



MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 19, 2014

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF FEBRUARY 19, 2014**

A meeting of the Land Use and Development Committee has been scheduled for February 19, 2014 at 3:00 pm in the City Commission Chambers.

1. DISCUSSION REGARDING REVISIONS TO CITY CODE CHAPTER 54, VARIANCE REQUIREMENTS FOR HISTORIC PROPERTIES.

**(REFERRED BY CITY COMMISSION
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C4C)
VERBAL REPORT**

2. DISCUSSION FOR CONSIDERATION OF ESTABLISHING ACCEPTABLE ACCESSORY USES PERMITTING RESTAURANTS IN CONTRIBUTING HISTORIC STRUCTURES WITHIN THE RM-2 CULTURAL ARTS NEIGHBORHOOD OVERLAY DISTRICT.

**(CONTINUED FROM THE JANUARY 22, 2014 LUDC MEETING
SPONSORED BY COMMISSIONER JOY MALAKOFF
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO
OCTOBER 16, 2013 CITY COMMISSION MEETING, ITEM C4G)**

3. a) DISCUSSION REGARDING A CHANGE TO THE COMPOSITION OF THE DESIGN REVIEW BOARD TO A BOARD OF PROFESSIONALS.

**(REQUESTED BY COMMISSIONER JOY MALAKOFF
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4C)**

3. b) DISCUSSION REGARDING 1) AMENDMENT TO CITY CODE SECTION 2-459, TO PROVIDE FOR LIMITED EXCEPTION PERMITTING "ASSOCIATES" OF CITY AGENCY MEMBERS TO LOBBY AS ARCHITECTS/DESIGN PROFESSIONALS BEFORE A CITY LAND USE BOARD; AND RELATED PROCESS FOR AMENDING CODE SECTION 2-459; AND 2) STREAMLINING CITY'S DESIGN APPLICATION PROCESS BY AMENDMENT OF CITY'S LAWS TO PERMIT VARIANCE REQUESTS ARISING OUT OF PROJECTS BEFORE DESIGN REVIEW BOARD AND/OR HISTORIC PRESERVATION BOARD BE HEARD BY THOSE BOARDS, RATHER THAN NECESSITATING APPLICANT TO FILE A SEPARATE VARIANCE APPLICATION TO BOARD OF ADJUSTMENT; AND RELATED PROCESS FOR LAWS' AMENDMENTS.

**(REQUESTED BY COMMISSIONER JOY MALAKOFF
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4B)**

4. DISCUSSION ON A CODE AMENDMENT TO THE RM-3 ZONING DISTRICT SETBACK REGULATIONS FOR DETACHED ADDITIONS, ALSO REFERRED TO AS CABANA STRUCTURES, AT OCEANFRONT LOTS LOCATED IN THE MIAMI BEACH ARCHITECTURAL DISTRICT, AND FOR ADA WALKWAYS AND RAMP STRUCTURES IN SIDE YARDS.

**(REQUESTED BY CITY COMMISSION
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4D)**

5. DISCUSSION ON AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS TO REPEAL ORDINANCE NO. 2013-3799, WHICH CREATED AN ADDITIONAL CONDITIONAL USE TO PERMIT SELF-STORAGE IN THE CD-2 ZONING DISTRICT ALONG THE ALTON ROAD CORRIDOR.

**(REQUESTED BY COMMISSIONER JONAH WOLFSON,
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4H)**

6. DISCUSSION ON THE PROPOSED TERMINAL ISLAND RESIDENTIAL PROJECT.

**(REQUESTED BY CITY COMMISSION
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4G)
PRESENTATION**

7. DISCUSSION REGARDING CHANGING THE LEVEL IN WHICH A COMMERCIAL BUILDING IS BUILT FROM GRADE TO BASE FLOOD ELEVATION.

**(REQUESTED BY COMMISSIONER JOY MALAKOFF
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4E)**

2014 Meeting Schedule

Wednesday, March 19, 2014

Wednesday, April 9, 2014

Wednesday, May 7, 2014

*Thursday, June 12, 2014

*Wednesday, July 9, 2014 at 10 a.m.

AUGUST – RECESS

Wednesday, September 3, 2014

Wednesday, October 1, 2014

Wednesday, November 5, 2014

Wednesday, December 3, 2014

PENDING ITEMS: REFER TO ATTACHMENT 1

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VERBAL REPORT

3. Letter from Jimmy L. Morales dated September 10, 2013 to Mariela Quintanilla, Omarcio Cleaning Services, RE: Protest Filed Pursuant to Award Recommendation on ITB 269-2013-ME Janitorial Services, Citywide.

- C2E Request For Approval To: 1) Reject All Proposals Received Pursuant To Request For Proposals (RFP) No. 188-2013TC For Audits Of Resort Taxes And Other Internal Audits As Needed; And, 2) Authorize The Extension Of Existing Contracts On A Month-To-Month Basis Until Such Time As A New Contract Is Awarded.

(Budget & Performance Improvement/Procurement)

ACTION: Request authorized. **John Woodruff and Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee To Discuss Enhancements To Our Parking System To Offer Residents Better Rate As It Pertains To Scooters And Motorcycles, And Set Up Special Spaces To Encourage The Use Of Scooters And Motorcycles To Further Reduce Traffic.

(Requested by Commissioner Jorge Exposito)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

- C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Permanent Closure Of The 400 Block Of Española Way Between Washington Avenue And Drexel Avenue.

(Public Works)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Eric Carpenter to handle.**

- * C4C Referral To The Land Use And Development Committee - Discussion Regarding Revisions To City Code Chapter 54, Variance Requirements For Historic Structures.

(Building Department)

ACTION: Referred. Richard Lorber to place on the committee agenda. **Mariano Fernandez to handle.**

- C4D Referral To The Neighborhood/Community Affairs Committee For A Discussion Regarding Water Taxi Proposal.

