

# MIAMI BEACH

Land Use and Development Committee Meeting

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

April 4, 2018 - 2:30 PM

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

Wednesday, April 4, 2018, 2:30 PM

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### DISCUSSION ITEMS

1. DISCUSSION REGARDING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO ESTABLISH MORE AGGRESSIVE REQUIREMENTS FOR EMPLOYEE TRANSPORTATION PLANS.  

**City Commission**  
**June 8, 2016 Item R7 X (Continued from February 21, 2018)**
2. DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY.  

**Commissioner Ricky Arriola**  
**April 26, 2017 Item C4 X (Continued from March 14, 2018)**
3. DISCUSSION PERTAINING TO ANTICIPATED INCREASES IN EXTREME HEAT AND THE IMPACT ON BUILDING AND SITE PLAN DESIGN.  

**Commissioner John Elizabeth Aleman**  
**July 26, 2017 Item C4 A (Continued from March 14, 2018)**
4. DISCUSSION ON THE CREATION OF A PINK ZONE.  

**Commissioner Ricky Arriola**  
**October 18, 2017 Item C4 L (Continued from March 14, 2018)**
5. DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT  

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018 Item R9 K**

### VERBAL REPORTS

6. DISCUSSION REGARDING A COMPREHENSIVE PLAN FOR RIDE SHARE LOCATIONS CITYWIDE.  

**City Commission**  
**January 17, 2018 Item R5 C (Continued from February 7, 2018)**
7. DISCUSSION OF AN ORDINANCE RELATING TO TELECOMMUNICATIONS THAT WOULD UPDATE THE CITY CODE AND LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH UPDATES AND PREEMPTIONS CREATED BY THE STATE LEGISLATURE.  

**Mayor Dan Gelber**  
**February 14, 2018 Item C4 AB**
8. DISCUSSION ON EMPTY STOREFRONTS AND HOW THE CITY CAN INCENTIVIZE LANDLORDS TO FIND TENANTS TO ACTIVATE OUR STREETS.  

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018 Item C4 G**

9. DISCUSSION REGARDING HOW THE TALL HEDGES, SOME SOARING UP TO 6-FEET TALL, ON PRIVATE PROPERTIES, LOCATED ADJACENT TO, DRIVEWAYS AND SIDEWALKS, POSE A DANGER TO PEDESTRIANS AND OBSTRUCT WALKABILITY.

**Commissioner Kristen Rosen Gonzalez**  
**March 7, 2018 Item R9 P**

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# MIAMI BEACH

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

## Item 1. **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

**TITLE: DISCUSSION REGARDING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO ESTABLISH MORE AGGRESSIVE REQUIREMENTS FOR EMPLOYEE TRANSPORTATION PLANS.**

### **HISTORY:**

Since 2012, the Transportation Element of the City's 2025 Comprehensive Plan has included a policy on Transportation Demand Management (TDM) (Policy 6.2) to direct staff to educate and encourage the development community to implement TDM strategies to improve mobility, reduce the need for parking, and improve the efficiency of the City's roadway network.

TDM is a term reserved for a program typically implemented by municipalities requiring employers and developers to provide amenities and strategies for employees to utilize alternative methods of transportation for commuting.

In February 2015, the City of Miami Beach conducted a Traffic Management Workshop where staff proffered formalizing the Employee Transportation Plan Strategy via ordinance. This strategy was endorsed by the Neighborhood/Community Affairs Committee in April 2016.

Below is a chronology of pertinent meetings and a status update on a Citywide TDM Program:

In March 2017, the Transportation Department staff provided an update on its draft TDM ordinance to the Land Use and Development Committee (LUDC). At the meeting, the Committee recommended that the Administration reach out to the Miami Beach Chamber of Commerce and present the plan to the Chamber for input. Pursuant to the Committee's direction, City staff briefed the Miami Beach Chamber of Commerce on the concept. The Chamber expressed some concerns regarding the impacts that some TDM strategies could have on businesses and private development in the City. The Chamber also expressed interest in helping the City craft a TDM initiative with a more collaborative stakeholder process.

