

**PLANNING BOARD AGENDA**  
**1700 CONVENTION CENTER DRIVE 3RD FL.**

Tuesday, May 19, 2020, 9:00 AM | <https://us02web.zoom.us/j/87290663965>, Call in US: 929-205-6099, 87290663965# or 888-475-4499 (Toll Free) Webinar ID: 872 9066 3965 Items are not time certain. Times stated below are for the coordination of the virtual meeting

- I. ATTENDANCE
- II. APPROVAL OF MINUTES
- III. CITY ATTORNEY UPDATES
- IV. SWEARING IN OF PUBLIC
- V. REQUESTS FOR CONTINUANCES/WITHDRAWALS
- VI. REQUESTS FOR EXTENSIONS OF TIME
- VII. DISCUSSION ITEMS
- VIII. PROGRESS REPORT
- IX. MODIFICATION OF PREVIOUSLY APPROVED BOARD ORDER
- X. CONTINUED ITEMS
- XI. OPEN AND CONTINUED ITEMS
- XII. NEW APPLICATIONS
- XIII. AMENDMENTS TO: COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS
- XIV. APPEALS (BOA ONLY)
- XV. OTHER BUSINESS
- XVI. ADJOURNMENT

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ATTENDANCE

APPROVAL OF MINUTES

- 1. After Action Report - February 25, 2020

REQUEST FOR CONTINUANCES/WITHDRAWALS

- 2. PB 20-0342. SUNSET HARBOUR/NEIGHBORHOOD IDENTITY COMPREHENSIVE PLAN AMENDMENT.
- 3. PB 19-0336. Sunset Harbour mixed-use neighborhood overlay district.

NEW APPLICATIONS

- 4. PB 20-0348. DEVELOPMENT REGULATIONS FOR BALLROOM AND MEETING ROOM STRUCTURES LOCATED IN THE RM-2 DISTRICT. (9:10AM)

5. PB 20-0349. TC-C DISTRICT CO-LIVING UNITS - LAND DEVELOPMENT REGULATIONS. (9:55 AM)
6. PB 20-0350. Non-conforming pharmacy.(10:30AM)
7. PB20-0353. Washington Avenue Overlay Clarifications. (11:10 AM)
8. PB20-0354. North Beach Private and Public School District Overlay. (11:45 AM)
9. PB20-0355. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - Comprehensive Plan Amendment. (12:30 PM)
10. PB20-0356. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - LDR amendments. (12:30 PM)

## ADJOURNMENT

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Applications listed herein have been filed with the Planning Department for review by the Planning Board, pursuant Section 118-51 of the City's Land Development Regulations. All persons are invited to attend this meeting or be represented by an agent, or to express their views in writing addressed to the Planning Board c/o the Planning Department, 1700 Convention Center Drive, 2nd Floor, Miami Beach, Florida 33139. Applications for items listed herein are available for public inspection at the following link: or during normal business hours at the Planning Department, 1700 Convention Center Drive, 2nd Floor, Miami Beach, Florida 33139. Inquiries may be directed to the Department at (305) 673-7550.

Any items listed in this agenda may be continued. Under such circumstances, additional legal notice would not be provided. Please contact the Planning Department at (305) 673-7550 for information on the status of continued items.

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

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

# MIAMI BEACH

## LAND USE BOARDS

**FILE NO.**

**APPLICANT:**

**MEETING DATE:**

**PRIOR ORDER NUMBER:**

**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

### **ATTACHMENTS:**

**Description**

☐ Minutes

**Type**

Memo

**PLANNING BOARD MINUTES**  
**1700 CONVENTION CENTER DRIVE 3RD FL.**  
Tuesday, February 25, 2020, 1:00 PM | City Commission Chambers

- I. ATTENDANCE
  - II. APPROVAL OF MINUTES
  - III. CITY ATTORNEY UPDATES
  - IV. SWEARING IN OF PUBLIC
  - V. REQUESTS FOR CONTINUANCES/WITHDRAWALS
  - VI. REQUESTS FOR EXTENSIONS OF TIME
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  - XIV. APPEALS (BOA ONLY)
  - XV. OTHER BUSINESS
  - XVI. ADJOURNMENT
- 

ATTENDANCE

APPROVAL OF MINUTES

VIDEO 1. After Action Report – January 28, 2020

**Motion**

**Motion to Approve**

**Moved By: Mark Meland**

**Supported By: Michael Barrineau**

**Ayes: Barrineau, Brantley, DiPietro, Meland, Veitia, Wieder**

**Absent: Gelpi**

**MOTION Passed**

REQUEST FOR CONTINUANCES/WITHDRAWALS

CONTINUED ITEMS



VIDEO 2. PB 19-0325. 1234, 1260 Washington Avenue

**Motion**

**Motion to Approve**

**Moved By: Michael Barrineau**

**Supported By: Mark Meland**

**Ayes: Barrineau, Brantley, DiPietro, Meland, Wieder**

**Nays: Veitia**

**Absent: Gelpi**

**MOTION Passed**

**NEW APPLICATIONS**

VIDEO 3. PB 19-0333. 5840 & 5848 North Bay Road - Single Family Home Lot Split/Subdivision of Land

**Motion**

**Motion to Approve**

**Moved By: Mark Meland**

**Supported By: Michael Barrineau**

**Ayes: Barrineau, Brantley, DiPietro, Meland, Veitia, Wieder**

**Absent: Gelpi**

**MOTION Passed**

VIDEO 4. PB 19-0303. 6948-6988 Abbott Avenue & 6957-6965 Byron Avenue – Target

**Motion**

**Motion to Approve**

**Moved By: Michael Barrineau**

**Supported By: Daniel Veitia**

**Ayes: Barrineau, Brantley, DiPietro, Meland, Veitia**

**Absent: Gelpi, Wieder**

**MOTION Passed**

**ADJOURNMENT**

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# MIAMI BEACH

## LAND USE BOARDS

### **PROPERTY:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING** THE 2040 COMPREHENSIVE PLAN, BY AMENDING THE "RESILIENT LAND USE AND DEVELOPMENT ELEMENT," GOAL RLU 1, ENTITLED "LAND USE," TO ESTABLISH OBJECTIVE RLU 1.5, TO BE ENTITLED "NEIGHBORHOOD IDENTITY," TO PROVIDE POLICIES THAT FOSTER CONTINUED DEVELOPMENT AND PRESERVATION OF UNIQUE NEIGHBORHOODS, PROVIDE FOR THE INCLUSION OF POLICIES THAT PROVIDE VISION AND GUIDANCE POLICIES FOR SPECIFIC NEIGHBORHOODS INTO THE COMPREHENSIVE PLAN, AND ESTABLISH A POLICY SPECIFIC TO THE SUNSET HARBOUR NEIGHBORHOOD WHICH FOSTER ITS UNIQUE LOCAL, SMALL TOWN, NEIGHBORHOOD SERVING, MIXED-USE CHARACTER; AND BY AMENDING THE 2040 COMPREHENSIVE PLAN MAP SERIES TO ESTABLISH A "NEIGHBORHOODS MAP;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

1. [Note: This item will not be discussed. It will be re-advertised for a future meeting.]

### **FILE NO.**

### **APPLICANT:**

### **MEETING DATE:**

5/18/2020

### **PRIOR ORDER NUMBER:**

**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

### **ATTACHMENTS:**

**Description**

**Type**

No Attachments Available

# MIAMI BEACH

## LAND USE BOARDS

### **PROPERTY:**

**AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "SUNSET HARBOUR MIXED-USE NEIGHBORHOOD OVERLAY DISTRICT," TO PROVIDE REGULATIONS FOR FORMULA RESTAURANT AND FORMULA COMMERCIAL ESTABLISHMENTS, INCLUDING DISTANCE SEPARATION REQUIREMENTS, LIMITATIONS ON NUMBER OF ESTABLISHMENTS, AND PROHIBITIONS UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

1. [Note: This item will not be discussed. It will be re-advertised for a future meeting.]

-

### **FILE NO.**

### **APPLICANT:**

### **MEETING DATE:**

5/19/2020

### **PRIOR ORDER NUMBER:**

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Yes

**Does this item utilize G.O. Bond Funds?**

No

### **ATTACHMENTS:**

**Description**

**Type**

No Attachments Available

# MIAMI BEACH

## LAND USE BOARDS

**PROPERTY:**

**AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR BALLROOMS AND MEETING ROOMS FOR BUILDINGS ASSOCIATED WITH HOTELS; AMENDING CHAPTER 142 ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS" BY AMENDING BY AMENDING THE ALLOWABLE CONDITIONAL USES IN THE RM-2 ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

**FILE NO.**

PB 20-0348.

**APPLICANT:**

**MEETING DATE:**

5/19/2020

**PRIOR ORDER NUMBER:**

**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

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Memo
<input type="checkbox"/>	Presentation	Memo

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 20-0348. Development Regulations for Ballroom and Meeting Room Structures Located in the RM-2 District.**

**PB 20-0348. DEVELOPMENT REGULATIONS FOR BALLROOM AND MEETING ROOM STRUCTURES LOCATED IN THE RM-2 DISTRICT.** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR BALLROOMS AND MEETING ROOMS FOR BUILDINGS ASSOCIATED WITH HOTELS; AND AMENDING CHAPTER 142 ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, "CONDITIONAL USES," TO AMEND THE ALLOWABLE CONDITIONAL USES IN THE RM-2 ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On December 11, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Development Committee and the Planning Board (Item C4M). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC), and deferred to the February 18, 2020 meeting. On February 18, 2020, the LUSC recommended that the City Commission approve the ordinance.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the**

**comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance should not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to ensure that there is continued economic development in the City makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as the additional uses proposed require conditional use approval.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not excessively increase traffic congestion from what is currently permitted, as the use must be tied to a hotel.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

Attached is an ordinance proposed by the Fontainebleau Hotel, which would allow for ballrooms and meeting space as a conditional use in the RM-2 district. Additionally, modifications to the minimum required parking for such uses are proposed. This proposal is concurrent with a separate item that will be considered by the City Commission pertaining to a bridge structure that would connect the new ballroom building to the main hotel campus.

The following are the specific text amendments proposed in the attached draft ordinance;



**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

*(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60 square feet of floor area available for seats. For ballrooms and meeting rooms in buildings associated with a hotel located in the RM-3 district (subject to the requirement that such hotel property be located within 100 feet of the ballroom and meeting room property), one space per every eight seats or one space per every 120 square feet of floor area available for seats.*

\*

\*

\*

**Section 142-213. Conditional Uses.**

*(a) The conditional uses in the RM2 residential multifamily, medium intensity district are as follows: (1) Day care facility; (2) Stand-alone religious institutions; (3) Private and public institutions; (4) Schools; (5) Commercial or noncommercial parking lots and garages; (6) Stand-alone ballrooms and meeting rooms when associated with a hotel located in the RM-3 district (subject to the requirement that such hotel property be located within 100 feet of the ballroom and meeting room property); and (7) accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.*

Because the proposed ordinance requires conditional use approval from Planning Board for the ballrooms and meeting rooms, any potential impacts from such a development can be minimized or mitigated as part of the conditional use process. Staff is supportive of the proposed text amendments. In this regard, the allowance of non-residential uses in the RM-2 district would be limited to locations such as the site on the southeast corner of 44<sup>th</sup> Street and Indian Creek Drive, which is buffered by a standalone parking structure.

Additionally, the proposed reduction in the minimum parking requirements for ballroom and meeting space, as proposed, would be limited to sites such as the above example, which have full access to a larger parking structure on an adjacent RM-3 site. It is also expected that most patrons accessing any meeting and ballroom spaces will be guests of the nearby hotel, further minimizing the need for additional parking.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**DEVELOPMENT REGULATIONS FOR BALLROOM AND MEETING  
ROOM STRUCTURES LOCATED IN THE RM-2 DISTRICT**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR BALLROOMS AND MEETING ROOMS FOR BUILDINGS ASSOCIATED WITH HOTELS; AND AMENDING CHAPTER 142 ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, "CONDITIONAL USES," TO AMEND THE ALLOWABLE CONDITIONAL USES IN THE RM-2 ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's land development regulations permit hotels in the RM-3 zoning district to have common accessory uses such as ballrooms and meeting rooms; and

**WHEREAS**, the land development regulations presently do not permit these uses to be located on an adjacent site that is under a different zoning designation; and

**WHEREAS**, these proposed changes are desirable to allow for responsible hotel redevelopment where certain accessory uses are necessary to allow for the continued growth of the hospitality industry and tourism in Miami Beach.

**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," is hereby amended as follows:

**CHAPTER 130  
OFF-STREET PARKING**

\* \* \*

**ARTICLE II. – DISTRICTS; REQUIREMENTS**

\* \* \*

**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60

square feet of floor area available for seats. For ballrooms and meeting rooms in buildings associated with a hotel located in the RM-3 district (subject to the requirement that such hotel property be located within 100 feet of the ballroom and meeting room property), one space per every eight seats or one space per every 120 square feet of floor area available for seats.

\* \* \*

**SECTION 2.** Chapter 142 of the City Code, entitled "Zoning districts and regulations," is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. – DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS**

\* \* \*

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

\* \* \*

**Section 142-213. Conditional Uses.**

(a) The conditional uses in the RM2 residential multifamily, medium intensity district are as follows:

- (1) Day care facility;
- (2) Stand-alone religious institutions;
- (3) Private and public institutions;
- (4) Schools;
- (5) Commercial or noncommercial parking lots and garages;
- (6) Stand-alone ballrooms and meeting rooms when associated with a hotel located in the RM-3 district (subject to the requirement that such hotel property be located within 100 feet of the ballroom and meeting room property); and
- (7) Accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

\* \* \*

**SECTION 3. Repealer.**

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

**SECTION 4. Codification.**

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

renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. 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 6. 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

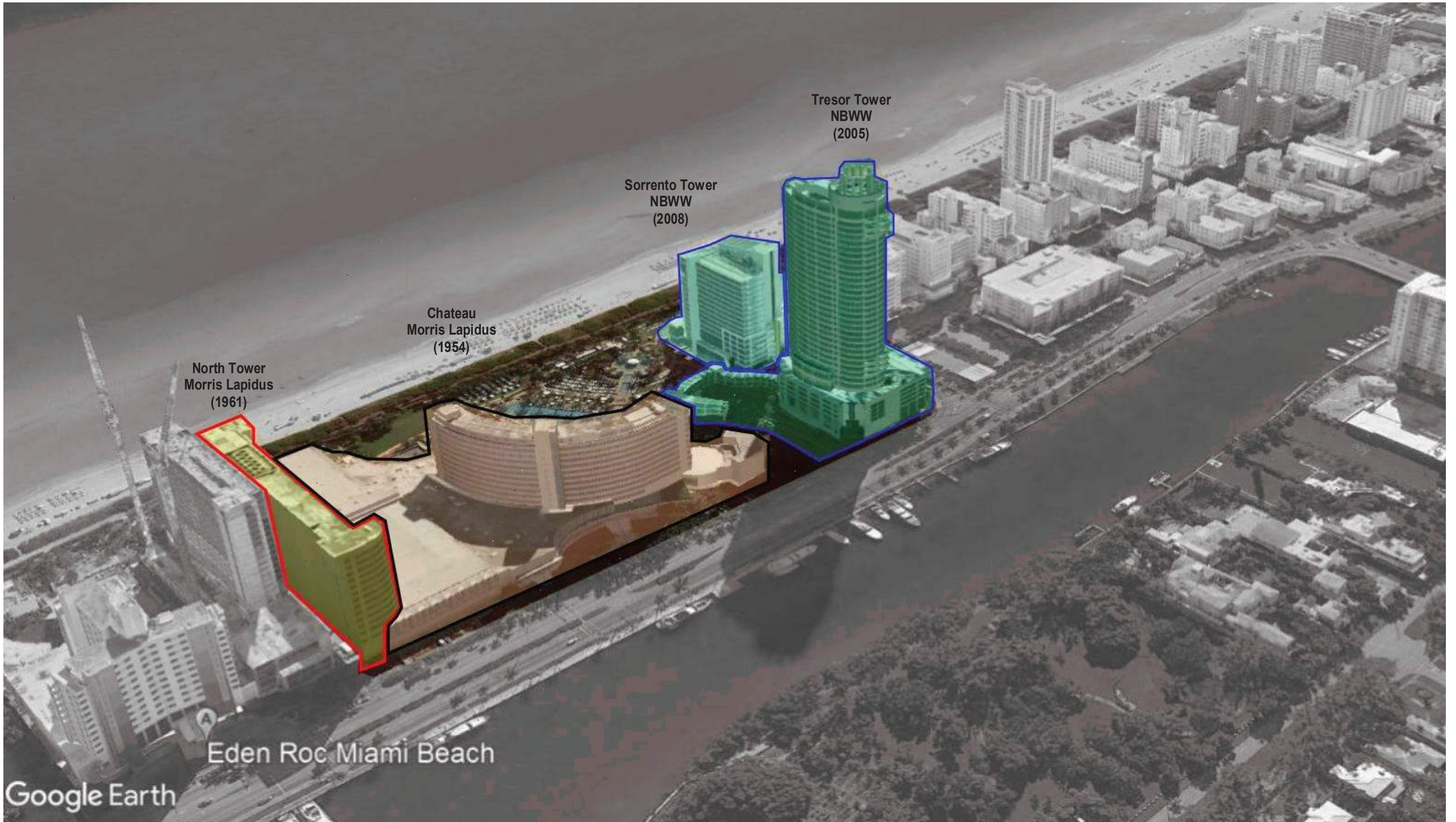
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

