story structures constructed prior to 1965, the maximum lot coverage shall not exceed 50%. 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.* Lot coverage shall be as defined in Section 114-1, subject to the following additional regulations: 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.

1. 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.

2. Eyebrows, roof overhangs, covered porches and terraces, projecting a maximum of five (5') feet from an exterior wall, shall not be included in the lot coverage calculation. All portions of such covered areas exceeding a projection of five (5') feet shall be included in the lot coverage calculation.

~~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 or 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. Portions of the garage which are covered by enclosed floor area above shall count toward lot coverage. 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 shall be 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 set back 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 as follows: 20 feet.

- a. One-story structures: 20 feet, provided that any portion of a 2-story attached structure shall be setback a minimum of 40 feet. ~~may be located at the minimum front yard setback line.~~
- b. Two-story structures: 30 feet, provided (a)(1)(a) above does not apply. ~~shall be setback 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 only 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, provided such linear extension does not exceed 20 feet in length as long as the addition and~~ 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.

* * * *

Section 4. Chapter 142, entitled "Zoning Districts and Regulations," Article V, entitled "Specialized Use Regulations," Division 8, entitled "Home Based Business Office," is hereby amended as follows:

ARTICLE V. – SPECIALIZED USE REGULATIONS

* * *

DIVISION 8. – HOME BASED BUSINESS OFFICE

Sec. 142-1411. - Home based business office.

* * *

- (c) All home based business offices shall be required to obtain and maintain a business tax receipt ~~an occupational license~~ from the city, ~~at an annual fee of \$25.00.~~

* * *

SECTION 5. Repealer.

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

SECTION 6. 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 7. Severability.

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

SECTION 8. Exceptions.

This ordinance shall not apply to:

1. Any applicant who has filed an application for a Land Use Board Approval with the Planning Department on or before May 19, 2020.
2. Any applicant who has obtained a Building Permit Process Number from the Building Department on or before May 19, 2020.

SECTION 9. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION


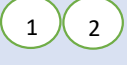

City Attorney



Date

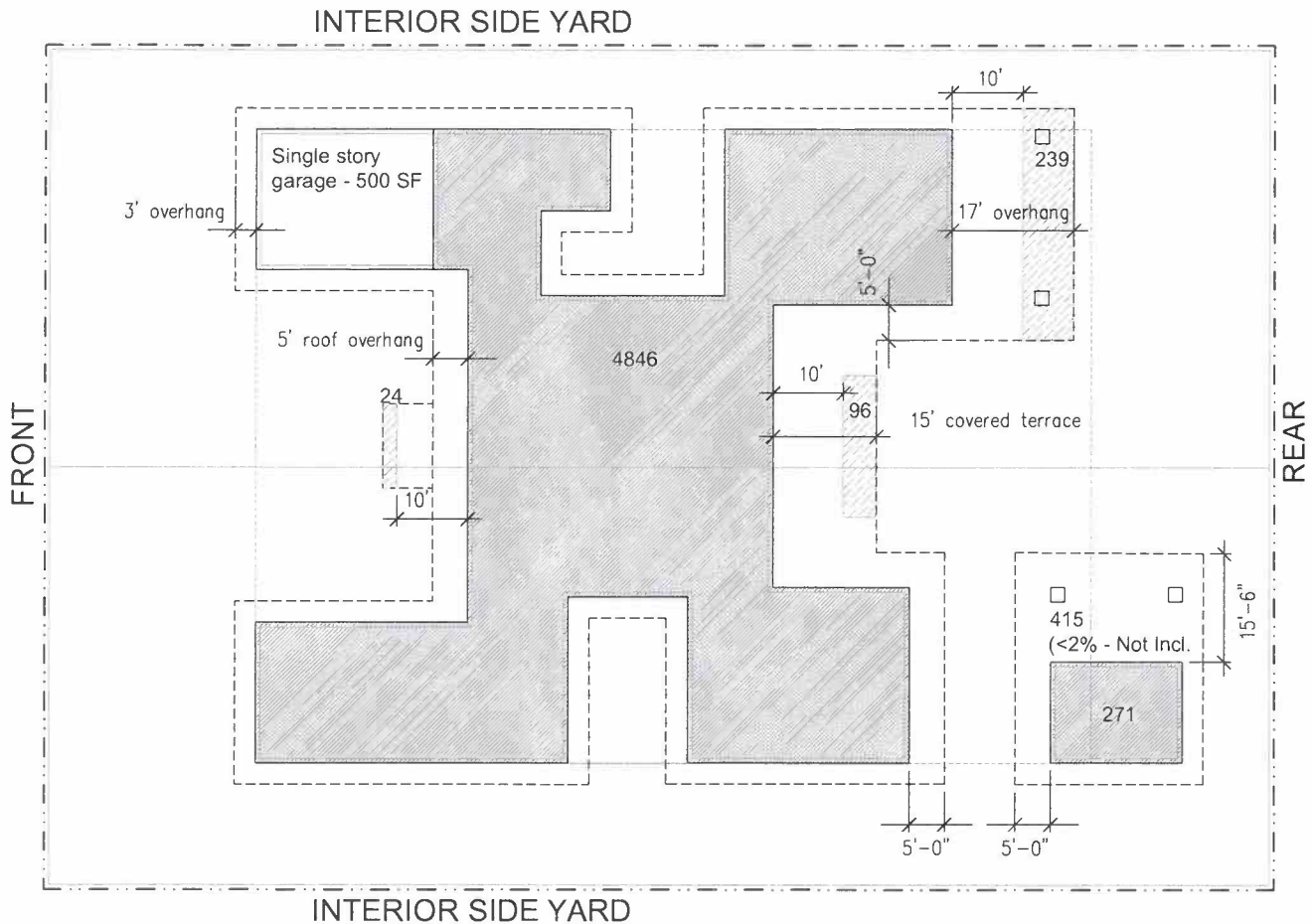
First Reading: May 13, 2020
Second Reading: June 24, 2020

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

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2020\3- March 17, 2020\SFR Simplification- Matrix Rec - ORD
March 17, 2020 LUSC.docx

Topic Code Section  (reference graphics)	Existing	Proposed
Definition Section 114-1	<p><i>Lot coverage</i> means the 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.</p> <p>**Currently exterior private balconies and areas underneath awnings are not included in lot coverage.</p>	<p><i>Lot coverage</i> means the percentage of the lot covered by the ground floor of all principal and accessory buildings, plus all areas covered by the roofs of such buildings including, but not limited to covered porches, covered terraces, and roof overhangs.</p> <p>**All covered roof areas, including covered porches and covered terraces count in lot coverage, unless otherwise excluded elsewhere in the code.</p>
Fees Sec. 142-105	<p>The current code references an old fee for applications to the DRB for non-architecturally significant homes constructed prior to 1942 and all homes constructed after 1942 shall be \$150.00.</p>	<p>Code updated to reflect current application procedures with references to updated fees.</p>
Unit Size Sec. 142-105(b)(4)b. 	<ol style="list-style-type: none"> 1. Portions of covered terraces, breezeways and open porches exceeding a depth of 10' count in unit size. 2. Covered terraces and porches in the rear yard which exceed 2% of lot area count in unit size. 3. Portions of covered balconies exceeding a projection of 6 feet count in unit size. 	<ol style="list-style-type: none"> 1. Unenclosed covered terraces, porches and breezeways do not count as unit size, regardless of depth and whether they exceed 2% of the lot area. 2. Covered, unenclosed balconies do not count as unit size, regardless of projection.
Second floor requirements Sec. 142-105-1(b)(4) c 	<p>For homes with a lot coverage of 25% or greater, the second floor shall not exceed 70% of the first floor. This may be waived by the DRB.</p>	<p>The 70% limitation is replaced with the requirement for homes with a lot coverage of 25% or greater having at least 35% of the second floor along the front, and 50% of the second floor along the street side, setback a minimum of 5' from the edge of the first floor. This may be waived by the DRB. This requirement may also be waived if the second story is setback 40' from the front property line or 20' from the street facing side yard.</p>
Understory Requirements Sec. 142-105-1(b)(4) d&e	<ol style="list-style-type: none"> 1. Currently there are two (2) options for understory homes, one requiring DRB approval and one not. 2. Max enclosed and air-conditioned building access: (3%) of the lot area. 3. Max Driveway approach: 15% of the lot width. 	<ol style="list-style-type: none"> 1. understory homes no longer require DRB approval, but all understory homes must comply with the stricter design regulations that were previously required for DRB approval. 2. Max enclosed and air-conditioned building access: (5%) of the lot area. 3. Max Driveway approach: 30% of the lot width.
Lot Coverage - Single Story Homes Sec. 142-105(b)(5)b	<p>Max Lot coverage for single-story structures = 50%</p>	<p>Max Lot coverage for single-story structures: 40%. Except single story homes constructed prior to 1965, max: 50%</p>

Lot Coverage Calculations Sec. 142-105b)(5)c&d 	1. Internal court yards which are substantially enclosed on 3 or more sides count as lot coverage. 2. covered areas attached to the main home with a projection of 10' or less are not counted as lot coverage. 3. Covered areas detached from the main home, with a projection of 10' or less, and not exceeding 2% of the lot area are not counted as lot coverage.	1. Internal court yards which are substantially enclosed on 4 or more sides count as lot coverage. 2. Portions of eyebrows, covered porches, terraces and roof overhangs exceeding 5 feet in depth count as lot coverage.
Height (Parapet Walls) Sec. 142-105(b)(7)	Parapet wall only allowed when associated with a habitable roof deck.	Parapet walls allowed to screen mechanical equipment, up to the height of the equipment.
Front Setbacks Sec. 142-106(a)(1)	1. The minimum front yard setback for 1-story structures is 20'. 2. The minimum front yard setback for 2-story structures is 30'. 3. 1-story structures (i.e. garage) may be located at the 20' setback if they are separated from a 2-story home a minimum distance of 5'.	1. The minimum front yard setback for 1-story structures is 20'. 2. The minimum front yard setback for 2-story structures is 30'. 3. 1-story portions of 2-story structures may be located at a 20' setback if the 2-story portion of the structure is setback a minimum distance of 40'
Side Setbacks Sec. 142-106(a)(2)c	The minimum interior side yard setback for lots greater than 60' in width is 10'	The minimum interior side yard setback for lots greater than 65' in width is 10'
Open Space requirements (along 2-story side elevations) Sec. 142-106(a)(2)d 	When additional open space is required along an interior side yard, such area: 1. May not exceed the maximum permitted side yard elevation . 2. Shall have at least 75% of the open space landscaped. 3. Mechanical equipment is not permitted.	When additional open space is required along an interior side yard, such area: 1. May not exceed elevation of the first habitable floor . 2. Shall have at least 50% of the open space landscaped. 3. Mechanical equipment is permitted.
Extension of Non-conforming side setbacks Sec. 142-106(a)(2)e	Non-conforming interior side yard setbacks may be extended for a linear ground floor addition or second floor addition, not to exceed the required front and rear setback requirements.	Non-conforming interior side yard setbacks may be extended for a linear ground floor addition only not to exceed 20 linear feet .
Accessory Structures in rear yard Sec. 142-1132(a)(2)	1. lot coverage limited to 25% of required rear yard. 2. Size limited to lesser of 10% of lot area or 1500 SF. 3. second floor cannot exceed 50% of first floor 4. Single story setbacks: = 7.5' (interior and rear), except 50% of required main home setback when facing the water. 5. Two-story setbacks - interior side: = greater of 10' or the required side yard setback. Rear setback: = 15 feet, except when facing the water: = the greater of one-half the required main home setback or 15'	1. Lot coverage limited to 25% of required rear yard. 2. Size limitation removed (lot coverage limitation applies) 3. Second floor requirement removed 4. Structures 12 feet high or less: = 7.5' minimum setback (interior and rear), except 50% of required main home setback when facing the water. 5. If any portion of the structure is above 12 feet (up to 20') - interior side: = greater of 10' or the required side yard setback. Rear setback: = 15 feet, except when facing the water: = the greater of one-half the required main home setback or 15'



Lot Area = 21,000 SF

Unit Area = 5117 (Interior)

359 (Outdoor Covered areas) - 415-420(2% of Lot Area)

24.37 %

1.71

5476 SF

26.08 %

EXISTING REQUIREMENTS (Ground floor example only)

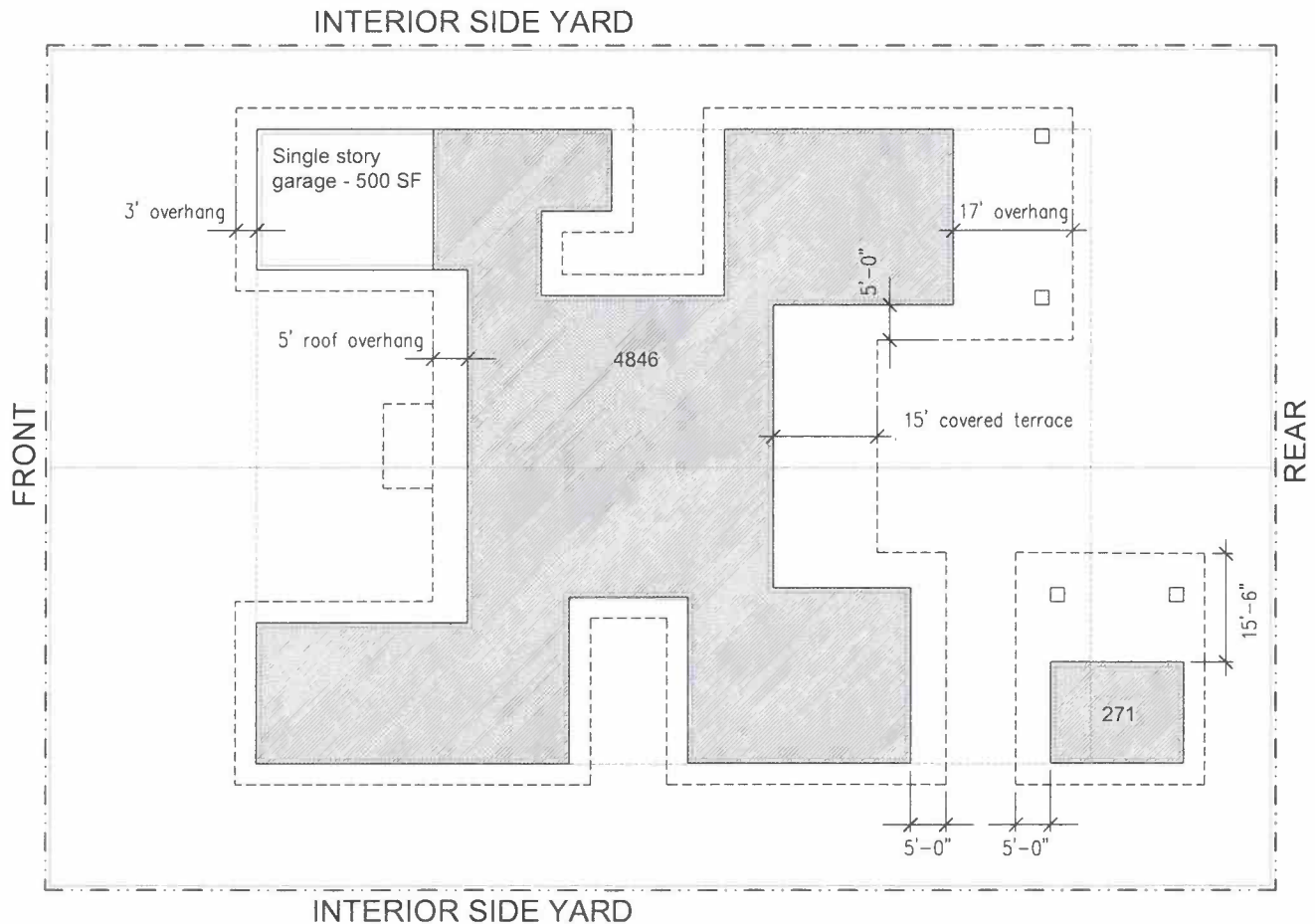
MIAMI BEACH

Planning Department

1

Unit Size - Existing

1. Portions of covered terraces, breezeways and open porches exceeding 10' count in unit size.
2. Covered terraces and porches in the rear yard which exceed 2% of lot area count as unit size.
3. Portions of covered balconies exceeding 6' count in unit size.