In April and May 2017, Transportation staff reached out to local South Florida municipalities, Florida Department of Transportation (FDOT), South Florida Commuter Services (SFCS), and The Center for Urban Transportation Research (CUTR) at the University of South Florida to learn more about their TDM programs and regional TDM resources. SFCS has worked with the cities of West Palm Beach and Boca Raton to initiate their TDM programs. SFCS and CUTR expressed willingness to assist Miami Beach in its TDM efforts.

During the May 2017 LUDC meeting, Committee Members were briefed on regional TDM resources available through SFCS and CUTR to support communities initiating a TDM strategy. The Committee

was supportive of working with SFCS and suggested that the Transportation Department staff move forward in a partnership with stakeholders and report back in September 2017.

On July 13, 2017, the City of Miami Beach's Transportation Department and SFCS facilitated an internal roundtable discussion with multiple City departments to gauge buy-in on a citywide TDM initiative. The meeting was well-attended and well-received. The attendees were engaged and actively participated throughout the meeting, identifying ideas they viewed as most important for a successful TDM Program within the City of Miami Beach.

On November 29, 2017, a joint meeting with key City of Miami Beach departments and community stakeholders was moderated by the Transportation Department, SFCS, and CUTR. The objective of this meeting was to gain valuable feedback and discuss initial TDM goals in advance of a broader TDM workshop. The session was well-attended by City Staff from multiple departments along with stakeholders, such as the Greater Miami Convention and Visitors Bureau, the Greater Miami and the Beaches Hotel Association, Miami Beach Chamber of Commerce, and Mount Sinai, among others. The participants helped to provide greater insight and discussed mobility and parking strategies that could be considered as part of a citywide TDM program.

On January 9, 2018, City staff, along with SFCS, presented for a second time to the Miami Beach Chamber of Commerce. The Chamber was receptive to the revised approach taken by the City to engage stakeholders in the development of a TDM program.

On January 24, 2018, the City, SFCS, and CUTR hosted a second larger public workshop. Participants were from multiple city departments, the Greater Miami and the Beaches Hotel Association, the Miami Beach Chamber of Commerce, and a broad group of major stakeholders. Staff obtained many different perspectives on the Miami Beach TDM initiative, further identified potential ways to implement a citywide TDM program in Miami Beach, and began to prioritize specific mobility and parking strategies. The results will facilitate a greater consensus about the specific strategies to include in a future Miami Beach TDM program.

### **Analysis**

Transportation Department staff continues to engage key city departments, governmental agencies, and partnering entities in the development of a Citywide TDM Program targeting the City of Miami Beach employee work force as well as private businesses and private development in the City.

City Staff, assisted by SFCS and CUTR (both engaged at no cost to the City), are in the process of drafting a TDM Program which will include specific strategies and a prioritized work plan by timeframe. The many valuable ideas and suggestions received during the stakeholder workshops are the foundation of a future TDM ordinance. Once the ideas and concepts derived from the workshops are thoroughly vetted by the City, SFCS, and CUTR, the goal is to report back to the broader stakeholder group in April with a TDM Program framework for feedback. Staff anticipates coming back to LUDC with a preliminary TDM Program for discussion and further input in May.

### **CONCLUSION:**

City staff's, SFCS's and CUTR's commitment to a collaborative and consensus building process with key community stakeholders has been and continues to be an essential component to drafting a citywide TDM ordinance that will be supported by the stakeholder community.