(Tourism, Culture & Economic Development)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 19, 2014

SUBJECT: **DISCUSSION: ESTABLISHING ACCEPTABLE ACCESSORY USES PERMITTING RESTAURANTS IN CONTRIBUTING HISTORIC STRUCTURES WITHIN THE RM-2 CULTURAL ARTS NEIGHBORHOOD OVERLAY DISTRICT**

HISTORY

On October 16, 2013, at the request of former Commissioner Jorge Exposito, the City Commission referred a discussion item to the Land Use and Development Committee, regarding a potential Ordinance amendment to permit restaurants as an accessory use to apartment buildings classified as Contributing structures, on properties zoned RM-2 and located within the Cultural Arts Neighborhood Overlay District (CANDO).

On January 22, 2014, the Land Use Committee continued the item to February 19, 2014, without discussion.

BACKGROUND / ANALYSIS

The Cultural Arts Neighborhood Overlay District (CANDO) is generally bounded by 24th Street and North Lincoln Lane on the north, Meridian Avenue and Lenox Avenue on the west, Lincoln Lane on the south and the Atlantic Ocean on the east. The purpose of this overlay district is to provide land-use incentives to property owners, developers and commercial businesses to create affordable housing for cultural workers, encourage arts-related businesses to establish within the district, and to create mandatory requirements for new construction and rehabilitation of housing units.

Currently, Apartment uses located within an RM-2 zoning district are not permitted to have restaurants as an accessory use. The only exception to this is for RM-2 properties located in the Collins Waterfront Local Historic District (bounded by Indian Creek Drive, Collins Avenue, 41st Street and 44th Street), which face an RM-3 district.

Within the boundaries of the Museum Local Historic District, which also overlaps a portion of the CANDO district east of Washington Avenue, a number of hotels exist, which are zoned RM-2. The code allows for restaurants as an accessory use to a hotel in the RM-2 district. Within this geographically defined area, some apartment uses exist in 'Contributing' (historic) buildings that were originally designed and built as hotels. In this regard, the introduction of a restaurant use, with certain limitations, could be beneficial.

First, it would allow any historic lobby portion of the building to be accessed by the public. Second, it would provide a walkable, neighborhood type of accessory use. Finally, it would

allow areas of a structure that were originally designed with a community room or other assembly space to have a tangible use for that space.

In order to ensure that a restaurant is clearly ancillary to the main permitted use of residential in the RM-2 district, staff would suggest that any future Ordinance amendment include the same provisions applicable to accessory restaurants allowed in RM-2 properties within the Collins Waterfront district. These would include requiring that any accessory restaurant be located on the ground floor only and that the restaurant space not exceed 70% of the total ground floor.

Additionally, dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, open air entertainment establishments and outdoor music (including background music) would be expressly prohibited. The hours of any outdoor dining uses could also be limited to no later than 11:00 p.m. Finally, the total number of seats of any such accessory restaurant could be limited to no more than 90.

Notwithstanding these potential positive attributes, concerns have been expressed by residents of one of the affected buildings in the Museum District. The representatives for the proponent of this proposed measure have reached out to these residents to discuss the proposed Code change further.

CONCLUSION

The Administration recommends that the Land Use Committee provide appropriate policy direction. If there is consensus among the affected stakeholders, it is further recommended that an Ordinance be referred to the Planning Board that would allow restaurants as an accessory use to existing apartment buildings located in an RM-2 zoning district, which are classified as 'Contributing' in the City's Historic Properties Database and located within the Museum Local Historic District and the Cultural Arts Neighborhood Overlay District (CANDO).

JLM/JMJ/TRM

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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 19, 2014

SUBJECT: **DISCUSSION: PROPOSED CHANGE TO THE COMPOSITION OF THE DESIGN REVIEW BOARD TO A BOARD OF PROFESSIONALS**

DISCUSSION REGARDING 1) AMENDMENT TO CITY CODE SECTION 2-459, TO PROVIDE FOR LIMITED EXCEPTION PERMITTING "ASSOCIATES" OF CITY AGENCY MEMBERS TO LOBBY AS ARCHITECTS/DESIGN PROFESSIONALS BEFORE A CITY LAND USE BOARD; AND RELATED PROCESS FOR AMENDING CODE SECTION 2-459; AND 2) STREAMLINING CITY'S DESIGN APPLICATION PROCESS BY AMENDMENT OF CITY'S LAWS TO PERMIT VARIANCE REQUESTS ARISING OUT OF PROJECTS BEFORE DESIGN REVIEW BOARD AND/OR HISTORIC PRESERVATION BOARD BE HEARD BY THOSE BOARDS, RATHER THAN NECESSITATING APPLICANT TO FILE A SEPARATE VARIANCE APPLICATION TO BOARD OF ADJUSTMENT; AND RELATED PROCESS FOR LAWS' AMENDMENTS.

HISTORY

On January 15, 2014, at the request of Commissioner Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee, regarding the composition of the Design Review Board. On February 12, 2014, at the request of Commissioner Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee pertaining a ballot question regarding an amendment to Section 2-459.

BACKGROUND / ANALYSIS

In accordance with Section 118-72 of the City Code, the Design Review Board (DRB) is composed of seven regular members, as noted hereto:

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

- (4) One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning; or resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and
- (5) Two citizens at large.

Of the 7 aforementioned positions, only 3 are required to be design professionals (the 2 registered architects and the registered landscape architect). By comparison, the Coral Gables Board of Architects consists solely of registered architects.