Lot Area = 21,000 SF

Unit Area = 5117 (Interior)

24.37 %

5117 SF

24.37 %

PROPOSED REQUIREMENTS (Ground floor example only)

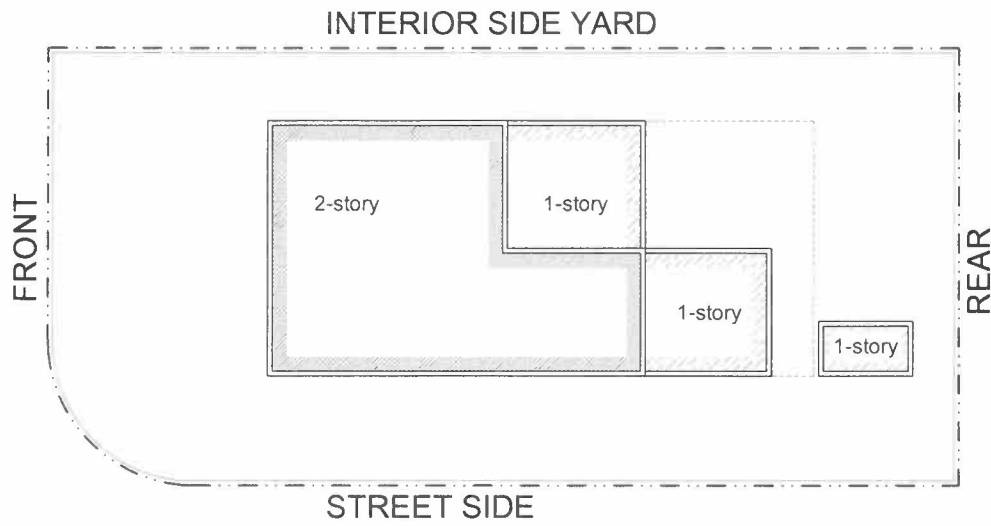
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Unit Size - Proposed

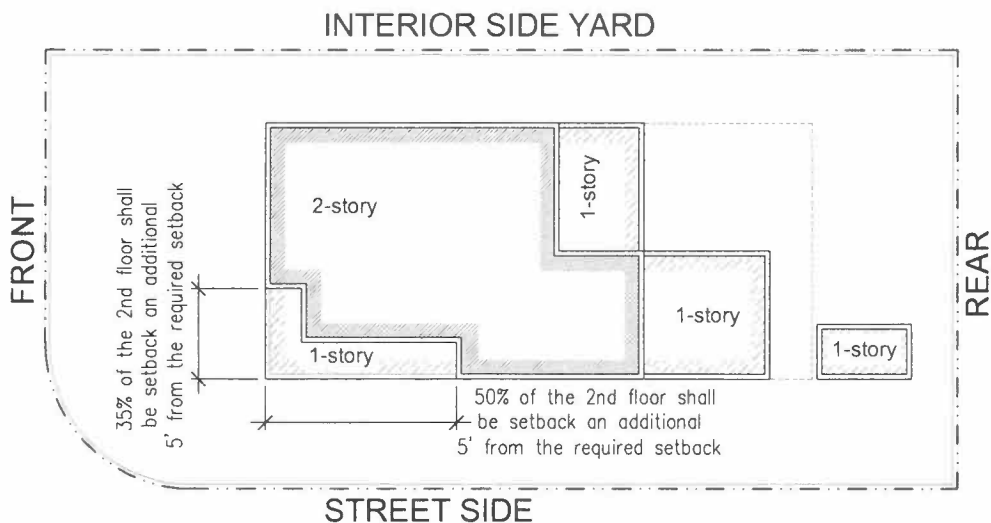
1. Unenclosed covered terraces, porches and breezeways do not count as unit size.
2. Covered, unenclosed balconies do not count as unit size.



Lot Coverage = 30%
Unit Size = 50%

2nd floor = 70% of 1st
floor (in this example)

EXISTING REQUIREMENTS- 2nd floor cannot exceed 70% of the volume of the first floor



Example 1

Lot Coverage = 30%
Unit Size = 50%

2nd floor = 70% of 1st
floor (in this example)

PROPOSED REQUIREMENTS - 35% of the 2nd floor along the front and 50% along a street side elevation shall be setback a minimum of 5' from the minimum required setback

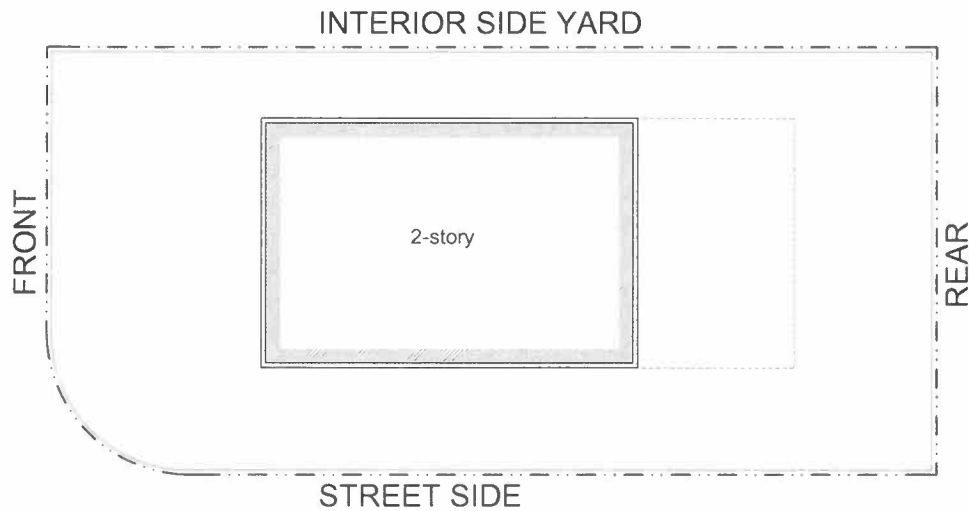
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SECOND FLOOR REQUIREMENTS

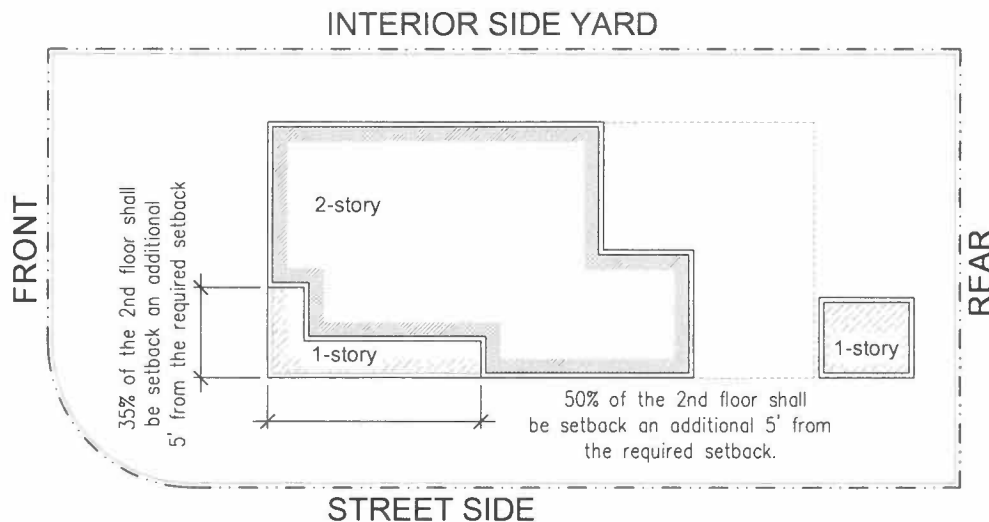
The 70% limitation is replaced with the requirement for homes with a lot coverage of 25% or greater having at least 35% of the second floor along the front and 50% along a street side set back a minimum of 5' from the minimum required setback. This may be waived by the DRB.



Lot Coverage =
24.99%
Unit Size = 49.98%

2nd floor = 100% of 1st
floor (in this example)

EXISTING REQUIREMENTS- 2nd floor volume not limited, provided lot coverage <25%
(No changes proposed to this requirement)



Example 2

Lot Coverage = 26.6%
Unit Size = 49%

2nd floor = 90% of 1st
floor (in this example)

PROPOSED REQUIREMENTS - 35% of the 2nd floor along the front and 50% along street side elevations shall be setback an additional 5' from the minimum required setback

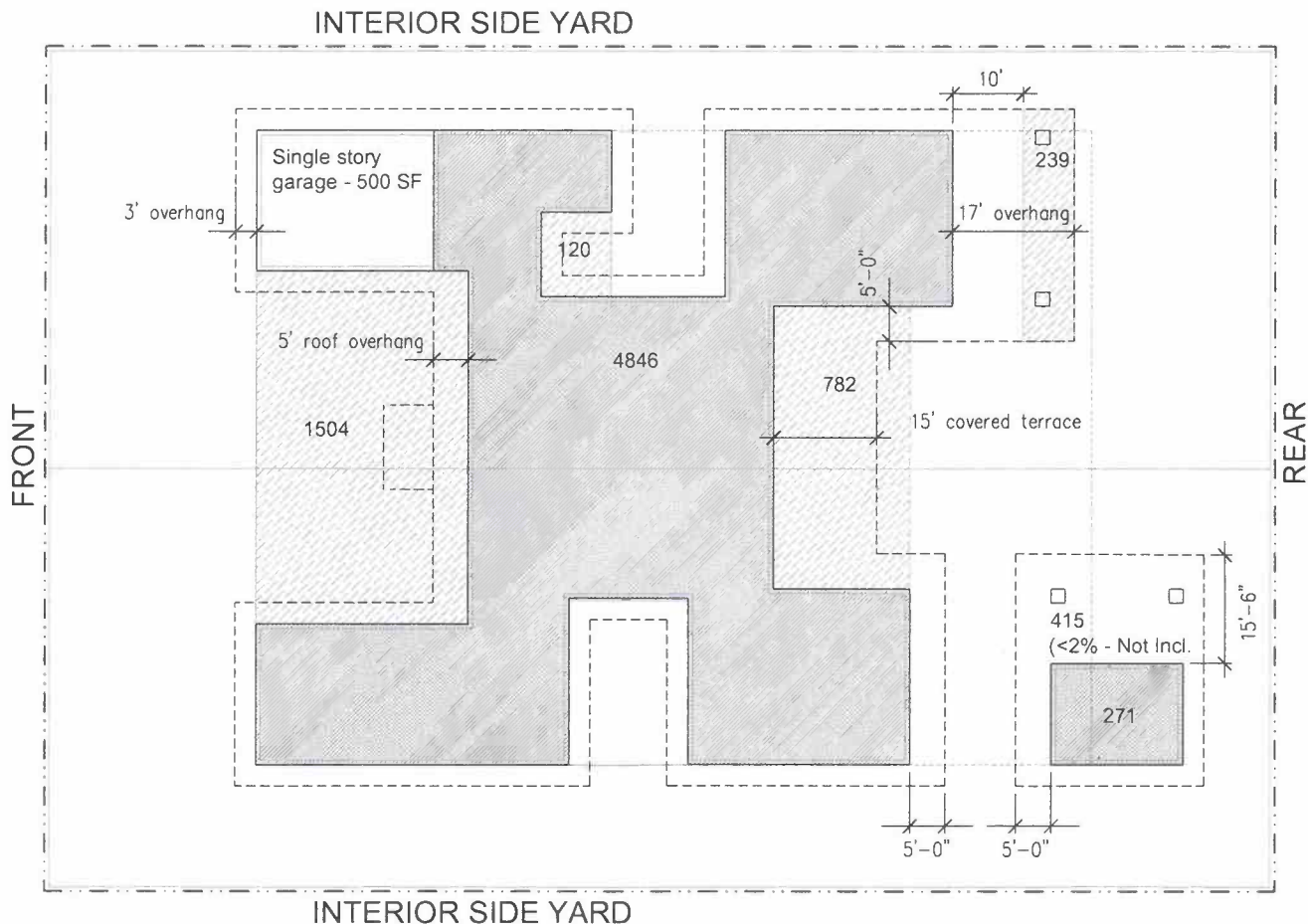
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SECOND FLOOR REQUIREMENTS

The 70% limitation is replaced with the requirement for homes with a lot coverage of 25% or greater having at least 35% of the second floor along the front and 50% of the second floor along a street side must setback an additional 5' from the minimum required setback. This may be waived by the DRB.