# MIAMI BEACH

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

## Item 2. COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

TITLE: **DISCUSSION REGARDING ADAPTIVE REUSE ALONG THE TATUM WATERWAY**

### **HISTORY:**

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

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

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

### **Analysis**

#### **PLANNING ANALYSIS**

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

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

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

#### **Conditional Uses**

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

following:

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

### **Accessory Uses**

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

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

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

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

As it pertains to minimum parking requirements, staff is concerned with the impact of requiring off-street parking for a couple of reasons. First, since the proposed accessory uses would be within existing structures, there would be no physical way to locate parking spaces within a property. Also, by requiring a parking impact fee, even if it were the less expensive annual fee in lieu, this added cost could be a deterrent to potential operators. Finally, even if parking could be provided on site, the availability of parking storage would be more of an incentive to drive. As demonstrated in the square footage limitations in the draft ordinance, these proposed adaptive accessory uses are intended to serve the area neighborhood, and not be destination establishments.

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

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

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

**CONCLUSION:**

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

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
☐ Tatum Waterway Adaptive Uses - DRAFT ORDINANCE	Memo
☐ Tatum Waterway Adaptive Uses - MAP	Memo

# DRAFT

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

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

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

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

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

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

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

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

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

**Sec. 142-151. - Purpose.**



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

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

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

**Sec. 142-153. - Conditional uses.**

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

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

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

**Sec. 142-154. - Accessory uses.**

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

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

**Sec. 130-31 Parking District Established.**

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

\* \* \*

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

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

(3) Individually designated historic building.

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

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

**SECTION 3. CODIFICATION.**

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

**SECTION 4. REPEALER.**

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

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**ATTEST:**

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

First Reading: \_\_\_\_\_, 2018

Second Reading: \_\_\_\_\_, 2018

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

# North Beach Adaptive Reuse Parcels



# MIAMI BEACH

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

## Item 3. COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

TITLE: **DISCUSSION PERTAINING TO ANTICIPATED INCREASES IN EXTREME HEAT AND THE IMPACT ON BUILDING AND SITE PLAN DESIGN.**

### **HISTORY:**

On July 26, 2017, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion to the Land Use and Development Committee (LUDC) and Planning Board for consideration and recommendation (Item C4 A). On October 11, 2017, the Land Use and Development Committee continued the item to a date certain of December 11, 2017.

On December 11, 2017, the Land Use Committee discussed the item, including a narrative of potential options. The LUDC directed staff to draft an ordinance with both incentive and requirement options and continued the item to the February, 2018 meeting. On February 21, 2018, the item was deferred to March 14, 2018.

### **Analysis**

The Administration has identified a variety of strategies to address the impacts of urban heat island (UHI) and improve resilience. Attached is a table describing the items identified, associated benefits, potential costs, the current actions the City is pursuing regarding these items and staff recommendations for incentives. Staff believes this chart is a better way to assess and pinpoint those options suitable for an actual ordinance.

### **CONCLUSION:**

The Administration recommends the LUDC discuss the variety of options set-forth in the attached table and provide appropriate policy direction. If there is consensus on the options included, it is further recommended that a draft ordinance be prepared for review by the Land use Committee in April, or for referral to the Planning Board.