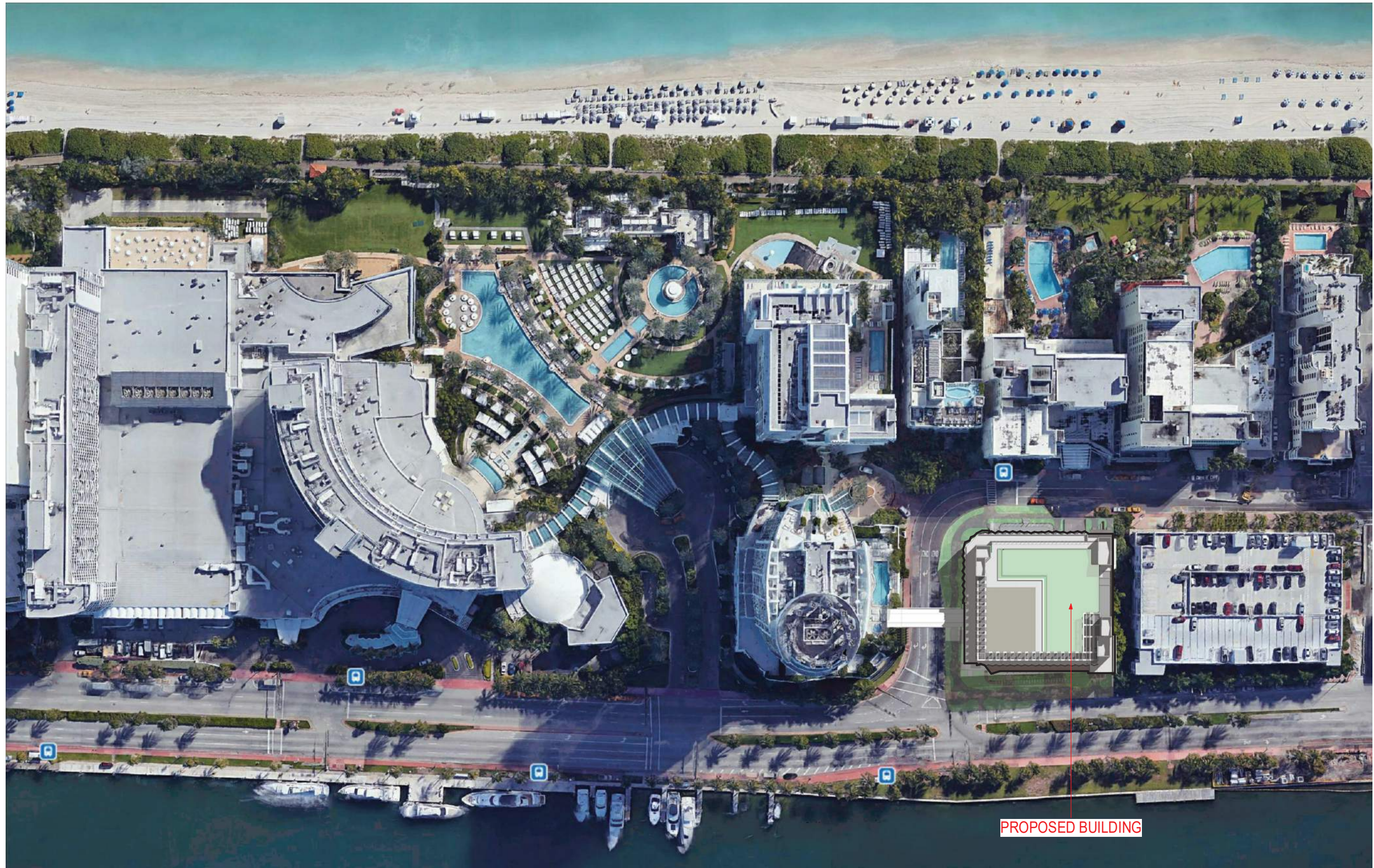
First Reading:  
Second Reading:

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

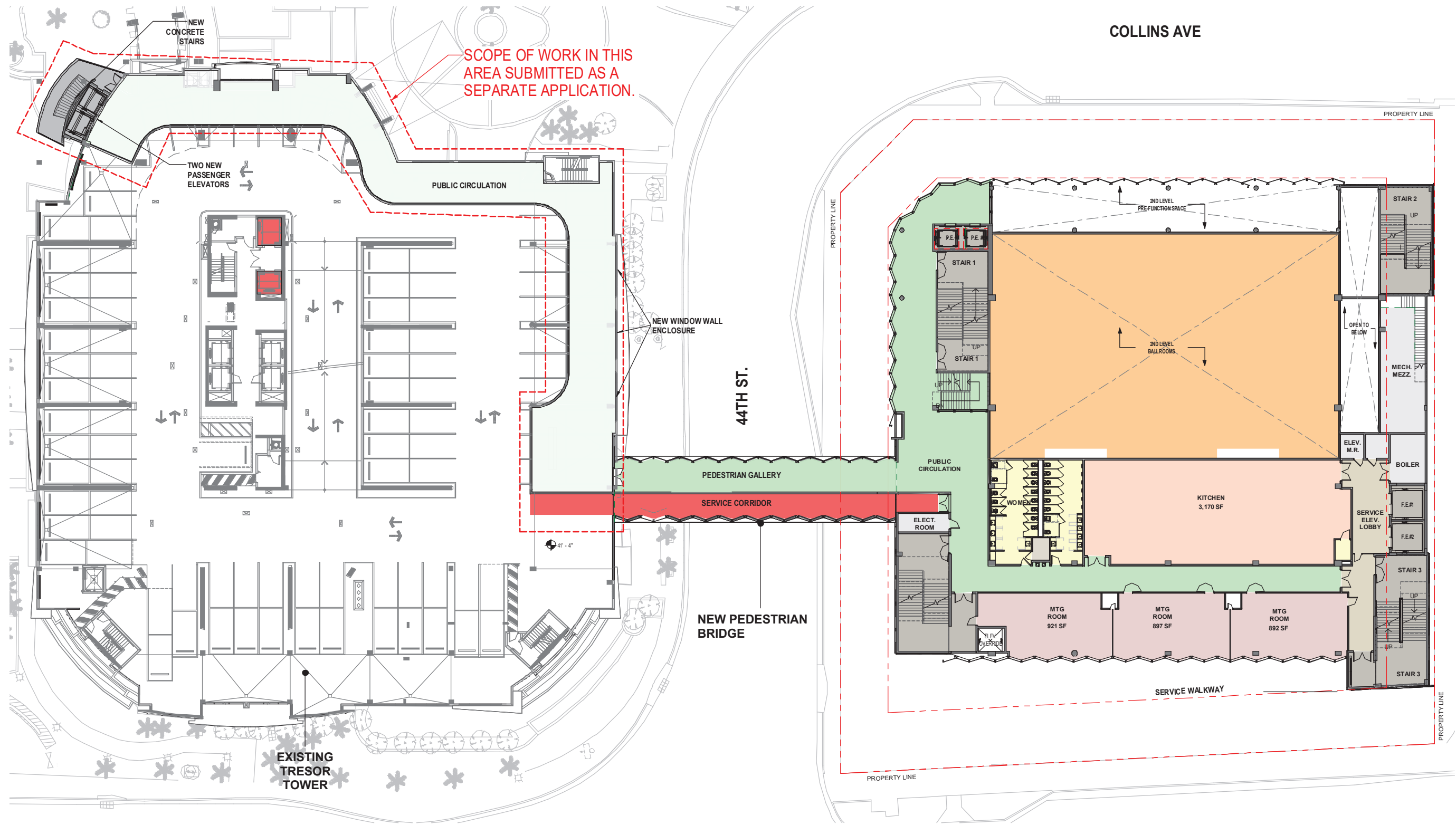




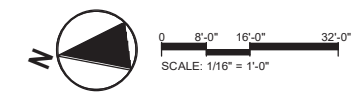


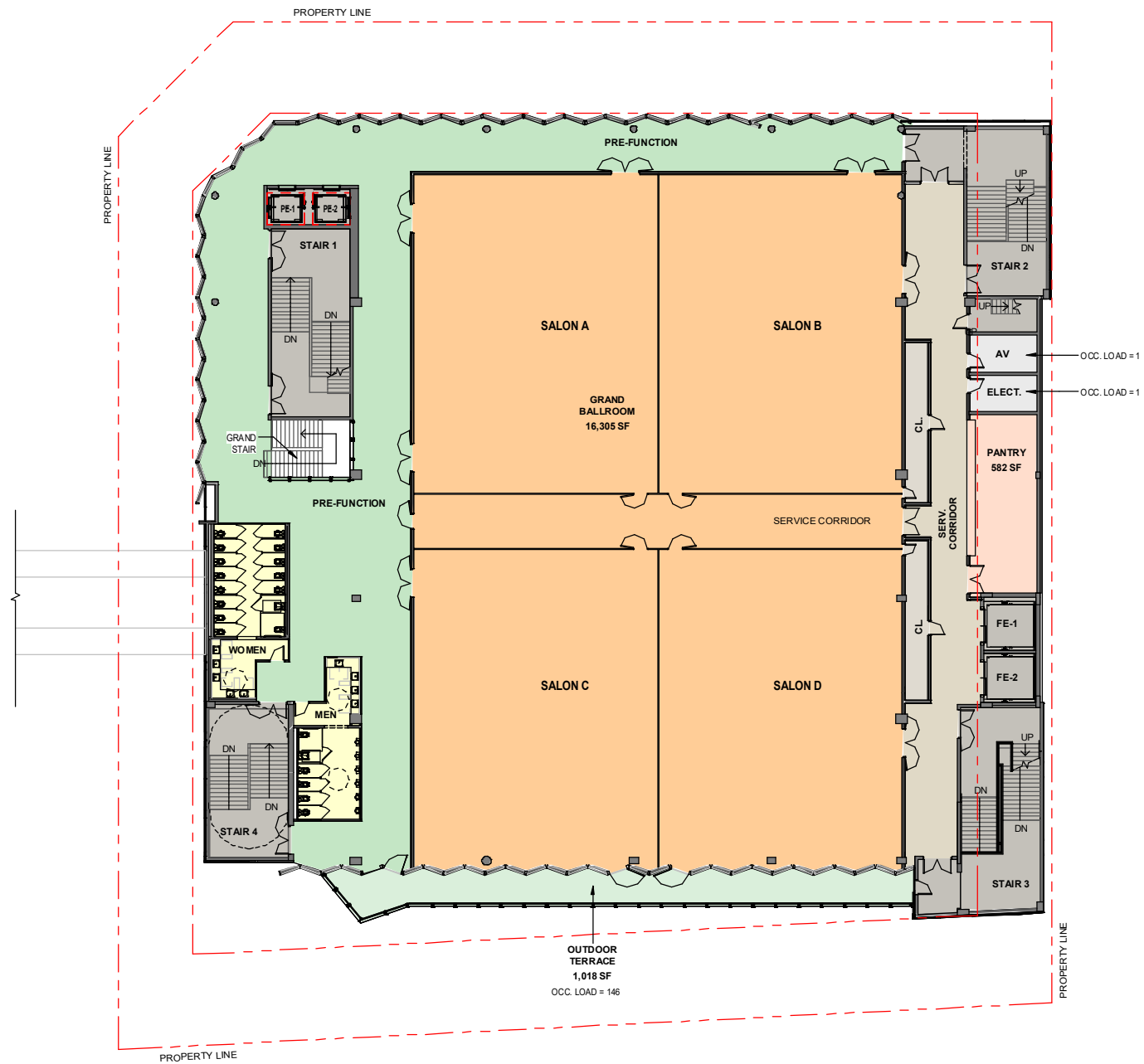




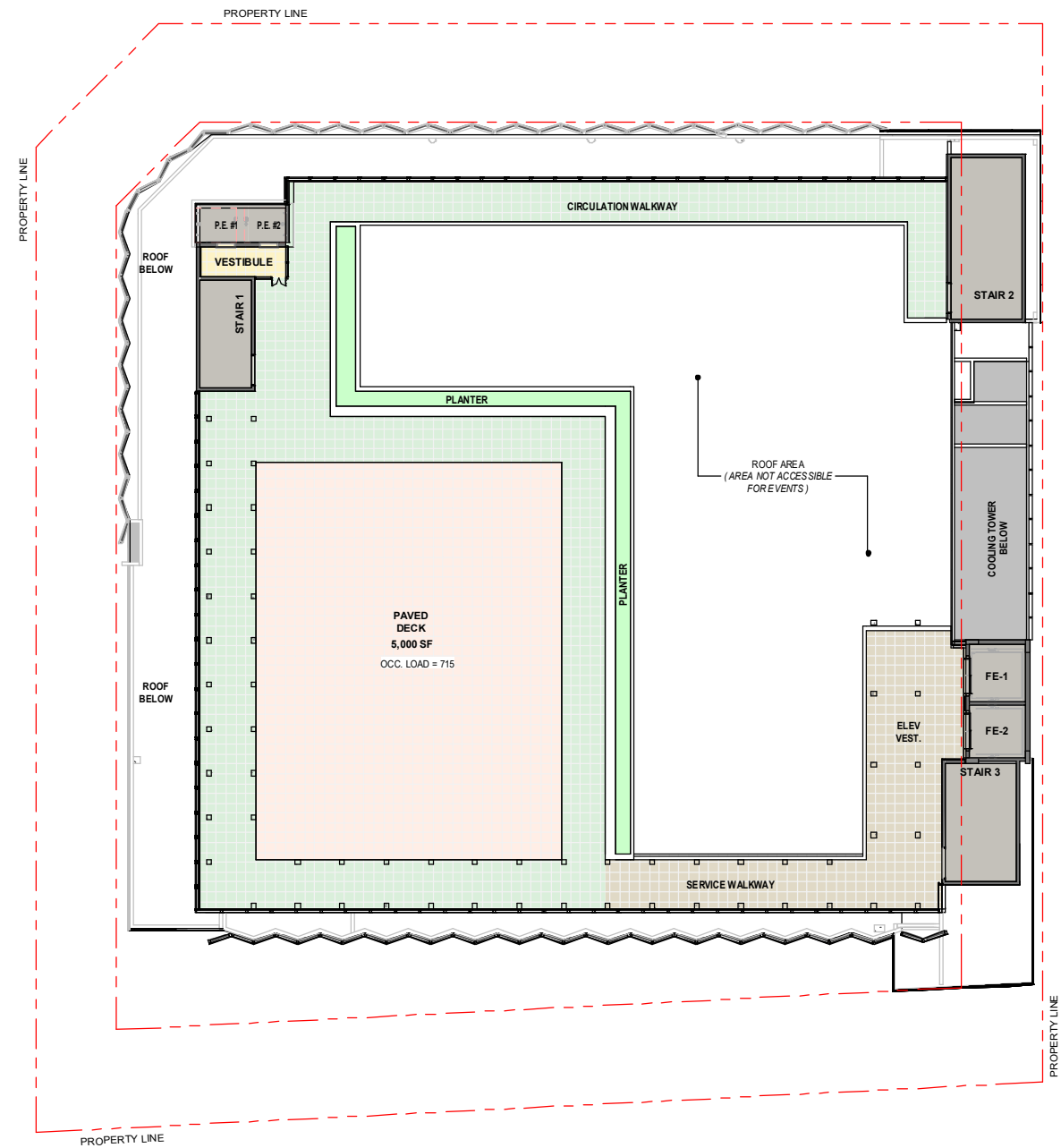


1 3RD LEVEL- OVERALL - FLOOR PLAN  
A1.03 1/16" = 1'-0"

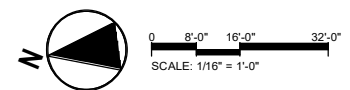




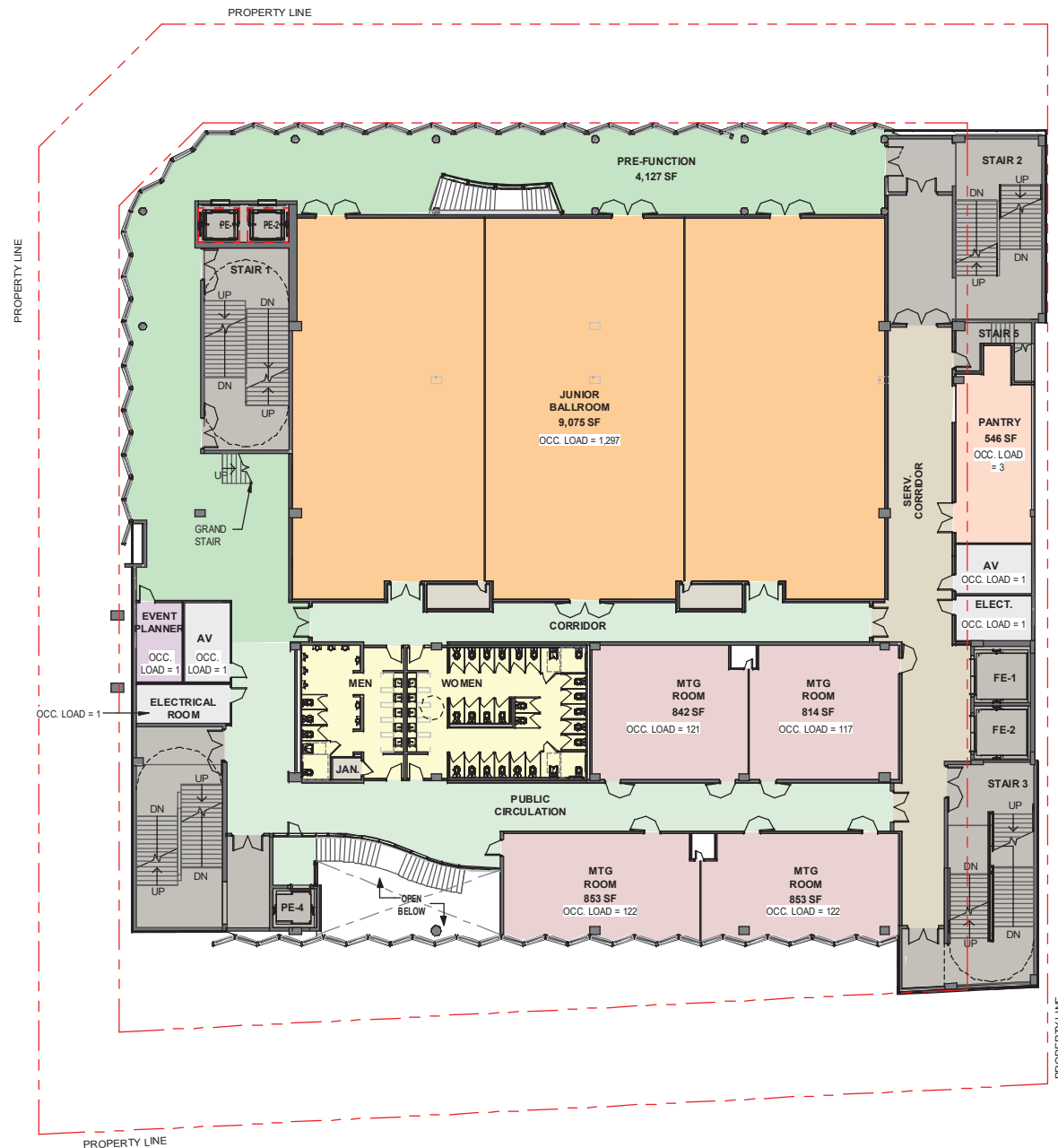
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A1.04 4TH LEVEL - FLOOR PLAN  
1/16" = 1'-0"



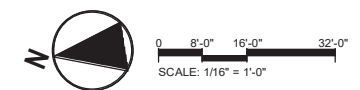
2  
A1.04 ROOF TOP DECK - FLOOR PLAN  
1/16" = 1'-0"