Lot Area = 21,000 SF

Lot Coverage =	5117 (Interior)	24.37 %
	234 (Outdoor Covered areas) - 654-420(2% of Lot Area)	1.11
	2406 (courtyard)	11.46
	<hr/> 7757 SF	<hr/> 36.94 %

EXISTING REQUIREMENTS

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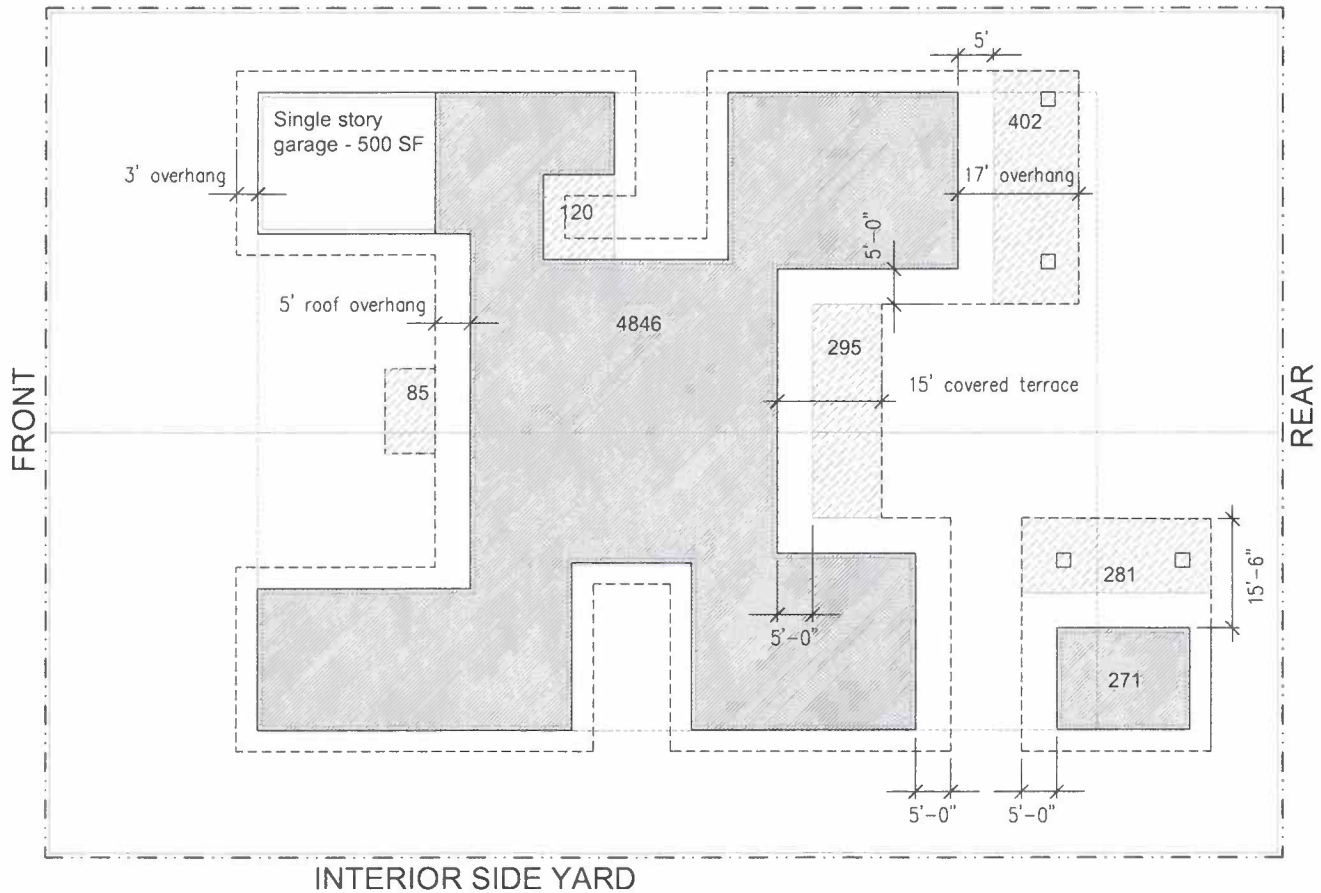
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LOT COVERAGE - Existing

1. Internal court yards which are substantially enclosed on **3 or more sides** count as lot coverage.
2. covered areas attached to the main home with a projection of 10' or less are not counted as lot coverage.
3. Covered areas detached from the main home, with a projection of 10' or less, and not exceeding 2% of the lot area are not counted as lot coverage.

INTERIOR SIDE YARD



Lot Area = 21,000 SF

Unit Size =	5117 (Interior)	24.37 %
	1063 (Outdoor Covered areas)	5.06
	120 (courtyard)	0.57
	<hr/>	
	6300 SF (30%)	30.00 %

PROPOSED REQUIREMENTS

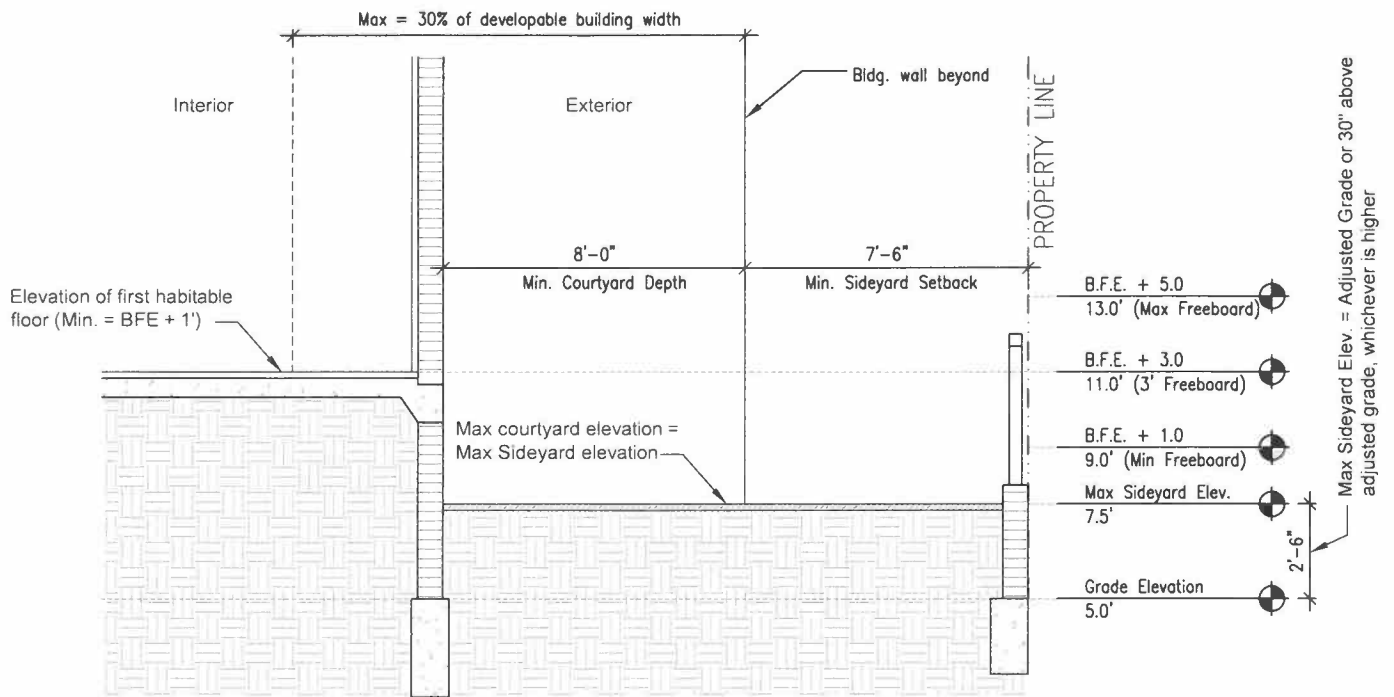
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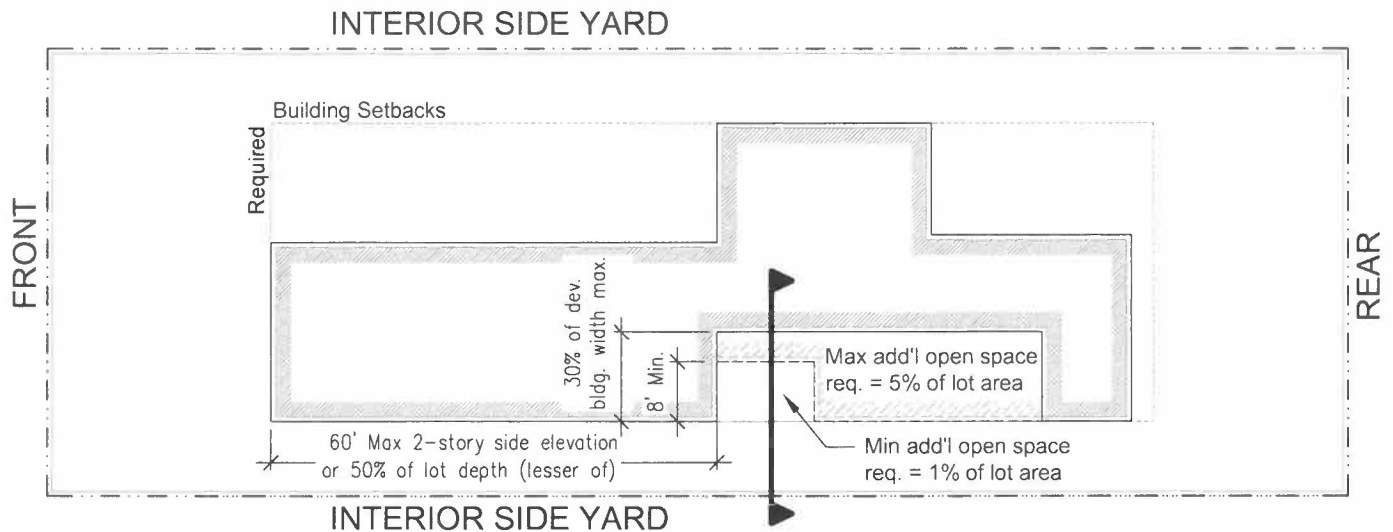
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LOT COVERAGE - PROPOSED

1. Internal court yards which are substantially enclosed on **4 or more sides** count as lot coverage.
2. Eyebrows and roof overhangs exceeding 5 feet in depth count as lot coverage.



EXISTING REQUIREMENTS- Typical Side yard Section



EXISTING REQUIREMENTS - Typical Site Plan

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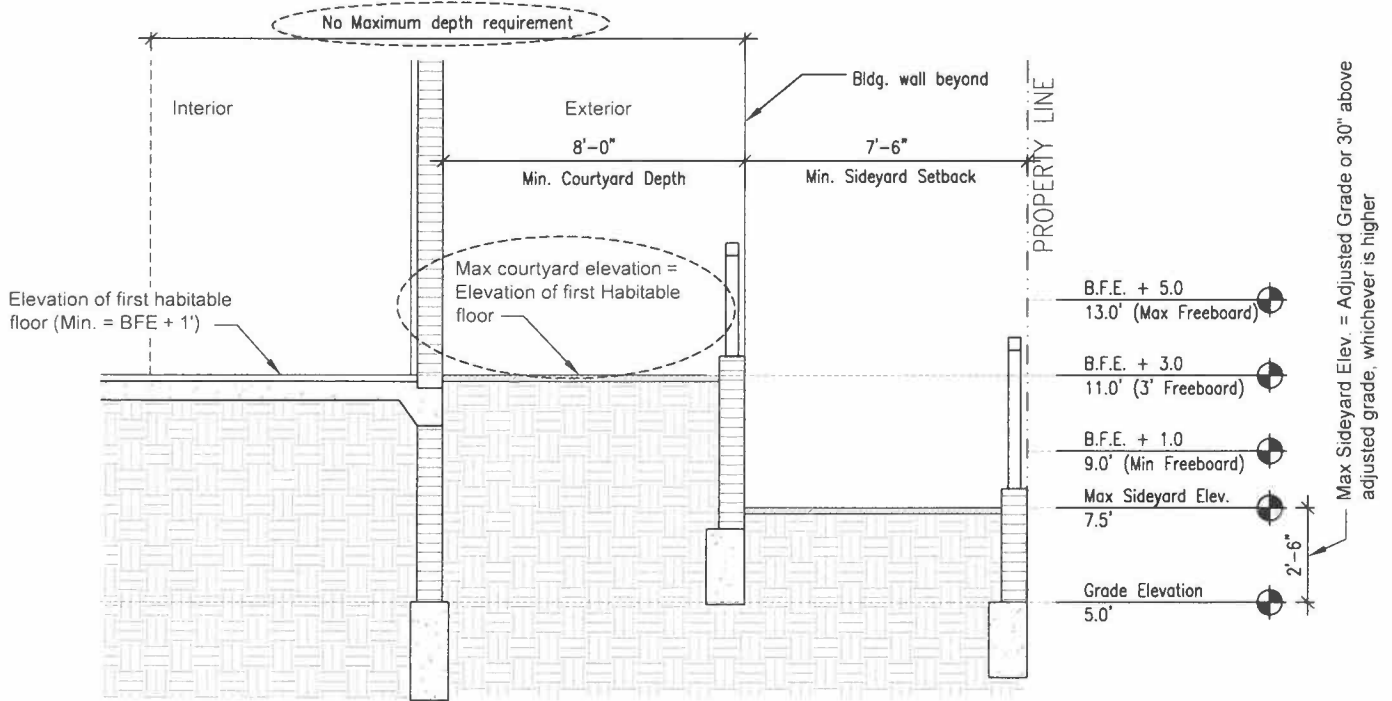
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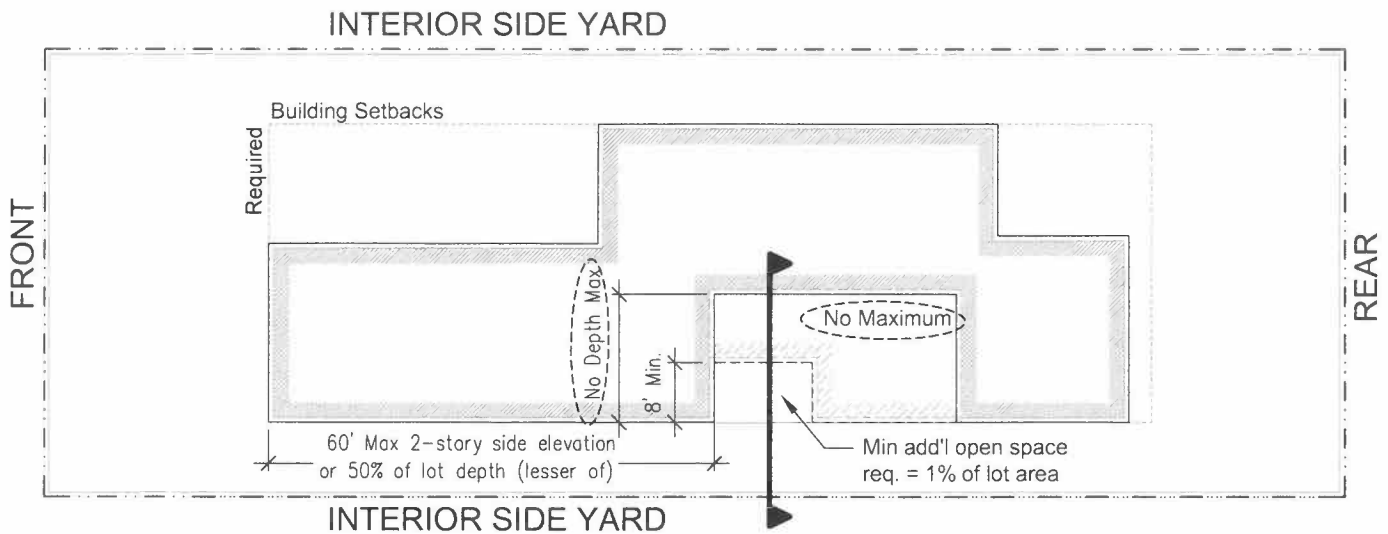
OPEN SPACE REQUIRMENTS

When additional open space is required along an interior side yard, such area:

1. May not exceed the maximum permitted side yard elevation.
2. Shall have at least 75% of the open space landscaped.
3. Mechanical equipment is not permitted.