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ Attachment Table	Memo

## Strategies to address the impacts of urban heat island and improve resilience

UHI Action Item	Definition	Benefits	Cost	What CMB is doing about it	Policy Options
Cool or White Roofs	Cool or White roof means a roof that has been coated white or is surfaced with some other light or reflective material.	Most studies demonstrate that cool or white roofs reduce roof surface temperatures, lower electricity consumption for the building and reduce the heat island effect. A cool roof reflects more sunlight and absorbs less heat than a standard roof. This allows for a cooler rooftop surface and less heat being transferred into the building. In turn, less cooling is needed which lowers electricity consumption and reduces the building's GHG emissions. According to the U.S. Environmental Protection Agency (EPA), a cool roof can reduce the roof surface temperature by 55 degrees Fahrenheit on average during peak summer temperature and lower cooling costs by 20 percent	The average cost to coat an existing system (granulated or smooth built-up) would be between \$2.5 and \$7 per square foot, depending on the labor and initial work involved in preparing the roof for coating	1) The city adopted a sustainable roofing ordinance which incentivizes and facilitates the installation of solar roofs, blue roofs, cool roofs, green roofs, and other roofing systems that will reduce the heat island effect, allow reuse or retention of stormwater, or reduce greenhouse gases to be used in the city. 2) In addition, last year, the city adopted a green building ordinance requiring new construction over 7,000 square feet to obtain LEED Gold or Living Building Challenge certification. Part of the credits required to obtain these certifications include heat island reduction, optimizing energy performance and thermal comfort. For example, a project can receive up to 2 points for LEED certification for heat island reduction by installing a roof meeting a certain initial solar reflectance index (SRI) or 3-year aged SRI value.	<p><b>Provide incentives for the installation of white roofs, such as:</b></p> <ul style="list-style-type: none"> <li>• <b>Waive building and zoning permit fees</b></li> <li>• <b>Expedite our permitting process within 3 days</b></li> <li>• <b>Waive Planning boards/committees plan review</b></li> <li>• <b>Tax Abatement</b></li> </ul>
Green Roofs	Green roof means a green space created by layers of growing medium and vegetation added on top of a traditional roofing system. It may also include additional layers such as a root barrier and drainage and irrigation systems.	Green roofs can help keeping rainwater out of overburdened storm sewer systems, improving water quality, and reducing flooding. Additionally, it provides habitat, increases open space, lowers urban temperatures, and improves air quality.	Green roof can vary significantly, depending on soil depth, plants, features and subcontractor arrangement. On average, extensive green roof can cost between \$15-25/sq ft, while intensive can cost between \$25-35/sq ft.	Same as above (1)	<p><b>Provide incentives for the installation of green roofs, such as:</b></p> <ul style="list-style-type: none"> <li>• <b>Waive building and zoning permit fees</b></li> <li>• <b>Expedite our permitting process within 3 days</b></li> <li>• <b>Tax Abatement</b></li> </ul>
Blue Roofs	Blue roof means a non-vegetated source control to detain stormwater. A blue roof slows or stores storm-	Blue roofs are less costly than green roofs. Its main benefits are rainwater detention and stormwater runoff reduction. Coupled with light colored roofing material they can provide sustainability benefits	Costs vary according to the technology used but on average it can cost about \$1-4/sq ft.	Same as above (1)	<p><b>Provide incentives for the installation of blue roofs, such as:</b></p> <ul style="list-style-type: none"> <li>• <b>Waive building and zoning permit fees</b></li> <li>• <b>Expedite our permitting process within 3 days</b></li> <li>• <b>Provide tax abatement</b></li> <li>• <b>Provide stormwater fee</b></li> </ul>

	water runoff by using various kinds of flow controls that regulate, block, or store water instead of vegetation.	through rooftop cooling.			reduction according to the percentage of water retained or reused within the project site.
Solar Carports	Solar carports are overhead canopies built to cover parking areas with solar panels.	Solar Carports can minimize energy expenses, while keeping the vehicle cooler and preserve the usefulness of the ground. In addition the energy is renewable so it's also reducing GHG emissions.	Varies pending on size, solar panels. On average about \$4/watt.	The City has incentives for solar projects, including waiving building permit fees and zoning review fees.	<p><b>Provide incentives for the installation of solar carports, such as:</b></p> <ul style="list-style-type: none"> <li>• Waive building and zoning permit fees</li> <li>• Expedite our permitting process within 3 days</li> <li>• Provide tax abatement and additional square footage for single family districts in single family districts for homes that are targeting to become 100% (renewable) powered on solar, installing solar panels and solar carports.</li> <li>• Include language within our Code for solar carports incentives, including exceptions for structures that solely support solar energy systems: reductions in parking stall length and width; limited waivers for non-conforming parking lots; and modified height exceptions;</li> </ul>
Cool Pavements	Cool pavements refer to a range of established and emerging materials that can store less heat and may have lower surface temperatures compared with conventional products.	Cool pavements can reduce stormwater runoff and the need for other stormwater infrastructure, as well as assist to reduce the pavement temperature and the heat island effect.	Costs can range from \$0.10 to 10/sq ft	The City has installed porous pavements on parking lots located at 10 Street and Washington. CIP will be installing porous pavements on other parking facilities projects. No difference in maintenance has been identified by Parking or PW.	<p><b>Provide incentives for the installation of cool pavements, such as:</b></p> <ul style="list-style-type: none"> <li>• Waive building and zoning permit fees</li> <li>• Expedite our permitting process within 3 days</li> <li>• Provide tax Abatement</li> <li>• Require a percentage of pavement areas to implement permeable pavement technology for new construction.</li> <li>• Require a percentage of surface parking areas to implement permeable pavement technology for new construction.</li> </ul>
White Streets	White streets are streets that have been coated white.	Reduces the pavement temperature (10-30 degrees), helping reduce the heat island effect.	The white coating product used in Los Angeles costs about \$0.40 /sq ft		<b>The City could look for funds to initiate a pilot project in an area with low-medium traffic area.</b>