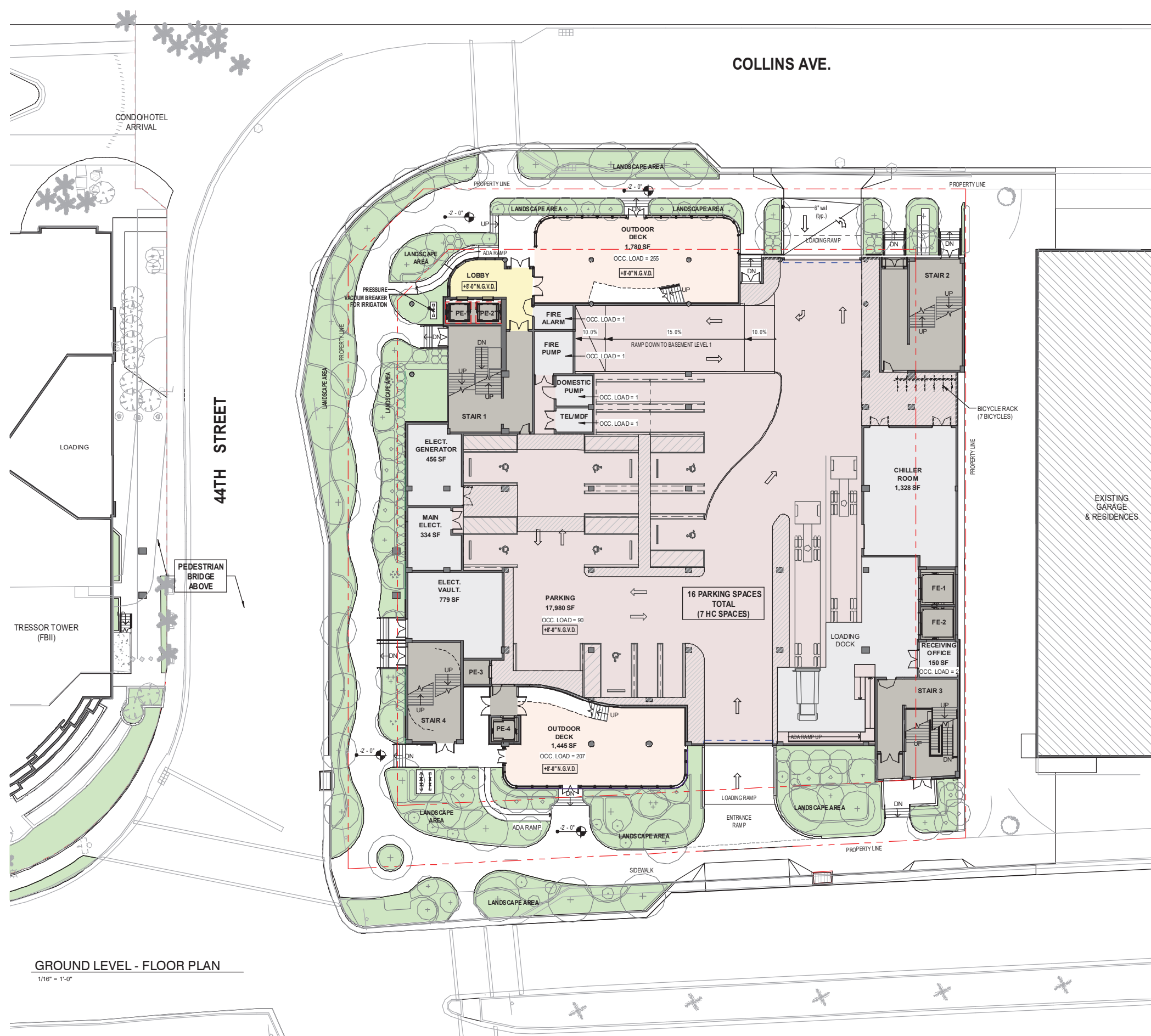






1  
A1.02 2ND LEVEL - FLOOR PLAN  
1/16" = 1'-0"





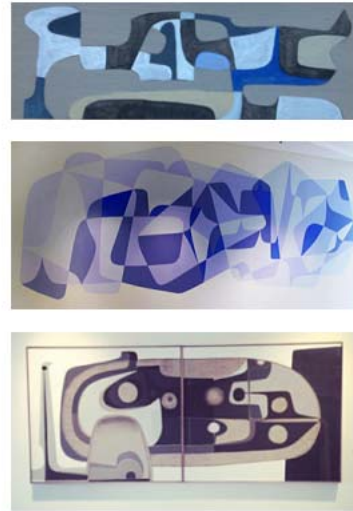




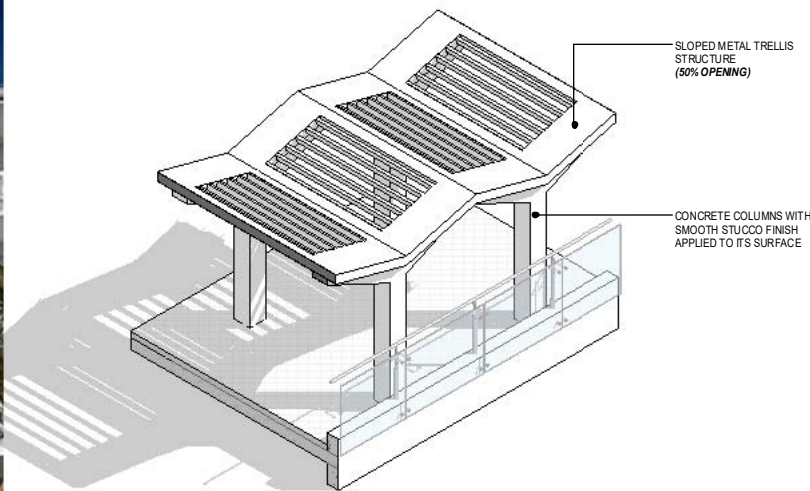
∴ Bacardi Building Artistic Murals  
( Enrique Gutierrez. 1963)



2  
A4.01. N.T.S. **GROUND LEVEL ART LOCATION**



∴ Morris Lapidus signature BowTie reflected on the wall cladding pattern.



1  
A4.01. **ENLARGED TRELLIS ROOF DETAIL**











# MIAMI BEACH

## LAND USE BOARDS

**PROPERTY:**

**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 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," TO MODIFY THE MAXIMUM NUMBER OF CO-LIVING UNITS, AND TO MODIFY PROVISIONS RELATING TO THE RESERVATION OF CO-LIVING UNITS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**FILE NO.**

PB 20-0349

**APPLICANT:****MEETING DATE:**

5/19/2020

**PRIOR ORDER NUMBER:**

**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

**ATTACHMENTS:****Description**

☐ Staff Report

**Type**

Memo

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB 20-0349. TC-C District Co-Living Units - Land Development Regulations.**

**PB 20-0349. TC-C DISTRICT CO-LIVING UNITS - LAND DEVELOPMENT REGULATIONS. 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 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," SECTION 142-741, ENTITLED "MAIN PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, PROHIBITED USES, AND SUPPLEMENTAL USE REGULATIONS," TO MODIFY THE MAXIMUM NUMBER OF CO-LIVING UNITS, AND TO MODIFY PROVISIONS RELATING TO THE RESERVATION OF CO-LIVING UNITS, AND CLARIFY EXISTING PROVISIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION**

Staff recommends that the Planning Board take the following actions:

1. Provide a recommendation to the City Commission regarding a maximum number of co-living units to be permitted in the North Beach TC-C district;
2. Provide a recommendation to the City Commission on whether to permit co-living units in other areas of the City; and
3. Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On November 14, 2018, the City Commission adopted Ordinance No. 2018-4224, establishing the Town Center – Central Core (TC-C) zoning district. Pursuant to the recommendations of the North Beach Master Plan, the ordinance allowed for a housing type that is new to the City known as a co-living unit, which may also be known as a micro-unit. At the time of adoption, the ordinance established a cap of 312 co-living units within the TC-C district, which represents approximately ten percent (10%) of the total allowable units in the TC-C district.



Pursuant to the land development regulations (LDRs), a co-living unit is a residential unit that is between 375 SF and 550 SF in size. The LDRs require that buildings with co-living units have a minimum of 20 percent of the gross floor area for amenity space.

On July 31, 2019, the City Commission adopted Ordinance No. 2019-4287, which amended the manner in which density is calculated for co-living units in the TC-C district. The City Commission also required that a review and update on implementation of this ordinance be provided within 6 months of adoption.

Pursuant to Ordinance No. 2019-4287, one (1) co-living unit now counts as one-half (1/2) of a conventional unit for the purposes of calculating the maximum allowable density and population impact. Due to the lower population impact and lower floor area utilization rates associated with co-living units, the Administration also proposed, at First Reading, an increase to the maximum number of co-living units within the TC-C district, from the current limit of 312 units. The Commission did not increase the current cap of 312 co-living units.

On February 12, 2020, the 6-month review required by Ordinance No. 2019-4287 was presented to the City Commission, along with a draft ordinance to amend the maximum number of co-living units and reservation requirements (item R9 H). The City Commission referred to the proposed ordinance to the Planning Board, with an amendment that the increase in co-living units be limited to accommodate an additional 140 units. The referral also included a request for an advisory opinion from the Planning Board as to the maximum number of co-living units in the TC-C district, as well as other locations in the City where co-living units should be permitted.

The March 24, 2020 and April 21, 2020 Planning Board meetings were canceled, and the item was moved to the May 19, 2020 Planning Board agenda.

### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**



**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to ensure that there is continued economic development in the North Beach area and to encourage the development of housing that is attainable and desirable to the workforce makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as the additional uses proposed require conditional use approval.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not excessively increase traffic congestion from what is currently permitted, as the use must be tied to a hotel.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed**

**use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

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

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

The following development applications have been approved by the Design Review Board (DRB) or have submitted a building permit application with co-living units:

1. 7145 Carlyle Avenue: 121 co-living units.
2. 6970 Collins Avenue: 20 co-living units.

3. 7114 Collins Avenue: 168 co-living units.

**Total: 309 co-living units.**

When Ordinance 2019-4287 was presented to the City Commission in July of 2019, the developer of the parcel located at 7140 Abbott Avenue expressed an intent to submit a development application to the DRB, before the end of the year, for a project containing co-living units. The proposed configuration of this project was contingent upon the approval by the City Commission of a requested alley vacation. Although the developer began the formal DRB application process as quickly as possible, 309 of the co-living units available within the pool of 312 units (for the TC-C district) were unexpectedly reserved, prior to the developer meeting the technical requirement in City Code Section 142-741 to reserve the units (i.e. before the developer was determined to have filed a completed DRB application). The developer of 7140 Abbott Avenue is now proposing to construct 141 co-living units. If the cap were increased by 140 units to accommodate this proposal, the total number of proposed co-living units within the TC-C district would increase from 309 units to 450 units.

Considering the general interest in, and forward movement of, applications including co-living units within the area, the Administration has consistently recommended an increase in the overall cap of co-living units within the TC-C district. The modification of the density calculation in July of 2019 has increased the feasibility of co-living developments. However, without an additional increase to the maximum number of co-living units in the district, the number of projects that can develop these units is limited. Greater flexibility relating to the number of co-living units would improve the likelihood of bringing a co-living development to fruition. As the City Commission has expressed some concerns with the possible proliferation of co-living units, the proposed ordinance provides for a modest increase from 312 units to 453 units.

In addition to the proposed increase in the cap for co-living units, the method of reserving co-living units within the cap is proposed to be modified for purposes of clarity and equity. Currently, a reservation for these units can be made on a first-come, first serve basis, by either making an application for a (i) land use board approval, (ii) building permit, (iii) certificate of occupancy, or (iv) business tax receipt. Since the allocation of co-living units is administered pursuant to the LDRs (i.e. by the Planning Department), the Administration recommends that the land use board application process be the sole method of reservation for co-living units. These proposed revisions are contained within the attached draft ordinance.

The City Commission's referral also includes a request for an advisory opinion from the Planning Board as to the cap of co-living units in the TC-C district, and whether co-living units should be permitted in other areas of the City. For additional information regarding co-living and micro-units, a Letter to Commission, dated May 8, 2019, summarizing findings and providing links to co-living and micro-unit research is attached to this memorandum.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board take the following actions:

1. Provide a recommendation to the City Commission regarding a maximum number of co-living units to be permitted in the North Beach TC-C district;

2. Provide a recommendation to the City Commission on whether to permit co-living units in other areas of the City; and
3. Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

## TC-C DISTRICT CO-LIVING UNITS - LAND DEVELOPMENT REGULATIONS

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," SECTION 142-741, ENTITLED "MAIN PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, PROHIBITED USES, AND SUPPLEMENTAL USE REGULATIONS," TO MODIFY THE MAXIMUM NUMBER OF CO-LIVING UNITS, MODIFY PROVISIONS RELATING TO THE RESERVATION OF CO-LIVING UNITS, AND CLARIFY EXISTING PROVISIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, in September 2015, at the recommendation of the Mayor's Blue Ribbon Panel on North Beach, and pursuant to a Request for Qualifications, the City Commission entered into an agreement with Dover, Kohl and Partners, Inc. to prepare a master plan for the North Beach district of the City; and

**WHEREAS**, on October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan developed by Dover, Kohl and Partners Inc., following significant public input; and

**WHEREAS**, the North Beach Master Plan identifies the Town Center area as being in need of redevelopment and revitalization; and

**WHEREAS**, the North Beach Master Plan identifies Micro-Unit Housing as an option for encouraging attainable housing if regulated properly; and

**WHEREAS**, the North Beach Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (TC-1, TC-2, and TC-3) within the Town Center district areas; and

**WHEREAS**, on November 7, 2017, and pursuant to Resolution No. 2016-29608, the following ballot question was submitted to the City's voters:

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR –

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

**WHEREAS**, the ballot question was approved by 58.64 percent of the City's voters; and

**WHEREAS**, on May 16, 2018, the City Commission adopted Comprehensive Plan Amendment "Miami Beach 18-1ESR" as Ordinance no. 2018-4189, providing for an FAR of 3.5,

for properties with a PF, TC-1, TC-2, and TC-3 future land use designation that are located within the North Beach Town Center Revitalization Overlay; and

**WHEREAS**, on May 16, 2018, the City Commission adopted Ordinance No. 2018-4190 which amended the Land Development Regulations to provide for an FAR of 3.5 for properties with a TC-1, TC-2, and TC-3 zoning designation for the properties located within the area described in the FAR increase ballot question approved on November 7, 2017; and

**WHEREAS**, the City of Miami Beach seeks to adopt regulations to ensure that the FAR increase approved by the voters in 2017 results in redevelopment that encourages alternative modes of transportation to single occupancy vehicles; including, but not limited to walking, bicycling, and public transportation; and

**WHEREAS**, Objective HE 1.1 of the Housing Element of the Comprehensive Plan and subsequent policies encourage the creation and preservation of workforce and affordable housing throughout the City; and

**WHEREAS**, the City Commission hereby finds that appropriately developed co-living and micro units can provide additional flexibility and increase opportunities to provide housing that is rented at an attainable rate for the workforce; and

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

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

**SECTION 1.** Chapter 142, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Division 21, entitled "Town Center-Central Core (TC-C) District," is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. – DISTRICT REGULATIONS**

\* \* \*

**DIVISION 21. - TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT**

\* \* \*

**Sec. 142-741. - Main permitted uses, accessory uses, ~~exception uses, special exception uses,~~ conditional uses, and prohibited uses, and supplemental use regulations.**

Land uses in the TC-C district shall be regulated as follows:

\* \* \*

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

(1) There shall be no variances regarding the regulations for permitted, prohibited, accessory, ~~exception, special exception,~~ and conditional uses in subsection 147-741(a); and the supplemental regulations of such uses in and subsection 147-741(b).

(2) Use limitations.

a. The following limits shall apply for residential and hotel uses:

- i. *Hotel rooms.* There shall be a limit of 2,000 hotel units within the TC-C district.
- ii. *Apartments.* There shall be a limit of 500 apartment units built within the TC-C district over and above the maximum allowable density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.
- iii. *Workforce and affordable housing and co-living units.* There shall be a combined limit of 500 workforce housing, affordable housing, or co-living units built within the TC-C district over and above the maximum allowable density prior to the adoption of the FAR increase approved on November 7, 2017. However, a co-living unit that is less than 550 square feet shall count as half of a unit for the purposes of calculating the maximum number of units. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.
- iv. *Co-living units.* Notwithstanding the foregoing limitations, there shall be a limit of ~~312~~ 453 co-living units built within the TC-C district.

b. ~~Limits for the number of units~~ Units for the uses identified in subsections (b)(2)a.i-iii above shall be applied for and allocated on a first-come, first serve basis concurrent with an a completed application for land use board approval or building permit that includes the number of desired units and meets all other zoning requirements, as determined by the planning director, certificate of occupancy, or business tax receipt, whichever comes first. The allocation of units shall also be subject to the following provisions:

- i. ~~If said allocation occurs simultaneously with an application for land use board approval or building permit, the allocation shall expire concurrent with the expiration of the land use board approval or building permit. Upon expiration of the allocation, the units shall become available to new applicants. In the event that an application is not approved by an applicable land use board, or in the event that an applicant with an approved land use board application fails to obtain a building permit before the board order expires, all units allocated pursuant to the filing of the land use board application shall be released to the pool and become available to new applicants.~~
- ii. ~~If said allocation occurs simultaneously with an application for land use board approval, building permit, or business tax receipt, and such~~

~~application is withdrawn or abandoned, said allocation shall also be withdrawn or abandoned and the units shall become available to new applicants. Upon the issuance of a building permit for units approved pursuant to a land use board order, the allocation of such units shall remain reserved. If the building permit or building permit application expires or is abandoned, any units allocated pursuant to the building permit or building permit application, respectively, shall be released to the pool and become available to new applicants. Prior to reactivating an expired or abandoned building permit or building permit application, the applicant shall first be required to obtain written confirmation from the planning department that sufficient units remain available.~~

- iii. If said the use approved by the applicable land use board or building permit changes to a use that does not require an allocation of units, the allocation of units shall become available to new applicants.
- c. Units for the uses identified in subsection (b)(2)a.iv above shall be applied for and allocated on a first-come, first serve basis concurrent with a completed application for land use board approval that includes the number of desired units and meets all other zoning requirements, as determined by the planning director. The allocation of units shall also be subject to the following provisions:
  - i. In the event that an application is not approved by an applicable land use board, or in the event that an applicant with an approved land use board application fails to obtain a building permit before the board order expires, all units allocated pursuant to the filing of the land use board application shall be released to the pool and become available to new applicants.
  - ii. Upon the issuance of a building permit for units approved pursuant to a land use board order, the allocation of such units shall remain reserved. In the event that the building permit expires or is abandoned, any units allocated pursuant to the building permit shall be released to the pool and become available to new applicants. Prior to reactivating an expired or abandoned building permit or building permit application, the applicant shall first be required to obtain written confirmation from the planning department that sufficient units remain available.
  - iii. If the use approved by the applicable land use board changes to a use that does not require an allocation of units, the allocation of units shall become available to new applicants.
- d. Any such units permitted the boundaries of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- d. e. Notwithstanding the use limitations in subsection a.i-iii above, the planning director or designee may permit simultaneous increase and decreases in the above described uses, provided that the impacts of the changes will not exceed originally approved impacts, as measured by total weekday peak hour (of adjacent street traffic, one hour between 4:00 p.m. and 6:00 p.m.) vehicle trips,



pursuant to the Institute of Transportation Engineers Trip Generation Manual, as may be amended from time to time.