PROPOSED REQUIREMENTS- Typical Side yard Section



PROPOSED REQUIREMENTS - Typical Site Plan

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OPEN SPACE REQUIREMENTS

When additional open space is required along an interior side yard, such area:

1. May not exceed elevation of the **first habitable floor**.
2. Shall have at least **50%** of the open space landscaped.
3. Mechanical equipment is permitted.



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

Item 10.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSS HAVING THE CITY PURSUE MITIGATION PROJECT FUNDING FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORY:

At the September 11, 2019 City Commission meeting, the Commission referred a discussion item to the Sustainability and Resiliency Committee for the City to pursue mitigation project funding from the U.S. Department of Housing and Urban Development. The item was discussed at the October 23, 2019 Sustainability and Resiliency Committee meeting and was scheduled to return to Committee with an update once the State's Action Plan was posted.

ANALYSIS:

The State of Florida has been allocated federal funding for disaster mitigation projects through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Mitigation Program (CDBG-MIT). As a requirement for funding, states are required to provide HUD with an Action Plan outlining their plans for allocating the funds.

The State of Florida's Action Plan was posted on the Department of Economic Opportunity (DEO) website with a 45-day public comment period.

The City provided comments to the Action Plan, and a request for funding. Although the full application will not be available until later this year, the Administration took the step of requesting funding at this early stage. The City provided an outline of key factors that make Miami Beach unique, including the economic impact of tourism to the state, estimated at \$58 million in Resort Tax Revenues and more than \$30 million in Food and Beverage Tax Revenues annually.

The City's response also requested that the state include funding for the following key mitigation projects, which were either not included or not allocated sufficient funding in the plan, including:

- *Storm Water Management Program* which will reduce the risk of localized flooding.
- *Water and Sewer Line Funding*, especially on evacuation routes including city causeways.
- *Private and Public Seawalls* – Funding is needed for private seawall enhancements to elevate and replace seawalls and protect our most vulnerable areas. Of the 63 miles of seawalls in Miami

Beach, 60 miles of seawalls are privately-owned. Funding is needed to assist private property owners to elevate their seawalls to the newly established elevation of 5.7 feet NAVD88.

- *Critical Infrastructure* including construction of a new Fire Station.

The City's response to the State's Action Plan also listed prior accomplishments and highlighted the City's organizational capacity and previous work to alleviate flooding. The City's response to the Action Plan was included in the Countywide response submitted by the Miami-Dade County Local Mitigation Strategy Working Group as part of the regional response.

Upon approval of the plan, DEO will work with stakeholders to develop the application and distribute the federal funds.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Departments

Office of the City Manager - Grants and Intergovernmental Affairs

Strategic Connection

Environment & Infrastructure - Reduce risk from storms, high tides, groundwater, and sea level rise.



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

Item 11.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **DISCUSSION REGARDING TIGHT URBANISM**

ACTION REQUESTED:

Discuss the item and provide appropriate policy direction.

ADMINISTRATION RECOMMENDATION:

Conclude the item with a recommendation to the City Commission, if applicable.

HISTORY:

On September 11, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4Z). On October 30, 2019 the Land Use Committee (LUDC) discussed and continued the item to the January 2020 LUDC meeting with direction to the administration to meet internally and with the item proposer to identify different options for a potential pilot, including budget and operational impacts.

The item was placed on the January 21, 2020 agenda of the newly constituted Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was deferred to the March 17, 2020 meeting.

ANALYSIS:

As indicated in the referral memo, KoDA, a Miami Beach-based architecture firm, submitted a proposal that contemplates the exploration of Miami Beach's alleyways. The firm aims to examine ways we can adapt our alleys to be in line with the Urban Land Institute's recommendations for stormwater management while maximizing the value of alleys to better serve pedestrians and cyclists. KoDa's exploration would be guided by the tenets of "tight urbanism."

There is also a potential to partner with the University of Miami (UM) on this project since the principal of KoDA, Mr. Wes Keen, is a professor at the UM School of Architecture. Attached is KoDA's proposal regarding alleyway improvements. This concept centers on improvements to streets and alleys, particularly those rights of way that are used primarily for service purposes.

Subsequent to the October 30, 2019 LUDC, the administration met internally to discuss the operational and budget aspects of the proposal. In this regard, the following areas were identified:

1. Synchronization with the James Comer Field Lincoln Road Master Plan; specifically, the proposal for Lincoln Lane north and south.
2. A building by building analysis would be required for any fixtures that would be affixed to.
3. The need to address alley sections on a block by block basis, particularly regarding loading, grease trap access, as well as storm water and sewer access point.
4. Existing and proposed bike lanes.

KoDA has since been following up with the public works department regarding specific information related to waste management pick up schedules, routes, quantities, and costs. Additionally, KoDA has been reviewing the City atlas, including utility information such as sewer, stormwater, rain outfalls, and pump systems, as well as the initial recommendations from Jacobs Engineering Blue/Green Infrastructure proposals.

At this point, KoDA would like to address the LUSC regarding whether there may be an opportunity for funding the proposal. Currently, there is no funding for a pilot project in the FY 2020 budget. However, this could, potentially, be considered a budget proposal for FY 2021.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description

Alley Outline - KoDA

Type

Memo

PROJECT OUTLINE.

1] MASTER PLAN

- RESEARCH COMPONENT
- INTERVIEWS / MEETINGS
- MAPPING
- PRECEDENT
- GRAPHICS

- History of Miami Beach
- History of MB Ecology
- STAKEHOLDERS
 - Residents
 - City Staff
 - Visitors
 - Commercial
 - Mayor + City Commission

- Original Land Use
 - Development Spur
 - Early Economic Drivers
 - Open Space [Planned vs. Unplanned]
- MB Population: **92,307**
 - Flamingo Park Association / So. Of 5th?
 - Planning
 - 16.5 Million Annually
 - Lincoln Rd. Bid / Ocean Dr. Bid

- Coconut Plantation > Avocado/Mangoes > Real Estate + Tourism
- Original Species:
 - Insects
 - Carpenter Ants
 - Termites
 - Am. Cockroach
 - Blue Butterfly
 - Americanized Bee
 - Grizzled Mantis
 - Animals
 - Rabbits
 - Sea Turtles
 - Manatees
 - Dolphins
 - Sea Birds
 - Armadillos
 - Opossum
 - Gopher Tortoise
 - Rattlesnakes
 - American Flamingo
 - White Ibis
 - Brown Pelicans
 - Cranes
 - Osprey

Originally farming by Collins, first of coconuts then of avocados/mangoes. Then after the potential of Miami Beach as a resort was realized, the **first hotel was built in 1915** along with a golf course. As development started it quickly became a sought after destination for both wealthy snowbirds and tourists. The **“Florida Boom” continued from 1917 to 1926, ended by the Great Miami Hurricane.** The 1930s continued to see a tourist boom - developers began to construct small stucco hotels and rooming houses for seasonal travelers - these formed the famous **Art Deco** Historical District still prominent today.

- Hotels
- Bus stops
- City Bikes
- Bike lanes
- Cultural Points
- Entertainment*

- Heat map
- Flood Map
- Elevation
- Parking Garage
- Green Space

- Demographics (City of MB)
 - Population: **94,300**
 - Elevation: **4 feet**
 - Land area: **7.03 square miles.**
 - Population density: **13,124 people per square mile** (very high).
 - Est. Median household income (2017): **\$50,152** (it was \$27,322 in 2000)
 - Est. Median house/condo value (2017): **\$458,800** (it was \$138,700 in 2000)
 - Median resident age: **42.8 yrs**
 - Median gross rent in 2017: **\$1,306.**

- Lincoln Road
- High-Line
- Salty Urbanism

Treatment of alleyways on secondary roads in the district. Specifically ones with existing retail and retail opportunity.

LID interventions to existing urban conditions.

- Colors
- Graphic Standards

- Gumbo Limbo - Bursera simaruba
- Dahoon Holly - Flex Cassine
- Shortleaf Fig- Ficus Citrifolia
- Marlberry - Ardisia Escallonioides
- Silver Palm - Coccothrinax Argentata
- Live Oak - Quercus Virginiana
- Wax Myrtle - Myrica Cerifera
- Wild Coffee - Psychotria Nervosa
- Saw Palmetto - Serenoa Repens
- Firebush - Hamelia Patens
- Seagrape - Coccoloba Uvifera

- LID+ / Non-Native
 - Gallberry - Llex Glabra
 - Elderberry - Sambucus
 - Red Maple - Acer Rubrum
 - Live Oak - Quercus Virginiana
 - Royal Poinciana - Delonix Regia
 - Jacarabda - Jacaranda Mimosifolia
 - Red Mulberry - Morus Rubra

2] DESIGN GUIDE-LINES

- RESEARCH
- DRAWINGS + DIAGRAMS
- PRECEDENT

- Flora + Fauna

- Service
 - Trash Pick-Up
 - Meters

- Mobility / Usage
 - Pedestrian
 - Car
 - Bike / Scooter

- LID

- Street Sections
- LID
- Plant Selections
- Alley Typology

- Salty Urbanism
- LR Design Toolkit

- Existing Native Species
- Define Species (LID)

- What conditions are needed?
 - Solutions?
 - Electric
 - Water

- Current perceptions of Alleys? Solutions?
 - Limit vehicle access (examine parking in Alley)
 - Coordinate isolated bike and scooter rental in alleys. Create bike / scooter lanes/areas.

- Ground Treatment
 - Vegetation
 - Systems

- Vegetation

- Retail conditions

- At **18%**, Miami-Dade county has the **lowest recycling rate** in the state.
- Implementing recycling
 - Educating / sorting bins at
 - Specific locations in alleys.

Having designated trash pick up points at the ends of blocks. All trash (in sorted bags) would end up in dumpsters at access points for each blocks making it more efficient for garbage truck to access and take away --- Leaving space in the alley for designed intervention. **D. Toole**

- “The average urban lawn could produce **several hundred pounds of food per year.**”
- What LID+ food producing plants can be used for community agriculture?
- Design + Implement Hydrology in Distributed Networks
- Maximize Water Infiltration / Retention and Eliminate Excess Runoff
- Enhance Biodiversity

- Turf Pavers
- Pervious Surfaces
- Xeriscape Lawn / Landscape
- Pervious Concrete
- Alternative paving systems - recycled rubber pavers
- Grass/Turf + Concrete Pavers
- Bioswales / Dryswales (In Alleyways)
- Rainwater Harvesting - for irrigation etc.
- Sub-pavers Filtering Fabrics
- Shading (with non heat resistant paving conditions)

Creating a vegetation palette or design tool kit to choose from. See **Flora + Fauna**

Look into the conditions of which retail exists on the alley way. Is there a way to create more within the existing built environment?

How was this done on the Lincoln Road alley?

3] SPECIFIC INTERVENTION(S)

- DRAWINGS
- BASE FILES
- MODEL
- RENDERINGS
- DATA
- LOCATION(s)

- Presentation Dwgs
 - Graphic Standards

- MB 3d Map
- Alley District 3d
- Plan(s)
- Master Plans

- District?
- Materials
- Scale

- Style
- Site Photos

- Data for use of Alley

- Residential
- Commercial
- Cultural

- Plan(s)
- Alley Sections
- Detailed Sections
- Section Perspectives
- Axon Diagrams
- Axon View
- Renders

Select Alleys for Audit

- Rhino File
- Plans for each intervention
- One overall master plan

- Define Working Area
- Wood (type?) + White 3d print-ed interventions

- Define Working Area
- Block or Entire Alley?
- Possible Locations:

- Render View Base file
- Specific Material Patterns
- People + Context

- Residential
- Cultural
- Commercial
- Transitional

- Access to Parking?
- Loading
- Delivery
- Trash Pick-up

4] NARRATIVE

- DEFINE NARRATIVE

- Define Narrative Main Points

- The Start of the “Art Deco District”
 - The Miami Beach Alley Way
 - A new urban culture.

- Detaching from the typical American urban planning
 - The Miami Beach Alley Way
 - Redefining urban planing ... Again

- Alleyways as an underutilized space - an opportunity for new style
 - The Miami Beach Alley Way
 - Redefining urban planing ... Again

“The over 800 multiple-dwelling structures of South Beach represent not only ‘the largest concentration of 1920s and 1930s era resort architecture in the US’ **but a humanistic alternative to the disjointed urbanism of many American cities**”. - A. Shulman

The current iconic element of the city was a result of the adaptation to economic and environmental change/crisis..... The Space Between is doing the same, creating a new iconic identity piece.

“Miami Beach was envisioned with romantic qualities and used design strategies focused on health, relaxation, and leisure - rare for it’s time and essentially a pioneer in detaching from traditional American urban planning practices. These **‘strategies comprised the articulation of building masses to form public spaces, and the relationship of buildings to spaces’**.” - A. Shulman

With the unique articulation of buildings on lots with the ever changing relationships to the street edge. Miami Beach has a unique continuity of voids in the built environment, creating a network of open spaces running from ocean to bay. Utilizing the otherwise forgotten about alleyway would act as a datum - connecting some of these open space on the island.