# MIAMI BEACH

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

## Item 4. **COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

TITLE: **DISCUSSION ON THE CREATION OF A PINK ZONE**

### **HISTORY:**

On October 18, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4L). On October 30, 2017 the item was continued to a date certain of December 11, 2017.

On December 11, 2017 the Land Use and Development Committee discussed the item and continued it to the February 2018, LUDC. On February 21, 2018 the item was continued to a date certain of March 14, 2018.

### **Analysis**

#### **PLANNING ANALYSIS**

At the December 11, 2017 LUDC, Mr. Brian Falk made a presentation regarding the Project for Lean Urbanism. Lean Urbanism and Pink Zones are ways to encourage small scale economic development. The Land Use Committee continued the item and requested that Mr. Falk provide a more detailed update and proposal tailored to incentivize small business.

The Administration met with Mr. Falk and is supportive of the Pink Zone concept in Miami Beach. In this regard, a defined area and/or type of use should be identified and further explored to see if a lean urbanism approach is suitable.

### **CONCLUSION:**

The Administration recommends that the Land Use and Development Committee discuss the item and provide additional policy direction. If there is consensus on further studying the Pink Zone concept for application in the City, it is further recommended that the item be continued to a future LUDC meeting.

# MIAMI BEACH

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

Item 5.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

TITLE: **DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Deauville Beach Resort - 6701 Collins Ave. Memo Mar 14, 2018 LUDC	Memo

# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 14, 2018

SUBJECT: **DISCUSSION REGARDING THE DEAUVILLE BEACH RESORT**

### HISTORY

On March 7, 2018, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item R9K).

### ANALYSIS

The Deauville Hotel, located at 6701 Collins Avenue was constructed in 1957 and designed by noted local architect Melvin Grossman. The subject structure is an excellent example of the Post War Modern (MiMo) style of architecture and is classified as a contributing building within the North Beach Resort Local Historic District.

One of the most noticeable features of the building is its dramatic porte-cochere, comprised of sweeping intersecting parabolic curves, creates a defining entry point for this once all-inclusive resort. Stepped horizontal planes rise from the street to the second floor lobby entrance along the building's façade, providing shelter and a clear pedestrian procession from Collins Avenue. The two-story structure to the south of the property contains ground level retail spaces with an enormous two story height ballroom space above, made legendary by the 1960s appearance of the Beatles on the "Ed Sullivan Show". An elongated honey comb pattern of ornamental hollow clay blocks forms a distinctive screening mechanism for the ballroom façade on Collins Avenue. The hotel units are contained within a 15-story tower with continuous horizontal windows and projecting concrete eyebrows located at the north end of the property.



*The New Deauville Hotel on Collins Avenue and the Ocean at Night on Miami Beach*

ODK 773 1960

The hotel is currently vacant and not operating due to a fire in July, 2017. While permits have been applied for, no serious building activity is taking place.

Maintenance of Designated Properties and Demolition by Neglect

Section 118-532(g) of the City Code provides a mechanism for the City to initiate the demolition by neglect process for a designated property. Such process may be initiated if it is determined by the Historic Preservation Board, Planning Director or Building Official that a designated property has fallen into one or more of the following categories:

- A state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity;
- A state of disrepair, so as to potentially jeopardize the safety of the public and surrounding structures;
- A state of disrepair that results in the property failing to meet the minimum maintenance standards.

