



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: April 9, 2014

SUBJECT: **RM-2 ACCESSORY OFFICES FOR BAYFRONT APARTMENTS**

HISTORY

On October 23, 2013, the Land Use and Development Committee discussed the proposed Ordinance, specifically as it would apply to bayfront apartments within the West Avenue Overlay District, and recommended that the subject Ordinance be referred to the Planning Board. On December 11, 2013, the City Commission referred the item to the Planning Board.

The Planning Board reviewed the proposed Ordinance on January 28, 2014, and recommended approval by a vote of 5 to 1 (Henry Stolar Opposed).

On March 5, 2014, the City Commission approved the Ordinance at First Reading and scheduled Second Reading for April 23, 2014. Additionally, the Commission referred the item to the Land Use Committee for discussion, prior to Second Reading.

ANALYSIS

In the RM-2 Zoning District, Apartment uses have limited permitted accessory uses. Pursuant to Section 142-902 of the City Code, the following are permitted accessory uses for apartment uses in the RM-2 district:

- Mechanical support equipment and administrative offices and uses that maintain the operation of the building.
- Washers and dryers shall be located inside a structure or not visible from a right-of-way.
- A dining room which is operated solely for the residents in the building shall be located inside the building and shall not be visible from the street with no exterior signs, entrances or exits except for those required by the South Florida Building Code. However, a dining room shall not be allowed in the RM-1 district except for those dining rooms associated with adult congregate living facilities.
- Solarium, sauna, exercise studio, health club or massage service for use by residents or open to the public by an individual licensed by the state or other appropriate agencies.
- Family day care centers as defined in subsection 142-905(b)(1) of the City Code.
- One property management office for the purpose of managing residential units within the building as well as residential units located in other buildings under common

beneficial ownership, as long as the total number of units does not exceed a maximum of 100 units.

The referral from the City Commission recommended that non-medical, low intensity offices, such as architect offices, accountant offices, attorney offices and real estate offices, be permitted as a Conditional Use within the lobby level of bay front apartment buildings.

In previous discussions on this subject, the consensus was that limited office uses on the ground floor of an apartment building in the RM-2 zoning district would likely have a minimal impact upon the surrounding residential neighborhood, provided that such uses be required to obtain Conditional Use approval by the Planning Board. Additionally, the discussion at the Land Use Committee centered on those apartment structures on the east of Biscayne Bay, within the West Avenue Overlay District.

The non-medical office uses proposed, while slightly more intense than the main permitted apartment use, should be able to satisfy Planning requirements for compatibility with the surrounding neighborhood, if properly controlled. Adequate parking requirements would also be considered, as residential projects within the RM-2 district typically have just enough parking for the actual residential units.

CONCLUSION

The Administration recommends that the Land Use Committee refer the Ordinance to the City Commission for Second Reading, with a favorable recommendation.

JLM/JMJ/TRM

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RM-2 Accessory Office Uses for Bay Front Apartments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE II "DISTRICT REGULATIONS", DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION IV "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, "CONDITIONAL USES," TO EXPAND THE CONDITIONAL USES IN THE RM-2 DISTRICT TO INCLUDE CERTAIN TYPES OF NON-MEDICAL OFFICE USES FOR BAY FRONT APARTMENT BUILDINGS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Code contains provisions for accessory office uses in the RM-2 District; and

WHEREAS, the City of Miami Beach seeks to provide a method for allowing certain types of non-medical offices as accessory uses within bay front apartment buildings ; and

WHEREAS, the City of Miami Beach desires to amend existing conditional use requirements for bay front apartments located in the RM-2 district; and

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

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

SECTION 1. That Chapter 142, Article II entitled "District Regulations", Division 3 entitled "Residential Multifamily Districts", Subdivision IV entitled "Residential Multifamily, Medium Intensity", Section 142-212, "Main Permitted Uses," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-213. - Conditional uses.

Conditional uses in the RM-2 residential multifamily, medium intensity 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; accessory neighborhood impact establishment, as set forth in article V, division 6 of this chapter; and non-medical, low intensity offices, such as architect offices, accountant offices, attorney offices and real estate offices, which are located on the lobby level of bay front apartment buildings located within the West Avenue Overlay District.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made

part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____ 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: March 5, 2014
Second Reading: April 23, 2014

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

Underline = new language
~~Strikethrough~~ = deleted language

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