“Style was used to create scenography, vistas, and perspectives as the backdrop to the theatrical movements of the tourists. Style was certainly significant to Miami Beach’s hotelier. It was used as a wrapper to identify the public faces of residential buildings. **Conversely, the service alleys and the non-public facades remained informal and undecorated.**” - A. Shulman

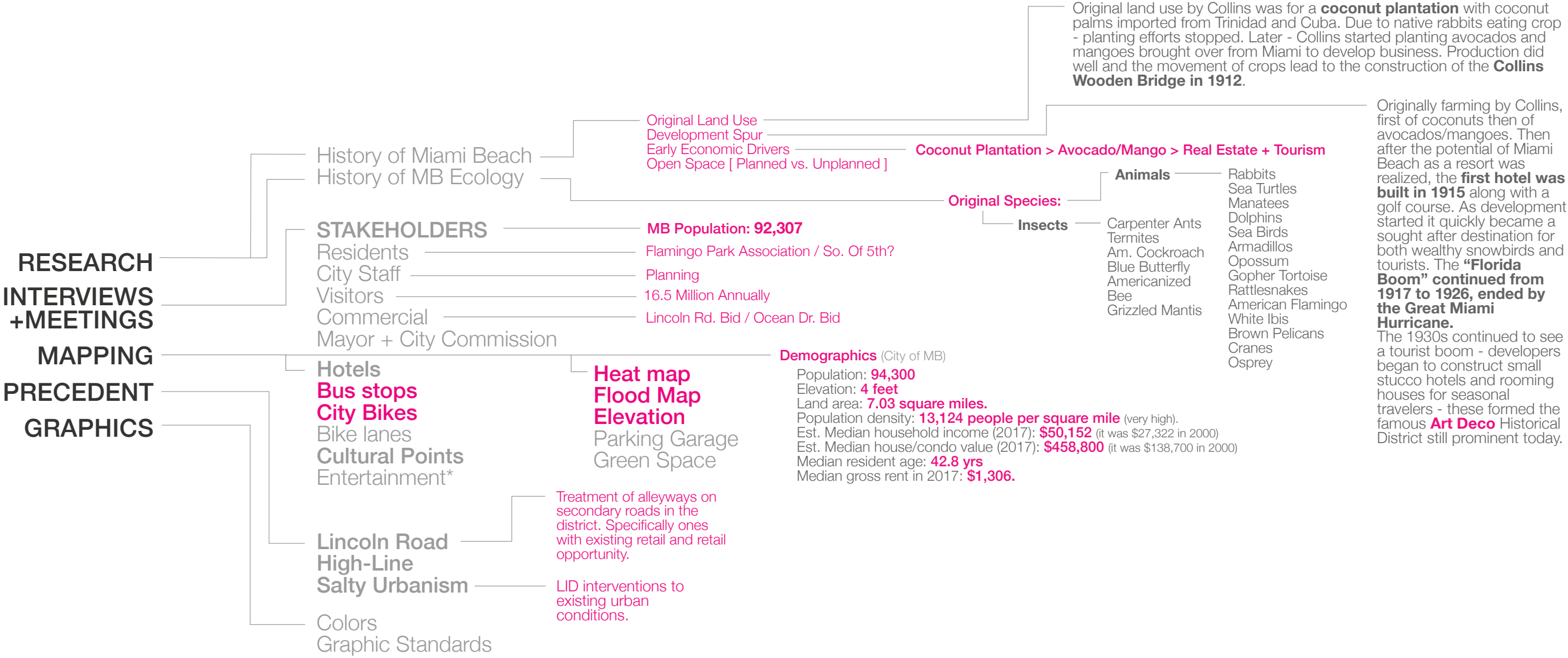
“Using the alley as a way of detaching from the grander scale of the city and the chaos that goes with it - allowing one to transfer themselves to a more intimate setting while on a commute, walk, run, etc”.

“ A community of voids”

1

]

MASTER PLAN



2] DESIGN GUIDELINE + BOOKLET

RESEARCH DRAWINGS + DIAGRAMS PRECEDENT

Flora + Fauna

Existing **Native Species**
Define Species (LID)

Gumbo Limbo - Bursera simaruba
Dahoon Holly - Flex Cassine
Shortleaf Fig - Ficus Citrifolia
Marlberry - Ardisia Escallonioides
Silver Palm - Coccothrinax Argentata
Live Oak - Quercus Virginiana
Wax Myrtle - Myrica Cerifera
Wild Coffee - Psychotria Nervosa
Saw Palmetto - Serenoa Repens
Firebush - Hamelia Patens
Seagrape - Coccoloba Uvifera

LID+ / Non-Native

Gallberry - Llex Glabra
Elderberry - Sambucus
Red Maple - Acer Rubrum
Live Oak - Quercus Virginiana
Royal Poinciana - Delonix Regia
Jacarabda - Jacaranda Mimosifolia
Red Mulberry - Morus Rubra

Service

Trash Pick-Up
Meters

What conditions are needed?
Solutions?

Electric + Water

At **18%**, Miami-Dade
county has the
**lowest recycling
rate** in the state.

“Wish-cycling”

How much (volume) trash is collected
on Miami Beach?

Implementing public
recycling education +
sorting bins at specific
locations in alleys.

How many....

- Dumpsters per block?
- Dumpsters per alley?
- Weekly trash pick ups?
- Gallons of trash can a typical dumpster hold?
- Pick up locations per block?

How can the trash pick-up process
be streamlined to reduce the impact
on alley ways?

Place a public emphasis on
“Reuse” rather than **“Recycle”**

Mobility / Usage

Pedestrian

Current perceptions of Alleys? Solutions?

Start by hosting Alley parties or movie screenings - to bring
back public awareness and all residents to begin to take
back the idea of the residential alley.

Car

Limit vehicle access (examine parking in Alley)

Bike / Scooter

Coordinate isolated bike and scooter rental in alleys.
Create bike /scooter lanes/areas.

LID

Ground Treatment
Vegetation
Systems

“The average **urban lawn** could
produce **several hundred pounds of
food per year.**”



What LID+ food
producing plants can be
used for community
agriculture?

- **Design + Implement Hydrology in Distributed Networks**
- **Maximize Water Infiltration / Retention and Eliminate Excess Runoff**
- **Enhance Biodiversity**

Turf Pavers
Pervious Surfaces
Xeriscape Lawn / Landscape
Pervious Concrete
Alternative paving systems - recycled rubber pavers
Grass/Turf + Concrete Pavers
Bioswales / Dryswales (In Alleyways)
Rainwater Harvesting - for irrigation etc.
Sub-pavers Filtering Fabrics
Shading (with non heat resistant paving conditions)

Street Sections

LID

Plant Selections

Alley Typology

Planting Design Tool-Kit
Vegetation Pallet

Residential
Cultural
Commercial
Transitional

Salty Urbanism

LR Design Toolkit

Vegetation

Creating a vegetation
palette or design tool kit
to choose from.

See **Flora + Fauna**

Retail conditions

Look into the conditions of which retail exists on
the alley way. Is there a way to create more
within the existing built environment?

How was this done on the Lincoln Road
alley?

Composting?

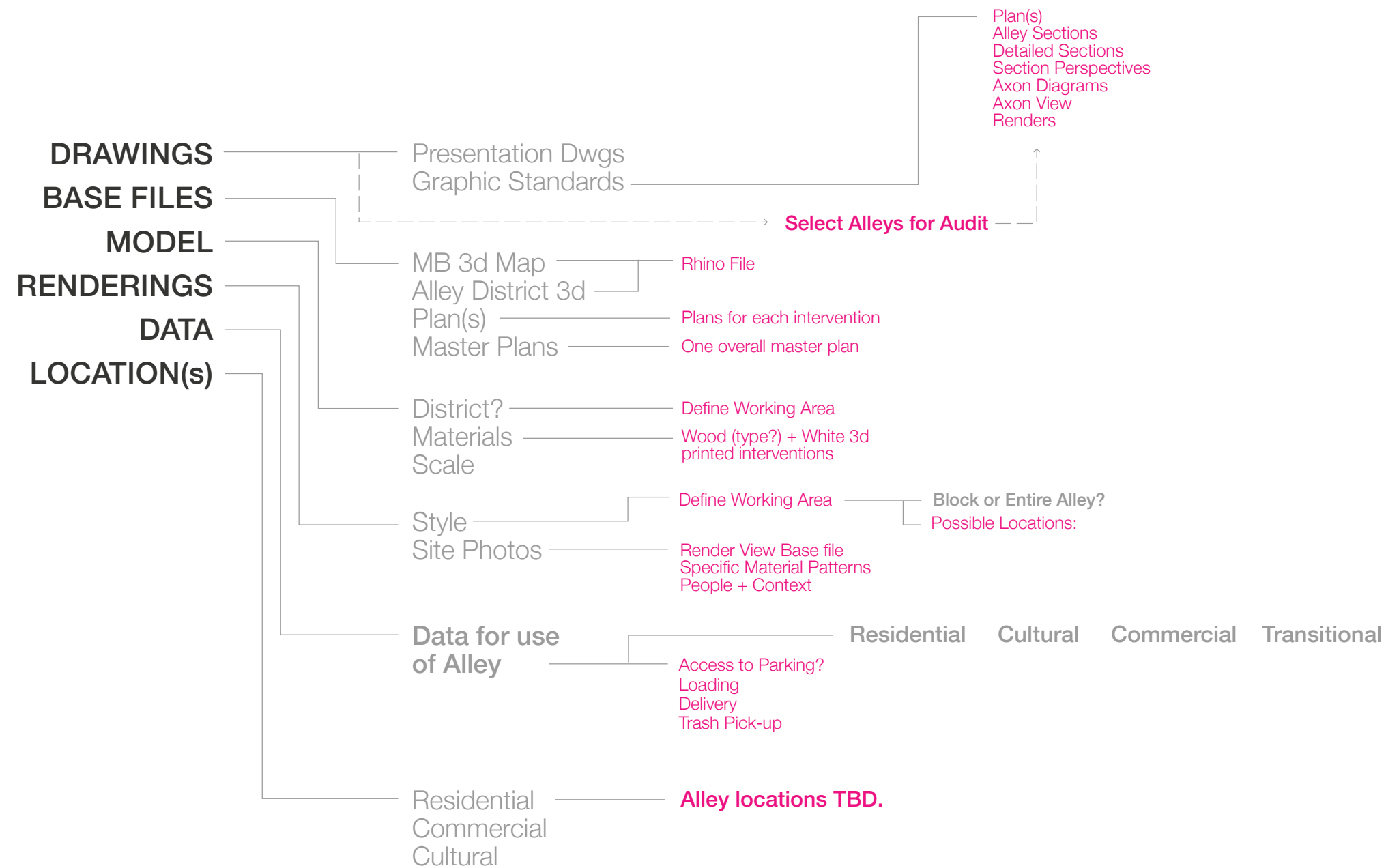
What can be composted...

- Leaves
- Grass clippings
- Brush trimmings
- Manure (preferably organic)
- **Any non-animal food scraps:**
Fruits, vegetables, peelings, bread,
cereal, coffee grounds and filters, tea
leaves and tea bags. (Minus the staples)
- Old wine.
- Pet bedding from herbivores ONLY
- Dry cat or dog food
- Dust from sweeping and vacuuming
- Dryer lint
- Old herbs and spices

With prep / extra time...

- Shredded newspaper, receipts,
paper bags, etc (any non-glossy
paper)
- Tissues, paper toweling, and cotton
balls — unless soaked with bacon
fat, kerosene, makeup, or other stuff
that doesn't belong in the pile!
- Cardboard, egg cartons, toilet rolls
- Used clothes, towels, and sheets
made from natural fabrics — cotton,
linen, silk, wool, bamboo
- Old string & twine made of natural
fabrics
- Pine needles
- Pine cones
- Saw dust
- Wood chips
- Nut shells
- Twigs
- Hair, human or otherwise
- Old, dry pasta
- Nut shells
- Corn cobs
- Pits from mangoes, avocados,
peaches, plums, etc.
- Toothpicks, wine corks

3] SPECIFIC INTERVENTION(S)



4] NARRATIVE

Define Narrative Main Points

The Start of the “Art Deco District”
The Miami Beach Alley Way
A new urban culture.

“The over 800 multiple-dwelling structures of South Beach represent not only ‘the largest concentration of 1920s and 1930s era resort architecture in the US’ **but a humanistic alternative to the disjointed urbanism of many American cities**”. - A. Shulman

The current iconic element of the city was a result of the adaptation to economic and environmental change/crisis..... The Space Between is doing the same, creating a new iconic identity piece.

Detaching from the typical American urban planning
The Miami Beach Alley Way
Redefining urban planing ... Again

“Miami Beach was envisioned with romantic qualities and used design strategies focused on health, relaxation, and leisure - rare for it’s time and essentially a pioneer in detaching from traditional American urban planning practices. These **‘strategies comprised the articulation of building masses to form public spaces, and the relationship of buildings to spaces’.**” - A. Shulman

Alleyways as an underutilized space - an opportunity for new style
The Miami Beach Alley Way
Redefining urban planing ... Again

*With the unique articulation of buildings on lots with the ever changing relationships to the street edge. Miami Beach has a unique continuity of voids in the built environment, creating a network of open spaces running from ocean to bay. **Utilizing the otherwise forgotten about alleyway would act as a datum - connecting some of these open space on the island.***

“’Style was used to create scenography, vistas, and perspectives as the backdrop to the theatrical movements of the tourists. Style was certainly significant to Miami Beach’s hotelier. It was used as a wrapper to identify the public faces of residential buildings. **Conversely, the service alleys and the non-public facades remained informal and undecorated.**” - A. Shulman

“Using the alley as a way of detaching from the grander scale of the city and the chaos that goes with it - allowing one to transfer themselves to a more intimate setting while on a commute, walk, run, etc”.

“ A community of voids”

MIAMI BEACH

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

Item 12. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **DISCUSS RM-2 ZONING AT THE WEST END OF ARTHUR GODFREY ROAD/41ST STREET AND POTENTIAL FOR PUBLIC BENEFITS.**

ACTION REQUESTED:

Discuss the item and continue to May 6, 2020.

ADMINISTRATION RECOMMENDATION:

The administration recommends that the item be discussed and continued to May 6, 2020, in order for the proposer to provide all applicable legislation and exhibits.

HISTORY:

On October 16, 2019, at the request of Commissioners Michael Gongora and Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 T). The item was placed on the January 21, 2020 agenda of the Land Use and Sustainability Committee, and deferred to February 18, 2020, at the request of the proposer. On February 18, 2020, the item was deferred to March 17, 2020, also at the request of the proposer.

ANALYSIS:

At the time of the writing of this report, the proposer indicated that they are finalizing the proposed draft ordinance changes and illustrative exhibits related to the proposal. Further, the proposer has indicated that they would like to provide a verbal update at the March 17 LUSC meeting.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

MIAMI BEACH

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

Item 13. **COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **DISCUSSION REGARDING THE FREQUENCY OF WATER TESTING IN MIAMI BEACH**

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Environment & Sustainability Department

Strategic Connection

Environment & Infrastructure - Work regionally and nationally to protect Biscayne Bay water quality and to maintain a healthy dune and beach system.