\* \* \*

**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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

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

# MIAMI BEACH

## LAND USE BOARDS

### **PROPERTY:**

**AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, ENTITLED "NONCONFORMANCES," AT SECTION 118-393, ENTITLED "NONCONFORMING USE OF BUILDINGS," TO PERMIT A NONCONFORMING PHARMACY STORE OR NONCONFORMING MEDICAL CANNABIS TREATMENT CENTER TO RELOCATE WITHIN THE SAME BUILDING, PROVIDED THAT THE RELOCATED PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER IS NO LARGER THAN 2,000 SQUARE FEET, AND TO PROVIDE THAT A NONCONFORMING PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER THAT IS RELOCATED PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM THE MINIMUM DISTANCE SEPARATION REQUIREMENTS SET FORTH IN SECTION 142-1502(b)(4) and (5); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **FILE NO.**

PB 20-0350

### **APPLICANT:**

### **MEETING DATE:**

5/19/2020

### **PRIOR ORDER NUMBER:**

**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

### **ATTACHMENTS:**

**Description**

□ Staff Report

**Type**

Memo

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

*MB for TKM*

SUBJECT: **PB 20-0350. Non-conforming pharmacies and medical cannabis treatment centers.**

**PB 20-0350. Non-conforming pharmacy. AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, ENTITLED "NONCONFORMANCES," AT SECTION 118-393, ENTITLED "NONCONFORMING USE OF BUILDINGS," TO PERMIT A NONCONFORMING PHARMACY STORE OR NONCONFORMING MEDICAL CANNABIS TREATMENT CENTER TO RELOCATE WITHIN THE SAME BUILDING, PROVIDED THAT THE RELOCATED PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER IS NO LARGER THAN 2,000 SQUARE FEET, AND TO PROVIDE THAT A NONCONFORMING PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER THAT IS RELOCATED PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM THE MINIMUM DISTANCE SEPARATION REQUIREMENTS SET FORTH IN SECTION 142-1502(b)(4) and (5); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On February 12, 2020, at the request of Commissioner Mark Samuelian, the City Commission referred the item to the Planning Board (Item C4-Z).

The item was deferred from the cancelled March 24, 200 Planning Board meeting.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the

Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance should not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The limitations in state law regarding the regulation of medical cannabis dispensaries and pharmacies makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as it does not result in an increase in the number of nonconforming uses.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not excessively increase traffic congestion from what is currently permitted, as the use must be tied to a hotel.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

The proposed Ordinance would amend Chapter 118 of the City Code, entitled "Administration and Review Procedures," by amending Article IX, entitled "Nonconformances." Specifically, the legislation would allow for an existing legal nonconforming pharmacy store, or legal nonconforming medical cannabis treatment center to relocate within the same building that it is currently located in, provided that the relocated pharmacy store or medical cannabis treatment center is no larger than 2,000 square feet.

Pursuant to Section 381.986(11)(b)(2), Florida Statutes, "a . . . municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed

under chapter 465." Accordingly, the proposed amendments must apply to nonconforming medical cannabis treatment centers in a manner that is no more restrictive than the manner in which the amendments apply to nonconforming pharmacy stores.

The Ordinance also provides that a nonconforming pharmacy store or medical cannabis treatment center that is relocated pursuant to this Ordinance shall be exempt from the minimum distance separation requirements set forth in City Code Section 142-1502(b)(4) and (5). This section requires to a 1,200 foot separation from other medical cannabis treatment centers and pharmacy stores, respectively.

Since the proposed ordinance does not lead to the creation of additional pharmacies or medical cannabis treatment centers outside of the permitted districts, staff has no objections to the proposed ordinance.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, ENTITLED "NONCONFORMANCES," AT SECTION 118-393, ENTITLED "NONCONFORMING USE OF BUILDINGS," TO PERMIT A NONCONFORMING PHARMACY STORE OR NONCONFORMING MEDICAL CANNABIS TREATMENT CENTER TO RELOCATE WITHIN THE SAME BUILDING, PROVIDED THAT THE RELOCATED PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER IS NO LARGER THAN 2,000 SQUARE FEET, AND TO PROVIDE THAT A NONCONFORMING PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER THAT IS RELOCATED PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM THE MINIMUM DISTANCE SEPARATION REQUIREMENTS SET FORTH IN SECTION 142-1502(b)(4) and (5); 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**, Chapter 118 of the City Code, at Article IX, regulates nonconforming uses and nonconforming structures; and

**WHEREAS**, as a general rule, the expansion or reestablishment of a nonconforming use is prohibited; however, existing pharmacies or medical cannabis treatment centers may, from time to time, need to expand or relocate within the same building; and

**WHEREAS**, consistent with this general principle, the Mayor and City Commission now desire to provide the ability to relocate a nonconforming pharmacy store or nonconforming medical cannabis treatment center to another location within the same building, provided that the relocated pharmacy store or medical cannabis treatment center is no larger than 2,000 square feet in size; and

**WHEREAS**, pursuant to Section 381.986(11)(b)(2), Florida Statutes, "a . . . municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465"; and

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

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

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, ENTITLED "NONCONFORMANCES," AT SECTION 118-393, ENTITLED "NONCONFORMING USE OF BUILDINGS," TO PERMIT A NONCONFORMING PHARMACY STORE OR NONCONFORMING MEDICAL CANNABIS TREATMENT CENTER TO RELOCATE WITHIN THE SAME BUILDING, PROVIDED THAT THE RELOCATED PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER IS NO LARGER THAN 2,000 SQUARE FEET, AND TO PROVIDE THAT A NONCONFORMING PHARMACY STORE OR MEDICAL CANNABIS TREATMENT CENTER THAT IS RELOCATED PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM THE MINIMUM DISTANCE SEPARATION REQUIREMENTS SET FORTH IN SECTION 142-1502(b)(4) and (5); 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**, Chapter 118 of the City Code, at Article IX, regulates nonconforming uses and nonconforming structures; and

**WHEREAS**, as a general rule, the expansion or reestablishment of a nonconforming use is prohibited; however, existing pharmacies or medical cannabis treatment centers may, from time to time, need to expand or relocate within the same building; and

**WHEREAS**, consistent with this general principle, the Mayor and City Commission now desire to provide the ability to relocate a nonconforming pharmacy store or nonconforming medical cannabis treatment center to another location within the same building, provided that the relocated pharmacy store or medical cannabis treatment center is no larger than 2,000 square feet in size; and

**WHEREAS**, pursuant to Section 381.986(11)(b)(2), Florida Statutes, "a . . . municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465"; and

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

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



**SECTION 1.** Subpart B of the City Code, entitled "Land Development Regulations," Chapter 118, entitled "Administration And Review Procedures," Article IX, entitled "Nonconformances," is hereby amended as follows:

**CHAPTER 118**  
**ADMINISTRATION AND REVIEW PROCEDURES**

\* \* \*

**ARTICLE IX. – NONCONFORMANCES**

\* \* \*

**Sec. 118-393. - Nonconforming use of buildings.**

(a) Except as otherwise provided in these land development regulations, the lawful use of a building existing at the effective date of these land development regulations may be continued, although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, the former nonconforming use shall not be permitted at a later date. A nonconforming use shall not be permitted to change to any use other than one permitted in the zoning district in which the use is located.

(b) A nonconforming use of a building shall not be permitted to extend throughout other parts of that building.

(c) For specific regulations for nonconforming uses related to medical cannabis treatment centers and pharmacy stores, see section 142-1502(d).

(d) Notwithstanding the provisions of this article, and notwithstanding the provisions of section 142-1502, a nonconforming pharmacy store or medical cannabis treatment center may be relocated within the same building, provided that the relocated pharmacy store or medical cannabis treatment center does not exceed 2,000 square feet in size. Such relocated pharmacy store or medical cannabis treatment center shall be exempt from the minimum distance separation requirements of section 142-1502(b)(4) or (5), respectively, of these land development regulations.

**SECTION 2. CODIFICATION.**

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

**SECTION 3. REPEALER.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

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

Underscore denotes new language  
~~Strikethrough~~ denotes removed language

# MIAMI BEACH

## LAND USE BOARDS

**PROPERTY:**

**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 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO CLARIFY THE SETBACK REQUIREMENTS AND CO-LIVING/MICRO UNIT DEVELOPMENT REGULATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**FILE NO.**

PB20-0353

**APPLICANT:**

**MEETING DATE:**

5/19/2020

**PRIOR ORDER NUMBER:**

**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

**ATTACHMENTS:**

**Description**

☐ Staff Report

**Type**

Memo

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 20-0353. Washington Avenue Overlay Clarifications.**

**PB 20-0353. Washington Avenue Overlay Clarifications. 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 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO CLARIFY THE SETBACK REQUIREMENTS AND CO-LIVING/MICRO UNIT DEVELOPMENT REGULATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On February 12, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Sustainability Committee (LUSC). On February 18, 2020 the Land Use and Sustainability Committee discussed the item and recommended that the City Commission refer the attached ordinance to the Planning Board. On March 18, 2020 the City Commission referred the item to the Planning Board (Item C4 U).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to clarify regulations adopted in the previous Washington Avenue amendment makes passage of the proposed change necessary.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will improve living conditions in the neighborhood.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or increase traffic congestion from what is currently permitted.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

On October 16, 2019, the City Commission adopted ordinance 2019-4312 which amended the Washington Avenue Zoning incentives to authorize the development of co-living developments on a limited section of the corridor. Subsequently, a development proposal was presented to the Historic Preservation Board. A review of this HPB application noted that some of the regulations were inconsistent with other recent changes in the CD-2 district, as well as internally inconsistent.

The attached LDR amendment was prepared by representatives of a proposed co-living development along Washington Avenue. The following is a summary of the proposed modifications to the Washington Avenue Overlay, which are proposed for clarity and consistency purposes:

#### **Interior Setbacks:**

Previously, the CD-2 regulations contained a special provision for buildings with mixed uses and when more than 25% of the floor area of buildings contained residential or hotel, the RM-1, 2, 3

setbacks controlled. The RM-1, 2, 3 setbacks regulations were recently amended to address this by removing the sum of the side yard requirements. However, the Washington Avenue Overlay development regulations were not similarly amended.

The proposal herein would eliminate the requirement for sum of the side yard setbacks within the Washington Avenue Overlay, in order to be consistent with the previously amended RM-1, 2, 3 setbacks. This modification would allow developments within the Washington Avenue Overlay that have frontages greater than 100 feet to provide the same setbacks as all other commercial districts.

#### **Co-Living Project Requirements:**

- For consistency within the text, all amenity space requirements can be provided within a unified development site, as opposed to a building.
- A one-bedroom co-living unit must provide a washer and dryer within the unit, and co-living units with multiple bedrooms must provide a washer and dryer within the common space of the unit.
- Co-living units will not contain more than six (6) bedrooms.
- Gyms and fitness centers are permitted to be located on the ground floor fronting Washington Avenue for easy pedestrian access.
- If a co-living unit does not provide dining, kitchen, and living area within the unit, then it must be provided on the same floor. This reinforces that the co-living residential model is intended for collaborative living spaces.

The currently proposed co-living development has had difficulty complying with the regulations as approved in the adopting ordinance. The proposed amendment will provide for clearer standards and facilitate the development of any proposed co-living developments. This will further the revitalization of Washington Avenue which has been occurring since the original zoning incentives were adopted in 2016.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**Washington Avenue Overlay — LDR Incentives Clarifications**

**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 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO CLARIFY THE SETBACK REQUIREMENTS AND CO-LIVING/MICRO UNIT DEVELOPMENT REGULATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, 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**, previously, pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force, the City adopted development regulations specific to Washington Avenue; and

**WHEREAS**, recently, the City has reviewed the condition of properties located along Washington Avenue, in light of concerns raised by local residents, property owners, and businesses; and

**WHEREAS**, various constituents have expressed concerns regarding the deterioration of the area; and

**WHEREAS**, residents, property owners, and businesses are concerned with the quality of life and condition of the streets within the portions of the Flamingo Park Historic District and the National Register Historic District along Washington Avenue; and

**WHEREAS**, the City studied various mechanisms for improving the quality of life and quality of businesses within the area; and

**WHEREAS**, the City, with the input of residents, property owners, and businesses, has determined that co-living and micro residential units would be beneficial development incentive on Washington Avenue, subject to certain specified restrictions and safeguards; and

**WHEREAS**, on October 16, 2019, the City Commission passed and adopted Ordinance 2019-4312, which listed the land development regulations for new development of co-living and micro residential units; and

**WHEREAS**, subsequent to the adoption of Ordinance 2019-4312, it became evident that there was additional clarification needed and inconsistencies within the text to be resolved; and



**WHEREAS**, the amendments set forth below clarify the co-living and micro unit development regulations, which in turn, will promote the quality of life of the Washington Avenue neighborhood.

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

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

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

\* \* \*

**DIVISION 5. — CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT**

\* \* \*

**Sec. 142-309. — Washington Avenue development regulations and area requirements.**

\* \* \*

(2) For lots that have a frontage that is equal to or less than 100 feet, the setbacks shall be pursuant to section 142-307. For lots that have a frontage that is greater than 100 feet, the setbacks shall be as follows:

\* \* \*

c. Side, facing a street:

- i. Subterranean: Zero (0) feet;
- ii. Nonresidential uses: Zero (0) feet;
- iii. Residential and hotel uses: Seven and one-half (7 ½) feet

d. Side, interior:

- i. Subterranean: Zero (0) feet;
- ii. Nonresidential uses: Zero (0) feet;
- iii. Residential and hotel uses: Seven and one-half (7 ½) feet or eight percent of lot width, whichever is greater, up to ten (10) feet. When abutting a nonresidential or non-hotel use, the minimum interior side setback shall be seven and one-half (7 ½) feet.

e. ~~Sum of the side yards:~~

- i. ~~Residential and hotel uses: Sum of the side yard setbacks shall equal 16 percent of the lot width, up to a total sum of the side yards of 20 feet.~~
- ii. ~~For lots that have a platted frontage equal to or greater than 100 feet, but less than 200 feet, and are eligible for a 75-foot height limit, the sum of the side yards for floors with residential or hotel units shall be no less than 40 percent of the lot width.~~

\* \* \*

(5) Co-living or micro residential units are permitted subject to the following regulations:

- a. For co-living or micro residential units, the minimum unit size may be **275** square feet, provided that a minimum of 20 percent of the gross floor area of the building consists of amenity space on the same unified development site. Amenity space includes the following types of uses: common area kitchens; club rooms; business center; retail; screening rooms; fitness center; wellness center; spas; gyms; pools; pool decks; roof decks, restaurant, bar or café above the ground floor; and other similar uses whether operated by a condominium or cooperative association or another operator. Fitness centers; wellness centers; spas; and gyms shall be open to the public, when located on the ground floor. Restaurants, bars, or cafes on the ground floor shall not count toward the amenity space requirements set forth herein. These amenities may be combined with the amenities for hotels units on the same unified development site, provided that residents and hotel guests have access to such amenities.
- ~~b. Co-living or micro residential units are permitted provided that:~~ (1) Within the same unified development site, office uses are provided with a minimum of 10,000 square feet;
- ~~c. (2) Each unit is fully furnished and has an individual bathroom;~~
- ~~d. (3) All micro one bedroom co-living units shall have a washer and dryer machine located within the unit, and all co-living units with two bedrooms or more may have the washer and dryer in the common area of the unit suites, which consist of a minimum of three (3) and a maximum of six (6) co-living units, have a washer and dryer machine located within the co-living suite;~~
- ~~e. (4) Each co-living units may contain a maximum of six (6) bedrooms;~~
- ~~f. The Co-living units are may only be located on the west side of Washington Avenue. In addition, the western lot line of the unified development site must front on a street with an RM-1 or RO zoning designation;~~
- ~~g. (5) A maximum of fifty percent (50%) of the floor area within the unified development site consists of co-living or micro units;~~
- ~~h. (6) The owner must obtain a building permit for the co-living or micro residential units within thirty-two (32) months of the effective date of this Ordinance by March 1, 2023;~~
- ~~i. (7) Formula commercial establishments and formula restaurants, as defined in section 114-1, are prohibited on a unified development site with co-living or micro units;~~
- ~~j. (8) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or~~

micro units within the unified development site shall be obligated to clean and maintain (or arrange to have cleaned and maintained) each unit;

- k. (9) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be required to perform background screening investigations of all tenants of co-living or micro units;
- l. (10) Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, 7 days a week;
- m. (11) All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass;
- n. (12) The tenants of co-living and micro units shall not be permitted to sublease units;
- o. (13) Ground floor uses fronting on Washington Avenue must be retail, restaurant, or bar, or gym/fitness center. Residential uses fronting Washington Avenue are prohibited on the ground floor, other than the lobby and required vertical circulation;
- p. (14) ~~Every floor containing co-living suites must have amenity space beyond the co-living unit that shall include common dining, living, and kitchen areas~~ Each co-living unit must have a dining, kitchen, and living area. If a co-living unit does not provide a dining, kitchen, and living area, these areas must be provided on the same floor;
- q. (15) A rooftop lounge seating area, pool, and garden shall be provided within the unified development site; and
- r. (16) A wellness center shall be provided within a unified development site building containing co-living or micro units, which wellness center shall have both self-service and personal training offerings such as strength training, yoga, stretching, recovery, mindfulness, cardiovascular equipment, and nutritional planning.

No variances shall be permitted from the provisions of this subsection (5).

## **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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:

Second Reading:

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

# MIAMI BEACH

## LAND USE BOARDS

**PROPERTY:**

**AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT," TO PROVIDE REGULATIONS FOR RENOVATION AND ENHANCEMENTS TO SCHOOLS WITHIN THE BOUNDARIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**FILE NO.**

PB20-0354.

**APPLICANT:****MEETING DATE:**

5/19/2020

**PRIOR ORDER NUMBER:**

**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

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Memo
<input type="checkbox"/>	Presentation	Memo



# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB 20-0354. North Beach Private and Public School District Overlay.**

**PB 20-0354. North Beach Private and Public School District Overlay. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT," TO PROVIDE REGULATIONS FOR RENOVATION AND ENHANCEMENTS TO SCHOOLS WITHIN THE BOUNDARIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

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.

The March 17, 2020 LUSC meeting was postponed, and the item was moved to the May 6, 2020 LUSC agenda. Staff will update the Planning Board as to the LUSC recommendation.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to**

**adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to ensure that schools in the North Beach neighborhood are able to expand and modernize in makes passage of the proposed change necessary.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely influence living conditions in the neighborhood.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or increase traffic congestion from what is currently permitted.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**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.

On April 11, 2018, the City Commission established the North Beach National Register Conservation District Overlay. This created regulations to maintain the character of the community made up of low-scale multi-family apartment buildings. These regulations include reduced height limits, increased setbacks, and limitations on lot aggregation, which are very appropriate for the residential buildings in the area. However, after careful review, it has been determined that they are too restrictive for public and private schools within its boundaries.

The Lehrman School has prepared the attached proposed overlay and LDR amendments. The overlay is bounded by 78<sup>th</sup> Street on the north, Carlyle Avenue on the east, Tatum Waterway on the west, and 75<sup>th</sup> Street on the south (see map at the end of the report.)

The proposed changes modify the physical development regulations of a school parcel within the overlay, as they relate to building height, setbacks, lot width and minimum lot aggregation. Specifically the ordinance proposes the following:

1. Remove the limitation on maximum developable width;
2. Increase the lot aggregation limit from two (2) or three (3) to nine (9);
3. Increase the height limit from 45 feet to 60 feet for buildings with a gymnasium;
4. Reduce the upper level setback from 25 feet to ten (10) feet;
5. Reduce the required setback for lots 61 feet or greater from the greater of 7.5 feet or eight (8) percent of lot width to five (5) feet;
6. Remove parking requirements for schools;
7. Increase driveway limit from one (1) per platted lot to five (5) per school;
8. Remove loading requirements for existing schools that are being expanded; and
9. Remove landscaping requirements for landscape areas in existing permanent parking lots that are being reconfigured.