One of the issues raised by potential design professionals when considering whether to seek appointment to a Miami Beach Land Use Board is the ability to do projects in the City. Often time potential board members would run into a conflict with Section 2-459 of the City Code, pertaining to prohibited appearances. Specifically, this Section provides that no member of a city board, agency or committee or a member of any board, agency or committee created hereafter which is designated as a board, agency or committee subject to the purview of this section shall:

- (1) Either directly or through an associate, appear, represent or act on behalf of a third person before the city commission or any city agency with respect to any agency action sought by the third person.
- (2) Either directly or through an associate be engaged as a lobbyist for and on behalf of a third person with respect to any official action by any public officer sought by such third person.

While having a development review board with balanced perspectives is desirable, not having enough members with practical experience in the field of Professional Architecture can be counterproductive. In this regard, the Administration is exploring ways in which the lobbying restrictions contained in Section 2-459 of the City Code can be adjusted to potentially allow more practicing architects to serve on City Land Use Boards, such as the DRB.

Attached is a copy of the draft ballot language for a proposed amendment to Section 2-459. If approved by the voters, this would provide limited exemptions to allow historic preservation board and design review board members who are architects or landscape architects to meet with City staff and lobby City Boards, other than the one in which they serve on.

CONCLUSION

The Administration recommends that the Land Use Committee discuss the matter further and provide appropriate policy direction.

Attachment
JLM/JMJ/TRM

CITY CODE SECTION 2-459 PROHIBITS CITY BOARD MEMBERS AND THEIR "ASSOCIATES" FROM LOBBYING CITY PERSONNEL AND AGENCIES, WITH LIMITED EXCEPTIONS RELATED TO LOBBYING FOR NON-PROFIT ENTITIES.

SHALL CODE SECTION 2-459 BE AMENDED TO PROVIDE FURTHER LIMITED EXEMPTION TO ALLOW HISTORIC PRESERVATION BOARD AND DESIGN REVIEW BOARD MEMBERS WHO ARE ARCHITECTS OR LANDSCAPE ARCHITECTS TO LOBBY CITY PERSONNEL AND CITY AGENCIES, OTHER THAN THE BOARD ON WHICH THEY SERVE, REGARDING APPLICATIONS FOR DEVELOPMENT APPROVAL?

CMB Code Sec. 2-459. Certain appearances prohibited.

(a) No member of a city board, agency or committee or a member of any board, agency or committee created hereafter which is designated as a board, agency or committee subject to the purview of this section shall:

(1) Either directly or through an associate, appear, represent or act on behalf of a third person before the city commission or any city agency with respect to any agency action sought by the third person.

(2) Either directly or through an associate be engaged as a lobbyist for and on behalf of a third person with respect to any official action by any public officer sought by such third person.

(b) Definitions. As used in this section, the following definitions shall apply:

Agency means any board, commission, committee or authority of the city, whether advisory, ad hoc or standing in nature.

Associate means any person or entity engaged in or carrying on a business enterprise with a city agency member as a partner, joint venturer, or co-corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange or co-owner of property. Associate shall further include a business affiliation with a city agency member where an "employee" or "of counsel" relationship exists.

Lobbyist means all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of any of the following: (1) ordinance, resolution, action or decision of any commissioner; (2) any action, decision, or recommendation of any city board or committee; or (3) any action, decision or recommendation of the city manager, deputy city manager, assistant city managers, all department heads, all division heads, city attorney, chief deputy city attorney, deputy city attorneys, and/or all assistant city attorneys (except when such personnel are acting in connection with administrative hearings) during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission or a city agency. "Lobbyist," as defined above, specifically includes the principal, as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

(1) For purposes of this section, and with limited applicability to those agencies that are not standing in nature, "lobbyist" shall exclude any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

(2) For purposes of this section, and with limited applicability to those agencies that are standing in nature:

a. Lobbying by a board, agency or committee member shall be permitted when such person is affiliated with a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) in a capacity other than as a managerial employee and appears as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

b. Lobbying by the associate of a board, agency or committee member shall be permitted:

(i) When a board, agency or committee member is affiliated with a not for profit corporation or entity in a capacity other than as a managerial employee, and the subject associate is appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

(ii) When a board, agency or committee member is a managerial employee of a not for profit corporation or entity, and the subject associate is appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item and is affiliated with said not for profit corporation or entity in a capacity other than as a managerial employee.

c. The term "managerial employee" shall mean any employee of a nonprofit corporation or entity who has supervision and operational responsibilities/control of all or some departments of said entity.

(3) For purposes of this section, and with limited applicability to Historic Preservation Board and/or Design Review Board members who are architects or landscape architects, lobbying activities set forth in (a) 1 and 2 above shall be permitted with regard to requests for Development Review Board and other land development applications, insofar as said activities are restricted to City personnel and City agencies other than the agency (i.e., Historic Preservation Board or Design Review Board) on which the subject Board member serves.

Public officer means any person elected or appointed to hold office in the city, as a member of an agency which shall include an advisory body.



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: December 30, 2013
SUBJECT: DRB

As we previously discussed, I would like to see the composition of the Design Review Board changed to a Board of Professionals. In order to accomplish this, I would request this matter be sent to the Land Use Committee, and thence to the Planning Board.

I think the format of the Coral Gables Board might be a good one to model, so perhaps we could get a copy of their regulation. In addition, I would like to know the method they use for recusals for architects and planners whose own work in the City appears before their Board.

Thank you for your attention to this request.

JVWM



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSIONER

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: January 27, 2014
SUBJECT: Referral to Land Use Committee

Please place on the February 12, 2014 City Commission agenda a request for referral to the Land Use and Development Committee for discussion of the following matters:

1. Amendment to City Code section 2-459, to provide for limited exception permitting "associates" of City agency members to lobby as architects/design professionals before a City land use board; and related process for amending Code section 2-459.
2. Streamlining City's design application process by amendment of City's laws to permit variance requests arising out of projects before Design Review Board and/or Historic Preservation Board be heard by those boards, rather than necessitating applicant to file a separate variance application to Board of Adjustment; and related process for laws' amendments.