ATTACHMENTS:

Description

□ Frequency of Water Testing memo

Type

Memo

MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 17, 2020

SUBJECT: **DISCUSSION REGARDING THE FREQUENCY OF WATER TESTING IN MIAMI BEACH**

BACKGROUND

On September 11, 2019, the Mayor and City Commission referred this discussion to the Sustainability and Resiliency Committee (SRC), which has been merged and renamed the Land Use and Sustainability Committee (LUSC). The item, which was sponsored by Commissioner Micky Steinberg, was first heard at the January 21, 2020 LUSC meeting and left as a standing item to be heard at Committee. A discussion on frequency of water testing in Miami Beach was subsequently heard at the February 12, 2020 City Commission meeting during which the Commission requested to hear from the Miami-Dade County Department of Health (DOH), the Surfrider Foundation Blue Water Task Force, and the Miami Waterkeeper about their on-going water testing initiatives at the March LUSC meeting.

ANALYSIS

Water testing in Miami Beach occurs for two different purposes: (1) to determine whether they are safe for swimming and recreation, and (2) to monitor the health of our waterways. Data collected for recreation is used by Miami-Dade County's Department of Health (DOH) and the City to inform whether a swim advisory is warranted. Data collected to monitor the health of our waterways is used to inform the city's decisions in stormwater management and pollution prevention and to direct staff time, resources and funding where they will provide the greatest environmental benefit.

It should be noted that only sampling results processed in labs certified under the National Environmental Laboratory Accreditation Program (NELAP) are used to make official decisions, such as issuing swim advisories or making operational adjustments. NELAP is one of 13 Accreditation Bodies in the United States recognized under the Florida Department of Health's Environmental Laboratory Certification Program. To get certified under NELAP, laboratories are required to demonstrate that they have the capacity to produce high quality testing results in the interests of protecting the health and environment of Florida's citizens.

Sampling for Recreation

There are three organizations that sample the waters around Miami Beach to inform recreational users whether they are safe for swimming, as follows:

1. Florida Healthy Beaches Program

This program is part of a state-wide initiative delegated locally to Miami-Dade County's Department of Health (DOH). Once a week, DOH collects water quality samples in the Atlantic Ocean at four established sampling points: the beaches in the vicinity of 1st Street, 21st Street, 53rd Street, and 73rd Street. At the request of the city, DOH also samples the ocean water in the vicinity of 81st Street. These samples are taken to a NELAP-certified lab where they are tested for enterococcus, a type of fecal indicator bacteria that is used to determine the potential presence of disease-causing organisms in saltwater.

If enterococcus levels are present above the State's recreational water quality standard of 35 CFU/100mL in a sample, the DOH will issue a swim advisory for the affected beach. The City immediately alerts visitors and residents of the swim advisory through e-mail, press releases, hand delivered notices, and posted signage. The DOH will re-test the affected location the following day and will lift a swim advisory once enterococcus levels test below the State's recreational water quality standard.

Per DOH staff, the frequency of sampling on Miami Beach represents the highest frequency of testing in the Florida Healthy Beaches Program. As such, the Administration does not recommend increasing the frequency of sampling on the beaches. However, because Miami Beach's waters are swimmable on the beach and the bay sides, the city recently requested that the DOH expand their sampling network to include an additional station at the Purdy Avenue boat ramp for an annual cost of \$5,700.

2. Surfrider Miami's Blue Water Task Force Program

The Blue Water Task Force is a nationwide volunteer-run program for water testing, education and advocacy from the Surfrider Foundation, a not-for-profit organization dedicated to protecting the ocean, waves and beaches. The local Blue Water Task Force initiative is run by the Surfrider Miami Chapter, in partnership with the Miami Waterkeeper, and is focused on increasing testing frequency at Florida Healthy Beaches Program sampling locations in Miami-Dade County. Volunteers collect samples every Thursday and processes them in a lab that is not certified under NELAP. Surfrider reports the results within 24 hours in a weekly e-newsletter, on the Surfrider Miami Chapter's website, and on the Miami Waterkeeper's Swim Guide app.

3. Miami Waterkeeper Water Quality Monitoring Program

The Miami Waterkeeper is a not-for-profit organization that "advocates for swimmable, drinkable, fishable water for all." Their water quality monitoring program, which is funded through grants and sponsorship, is focused on monitoring bacteria levels where recreation occurs but regular testing is lacking like the waters of Biscayne Bay. Their staff collects samples at the same sampling locations every week and processes them in a lab, which is not currently certified under NELAP but is designed to pursue NELAP certification in the future. The Miami Waterkeeper reports the results within 24 hours on their Swim Guide app, along with the data from the Florida Healthy Beaches Program and the Blue Water Task Force program.

Currently, the Miami Waterkeeper monitoring network has stations off Virginia Key and Key Biscayne. Six new stations will be added around the City of Miami at a cost of \$50,000 for the first year. They do not currently have any sampling stations in bay waters adjacent to Miami Beach. However, city staff is in working with Miami Waterkeeper to see how the bacteria indicator data from our monthly sampling program can be incorporated into the Swim Guide app.

Bay Sampling for Stormwater Management

Water quality testing in Biscayne Bay is conducted monthly by Pace Analytical, Inc. and City of Miami Beach staff at approximately 35 stations citywide. These sampling locations were added voluntarily by the City as an extension of the larger Biscayne Bay sampling network, which Miami-Dade County has been monitoring on a monthly basis for more than 40 years. Consistent with the County's methodology, the samples are analyzed for physical (i.e., temperature), chemical (i.e., nutrients) and biological (i.e., enterococcus) parameters at a NELAP-certified lab. City staff reviews the sampling results as they come in each month, as well as annually to inform stormwater management decisions.

CONCLUSION

The current water testing frequencies and methodologies for the beach and the bay were modeled after similar sampling programs throughout the State of Florida. The Administration recommends continuing weekly testing for the beaches as part of the Florida Healthy Beaches program and monthly testing for the bay through the city's water quality monitoring program.

ATH/ESW/MK



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

Item 14.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSSION REGARDING FINDING A PLAN, A LIST OF LOCATIONS WHERE BLUE AND GREEN INFRASTRUCTURE SOLUTIONS CAN BE APPLIED TO, IN AREAS PRONE TO FLOOD DURING HEAVY RAIN.

HISTORY:

To meet its stormwater needs, the City of Miami Beach is investing over \$650 Million in various infrastructure improvements, over an estimated span of 10 years. The infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events.

During King Tide events, to prevent localized street flooding in low areas such as upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas, temporary pumps have been installed to assist in mitigating standing water.

At its January 27, 2020 Commission Workshop on Resilience, the Public Works Department offered the Commission members a presentation on Temporary Pumps (attached), which depicts citywide locations where temporary pumps are deployed.

Two scenarios were offered to the Committee members for discussion: A 14 pump deployment (which would allow for some standing water to remain, as recommended by the Urban Land Institute) or a 28 pump deployment (which would provide a higher level of service), to be tested for a period of six months at a cost of \$454,000 or \$890,000 respectively.

ANALYSIS:

At its February 18, 2020 meeting, the Land Use and Sustainability Committee held a discussion regarding properties in areas that continuously flood during rain events or King Tides. While there is a resiliency program that will identify these needs, many neighborhoods will not be included for another five to ten years. Committee members inquired whether there was an interim solution for such homes not included, perhaps with the inclusion of blue/green initiatives. Public Works offered alternatives to be considered for discussion.

At the end of the discussion, the Committee made a motion to bring forth a plan, a list of locations where blue/green infrastructure solutions may be applied to, a ballpark cost and funding alternatives for these initiatives and to bring it back to the Committee. It was noted that these initiatives would be in addition to the proposed 14 pump deployment.

BLUE/GREEN INFRASTRUCTURE

A typical blue/green infrastructure installed within the right-of-way is a manmade swale (bioswale) typically vegetated and/or mulched with engineering soils below the surface. It can improve water quality by allowing water to collect naturally in the bioswale depressions and drain through the engineered soils beneath the surface rather than passing into storm sewers. It is designed to capture the first 1.5 inches of rainfall during storm events.

The City will be considering implementing a pilot project as means to test the efficacy and value of this type of technology. The La Gorce neighborhood, West 59th Street between Alton Road and Biscayne Bay, has been targeted for this pilot project.

A bioswale can provide the following benefits and limitations:

BENEFITS	LIMITATIONS
Effective removal of suspended solids, nutrients (nitrogen and phosphorus) and other pollutants before it enters the bay.	Bioswales are not intended to solve water quantity issues; thus, flooding would not be completely addressed by a bioswale.
Allows stormwater infiltration to replenish the fresh water lens beneath the ground	Periodic maintenance is required to preserve vegetation, grading, and permeability.
Captures the first flush (1.5 inches) of runoff from every rain event to remove contaminants and attenuates the intensity of rainfalls especially for high frequency, low volume rains.	Only the first 1.5 inches of large rain events will be captured – excess water will bypass the bioswale due to limited capacity; however, this adequately treats contaminated runoff per County and State regulations.
Beautifies the area with attractive landscape and utilizes a variety of native plants to minimize maintenance requirements.	Potential loss of parking if bioswales are placed in right-of-way areas currently being used by property owners for parking.

FLOODING AREAS IDENTIFIED

There are currently about 25 properties that have been identified and categorized as nuisance flood prone areas (see map attached). These are areas of ponding water where the deployment of a temporary pump is not an option. A property located on 50th Street is being considered for an additional test case to implement a blue/green initiative to assist in removing standing water from the driveway apron by reshaping the swale to alleviate and help infiltrate the standing water.

Through the construction of a sub-surface water detaining "tank" comprised of a series of silva cell structures arranged in such a manner so as to maximize the collection and dissipation of standing water from the above-ground swale into the ground through gradual infiltration.

The cost of the proposed installation can run anywhere from \$15k to \$30 per property, depending on the size of the swale. Below are the estimated costs for the above property:

Estimate of Probable Construction Costs

770 W 50th Street

Source RS Means /Wade Trim

Item	Quantity	Unit	Unit Cost	Subtotal
ASHTO #57 stone	6	CY	83	\$498.00
Excavation	37	CY	56	\$2,072.00
Restoration	480	SF	1	\$480.00
Plantings	1	LS	2500	\$2,500.00
Silva Cell 2 - 1x System includes 1 Base, 1 Deck, and 6-1x posts	7	EA	105	\$735.00
Silva Cell 2 Strongbacks	10	EA	41.52	\$415.20
Silva Cell Cable/Zip Ties 25" (635mm) long. ~100 per bag	1	EA	15.96	\$15.96
10" long X 19/64" diameter galvanized Spiral timber spikes. ~225 per carton (Item# 33272)	1	EA	120	\$120.00
35% MOB-DEMOB, MOT, ESC, INS, PERMITS				\$2,392.66
SUBTOTAL				\$10,000.00
engineering inspection and construction management 25%			0.25	\$3,000.00
Budget contingency			0.1	\$1,000.00
TOTAL				\$14,000.00

A budgetary cost for the areas identified to receive similar treatment would be in the \$150,000 to \$200,000 range. If the proposed test case is constructed and proves successful, additional properties could be designed, cost estimates developed, and abutting property owner contacted for concurrence.

Results from the 2019 Resident Survey related to perception satisfaction of the City show that 79% of residents were very satisfied/satisfied and rated the City of Miami Beach as a place to live; and 70% were very satisfied/satisfied with the overall image of the City. In order to continue maintaining excellent standards in this area, the City is considering increasing the usage and funding of temporary funds.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Departments

Public Works

ATTACHMENTS:

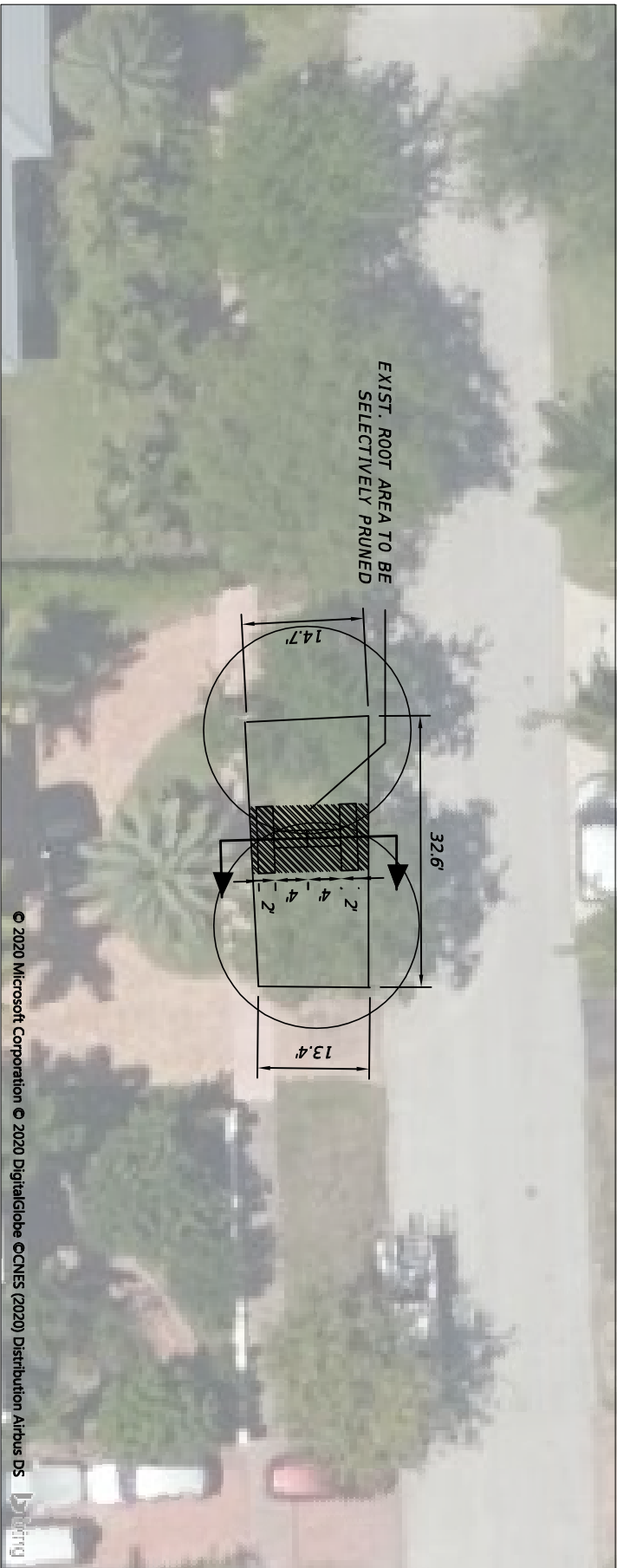
Description

□ Bioswales 02-28-20 770 W 50th ST 2

Type

Other

📁	Bioswales_MAP Layout2 (1)(1)	Other
📁	GIS Elevations- 770 w 50th (black)	Other
📁	February 18, 2020 memo	Memo
📁	January 27, 2020 presentation	Other