These adjustments are expected to allow the school to expand and improve its facilities, thereby improving educational opportunities for students in the vicinity. Because there are limited opportunities for new schools in the area, it is not expected that this ordinance will create a significant impact on the community. It should be noted that in addition to the approval from the Historic Preservation Board, that schools are a conditional use in the RM-1 district and therefore require approval from the Planning Board. As a result any potential impacts to the community would be addressed through the conditional use process.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**Zoning Overlay for North Beach Private and Public Schools  
District Overlay**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT," TO PROVIDE REGULATIONS FOR RENOVATION AND ENHANCEMENTS TO SCHOOLS WITHIN THE BOUNDARIES OF THE OVERLAY DISTRICT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's land development regulations include regulations for permitted, accessory, conditional, and prohibited uses in the RM-1 districts; and

**WHEREAS**, provisions to allow private and public schools to continue to operate in RM-1 in North Beach are necessary and desirable; and

**WHEREAS**, the City seeks to encourage the revitalization and redevelopment of the existing private and public schools in order to address the current educational requirements and needs of the future; and

**WHEREAS**, the City seeks to promote enhancements for children in educational facilities, providing safeguards and address the greater security needs in today's atmosphere; and

**WHEREAS**, the City seeks 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.; and

**WHEREAS**, the proposed overlay is necessary in order to promote and maintain schools in North Beach.

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

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article III. "Overlay Districts," Division 14. "North Beach Private and Public School District Overlay," is hereby created as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE III. – OVERLAY DISTRICTS**



## **DIVISION 14. - NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT**

### **Sec. 142-870.20. - Location and purpose.**

- (a) The overlay regulations in this division shall apply to all new and existing schools located in that portion of the RM-1 Residential Multifamily Low Intensity zoning district which is bounded on the north by the south side of 78th Street; on the east by the west side of Carlyle Avenue; on the west by the east side of Tatum Waterway; and on the south by the north side of 75th Street.
- (b) In the event of a conflict between the overlay regulations in this division and the regulations for the underlying RM-1 zoning district and/or North Beach National Register Conservation District Overlay, these overlay regulations 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) Promote enhancements to educational facilities for children that improve academic offerings, campus security, vehicle circulation, parking, and student access; and
  - (3) Ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods, and maintain the low-scale, as-built character of the surrounding neighborhoods.

### **Sec. 142-870.21. - Development regulations and area requirements.**

The following overlay regulations shall apply to the North Beach Private and Public School District Overlay:

- (a) 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:

<u>Minimum Developable Lot Area (Square Feet)</u>	<u>Minimum Developable Lot Width (Feet)</u>	<u>Maximum Developable Lot Width (Feet)</u>	<u>Maximum Developable Aggregation (Platted Lots)</u>
<u>5,000 SF</u>	<u>50 feet</u>	<u>Developments for schools have no maximum lot width restriction.</u>	<u>Schools: up to nine (9) lots may be aggregated.</u>

- (b) 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 building includes a gymnasium; otherwise, the maximum building height shall be 45 feet.
- (2) In the event that the existing building exceeds 32 feet in height that existing height shall control.
- (3) 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, unless waived by either the historic preservation board or design review board, as may be applicable.

(c) 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.

(d) The setback requirements for all buildings located in the RM-1 district within the North Beach Private and Public School District are as follows:

<u>Front</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Rear</u>
<u>10 feet</u>	<u>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.</u>	<u>Five feet</u>	<u>Non-waterfront lots: Five feet</u>

- (e) No additional setback requirements shall be imposed for landscaping.
- (f) For development of school sites consisting of nine platted lots or less, the width of any new building shall not have any restrictions.
- (g) For development of school sites consisting of nine platted lots or less, there shall be no minimum distance separation between buildings on a single site.
- (h) For development of school sites, a courtyard or semi-public outdoor area shall not be required.
- (i) Notwithstanding the provisions in section 142-1132, within the required front yard, rear yard, or side yards facing a street or interior, fences, walls, and gates shall not exceed eight (8) feet in height, as measured consistent with the definition of "adjusted future grade" in section 114-1.

**Sec. 142-870.22. - Additional parking standards.**

- (a) Notwithstanding the provisions of section 130-32, there shall be no minimum parking requirement associated with the 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 have a 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 provision in these land development regulations.
- (e) For schools, a maximum of five (5) one-way driveway curb cuts per platted lot within a development site shall be permitted. The maximum width of each driveway curb cut shall not exceed fifteen (15) feet.
- (f) Notwithstanding the provisions of section 130-101, no new loading spaces shall be required in connection with the expansion of an existing school (including the construction of a new building or structure, or an increase to the floor area of the school).
- (g) Notwithstanding the provisions of section 126-11, for landscaped areas in permanent parking lots, when reconfiguring existing parking for a school they minimum requirements shall not apply.

## **SECTION 2. Repealer.**

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

## **SECTION 3. Codification.**

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

## **SECTION 4. 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 5. Effective Date.**

This Ordinance shall take effect the \_\_\_\_ day of \_\_\_\_\_, 2020.

**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: \_\_\_\_\_, 2020

Second Reading: \_\_\_\_\_, 2020

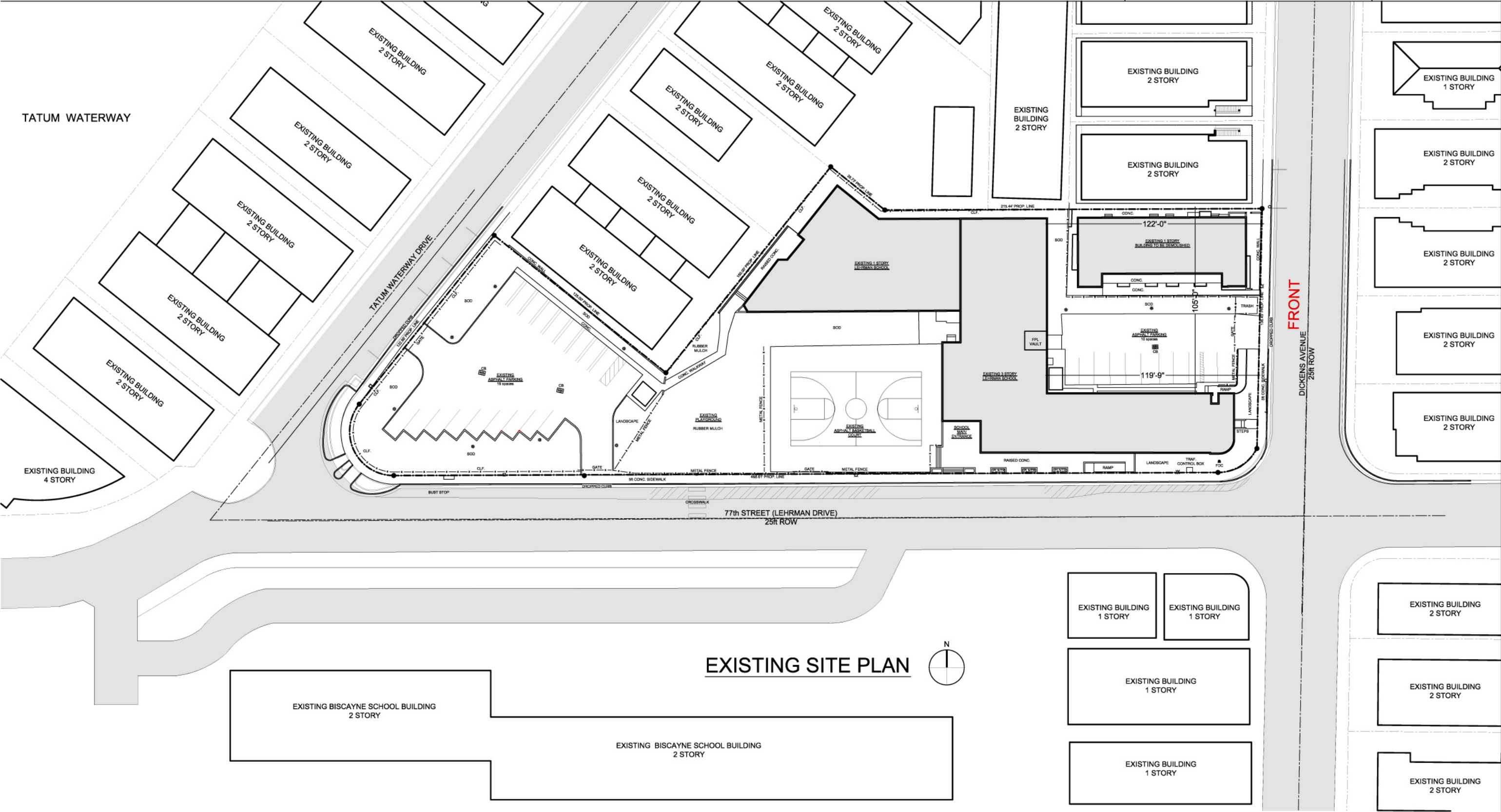
Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director







PARKING	
	Existing
West Lot	19
East Lot	10
Total Parking Spaces	29

















# MIAMI BEACH

## LAND USE BOARDS

**PROPERTY:**

**AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENT LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING POLICY RLU 1.1.5, ENTITLED "LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1)," TO MODIFY THE ALLOWABLE USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH FROM DREXEL AVENUE TO LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

**FILE NO.**

PB20-0355

**APPLICANT:**

**MEETING DATE:**

5/19/2020

**PRIOR ORDER NUMBER:**

**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

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Memo
<input type="checkbox"/>	Plans	Memo



# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0355. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - Comprehensive Plan Amendment.**

**PB20-0355. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - Comprehensive Plan Amendment.** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENT LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING POLICY RLU 1.1.5, ENTITLED "LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1)," TO MODIFY THE ALLOWABLE USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH FROM DREXEL AVENUE TO LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed Comprehensive Plan amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On January 15, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Sustainability Committee. On February 18, 2020 the Land Use and Sustainability Committee discussed the item and recommended that the City Commission refer the Comprehensive Plan and Land Development Regulations (LDR) amendments to the Planning Board. On March 18, 2020 the City Commission referred the ordinances to the Planning Board (Item C4 T).

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level**

rise.

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

Attached is a draft Comprehensive Plan amendment, prepared by representatives of the Lincoln Center building at Euclid Avenue and Lincoln Road, which would allow for hotel uses in the RM-1 district. It is a companion to a proposed LDR amendment that will also be considered. The owner of the Lincoln Center is seeking to redevelop a parcel of land to the immediate south of Lincoln Lane South, as hotel units. All operational aspects of the hotel, including accessory uses and check in, would occur within the Lincoln Center site fronting Lincoln Road.

The companion LDR amendment permits hotel uses for properties which are operationally connected the Lincoln Road property directly across Lincoln Lane South from the RM-1 property. Apartment hotels, hotels, and suite hotels may be permitted for RM-1 properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue, in accordance with the following:

- The RM-1 property shall not exceed 100 feet in width;
- Lobby access to the property is located within a property fronting on Lincoln Road and directly across Lincoln Lane South from the RM-1 property;
- The hotel shall be operated by a single operator; and
- No accessory uses shall be located within the RM-1 district.

Lincoln Lane South currently operates as an alley for those properties located along the south side of Lincoln Road. Minimal improvements exist along Lincoln Lane South and over the last few years the City has sought to improve the conditions along Lincoln Lane South. In part, the City has required property owners on the south side of Lincoln Road provide improvements to activate Lincoln Lane South. These improvements have included, but have not been limited to, the creation of sidewalks and access points to ground level businesses.

Staff is supportive of the proposed text amendments as they are not expected to have any negative visual impacts on the character of this portion of the Flamingo Park Local Historic District, nor Lincoln Road. The proposed amendments allow for improvements in the area without allowing an increased footprint for the proposed use. Due to the limited area and strict requirements, it is not expected that the proposed amendments will create negative impacts to the surrounding community, and the proposed limitations provide safeguards against any potential negative impacts that may come about as a result of the use. Also, the allowance of hotel uses in the RM-1 district would be limited to locations abutting Lincoln Lane South, and no accessory uses would be permitted in the RM-1 property. Additionally, the same entity must own both the Lincoln Road and RM-1 properties, which provides a higher level of control.

The proposed comprehensive plan amendment is consistent Principle 3 of the Resilient Land Use

Element's Guiding Principles, which states the following:

***PRINCIPAL 3: PRESERVING CULTURAL IDENTITY***

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

The amendment will allow for continued economic viability of structures fronting Lincoln Road by allowing for additional uses. Additionally, it could increase the clientele for the Lincoln Road Mall and other nearby areas.

**COMPREHENSIVE PLANNING REVIEW PROCESS**

This referral includes a text amendment to Objective 1 of the Future Land Use Element of the Comprehensive Plan. Under Sections 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**DEVELOPMENT REGULATIONS FOR HOTELS IN THE RM-1  
DISTRICT ON PROPERTIES ABUTTING LINCOLN LANE SOUTH –  
COMPREHENSIVE PLAN AMENDMENTS**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENT LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING POLICY RLU 1.1.5, ENTITLED “LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1),” TO MODIFY THE ALLOWABLE USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH FROM DREXEL AVENUE TO LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach desires to amend its Comprehensive Plan and land development regulations to incentivize the development of properties abutting Lincoln Lane South; and

**WHEREAS**, of incentivizing hotel units for properties abutting Lincoln Lane South, which are owned by the same owner as the neighboring Lincoln Road property, will improve the conditions within the area; and

**WHEREAS**, the pedestrian-friendly and vibrant character of Lincoln Road promotes a guest experience that could be complemented by new hotels, to encourage activation of Lincoln Lane South; and

**WHEREAS**, changes in patterns and norms regarding the use of automobiles in urban areas, such as Miami Beach, have reduced the need for off-street parking associated with hotels, particularly in the Lincoln Road neighborhood; and

**WHEREAS**, the amendments set forth herein, including the Comprehensive Plan Amendment, would promote responsible hotel development on Lincoln Lane South, while preserving the neighborhood.

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

**SECTION 1.** Amending the Resilient Land Use Element of the Comprehensive Plan of the City of Miami Beach, Florida, by amending Policy RLU 1.1.5, entitled “Low Density Multi Family Residential (RM-1),” is hereby amended as follows:

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

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

*Uses which may be permitted:* Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties

fronting Harding Avenue or Collins Avenue from the City Line on the north to 73<sup>rd</sup> Street on the south.

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

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay Front Overlay District, both of which are described in the Land Development Regulations. Within the RM-1, and only in the Flamingo Park Historic District, apartment hotels, hotels, and suite hotels are permitted for properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only.

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

*Density Limits:* 60 dwellings units per acre.

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

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

## **SECTION 2. Repealer.**

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

## **SECTION 3. Codification.**

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



**SECTION 4. 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 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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:

Second Reading:

Verified By: \_\_\_\_\_

Thomas R. Mooney, AICP  
Planning Director



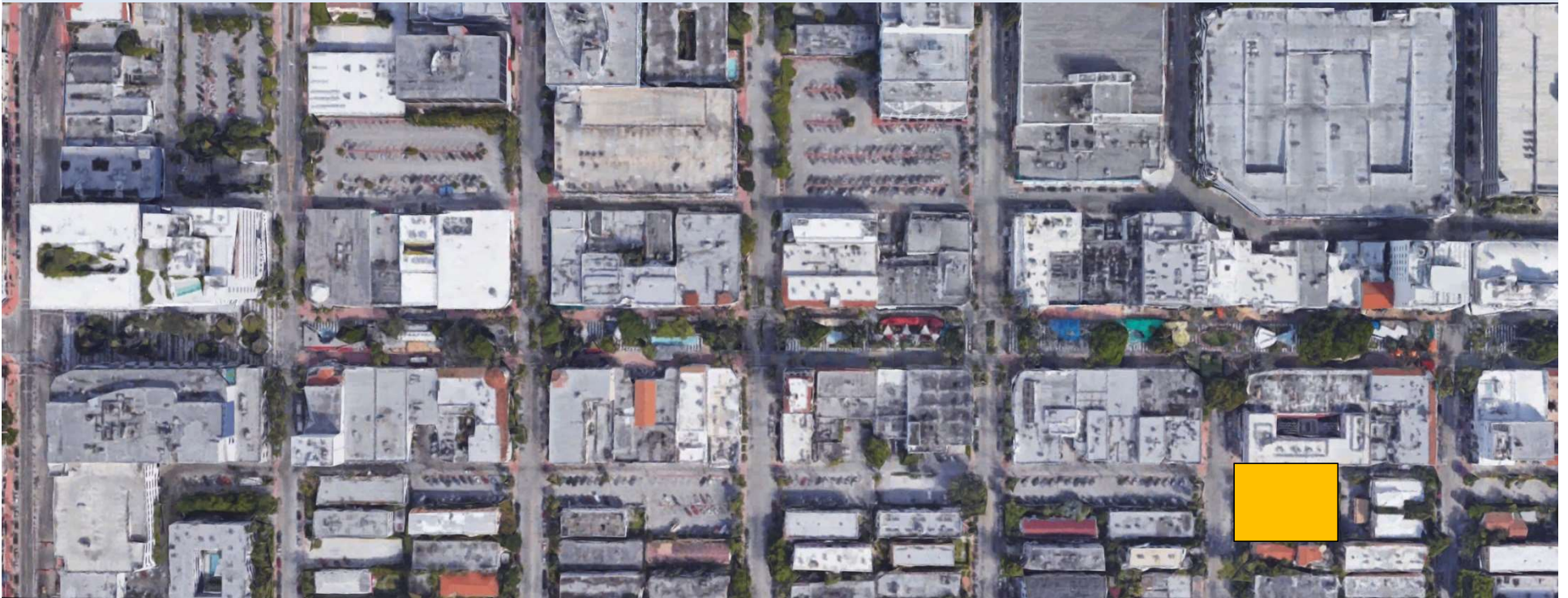
# **LINCOLN CENTER**

## **BOUTIQUE HOTEL STUDY**

Concept Planning Ideas 2019

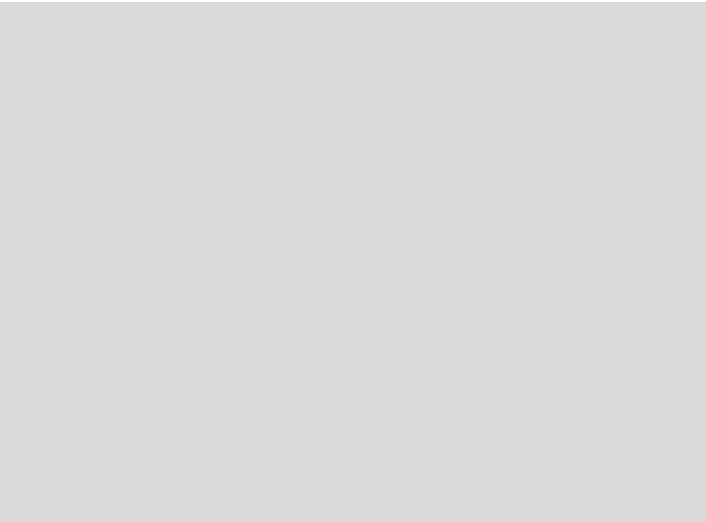
# LINCOLN ROAD BOUTIQUE HOTEL STUDY

Scheme 01 (The Pearl)