Inasmuch as the above matters may require the City's placement of ballot measures on the upcoming 2014 County-wide ballot(s), I request that referral of these items be placed on the February 19, 2014 Land Use Committee agenda.

Please contact my office at ext. 7106 if you have any questions.

JVWM

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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 19, 2014

SUBJECT: **DISCUSSION: PROPOSED CODE AMENDMENT TO THE RM-3 ZONING DISTRICT SETBACK REGULATIONS FOR DETACHED ADDITIONS, ALSO REFERRED TO AS CABANA STRUCTURES, ON OCEANFRONT LOTS LOCATED IN THE MIAMI BEACH ARCHITECTURAL DISTRICT, AND FOR ADA WALKWAYS AND RAMP STRUCTURES IN SIDE YARDS**

HISTORY

On January 15, 2014, at the request of Commissioner Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee, regarding the setback regulations for detached cabana structures and ADA walkways, located within the Miami Beach Architectural District.

BACKGROUND / ANALYSIS

Oceanfront properties within the Miami Beach Architectural District, north of 16th Street, are zoned RM-3. Detached structures are considered a 'pedestal', as they are generally less than 50' in height. In accordance with the setback requirements in the RM-3 district, the minimum interior and street side setbacks for a detached addition are 7'-6" or 8% of lot width, whichever is greater. The rear setback is 20% of lot depth or 50 feet from the bulkhead line whichever is greater. For those portions of a property that lie within the Oceanfront Overlay (that area 50' west of the bulkhead line), the minimum required setback from a side lot line is 15' and the minimum required setback from the bulkhead line is 10'.

This proposal originated concurrently with a recently approved expansion project at the Raleigh Hotel. Specifically, the minimum interior side setback requirements for certain types of detached cabana structures, and associated accessibility ramps, are proposed to be relaxed.

In this regard, the property owner of the Raleigh Hotel has very serious limitations on the ability to add a modest amount of additional cabana areas at the rear of the property, due to the location of the existing, historic hotel, as well as the existing pool, deck and related ancillary structures. Because of the very high degree of historic and architectural integrity associated with the existing structures on the subject site, relief from the existing setback requirements was provided by variances granted by the Board of Adjustment, in order to accommodate a modest expansion proposal at the rear of the site. The proposed additions at the back of the property are being done in conjunction with a detailed historic restoration

of the larger site.

However, due to legal complications, the owner of the Raleigh Hotel has proposed a code amendment in lieu of moving forward with the variances granted by the BOA. Although not opposed to the concept of reducing setback requirements for small, detached structures in the rear yard of oceanfront lots, Planning Department staff does need to further study the proposal.

This item has also been referred to the Planning Board, and is scheduled to be considered by the Planning Board on February 25, 2014. Attached is the back-up documentation provided by the applicant, including their proposal for a draft amendment.

The proposed Ordinance would apply to all RM-3 zoned oceanfront properties in the National Register Architectural District, which is composed of lots on the east side of Collins Avenue from 16th Street to 21st Street. Planning staff is in the process of analyzing the text of the proposed Ordinance, as well as its potential impact on the larger National Register District, as part of the Planning Board process.

CONCLUSION

The Administration recommends that the Land Use Committee provide appropriate policy direction. If there is consensus among the members of the Committee, it is further recommended that additional policy direction be given as it pertains to the substance of the proposed Ordinance currently pending before the Planning Board.

JLM/JMJ/TRM
Attachments

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BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6231
E-Mail: MLarkin@BRZoningLaw.com

VIA HAND DELIVERY & EMAIL

February 10, 2014

Thomas Mooney, Acting Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: PB File 2166 – RM-3 Code Amendment for Detached Additions in Oceanfront Lots in Miami Beach Architectural District and for ADA Ramp Structures

Dear Tom:

The purpose of this letter is to support and justify the proposed code amendment to the RM-3 Zoning District, specifically for detached additions in oceanfront lots in the Miami Beach Architectural District, and an amendment to the regulations for heights of ADA walkways and ramp structures within required side yards See attached proposed code amendment.

Background. Throughout the entire history of Miami Beach, oceanfront hotels have been the lifeblood of the City drawing visitors from all over the nation and the world to the great year-round weather and beautiful beaches. All hotels recognize the value of their rear yards and the access to the beaches and many have built cabana structures to maximize their guests' experiences with the sun and sand. The rear yards, with pools and cabanas, became the social focal point of these hotels. As such, these structures serve a vital role in supporting the economic vitality of the main hotels located on the west end of these properties. With the addition of the City's Boardwalk and Beachwalk, coupled with extensive beach renourishment, these rear yard areas have an even greater presence and importance as the social centers of the oceanfront hotels.

Oceanfront hotels and condo-hotels in the RM-3 Zoning District and the Miami Beach Architectural District, an area which includes 19 separate properties from the Loews at 16th Street to the Setai and Seagull South Beach Resort at 21st Street, are subject to significant restrictions concerning development in the rear yards. One of the older established areas of the City, this area has been down-zoned with respect to height and

changes in setback regulations over the years that squeeze new development onto a smaller footprint. Many of the properties are long and at a disadvantage regarding the rear setback because 20% of the longer lot depth extends significantly beyond 50' from bulkhead line, which is generally the limit of the rear setback as it addresses the western edge of the Oceanfront Overlay. Also, rooftop additions are specifically prohibited in this area. Further, historic preservation considerations pressure developers to only build detached additions in the rear yards. In addition, FEMA, Florida DEP and City floodplain regulations significantly restrict the elevation and uses of the first floor and type of construction of the first structures in these rear yards. The impact of all these burdensome regulations is that any allowable development in the rear yards is either deemed too small to be of value or requires setback variances, which are not always granted or in some cases have been challenged. At least eight of these properties have obtained variances for rear yard construction. See attached table of affected properties.