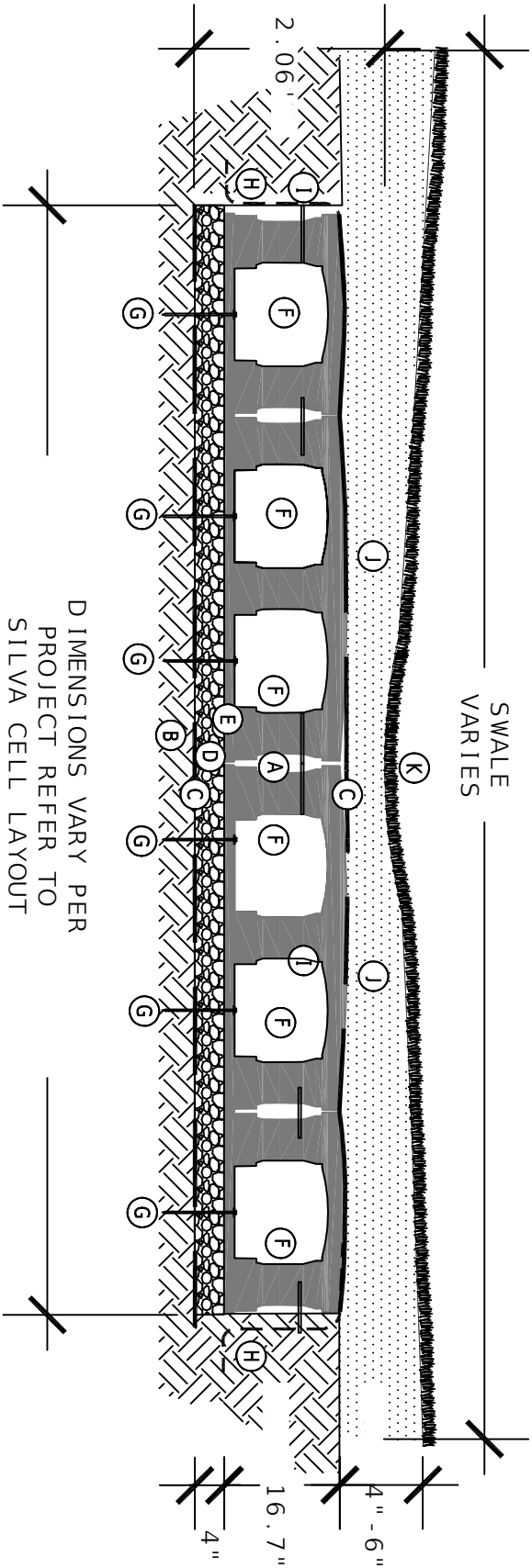
BENEFITS

- ALLOWS STORMWATER INFILTRATION TO REPLENISH THE FRESH WATER LENS BENEATH THE GROUND

LIMITATIONS

- NOT INTENDED TO SOLVE WATER QUANTITY ISSUES; THUS, FLOODING WOULD NOT BE COMPLETELY ADDRESSED
- POTENTIAL LOSS OF PARKING IF BIOSWALES ARE PLACED IN RIGHT-OF-WAY AREAS CURRENTLY BEING USED BY PROPERTY OWNERS FOR PARKING.

SILVA CELL SYSTEM 1X- PLAN VIEW



SILVA CELL SYSTEM 1X- CROSS SECTION A-A

KEY PLAN

- ➊ SILVA CELL SYSTEM (DECK, BASE, AND POSTS)
- ➋ SUBGRADE , COMPACTED
- ➌ GEOTEXTILE FABRIC
- ➍ 4" MIN AGGREGATE SUB BASE, COMPACTED TO 95% PROCTOR
- ➎ SILVA CELL BASE SLOPE, 10% MAX
- ➏ EMPTY WATER DETENTION SPACE 'TANK'
- ➐ ANCHORING SPIKES, CONTACT DEEPROOT FOR ALTERNATIVE
- ➑ GEOGRID, WRAPPED AROUND PERIMETER OF SYSTEM, WITH 6" TOE (OUTWARD FROM BASE) AND 12" EXCESS (OVER TOP OF DECK)
- ➒ CABLE TIE , ATTACHING GEOGRID TO SILVA CELL AT BASE OF UPPER LEG FLARE, AS NEEDED
- ➓ PLANTING SOIL REGRADED TO DIVERT WATER INTO SWALE INFILTRATION AREA
- ➔ GRASS PLANTING IN SWALE INFILTRATION AREA

MIAAMI BEACH PUBLIC WORKS DEPARTMENT 1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139		NEIGHBORHOOD:		CITY MANAGER: JIMMY L. MORALES		DESIGN ENGINEER: _____		ENGINEER OF RECORD:		5				File Name: Bioswales 02-28-20.dwg	
TITLE:		770 W 50TH ST		DIRECTOR: ROY COLEY		DRAWN BY: _____		CHECKER: _____		4				Survey Reference:	
				CITY ENGINEER: NELSON PEREZ-JACOME, P.E.		SCALE: N.T.S.		NELSON PEREZ-JACOME, P.E.		3				Field Book: N/A	
								NO. 79676		2				Page: N/A	
										1				Work Order: N/A	
										NO.	DATE	REVISION	APPROD. BY	Date: 02/18/2020	Sheet: of Drawing: _____





COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: Discussion To Explore Increasing The Usage Of Temporary Pumps And Funding It Using Monies From The Convention Center Hotel

HISTORY:

To meet the stormwater needs of the City of Miami Beach, the City is investing over \$650 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years. The infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events.

During King Tide events, to prevent localized street flooding in areas where the roadway elevation is lower than the high tide levels, temporary pumps have been installed to mitigate standing water and the water has been pumped to the adjacent canal or Biscayne Bay. Typically, pumps have been deployed in these lower areas, such as along upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas.

In Fiscal Year 2018, \$325,410 was spent on the renting and deployment of temporary pumps, not including the cost of fuel and labor to operate the equipment. Costs associated with the increased use of, and requests for, temporary pumps will continue to increase as higher tides occur during each King Tide season. The City's current stormwater rates do not include components for widespread usage of rental temporary pump installations.

A resolution regarding the utilization of temporary pumps and generators was placed on the July 25, 2018 City Commission meeting agenda and a discussion was referred to the Sustainability and Resiliency Committee (SRC).

At its September 26, 2018 meeting, the SRC moved to have the Administration: (1) identify a targeted level of service for temporary pumps; (2) develop a Fiscal Year 2019 proposed budget for the deployment of temporary pumps; (3) find a permanent funding source; and (4) implement a recommended process for deployment of the temporary pumps; and to (5) bring the item back to the City Commission for approval.

Consistent with the direction of the SRC, the Administration determined the City's level of service would require the deployment of at least 25 temporary pumps, at an estimated cost of \$270,000 (assuming three (3) months of King Tides, in the Spring, and three (3) months of King Tides in the Fall).

At its January 16, 2019 meeting, the City Commission approved the SRC recommendation via Resolution No. 2019-30682 and to have the Administration identify \$272,000 in the Fiscal Year 2019 Stormwater Maintenance and Operations Fund.

At its January 15, 2020 meeting, the City Commission also approved a referral to the Land Use and Sustainability Committee to explore increasing the usage of temporary pumps and funding it using monies from the Convention Center Hotel.

At its January 27, 2020 Commission Workshop on Resilience, the Public Works Department offered the Commission members, a presentation on Temporary Pumps (attached), which depicts citywide locations where temporary pumps are deployed. Two scenarios are being offered to the Committee members for discussion and further direction: 14 pumps or 28 pump deployment for six months at a cost of \$454,000 or \$890,000 respectively.

ANALYSIS:

Results from the 2019 Resident Survey related to perception satisfaction of the City show that 79% of residents were very satisfied/satisfied and rated the City of Miami Beach as a place to live; and 70% were very satisfied/satisfied with the overall image of the City. In order to continue maintaining excellent standards in this area, the City is considering increasing the usage and funding of temporary funds.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to Citv Code Section 2-14?

Does this item utilize G.O. Bond Funds?

Yes No

Departments

Public Works Department

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Resolution 2019-30682, temporary pumps	Other
<input type="checkbox"/>	Temp. Pumps - Workshop - Roy Coley	Other



Temporary Pumps

Presented by: Roy Coley

Commission Workshop on Resilience

January 27, 2020



OBJECTIVES PROTECT AND ENHANCE OUR ENVIRONMENT AND INVEST IN INFRASTRUCTURE PROJECTS AND ASSETS THAT BUILD RESILIENCE BENEFITS LIKE REDUCING FLOOD RISK AND INCREASING SUSTAINABILITY.



COMMISSION GOALS

- Clean water strategy (2020)
- Improved infrastructure (2050)
- Stormwater, water, and sewer planning (2020)



An aerial photograph of a street intersection. A silver car is stopped at the intersection. To the left of the road, there are four circular stormwater manholes arranged in a 2x2 grid. Orange and white water barriers are placed along the left side of the road. A grassy area is visible on the right side of the road. The text "The City has a robust Stormwater Plan to address 'sunny day' flooding..." is overlaid in a blue banner at the top.

The City has a robust Stormwater Plan to address “sunny day” flooding...

MIAMI BEACH
RISING
ABOVE

While the plan is implemented...

- During **emergency conditions** the City deploys **temporary pumps** and **personnel with vacuum trucks** to mitigate flooding



Indian Creek and 34th Street



West Ave and 8th Street



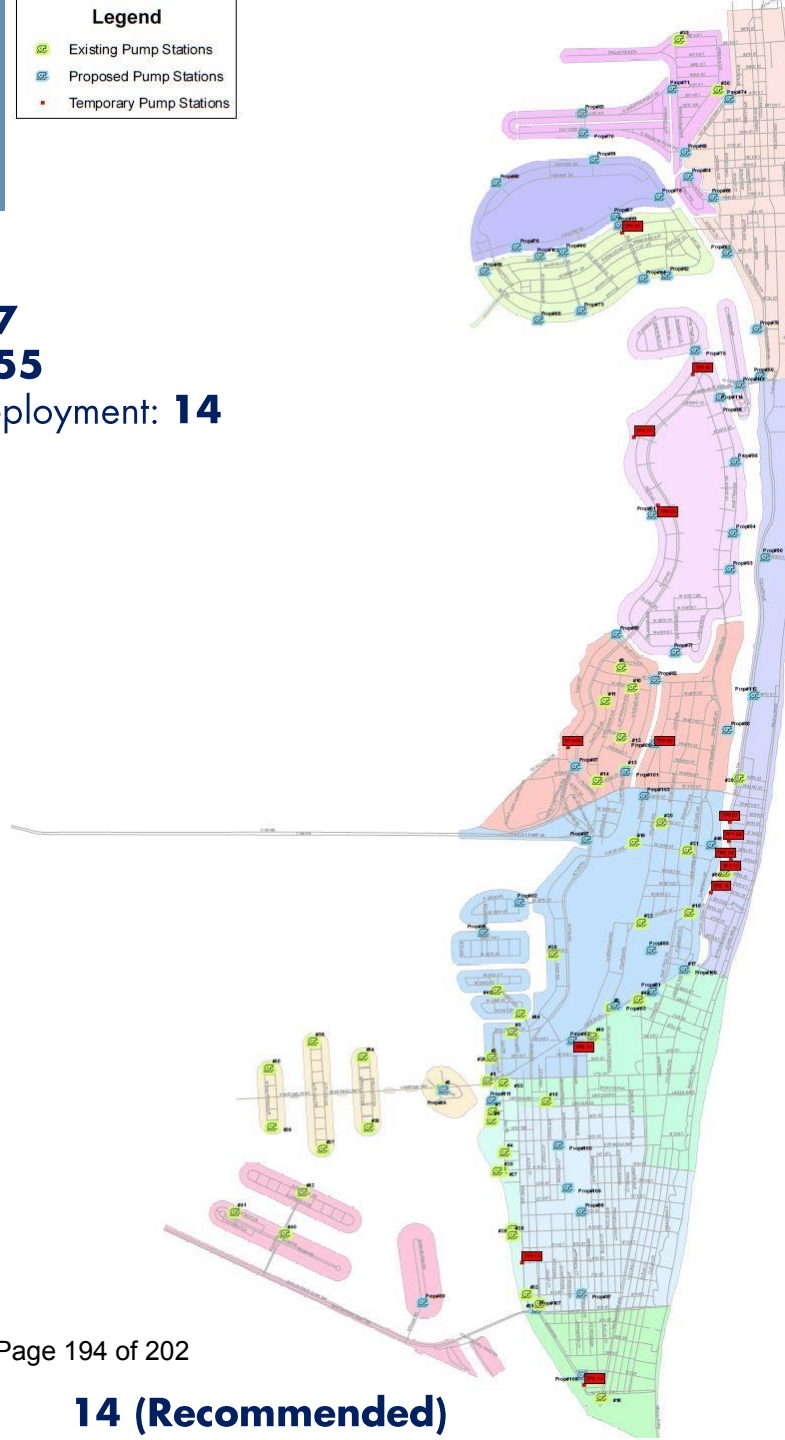
This effort needs to continue...