Site/Context



SITE



Site/Context

SITE



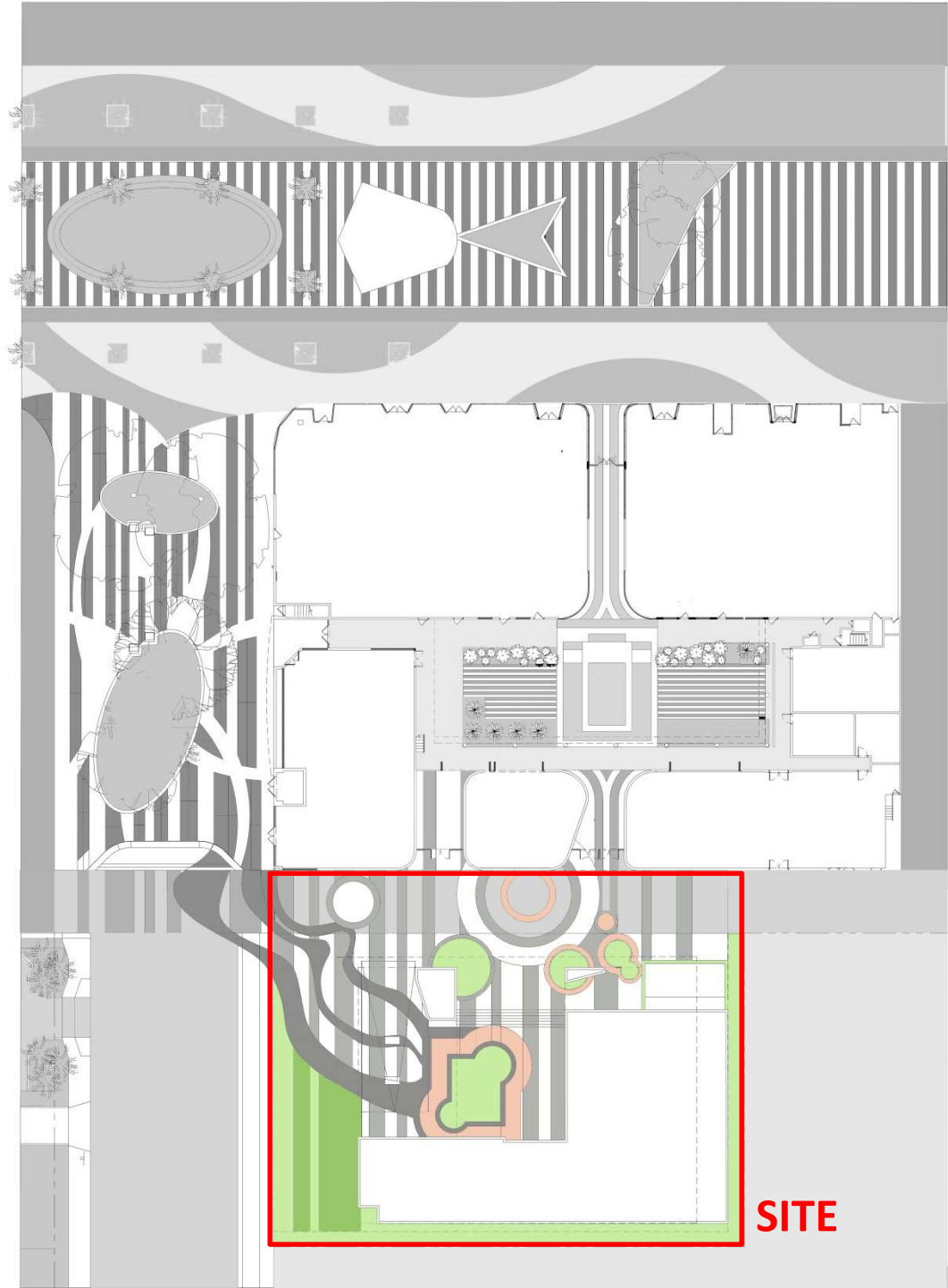


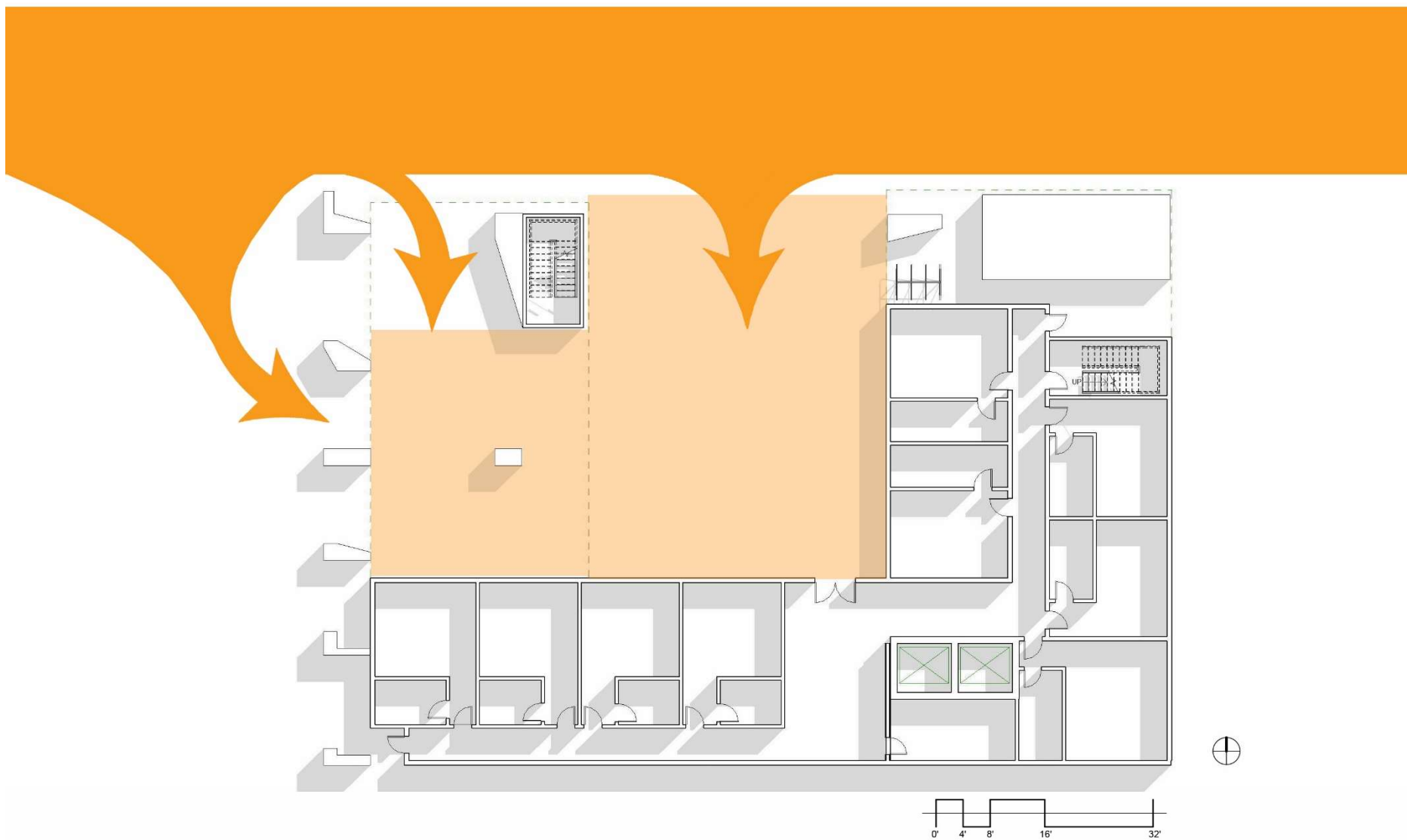


# ALLEY

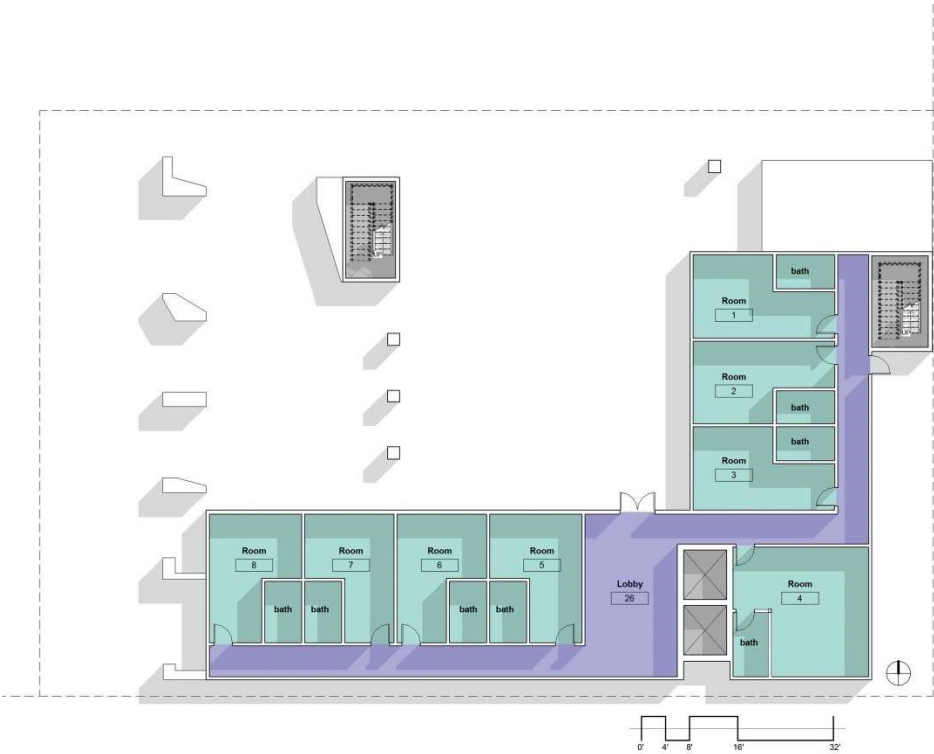


Site Plan 01





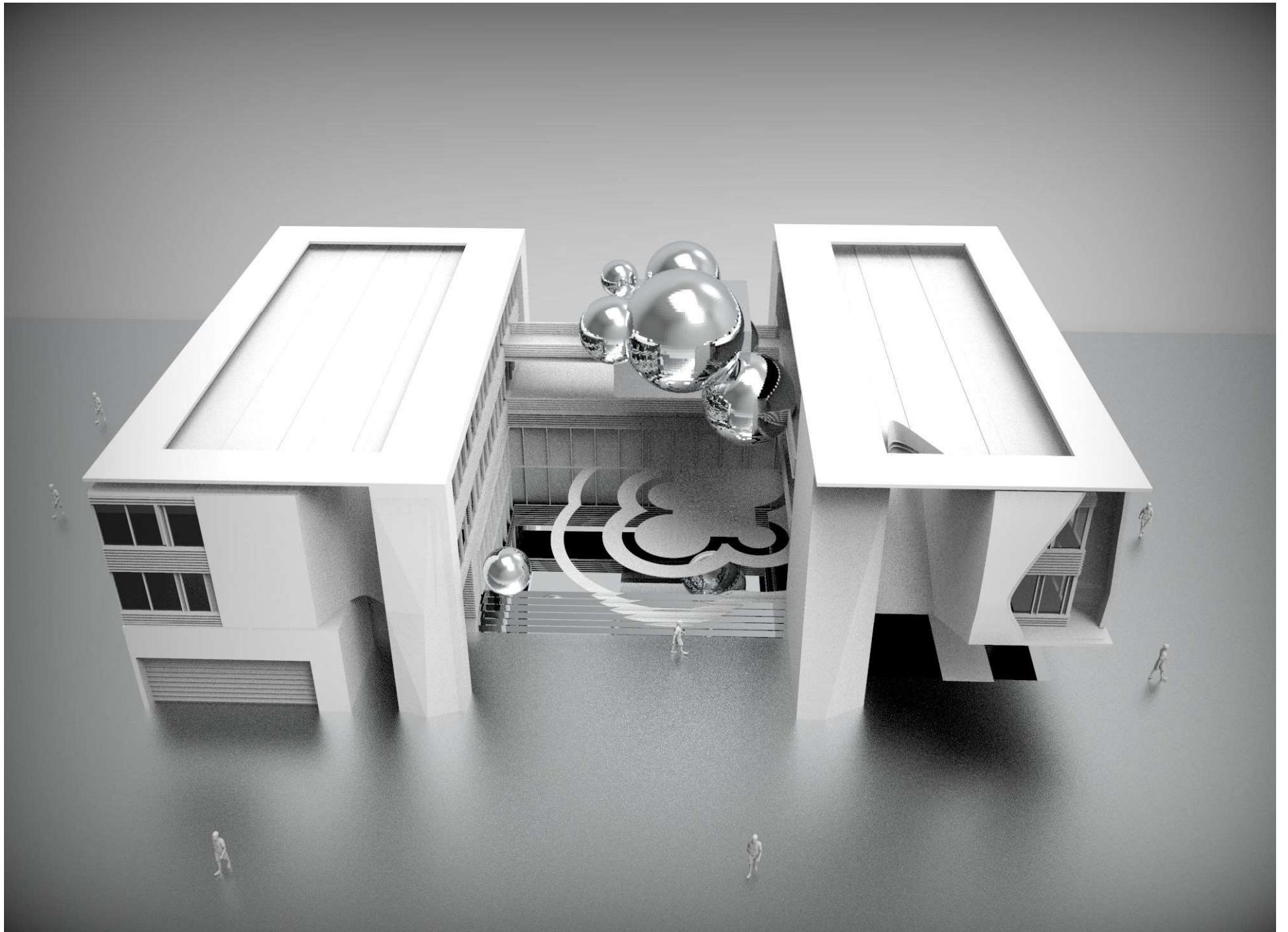
Alternate Plan Layout



Ground Floor Plan



Upper Floor Plan Typ.