Proposed Code Amendment for Detached Additions. The proposed code amendment provides a slight relaxation of the setbacks for reasonable and appropriate development in rear yards. Side setbacks at 5' match the typical building layout of the historic hotels and existing or previous detached structures in the rear yards of most of these properties. These setbacks will still provide adequate area to buffer between adjacent properties and along public streets. The rear setback allows for construction in a slightly larger area than permitted today, but unequivocally ensures that the City's Dune and Oceanfront Overlays remain untouched and will preserve the Beachwalk experience and protect the dunes and beaches. Notably, the construction must still adhere to the minimum elevations and restricted uses as imposed by FEMA, Florida DEP and City floodplain regulations, which further provide protection of the City's beachfront assets.

Heights for rear yard additions have been subject to great scrutiny in the recent past. While there have been approvals for new development ranging from 1 story to 5 stories in this area, the reasonable height maximum appears to be 2 stories and no higher than 25 feet. This height maximum is included in the amendment.

A preliminary analysis of the 19 properties indicates that at least 8 of them have available FAR and open area in the rear yards for further development. See again the attached table and aerials of the impacted area. It is also possible that the present or future owners will decided to reprogram the rear yards and seek to demolish existing structures and build new ones. After all, some owners previously demolished original cabanas and built new ones.

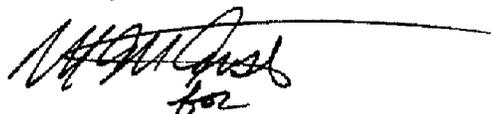
Thomas Mooney, Acting Director
February 10, 2014
Page 3

ADA Walkways and Ramp Structures. A great many properties in the City have existing buildings built at or within the required side yards and have significant elevation changes from the front sidewalks to the front entrances and lobby areas. The City's Land Development Regulations provide for a maximum height of structures in the required yards as 30". Upon redevelopment of existing properties of at least 50% of the structures' value, ADA and life safety codes must be followed. This often requires a walkway and ramp structure and due to limitations of the as-built conditions, such structural and/or historic issues, cannot be accomplished in the front and must be placed within the required side yards. As a result, due to the elevation changes a setback variance is needed.

ADA requirements have significant value in making more properties open to all people and requiring a variance of a key component of accessible redevelopment is counterproductive. Therefore, the proposed code amendment allows as of right an open walkway and/or ramp system to connect the front entrances to the finished floor areas, even if the total height of such structures exceeds 30". In addition, to keep these areas safe, awnings may cover them to protect users from the elements.

Conclusion. The proposed code amendment will assist owners of oceanfront hotels to revitalize their properties and reinvigorate the rear yard areas with reasonable detached additions. Further, the amendment will permit required ADA walkways and ramps at heights taller than 30" in side yards where necessary because of as-built conditions to provide such essential elements without need of a variance. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,



Michael W. Larkin

Attachments

cc: Joe Jimenez, Assistant City Manager
Matthew Amster, Esq.

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, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS" BY AMENDING SECTION 142-247 REGARDING SETBACKS REQUIREMENTS FOR DETACHED ADDITIONS IN OCEANFRONT LOTS LOCATED WITHIN THE MIAMI BEACH ARCHITECTURAL DISTRICT; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4 "SUPPLEMENTARY YARD REGULATIONS," BY AMENDING SECTION 142-1132 REGARDING AMERICANS WITH DISABILITIES ACT (ADA) WALKWAYS AND RAMP STRUCTURES WITH AWNINGS IN SIDE YARDS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the as-built environment of historic structures in oceanfront lots in the Miami Beach Architectural District restricts the developable area for additional hotel units; and

WHEREAS, additional hotel units in oceanfront lots in the Miami Beach Architectural District are an economic benefit to the City; and

WHEREAS, the Mayor and City Commission desire to encourage innovative and compatible redevelopment in the oceanfront lots in the Miami Beach Architectural District; and

WHEREAS, the location of existing historic and non-historic structures restricts the area in the side yards for Americans with Disabilities Act (ADA) walkways and ramp structures; and

WHEREAS, the Mayor and City Commission desire to provide adequate ADA walkways and ramp structures throughout the City;

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, "Zoning Districts and Regulations," Division 3 "Residential Multifamily Districts", Section 142-247 is hereby amended as follows:

Sec. 142-247. Setback requirements.

The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

Notwithstanding the above, oceanfront lots located in the Miami Beach Architectural District shall be permitted to construct detached additions at a height not to exceed 25 feet and shall have setback requirements as follows:

Side, interior - 5 feet

Side, street - 5 feet

Rear - 10% of lot depth or the western edge of the Oceanfront Overlay, whichever is greater

Section 2. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," Section 142-1132 is hereby amended as follows:

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

* * *

- (o) *Projections.* In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet.
- (1) Belt courses.
 - (2) Chimneys.
 - (3) Cornices.
 - (4) Exterior unenclosed private balconies.
 - (5) Ornamental features.
 - (6) Porches, platforms and terraces (up to 30 inches above the elevation of the lot, as defined in subsection 142-105(a)(1)e).
 - (7) Roof overhangs.
 - (8) Sills.
 - (9) Window or wall air conditioning units.
 - (10) Bay windows (not extending floor slab).
 - (11) Walkways: Maximum three and one-half feet. May be increased to a maximum of five feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required front yards and side yards facing a street may exceed these restrictions when approved through the design review or certificate of appropriateness procedures, as applicable, and pursuant to chapter 118, article VI, of the City Code.

Notwithstanding the above, each property may have one open air ADA walkway and ramp structure in either side yard at zero feet setback at a height not to exceed the finished first floor of the building(s) and not to exceed the longest length of the building(s) on the property. An awning attached to and supported by the building wall shall cover the entire ADA walkway and ramp structure for protection from the elements.

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. REPEALER.