Existing Permanent Active Pump Stations: **47**
Proposed Future Permanent Pump Stations: **55**
Proposed locations for temporary pumps deployment: **14**
Recommended/ 28 Possible

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RISING
ABOVE

Page 194 of 202

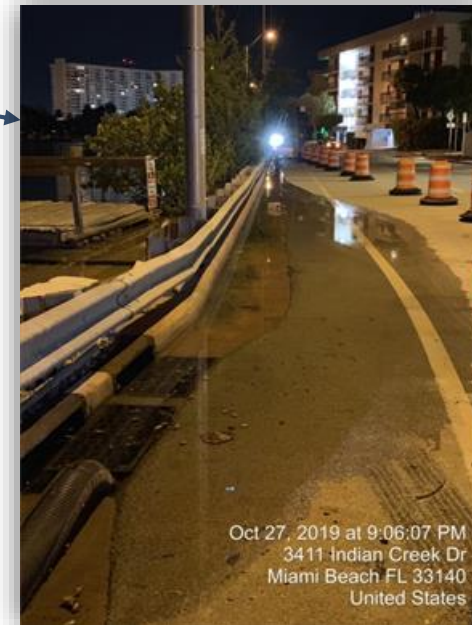
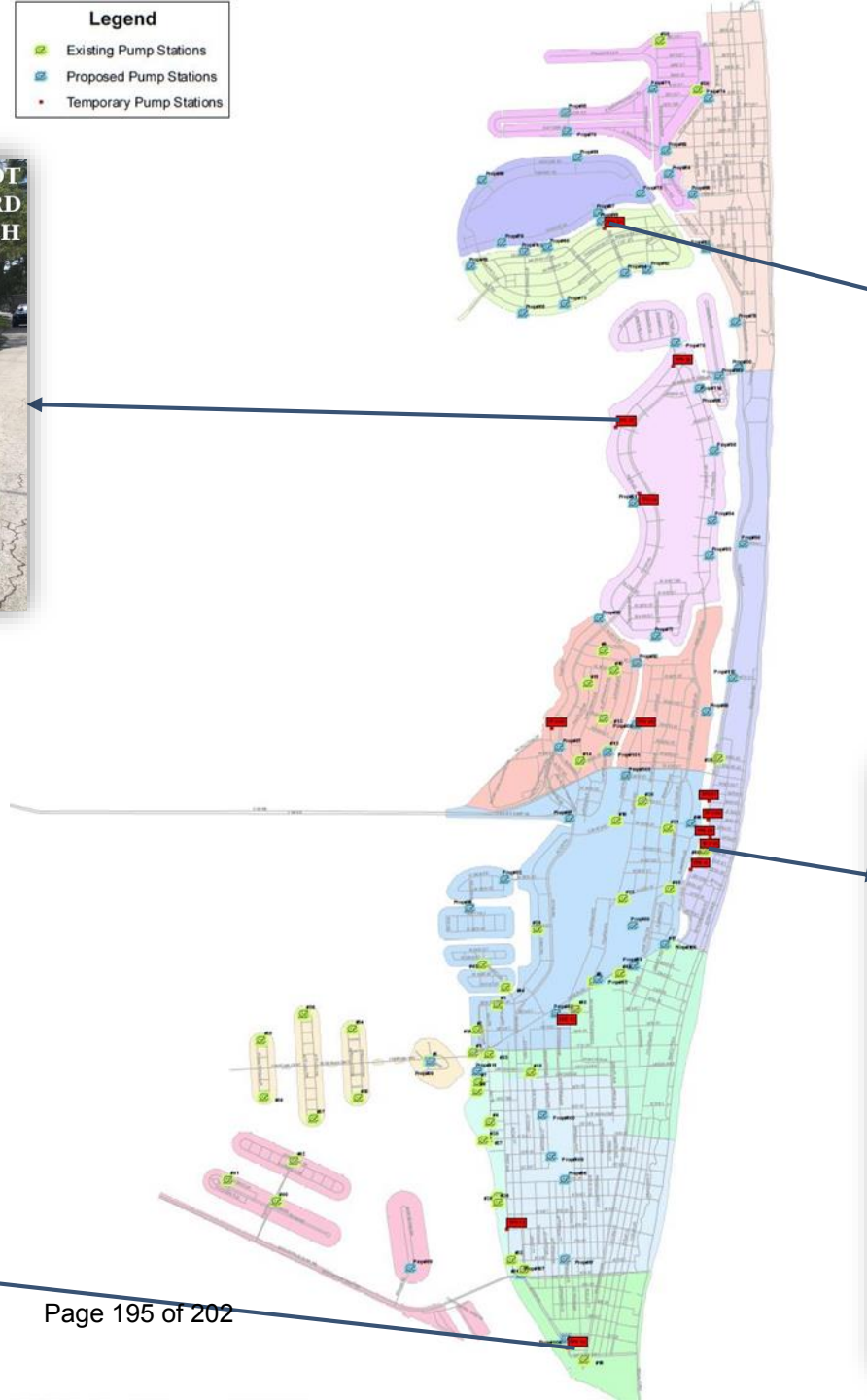
14 (Recommended)



28 (Possible)

Legend

- Existing Pump Stations
- Proposed Pump Stations
- Temporary Pump Stations



MIAMI BEACH
RISING
ABOVE

Temporary Pumps Deployment - 2020

Cost of Temporary Deployment 2017-2020

	Duration	No. of Pumps	Equipment	Fuel	Personnel	Total
FY 16/17	5-months	13 to 28	\$ 152,742.38	\$ 139,574.40	\$ 100,800.00	\$ 393,116.78
FY 17/18	11-months	27	\$ 325,410.73	\$ 307,063.68	\$ 221,760.00	\$ 854,234.41
FY 18/19	4-months	10 to 14	\$ 65,026.57	\$ 51,842.96	\$ 53,760.00	\$ 170,629.53
FY 19/20	3-months	14	\$ 147,701.10	\$ 38,882.22	\$ 40,320.00	\$ 226,903.32

Estimated Cost of 2020 Deployment:

14-Pump deployment for 6 months:

Deployment Duration: **6-months**

No. of Pumps: **14**

Equipment Cost: **\$295,420.20**

Fuel Cost: **\$77,764.44**

Personnel: **\$80,640.00**

Total estimated cost for 6 months: **\$453,824.64**

28-Pump deployment for 6 months:

Deployment Duration: **6-months**

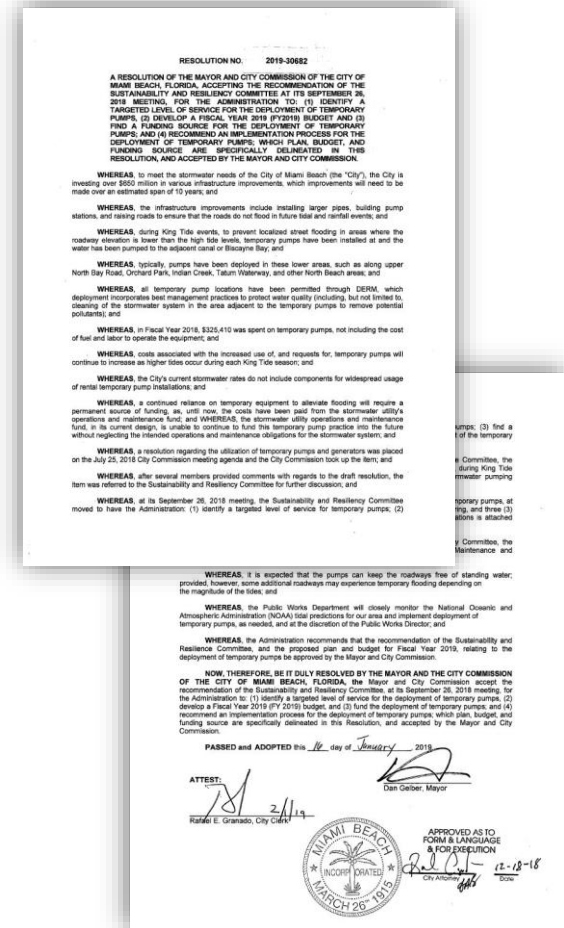
No. of Pumps: **28**

Equipment Cost: **\$601,670.40**

Fuel Cost: **\$167,486.28**

Personnel: **\$120,960.00**

Total estimated cost for 6 months: **\$890,119.68**



Resolution No. 2019-30682

An aerial photograph of a road construction site. A blue car is driving on a two-lane road. Three orange traffic cones are placed along the road. In the background, several cars are parked on the side of the road. The road is bordered by a concrete wall on the left and a grassy area on the right. The water is visible at the bottom of the frame.

Q and A

MIAMI BEACH
RISING
ABOVE



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

Item 15.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: DISCUSS PILOTING THE CLOSURE OF 9 STREET BETWEEN OCEAN DRIVE AND COLLINS AVENUE

HISTORY:

The entertainment district serves many visitors and residents on a daily basis. Ocean Drive in particular serves as the focal point for many special events attracting millions of people every year.

The City Commission would like to improve safety and functionality of Ocean Drive through the use of activations, placemaking, and tactical urbanism.

The National Association of City Transportation Officials (NACTO) defines tactical urbanism as a methodology which allows cities to experiment, expedite project implementation, and gather immediate results for mobility and safety by using mostly temporary materials and tactical interventions that are low-risk and temporary.

The City has implemented temporary and semi-permanent tactical urbanism projects in previous years, including the closure of Rue Vendome between 71 Street and Normandy Drive (Attachment) which allowed for programming and place-making. A tactical urbanism event that was successful on a temporary basis in the City was Ciclovía along Washington Avenue from 5th Street to Lincoln Road which closed the street to vehicles and allowed bicycles and other non-motorized modes as well as event programming and family-friendly activations.

At the January 15, 2020 City Commission meeting, a discussion item regarding piloting the closure of 9 Street between Ocean Drive and Collins Avenue was sponsored by Commissioner Ricky Arriola and referred to the Land Use and Sustainability Committee.

ANALYSIS:

9th Street between Ocean Drive and Collins Avenue is a City street; however, pursuant to Miami-Dade County home-rule charter, all traffic engineering functions including traffic control, traffic signalization, and street closures are under the County's purview and jurisdiction. In advance of this item, Transportation and Mobility Department staff communicated with County staff to discuss the process for a pilot. The County advised that if the street is closed for a special activation during a weekend or short-term special event, the City would only need to obtain a maintenance-of-traffic permit from the County, such as the case for the temporary one-way traffic flow modification implemented by Police during special events.

However, given that the County does not have a formal process for the approval of pilot projects consisting of street closures, the County advised that the City is required to follow the Miami-Dade

County Traffic Flow Modification Procedure for County approval. As per the County's procedure, the City is required to perform a traffic study to determine the impact of the closure on the adjacent streets. The traffic study must be reviewed and approved by the County prior to the closure taking place. In addition, any closure of or modification to the intersection of 9 Street and Collins Avenue requires review and approval from the Florida Department of Transportation (FDOT) given that Collins Avenue is a state road under FDOT's jurisdiction.

Based on prior studies of similar scope, the Administration believes that this study would cost approximately \$35,000 and take approximately 90 days to complete.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

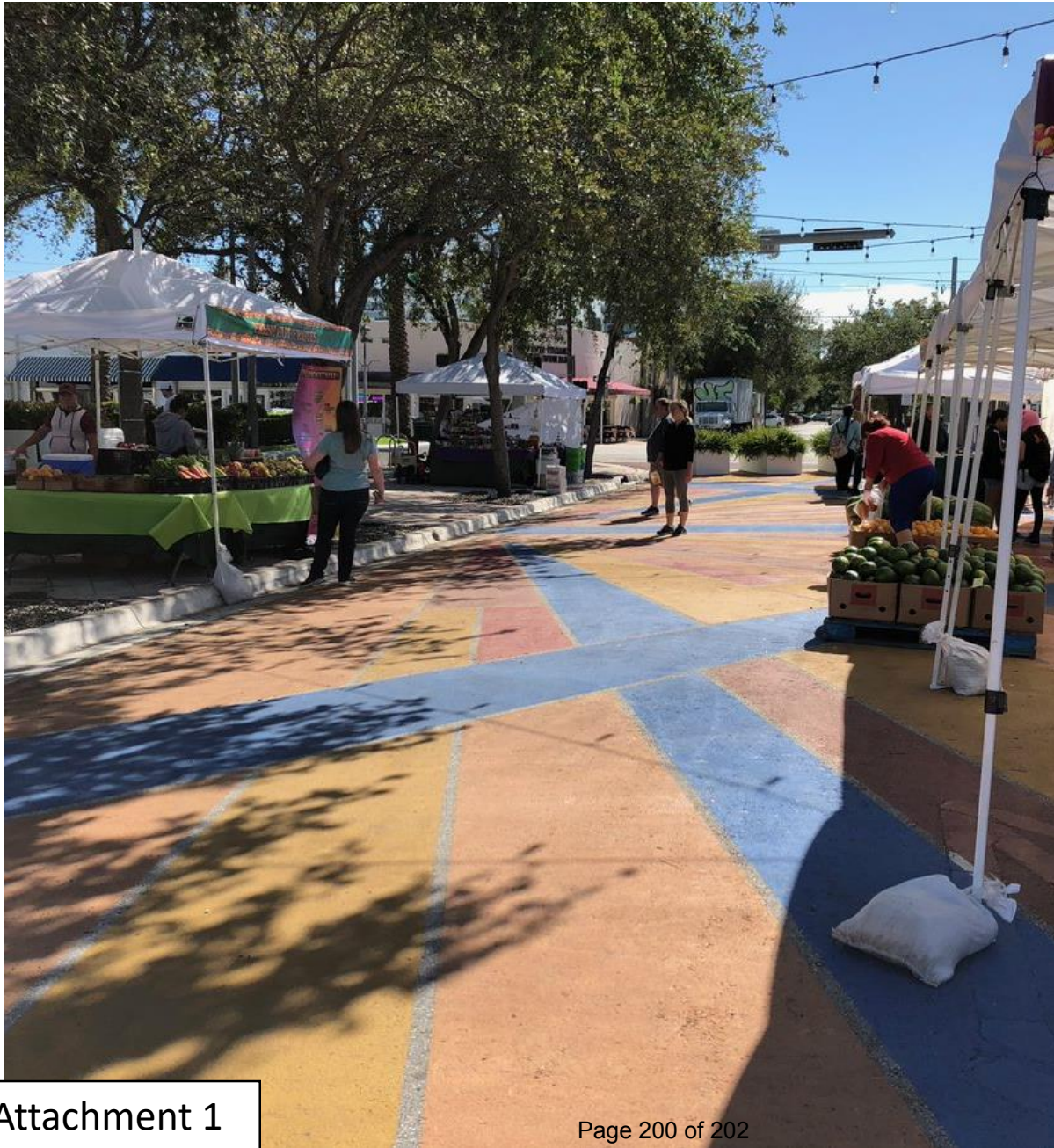
Transportation & Mobility

Strategic Connection

Mobility - Improve the walking and biking experience.

ATTACHMENTS:

Description	Type
📎 ATTACHMENT 1	Memo



Attachment 1



MIAMI BEACH

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

Item 16. COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 31, 2020

TITLE: **Discuss Designating Ocean Drive As A Valet Only Street.**

Applicable Area

South Beach

Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?

Yes

Does this item utilize G.O.
Bond Funds?

No

Departments

Parking

ATTACHMENTS:

Description

□ C4 Q

Type

Memo

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: January 15, 2020

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO
DISCUSS DESIGNATING OCEAN DRIVE AS A VALET ONLY STREET.

ANALYSIS

The Miami Beach Police Department has had issues with vehicles parked on Ocean Drive that serve as de facto open bars and hang outs that blast music. I propose for the City to pilot designating Ocean Drive as a valet only street to curb this loitering,

Applicable Area

South Beach

Is this a Resident Right to Know item?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Ricky Arriola