The following is a summary of the demolition by neglect process:

1. After 48 hours' notice to the owner of intent to inspect, the City may enter and inspect the property.
2. Upon completion of the inspection, a report delineating the findings of the inspection, as well as any remedial action required to address any violation of the required minimum maintenance standards, shall be immediately transmitted to the property owner. The City may require that the property owner retain a professional structural engineer to complete a structural evaluation report to be submitted to the City.
3. Upon receipt of such report, the property owner shall substantially complete any remedial or corrective action within 30 days of receipt of the report, or within such time as deemed appropriate by the Building Official, in consultation with the Planning Director. Such time may be extended at the discretion of the City's Building Official.

If the property owner refuses access to the property, and/or fails to undertake and substantially complete the required action noted above, within the specified time frame, the City may, at the expense of the owner, file an action seeking an injunction ordering the property owner to allow access to the property and/or take the required remedial and corrective action to restore the building's compliance with minimum maintenance standards. Additionally, the City may seek civil penalties (up to \$5,000 per day), for each day that the remedial and corrective action is not taken).

**CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the item and provide appropriate policy direction.

*JLM/SMT/TRM*

*Attachments*



Deauville

6701



747











# MIAMI BEACH

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

Item 6.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

TITLE: **DISCUSSION REGARDING A COMPREHENSIVE PLAN FOR RIDE SHARE LOCATIONS CITYWIDE.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ R5 C	Memo

**1:10:16 p.m.**

R5 C **PARKING DISTRICTS NO. 6 & 7 - HOTEL AND APARTMENT REQUIREMENTS:**  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 6; TO EXTEND THE BOUNDARIES OF PARKING DISTRICT NO. 7; AND TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 7; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

**10:10 a.m. Second Reading Public Hearing** First Reading on December 13, 2017 - R5 U  
Planning  
Vice-Mayor John Elizabeth Alemán

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2018-4159 adopted.** Motion made by Vice-Mayor Alemán to adopt the Ordinance; seconded by Commissioner Arriola. Ballot vote: 6-1. Against: Commissioner Rosen Gonzalez. **Thomas Mooney to handle.**

**REFERRAL:**

Land Use and Development Committee

**TO DO:** Comprehensive study on mobility throughout the City with rideshare.**Thomas Mooney to place on the Committee agenda and to handle.****MOTION 1:** Passed

Motion by Vice-Mayor Alemán to approve the item; seconded by Commissioner Arriola. Ballot vote: 6-1. Against: Commissioner Rosen Gonzalez.

**MOTION 2:** Passed

Motion by Commissioner Rosen Gonzalez to refer the item to the Land Use and Development Committee to do a comprehensive study on mobility throughout the City with rideshare. Voice vote: 7-0.

Thomas Mooney, Planning Department Director, introduced the item, which was approved on first reading on December 13, 2017. It expands the boundaries of Parking District 7 one block, specifically as it applies to office and hotel uses. It also amends Parking District 6 along Alton Road to extend RM-1 and RM-2 apartment parking space requirements over to residential buildings permitted in the CD-2 District and minor cleanup language proposed for Parking District 5. The Administration recommends adoption.

Commissioner Rosen Gonzalez stated that this item removes the parking requirement for the future hotel on the corner of Alton Road and 17<sup>th</sup> Street. This area has limited parking. This Ordinance would give the hotel the ability to build without providing parking, and then the City of Miami Beach would be responsible for building a parking lot to accommodate for the rise in traffic. Even if guests use ridesharing services, there will be plenty of hotel staffers that will need to take their cars to work and have to park somewhere. If the City is not requiring parking, could it at least require ridesharing loading zones?