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

SECTION 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 _____, 20__.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas Mooney, AICP
Acting Planning Director

Underscore denotes new language

RM-3 Oceanfront Lots in Miami Beach Architectural District

	Property	Address	Lot Size (SF)	Existing Floor Area (SF)	Permitted FAR	Estimated Available Floor Area (SF)	Rear Yard Setback Variance Obtained	Side Yard Setback(s) Variance(s) Obtained
1	Loews	1601 Collins Avenue	219,542	744,850	3	-		
2	Georgian Condo	1621 Collins Avenue						
3	Decoplage Condo	100 Lincoln Road						
4	Dilido Condo/Ritz Carlton Hotel	1 Lincoln Road						
5	Ritz Carlton Hotel	1651 - 1669 Collins Avenue					Y	Y
6	Sagamore Hotel	1671 Collins Avenue	43,125	92,000	2	-	Y	Y
7	National Hotel	1677 Collins Avenue	57,500	103,477	2	11,523		
8	Delano Hotel	1685 Collins Avenue	57,500	138,856	2	-		
9	Ritz Plaza/SLS	1701 Collins Avenue	57,680	91,194	2	24,166		
10	Surfcomber	1717-1725 Collins Avenue 1731 Collins Avenue	81,680	87,863	2	75,497	Y	Y
11	Mareseilles Hotel	1741 Collins Avenue	29,400	62,491	2	-		

LUDC#23

RM-3 Oceanfront Lots in Miami Beach Architectural District

	Property	Address	Lot Size (SF)	Existing Floor Area (SF)	Permitted FAR	Estimated Available Floor Area (SF)	Rear Yard Setback Variance Obtained	Side Yard Setback(s) Variance(s) Obtained
12	South Seas Hotel	1751 Collins Avenue	32,505	27,617	2	37,393		
13	Richmond Hotel	1757 Collins Avenue	32,670	51,590	2	13,750		Y
14	Raleigh Hotel	1775 Collins Avenue	60,541	66,351	2	54,731		Y
15	Shelborne Hotel	1801 Collins Avenue	64,500		2		Y	Y
16	B Hotel / Nautilus Club Hotel	1825 Collins Avenue	52,600		2	-		
17	Shore Club	1901 Collins Avenue	118,483	300,624	3	54,826	Y	Y
18	Setai	2001 Collins Avenue	97,421		2			
19	Seagull South Beach Resort	100 21st Street	53,430	116,335	2	-		Y

LUDC#24

10:42:31 a.m.

C4D Referral To The February 25, 2014 Planning Board Regarding A Code Amendment To The RM-3 Zoning District Setback Regulations For Detached Additions, Also Referred To As Cabana Structures, At Oceanfront Lots Located In The Miami Beach Architectural District, And For ADA Walkways And Ramp Structures In Side Yards.

(Requested by Commissioner Joyce Malakoff)

ACTION: Item separated for discussion by Vice-Mayor Weithorn. Referred as amended to the Land Use and Development Committee. Motion made by Vice Mayor Weithorn; seconded by Commissioner Steinberg; Voice vote; 7-0. **Thomas Mooney to place on the board and committee agenda and to handle.**

Amendment:

Refer concurrently to the LUDC.

Vice-Mayor Weithorn suggested sending this item to Land Use and Development Committee concurrently with the Planning referral. She explained that this will not slow down the process. Commissioner Malakoff is agreeable.

09:52:45 a.m.

C4E Referral To The February Planning Board Meeting - An Ordinance That Creates A New Height Category In The RM-2 Zoning District For Oceanfront Lots Located Within 150 Feet Of North Shore Open Space Park.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item separated for discussion by Commissioner Tobin. Item referred to the Planning Board and then to return to the City Commission. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Commissioner Tobin explained that the item was referred to the Planning Board to create height category in the RM-2 zoning district for oceanfront lots located within 150 feet of North Shore Open Space Park. This item is regarding someone that wants to do a project in the north end. He just wants to know, procedurally, if Commissioners can directly refer land use changes items to the Planning Board without Commission discussion. He is agreeable with the item, and the project looks exciting, but he feels that procedurally, the item should be discussed first and then referred to the Planning Board. He feels it should go to Land Use and Development Committee as a dual track to discuss.

Commissioner Wolfson explained for the public, that this is a hotel in the northern most end of North Beach, and residents in this area have been clamoring for years for good development. This is a group that has spent a lot of money on existing hotels there, and they need the City's help to make the project make sense and make a profit. He is happy to help with that regard. The job has incredible potential and is at the entryway of the City. In an effort to expedite, it must have a hearing in Planning. If there is desire to discuss in Land Use, he has no problem with that, as long as it does not stop this Commission from allowing this project to happen.

Vice-Mayor Weithorn states that it is a dangerous precedent to refer items to Planning without Land Use input, as staff can spend a lot of resources preparing and drafting ordinances that may

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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: February 19, 2014

SUBJECT: **REPEAL OF ORDINANCE NO. 2013-3799, WHICH CREATED
CONDITIONAL USE PROCEDURES FOR SELF STORAGE WAREHOUSES
IN THE CD-2 ZONING DISTRICT ALONG THE ALTON ROAD CORRIDOR**

BACKGROUND

On May 8, 2013, the City Commission adopted Ordinance No. 2013-3799, which created a Conditional Use procedure for Self Storage warehouses in the CD-2 districts along Alton Road between 6th and 11th Streets. The subject Ordinance also included a minimum distance separation requirement between self storage facilities of 300 feet, as well as additional development regulations and setback requirements.

On January 15, 2014, at the request of Commissioner Jonah Wolfson, the City Commission referred a discussion item to the Land Use and Development Committee pertaining to the repeal of Ordinance No. 2013-3799.