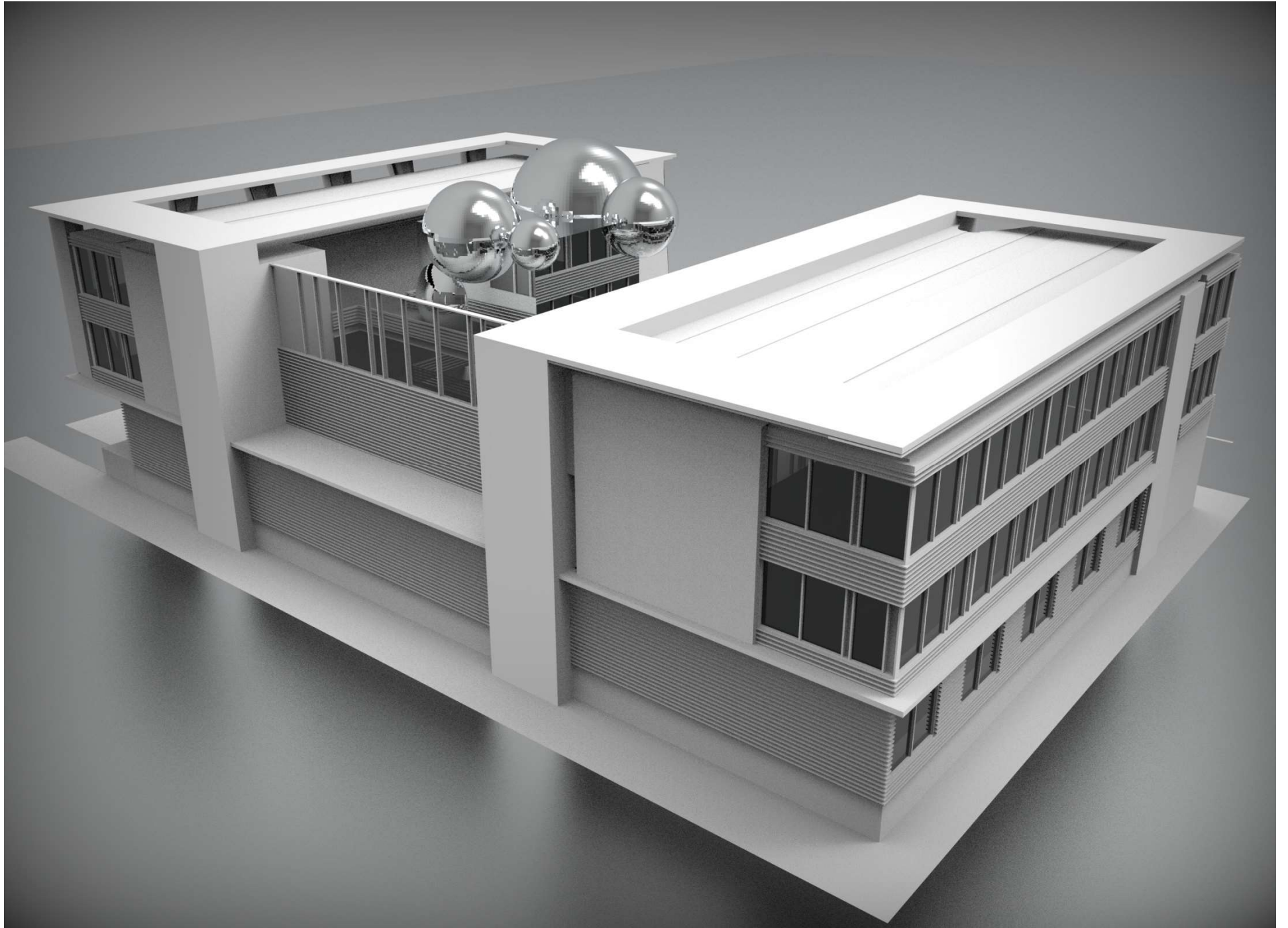




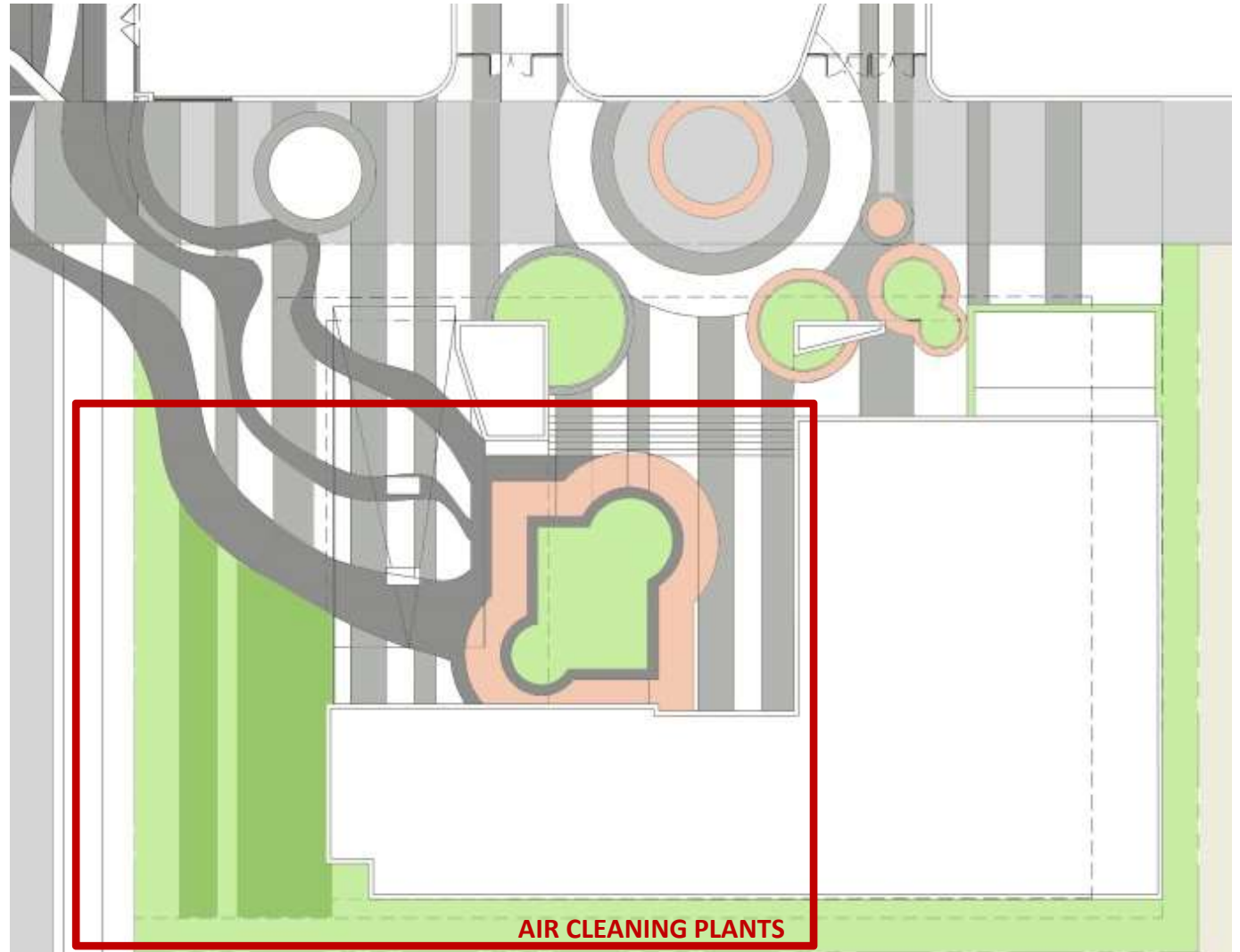












Green Concepts: Air Cleaning Plants / Grass Pavers to Reduce Solar Heat Gain





# MIAMI BEACH

## LAND USE BOARDS

### **PROPERTY:**

**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," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-152, ENTITLED "MAIN PERMITTED AND PROHIBITED USES," TO AMEND THE PERMITTED USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH, BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ABUTTING LINCOLN LANE SOUTH BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

1.

### **FILE NO.**

PB20-0356.

### **APPLICANT:**

### **MEETING DATE:**

5/19/2020

### **PRIOR ORDER NUMBER:**

**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

### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report	Memo
<input type="checkbox"/> Plans	Memo



# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 19, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0356. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - LDR amendments.**

**PB20-0356. Development regulations for hotels in the RM-1 District on properties abutting Lincoln Lane south - LDR amendments. 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," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-152, ENTITLED "MAIN PERMITTED AND PROHIBITED USES," TO AMEND THE PERMITTED USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH, BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ABUTTING LINCOLN LANE SOUTH BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **BACKGROUND**

On January 15, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Sustainability Committee. On February 18, 2020 the Land Use and Sustainability Committee discussed the item and recommended that the City Commission refer the Comprehensive Plan and Land Development Regulations (LDR) amendments to the Planning Board. On March 18, 2020 the City Commission referred the ordinances to the Planning Board (Item C4 T).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the**

**comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Partially Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan as proposed to be amended.

- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance should not affect the load on public facilities and infrastructure.

- 5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

- 6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to improve the conditions of Lincoln Lane South makes passage of the proposed change necessary.

- 7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as it does not result in an increase in the number of nonconforming uses.

- 8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not excessively increase traffic congestion from what is currently permitted, as hotels generate fewer peak hour trips than apartments.

- 9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not seriously reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

Attached is a draft LDR amendment, prepared by representatives of the Lincoln Center building at Euclid Avenue and Lincoln Road, which would allow for hotel uses in the RM-1 district, under limited circumstances and limited locations. It is a companion to the Comprehensive Plan amendment which must be approved prior to the adoption of the proposed LDR amendment. The owner of the Lincoln Center is seeking to redevelop a parcel of land to the immediate south of

Lincoln Lane South, as hotel units. All operational aspects of the hotel, including accessory uses and check in, would occur within the Lincoln Center site fronting Lincoln Road.

The amendments do not propose to increase any usable area or to vary any setback or height regulations. Instead, the proposed regulations require compliance with the development regulations, but permit hotel uses for properties which are operationally connected the Lincoln Road property directly across Lincoln Lane South from the RM-1 property.

Apartment hotels, hotels, and suite hotels may be permitted for RM-1 properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue, in accordance with the following:

- The RM-1 property shall not exceed 100 feet in width;
- Lobby access to the property is located within a property fronting on Lincoln Road and directly across Lincoln Lane South from the RM-1 property;
- The hotel shall be operated by a single operator; and
- No accessory uses shall be located within the RM-1 district.

The parking requirements in Chapter 130 are proposed to be modified by removing the minimum off-street parking requirement for the subject hotels.

Lincoln Lane South currently operates as an alley for those properties located along the south side of Lincoln Road. Minimal improvements exist along Lincoln Lane South and over the last few years the City has sought to improve the conditions along Lincoln Lane South. In part, the City has required property owners on the south side of Lincoln Road provide improvements to activate Lincoln Lane South. These improvements have included, but have not been limited to, the creation of sidewalks and access points to ground level businesses.

Staff is supportive of the proposed text amendments as they are not expected to have any negative visual impacts on the character of this portion of the Flamingo Park Local Historic District, nor Lincoln Road. The proposed amendments allow for improvements in the area without allowing an increased footprint for the proposed use. Due to the limited area and strict requirements, it is not expected that the proposed amendments will create negative impacts to the surrounding community, and the proposed limitations provide safeguards against any potential negative impacts that may come about as a result of the use. Also, the allowance of hotel uses in the RM-1 district would be limited to locations abutting Lincoln Lane South, and no accessory uses would be permitted in the RM-1 property. Additionally, the same entity must own both the Lincoln Road and RM-1 properties, which provides a higher level of control.

Finally, given the limited size of the properties, as well as the availability of parking with existing garages just to the north of Lincoln Road, the staff is supportive of the proposed amendment to the off-street parking requirements. In this regard, the typical hotel guest is more likely to take advantage of ride share services in lieu of valet parking. Also, this area of the City is within walking distance of the recently renovated convention center, shops, restaurants, and the beach.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.



**DEVELOPMENT REGULATIONS FOR HOTELS IN THE RM-1  
DISTRICT ON PROPERTIES ABUTTING LINCOLN LANE SOUTH  
LDR AMENDMENTS**

**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," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-152, ENTITLED "MAIN PERMITTED AND PROHIBITED USES," TO AMEND THE PERMITTED USES FOR PROPERTIES ABUTTING LINCOLN LANE SOUTH, BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR HOTEL UNITS ABUTTING LINCOLN LANE SOUTH BETWEEN DREXEL AVENUE AND LENOX AVENUE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach desires to amend its Comprehensive Plan and land development regulations to incentivize the development of properties abutting Lincoln Lane South; and

**WHEREAS**, the pedestrian-friendly and vibrant character of Lincoln Road promotes a guest experience that would be complemented by new hotels, to encourage activation of Lincoln Lane South; and

**WHEREAS**, changes in patterns and norms regarding the use of automobiles in urban areas, such as Miami Beach, have reduced the need for off-street parking associated with hotels, particularly in the Lincoln Road neighborhood; and

**WHEREAS**, the amendments set forth herein would promote responsible hotel development on Lincoln Lane South, while preserving the character of the neighborhood.

**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 "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," Section 142-152, "Main Permitted and Prohibited Uses," is hereby amended as follows:

**CHAPTER 142**  
**ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. – DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. –RESIDENTIAL MULTIFAMILY DISTRICTS**

\* \* \*

**SUBDIVISION II. – RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY**

\* \* \*

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

(a) The main permitted uses in the RM-1 residential multifamily, low density district are

(1) single-family detached dwelling;

(2) townhomes;

(3) apartments;

(4) apartment hotels, hotels, and suite hotels for properties fronting Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter);

(5) bed and breakfast inn (pursuant to article V, division 7 of this chapter); and

(6) apartment hotels, hotels, and suite hotels for properties abutting Lincoln Lane South, between Drexel Avenue and Lennox Avenue, subject to the following regulations:

(i) The lot width of the property shall not exceed 100 feet;

(ii) The lobby from which the property is accessed shall be located within a building fronting Lincoln Road, which is located directly across Lincoln Lane South from the RM-1 property;

(iii) The hotel shall be operated by a single operator; and

(iv) No accessory uses associated with a hotel shall be located or permitted within the RM-1 district.

**SECTION 2.** Chapter 130 of the City Code, entitled "Off-street parking," Article II, "Districts; requirements," Section 130-32, "Off Street parking requirements for parking district no. 1," is hereby amended as follows:

**CHAPTER 130  
OFF-STREET PARKING**

\* \* \*

**ARTICLE II. – DISTRICTS; REQUIREMENTS**

\* \* \*

**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

\* \* \*

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

Properties located within a local historic district or National Register Historic District		
	New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
	Other (e.g., new construction or substantial demolition of contributing building)	1 space per unit
<u>Properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue</u>		<u>No off-street parking requirement</u>
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east		.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street		1 space per unit
Properties not listed above:		

	Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
	Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
	Other	1 space per unit

**SECTION 3. Repealer.**

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

**SECTION 4. Codification.**

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

**SECTION 5. 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 6. 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:  
Second Reading:

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



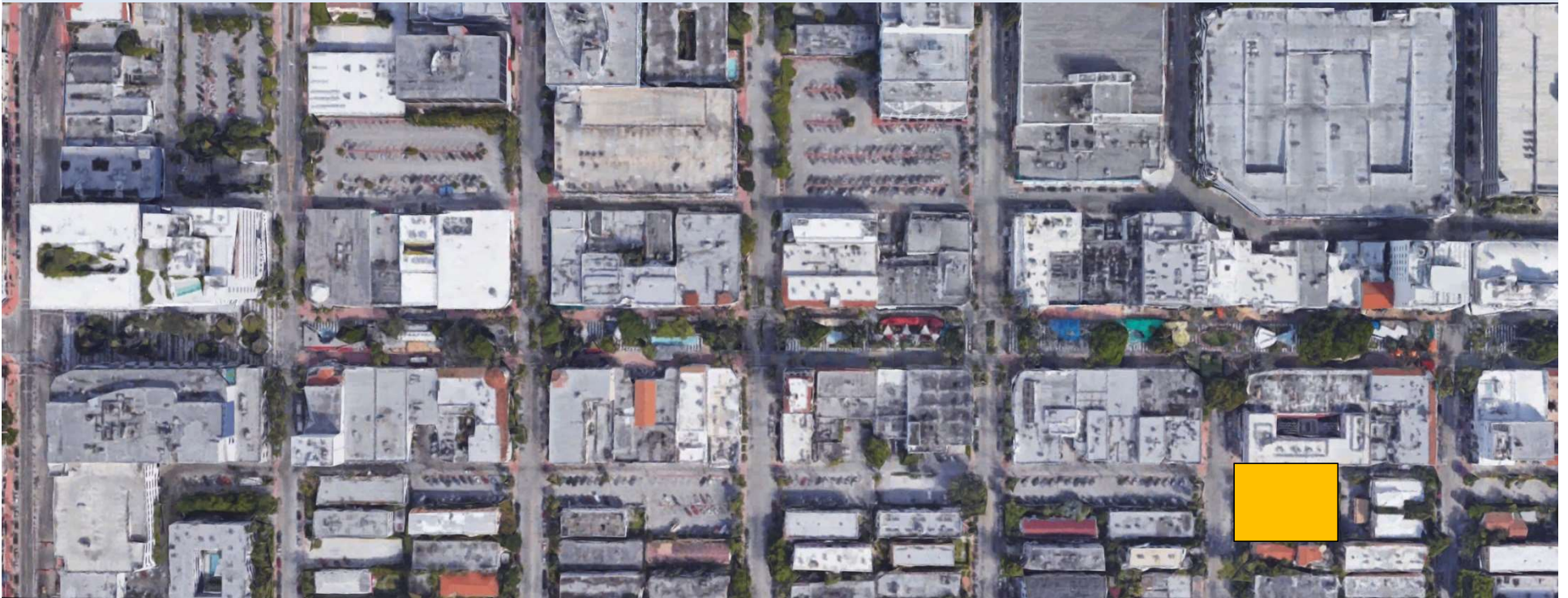
# **LINCOLN CENTER**

## **BOUTIQUE HOTEL STUDY**

Concept Planning Ideas 2019

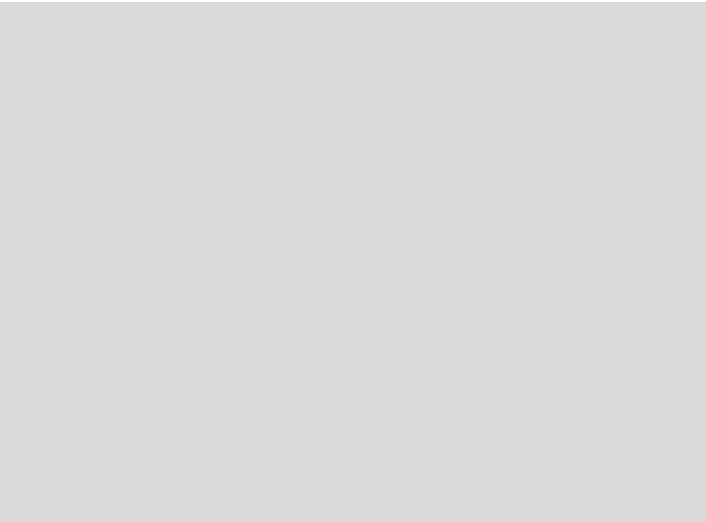
# LINCOLN ROAD BOUTIQUE HOTEL STUDY

Scheme 01 (The Pearl)