Mr. Mooney stated that the Citywide trend is that ridesharing drop off and pickup has been negatively affecting traffic. They have looked into it to ensure there is an adequate drop off and pickup for ridesharing. It is not something, however, that is required in the City's Code.

# MIAMI BEACH

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

Item 7.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

**TITLE: DISCUSSION OF AN ORDINANCE RELATING TO TELECOMMUNICATIONS THAT WOULD UPDATE THE CITY CODE AND LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH UPDATES AND PREEMPTIONS CREATED BY THE STATE LEGISLATURE.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ C4 AB	Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Dan Gelber  
DATE: February 14, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE OF AN ORDINANCE RELATING TO TELECOMMUNICATIONS THAT WOULD UPDATE THE CITY CODE AND LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH UPDATES AND PREEMPTIONS CREATED BY THE STATE LEGISLATURE.

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### **RECOMMENDATION**

Please see Memorandum attached.

### **Legislative Tracking**

Office of the Mayor and Commission/Office of the City Attorney

### **Sponsor**

Mayor Dan Gelber

### **ATTACHMENTS:**

#### **Description**

- Memorandum

# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Members of the City Commission  
Jimmy L. Morales, City Manager

FROM: Mayor Dan Gelber

DATE: February 14, 2018

SUBJECT: A REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE OF AN ORDINANCE RELATING TO TELECOMMUNICATIONS THAT WOULD UPDATE THE CITY CODE AND LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH UPDATES AND PREEMPTIONS CREATED BY THE STATE LEGISLATURE.

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In 2015 and 2016 the City updated its Telecommunications Ordinance to take into consideration certain updates to state and federal telecommunications laws and certain regulations that preempted the City's Code. In 2017, the State legislature adopted further amendments to Chapter 337, of the Florida Statutes, entitled "Contracting; Acquisition, Disposition and Use of Property," and specifically preempted certain activities of municipalities and counties – as it relates to the regulation of telecommunications. The state legislature has limited the fees that may be charged, as well as reducing the City's ability to review the placement of telecommunications equipment within City rights-of-ways.

Based upon the foregoing, the Mayor Gelber is seeking to refer review of the City's existing telecommunications ordinance, in conjunction with a review of the state law amendments that became effective July, 2017, in order to update the City's Code to ensure compliance with state law. As some of the City's telecommunications regulations are contained within the Land Development Regulations [relating to the powers and duties of the Design Review Board and the Historic Preservation Board] the City desires for the Land Use and Development Committee to review the foregoing statutes and to provide a recommendation to the Mayor and City Commission as to a proposed draft revision to the City's telecommunications ordinances.

Should you have any questions or concerns please contact Michele Burger at 305-673-7030 at extension 6460.

Thank you.

# MIAMI BEACH

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

Item 8.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

**TITLE: DISCUSSION ON EMPTY STOREFRONTS AND HOW THE CITY CAN INCENTIVIZE LANDLORDS TO FIND TENANTS TO ACTIVATE OUR STREETS.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ C4 G	Memo



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Kristen Rosen Gonzalez  
DATE: March 7, 2018

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -  
DISCUSSION ON EMPTY STOREFRONTS AND HOW THE  
CITY CAN INCENTIVIZE LANDLORDS TO FIND TENANTS TO ACTIVATE OUR  
STREETS.

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### **RECOMMENDATION**

Please add a referral to Land Use and Development Committee regarding the following:

How many storefronts are currently empty and have been empty for more than six months?

Can we incentivize landlords so they find tenants and we once again activate our streets?

### **Legislative Tracking**

Commissioner Kristen Rosen Gonzalez

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

Item 9.  
**COMMITTEE MEMORANDUM**

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 4, 2018

**TITLE: DISCUSSION REGARDING HOW THE TALL HEDGES, SOME SOARING UP TO 6- FEET TALL, ON PRIVATE PROPERTIES, LOCATED ADJACENT TO, DRIVEWAYS AND SIDEWALKS, POSE A DANGER TO PEDESTRIANS AND OBSTRUCT WALKABILITY.**

**(VERBAL REPORT)**