LEGISLATIVE HISTORY

This item was originally referred to the Land Use Committee by former Commissioner Jerry Libbin and was first heard by the LUDC at its May 18, 2011 meeting, at which time the Committee continued the matter in order to give the proponents an opportunity to reach out to the members of the Flamingo Park Neighborhood Association. On May 16, 2012, the proposed project for a mini storage warehouse at 7th Street and Alton Road was presented to the Land Use and Development Committee. Several speakers commented on the proposed project and ordinance amendment, and the Committee discussed the possible impacts on the neighborhood.

The LUDC referred the item to the Planning Board, with direction to address limiting the proliferation of this use, and to address issues of signage. Staff was further instructed to bring the matter back to the Committee after Planning Board review. On October 30, 2012, the Planning Board recommended that the subject ordinance be approved (Vote 5-2. Stolar and Lejeune opposed).

On December 19, 2012, the Land Use and Development Committee reviewed the Planning Board recommended Ordinance. The Land Use Committee determined that the application of self storage facilities, as a Conditional Use, would be appropriate in certain areas of the City, but not all areas. Specifically, the Committee recommended that only the CD-2 districts located in the following areas should be permitted to have self storage as a Conditional Use:

- Along Alton Road
- Within Sunset Harbour
- Along Harding Avenue in North Beach

The Land Use Committee transmitted the Ordinance to the full City Commission for a final decision, with this specific recommendation.

On February 6, 2013, the City Commission approved the subject Ordinance at First Reading, and referred the matter back to the Land Use Committee, in order to discuss the following:

- Modifying the permissible areas for CD-2 self storage to only include that portion of Alton Road between 6th and 11th Streets.
- Adding a minimum distance separation requirement between self storage warehouses.

The Land Use Committee discussed the item on April 23, 2013 and recommended approval with the changes proposed at First Reading. On May 8th, 2013, the Ordinance was adopted by the City Commission.

ANALYSIS

Prior to the adoption of the subject legislation, the City Code only permitted "warehouse" use in the CD-1, Commercial Low Intensity zoning district as a Conditional Use, and as a main permitted use in the I-1 Urban Light Industrial District; this use was not permitted in any other zoning district in the City. Because the less intense CD-1, Low Intensity, zoning district already allowed for "warehouses" as a Conditional Use, staff believed that it was appropriate to consider updating the list of Conditional Uses within the CD-2, Commercial, Medium Intensity, zoning district by adding "Self-Storage Warehouses" as Conditional Uses, with certain safeguards.

The subject Ordinance requires that self-storage facilities in a CD-2 District obtain Conditional Use approval by the Planning Board. In addition to determining whether a self storage facility is an appropriate and compatible use for a particular property, the Planning Board is also be able to fully address traffic, scale, massing, operations and any other relevant aspect of this use. Traffic, vehicular circulation and parking are addressed through the conditional use process, so as to avoid or mitigate any adverse impacts to adjacent residential districts.

Because of concerns raised regarding the compatibility of self-storage warehouses to residential areas in close proximity, increased rear setbacks and reduced height abutting adjacent residential properties were included in the Ordinance. The subject Ordinance also places additional restrictions on the overall height, bulk & massing (FAR) of self storage facilities, and requires that all portions of the first level of the structure facing a street or sidewalk be substantially activated.

The following are the specific requirements and regulations for any proposed self storage facility proposed along Alton Road from 6th to 11th Street:

- Conditional Use Approval, in accordance with the criteria in Section 118-192(a), shall be required.
- The minimum distance separation between self-storage warehouses shall be 300 feet.
- The maximum building height for self-storage warehouses shall not exceed 4 stories / 40 feet; additionally, the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley and within 60 feet from a residential district for blocks with no alley.
- The maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5 and the 2.0 FAR provision for mixed use buildings shall not apply to self-storage warehouse development.
- The setback requirements for self-storage warehouses shall be as follows: have the following setbacks:
 - (1) Front—5 feet;
 - (2) Side facing a street—5 feet;
 - (3) Interior side—7.5 feet or 8 percent of the lot width, whichever is greater;
 - (4) Rear—For lots with a rear property line abutting a residential district the rear yard setback shall be a minimum of 25 feet; for lots with a rear property line abutting an alley the rear setback shall be a minimum of 7.5 feet.
- Each side of the first floor frontage of a self-storage warehouse building facing a street or sidewalk shall include office, retail or commercial uses. Not less than 60 percent of each street frontage shall consist of office, retail or commercial uses, and the remaining portion of each street front shall consist of noncommercial, recessed display areas or similar treatment. The design review board or historic preservation board, as applicable, may permit a lesser amount of office, retail or commercial frontage, if it is determined that site conditions warrant a reduction. In the event a lesser portion of office, retail or commercial space is permitted, the remaining portion of each street front shall consist of noncommercial, recessed display areas or similar treatment.

The proponent of the original Ordinance Amendment had previously proposed to develop a self-storage facility on the property located at 633 Alton Road, which is located within the expanded Flamingo Park Local Historic District and is adjacent to an RM-1 residential multifamily district, separated only by an alley from three residential buildings. In this particular instance, any future CUP application for this site would need to address the complete buffering of the residential area to the east, traffic circulation, lighting and loading access. As this particular property is located adjacent to the Alton Road flyover, there is a rationale for exploring the feasibility of the proposed use, provided all of the aforementioned issues can be successfully addressed.

When combined with a thorough review by the Planning Board, as part of the CUP process, as well as the approval of the Design Review Board (DRB) or Historic Preservation Board (HPB), the compatibility of a proposed self storage facility will be well vetted. As indicated previously, staff believes that a self storage facility may not be compatible on every property within the CD-2 district along Alton Road. Additionally, very strict operational and design conditions would need to be placed on any Conditional Use approval granted for self storage facilities in a CD-2 district.

SUMMARY

Since the adoption of the subject Ordinance in May of 2013, concerns have been raised regarding the potential proliferation of self-storage facilities along Alton Road. While the distance separation requirement of 300' would likely limit such a proliferation, it also raised concerns regarding 'spot zoning'.