Site/Context





Site/Context

SITE

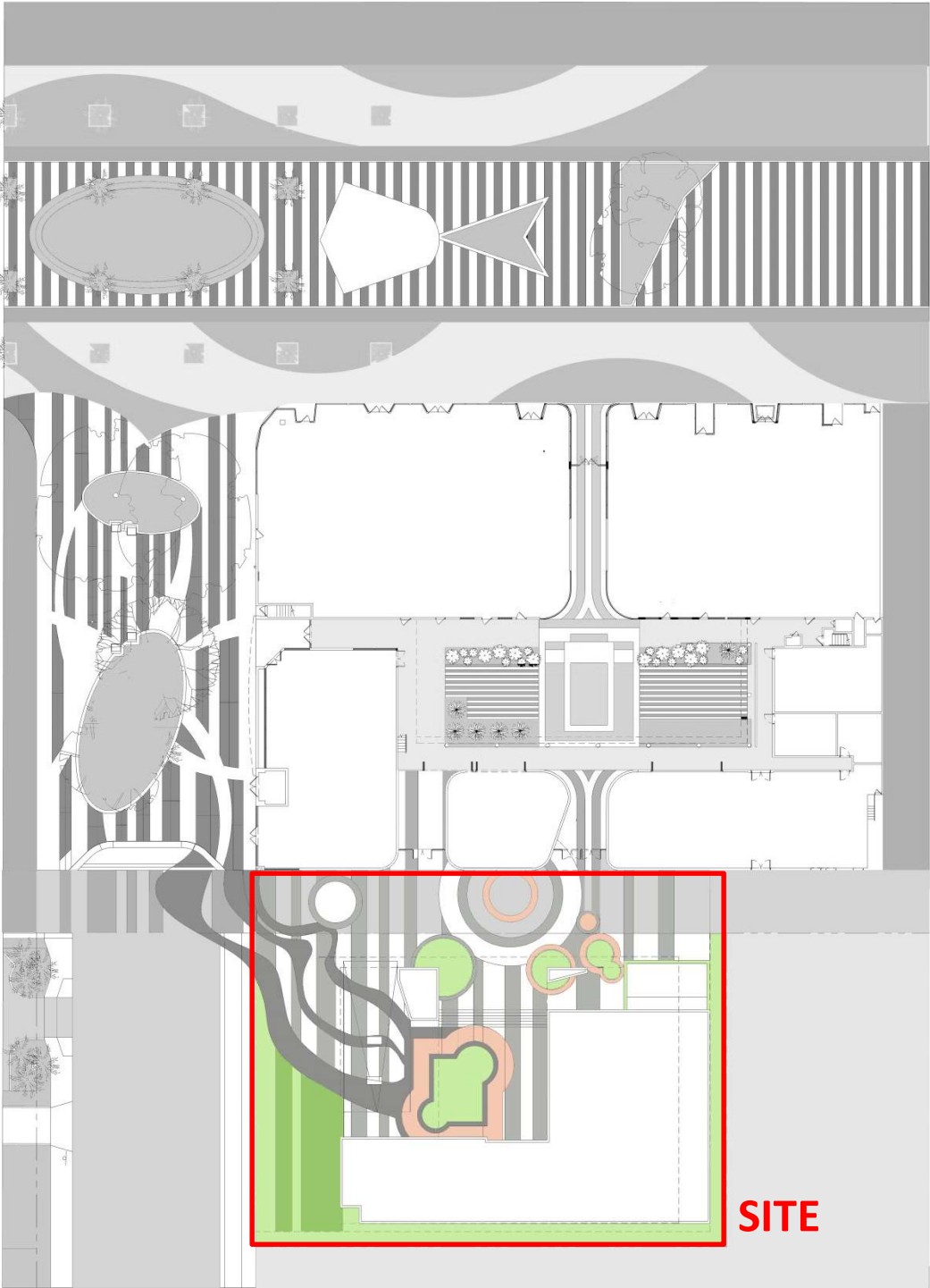


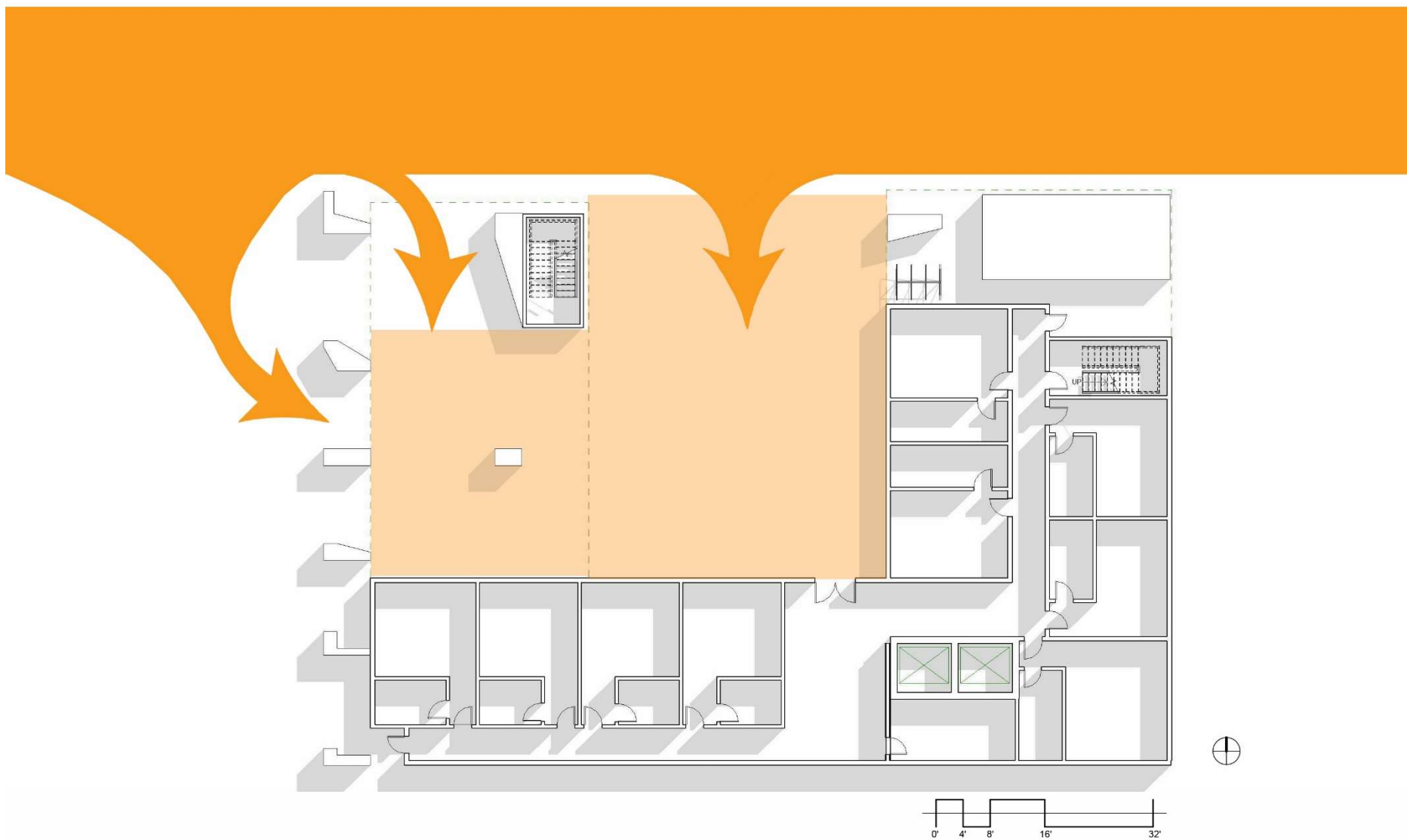




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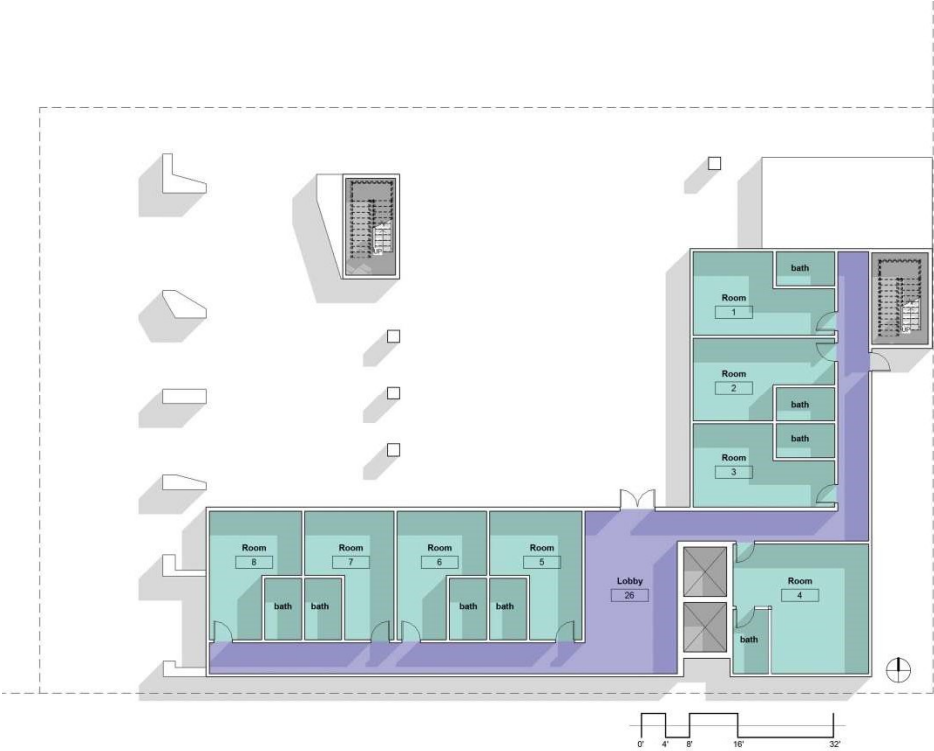
Site Plan 01



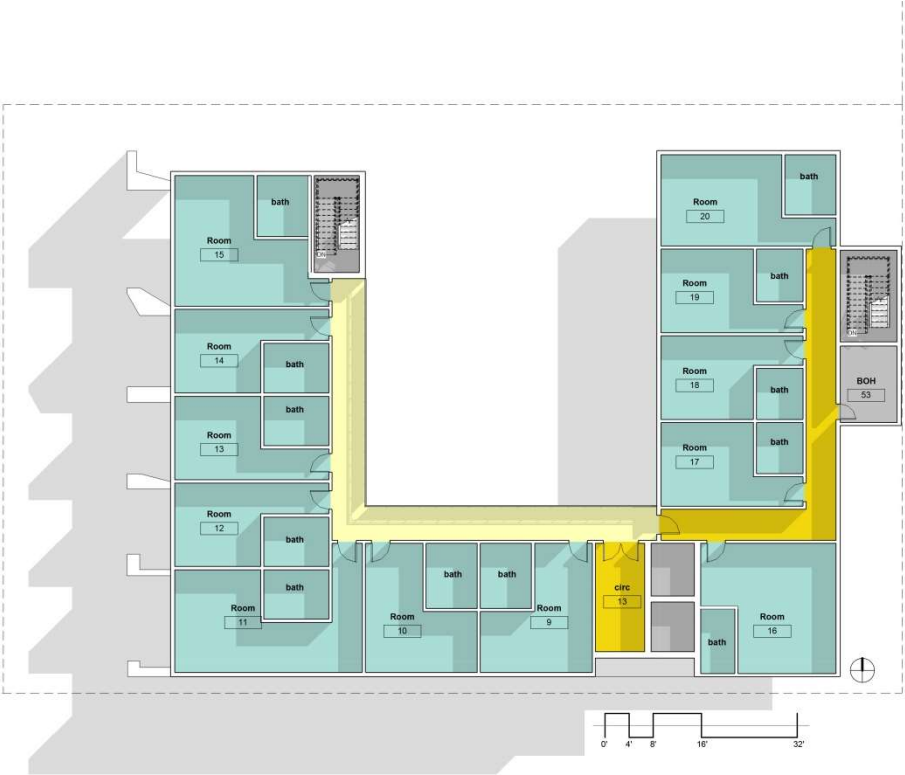




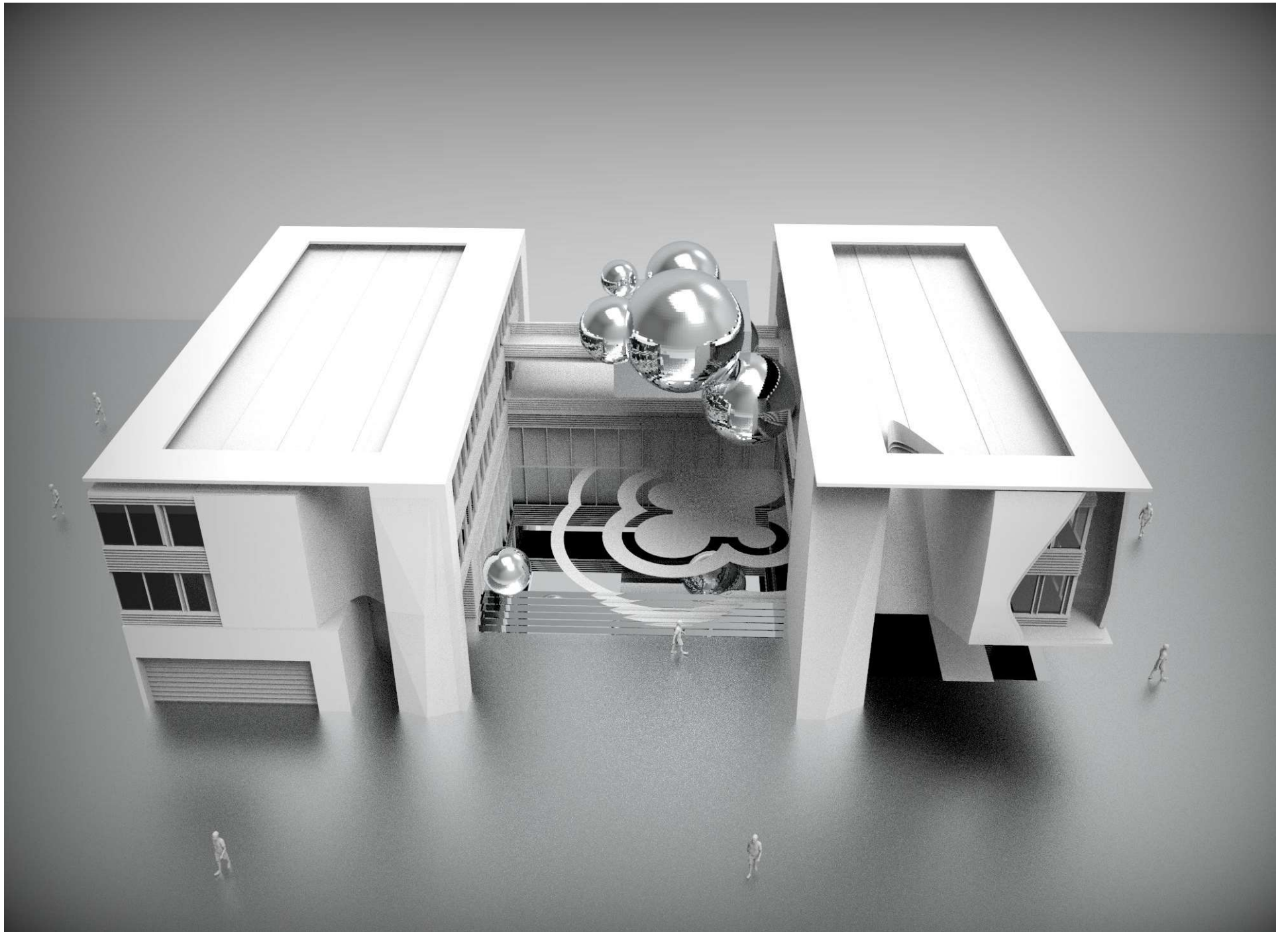
Alternate Plan Layout



Ground Floor Plan



Upper Floor Plan Typ.



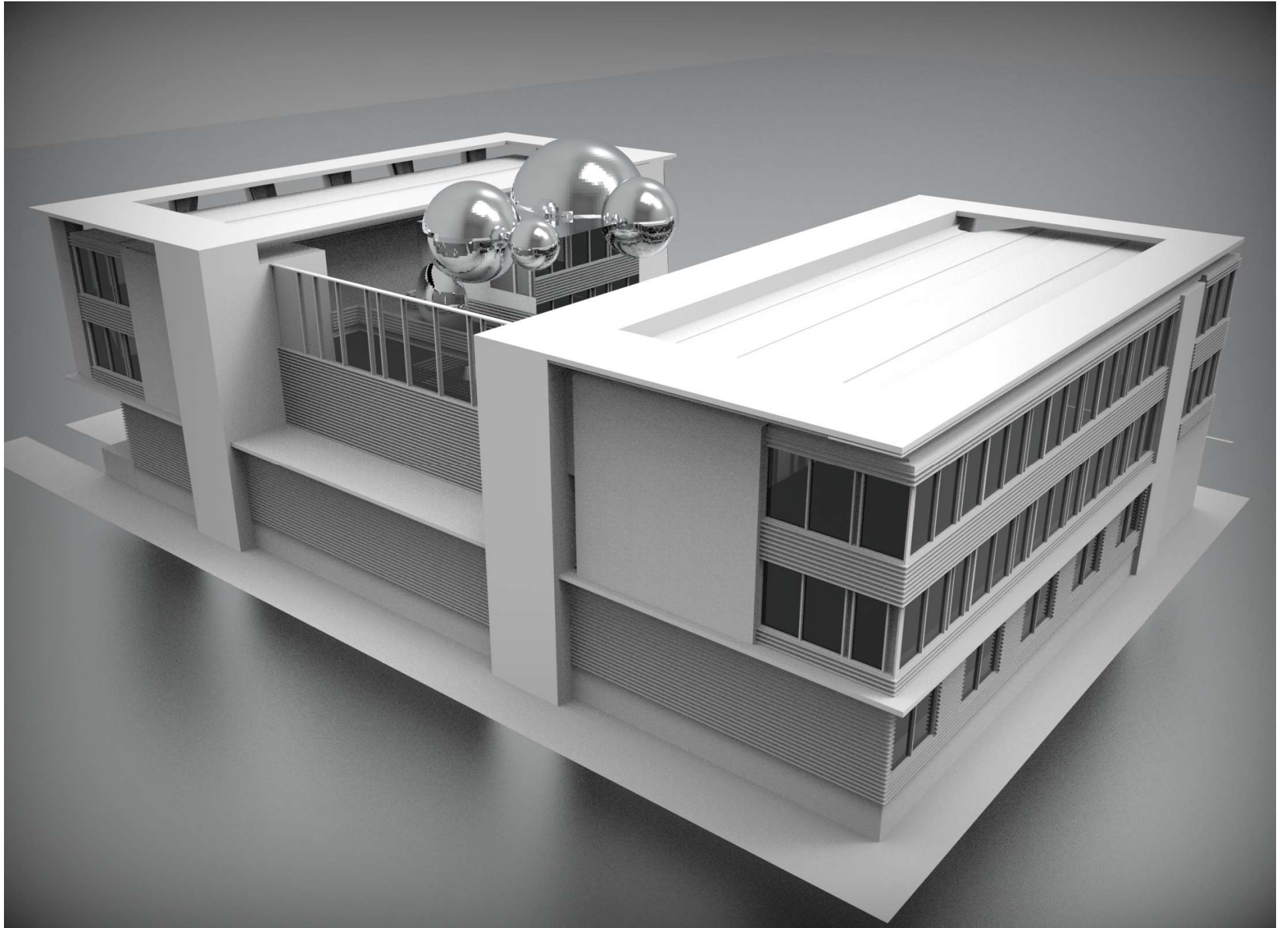


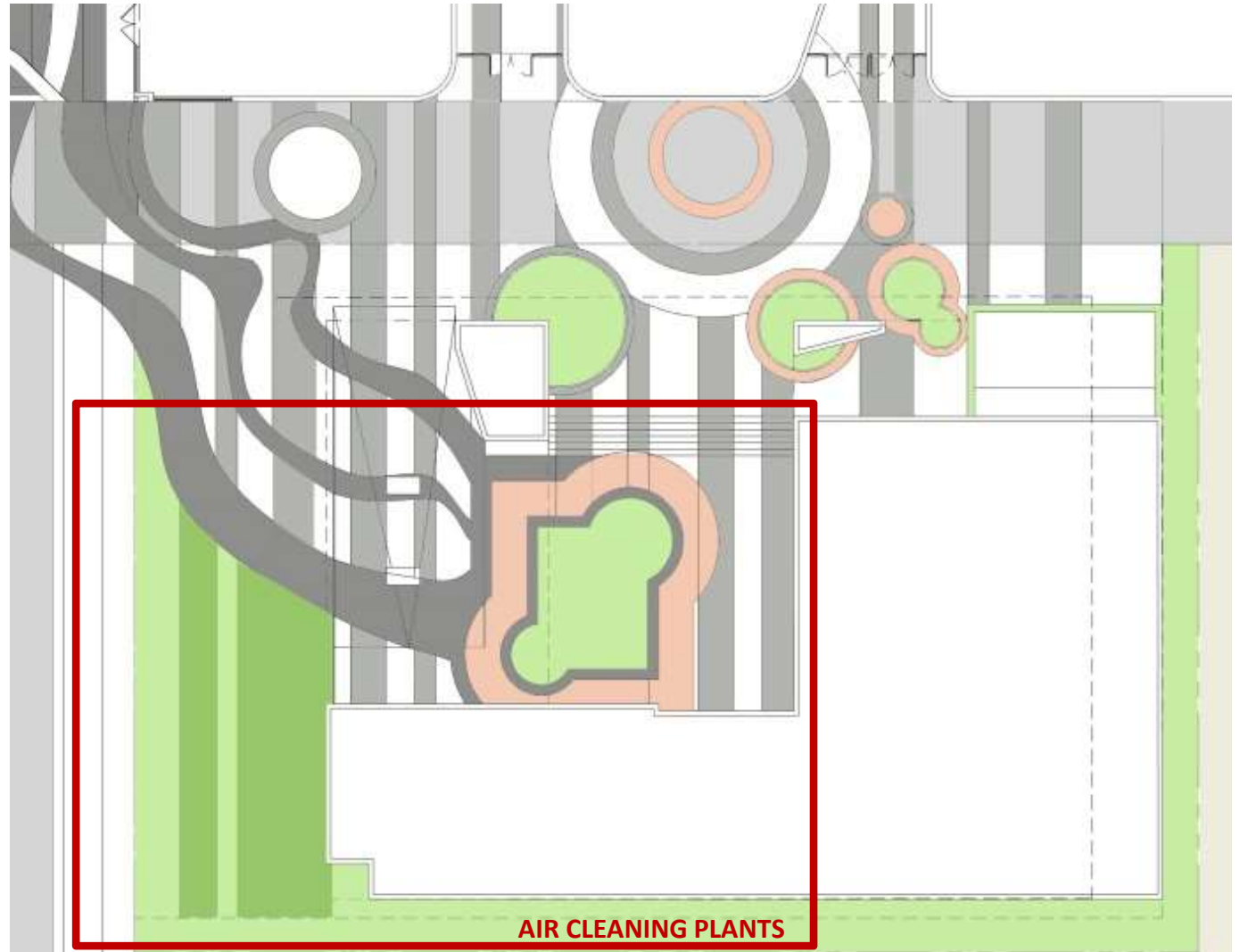












**Green Concepts: Air Cleaning Plants / Grass Pavers to Reduce Solar Heat Gain**