CONCLUSION

The Administration recommends that the Commission discuss the proposed repeal of Ordinance 2013-3799 and provide appropriate policy direction.

JLM/JMJ/TRM

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not ultimately be adopted. She agrees with Commissioner Tobin and added that any time they change policy, it has to start at Land Use and Development Committee (LUDC), and not at Planning.

Commissioner Malakoff, Chair of the LUDC, explained that she was given a list of pending items for discussion, and feels that this Commission should try to move things quickly. She has no objection with discussion at committees; however, she does not feel that this particular item should be discussed at LUDC. She requested that discussion items be moved quicker.

Commissioner Steinberg believes this should be referred to Planning. They all want to see this happen in North Beach.

Commissioner Wolfson made a motion to refer item to Planning, and then come back to Commission; seconded by Vice-Mayor Weithorn; Voice-vote: 7-0.

- C4F Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Beachfront Concession Buffer Zones.

(City Manager's Office)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

ADDENDUM MATERIAL 1

- C4G Referral To The Neighborhood/Community Affairs Committee - Discuss How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **Leslie Rosenfeld to handle.**

10:43:28 a.m.

ADDENDUM MATERIAL 1

- C4H Referral To The Planning Board - An Ordinance Amending The Land Development Regulations To Repeal Ordinance No. 2013-3799, Which Created An Additional Conditional Use To Permit Self-Storage In The CD-2 Zoning District Along The Alton Road Corridor.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item separated for discussion by Vice-Mayor Weithorn. Referred. Motion made by Commissioner Wolfson to refer item to both LUDC and Planning; seconded by Mayor Levine; Voice-vote: 6-1; Opposed: Vice-Mayor Weithorn. **Thomas Mooney to place on the board and committee agendas and to handle.**

REFERRALS:

Land Use and Development Committee and
Planning Board

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PRESENTATION



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 12, 2014
SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –
DISCUSSION ON THE PROPOSED TERMINAL ISLAND RESIDENTIAL
PROJECT.**

ADMINISTRATION RECOMMENDATION

Refer the request to the Land Use and Development Committee.

BACKGROUND

Miami Beach Port, LLC ("MBP"), the owners of the 3.71 acre property located on the southeastern tip of Terminal Island, are proposing a joint development of their property and the adjacent City property. Such a project requires rezoning of MBP's property and a thorough analysis of the land use implications and consequences of this changed use.

After preliminary discussions with relevant City staff, MBP is now requesting the opportunity to present its proposal to the Land Use and Development Committee for direction.

JLM/JMJ

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ITEM SEVEN



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: February 19, 2014

SUBJECT: **DISCUSSION: PROPOSED MAXIMUM HEIGHT LIMITATIONS IN THE CPS-1 DISTRICT**

HISTORY

On February 12, 2014, at the request of Commissioner Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee pertaining to the measurement of heights in commercial districts, including maximum heights within the CPS-1 district.

BACKGROUND / ANALYSIS

With the exception of the RS (Single Family) Districts, the City Code requires that maximum height limits be measured from grade (sidewalk elevation). As part of the discussion pertaining to Seal Level Rise and Flooding, proposals have been put forward to establish maximum height limits from base flood elevation in commercial and multi-family districts, should a proposed project elect to construct the first level at or above flood elevation.

Rather than imposing such a change Citywide, it is suggested that a more limited area be used, at least initially, in order to better gauge any unintended consequences. The CPS-1 district is a limited area of the City in which such a pilot program could be implemented.

Additionally, in the CPS-1 District, the maximum height limit is 4 stories and 40 feet. However, for the Block 51 Properties, the Block 51 Swap Property, the Block 52 Properties, and the Block 1 Properties, the maximum height limit is 8 stories and 75 feet. It is also suggested that the maximum height be increased from 75 feet to 80 feet for those properties in the CPS-1 district that are permitted to have 8 stories. The reason for this is that some of the development projects within these blocks are having a difficult time making the interior floor heights of an 8 level building work within a 75 foot height limit.

CONCLUSION

The Administration recommends that the Land Use Committee discuss the matter further and provide appropriate policy direction.

Attachment
JLM/JMJ/TRM

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: February 4, 2014
SUBJECT: Referral to Planning Board

At the next commission meeting we will be considering changing the level in which a home is built from grade to base flood elevation. However, the same change should apply to commercial buildings as well. I imagine we would not want commercial buildings to be flooded any more than we would want residential buildings to be flooded.

Therefore, please place this on the next Commission agenda to be referred to the Planning Board with a hearing at the Land Use Committee as needed.

JVWM

LAND USE AND DEVELOPMENT COMMITTEE PENDING ITEMS
FOR INFORMATIONAL PURPOSES ONLY

	Referral Date	Title	Referred By	Date Last On LUDC Agenda	Automatic Withdrawal Date Per <u>Reso No. 2013-28147</u>	Comments
1.	11-14-12 Item R5A	Parking District No. 5 – Sunset Harbour.	City Commission	01-22-14	N/A	Progress Report To Be Brought Back To LUDC In 6 Months Regarding The Sunset Provision In The Ordinance.
2.	06-05-13 Item C4J	St. Patrick's School ROW Parking and Traffic Analysis.	Commissioner Michael Gongora	10-23-13	N/A	Administration to perform a traffic and parking analysis for the permanent vehicular closure of Meridian Avenue. The parking and traffic analysis will be brought back to the Land Use Committee when complete.
3.	02-12-14 Item C4J	Discussion Regarding Amending Sec. 142-902 (2) To Allow Accessory Office Space Above The Ground Floor.	Commissioner Jonah Wolfson		September 2014	
4.	02-12-14 Item R9B2	Discussion On The Unit Size Scale.	Commissioner Joy Malakoff		September 2014	

