

Condensed Title:

An ordinance amending Chapter 142, "Zoning Districts and Regulations," Division 11, "I-1 Urban Light Industrial District," by amending the list of permitted, conditional and prohibited uses, and the setback requirements for the I-1 Urban Light Industrial zoning district.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character; quality of life.

Supporting Data (Surveys, Environmental Scan, etc

64.1% of residents and 68.2% of businesses said the level of code enforcement and ordinances established by the City of Miami Beach government is "about the right amount."

Issue:

Should the City Commission adopt the proposed ordinance which would modify the permitted uses in the I-1 Light Industrial zoning district to address citizen's concerns regarding incompatible uses.

Item Summary/Recommendation:

FIRST READING PUBLIC HEARING

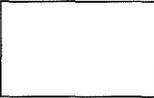
The proposed ordinance changes the permitted and conditional uses in the I-1 Light Industrial zoning district. Several of the more intense light industrial uses that are currently permitted as of right would become conditional uses, subject to Planning Board review. The list of permitted uses is refined to reflect more modern and typical uses. The aggregation of lots resulting in developments on properties greater than 20,000 square feet would now also be subject to conditional use review by the Planning Board. New residential uses could be introduced in the adaptive re-use of existing buildings as a conditional use.

The Administration recommends that the City Commission adopt the proposed ordinance.

Advisory Board Recommendation:

At the June 23, 2009 meeting the Planning Board by a vote of 6-0 (one member absent) recommended adoption of the proposed ordinance.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

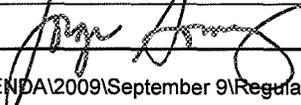
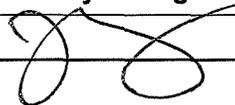
Financial Impact Summary:

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action and determined that the proposed Ordinance can be expected to have little or no fiscal impact, and any impact that is produced would be expected to be positive.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Richard Lorber

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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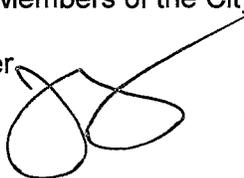


MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 9, 2009 **First Reading Public Hearing**

SUBJECT: Proposed Changes to the I-1 Urban Light Industrial District

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," DIVISION 11, "I-1 URBAN LIGHT INDUSTRIAL DISTRICT," BY AMENDING THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES; AND BY AMENDING SECTION 142-487 "SETBACK REQUIREMENTS;" PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the ordinance upon first reading, and schedule a second reading public hearing for October 14, 2009.

BACKGROUND

Several months ago the Land Use and Development Committee discussed the I-1 Urban Light Industrial district in the context of the Sunset Harbour neighborhood. At that time the Committee discussed rezoning of the area, but ultimately decided to address resident's concerns about incompatible uses by amendments to the existing district regulations.

To that end, Planning Department staff held a community workshop meeting with Sunset Harbour residents, and has crafted a proposed ordinance amendment reflecting the consensus reached with regard to the various uses which would be permitted in the district. It is this ordinance that is before the City Commission today.

ANALYSIS

The proposed ordinance would change the permitted and conditional uses in this zoning district. The list of permitted uses has been refined to reflect more modern uses typical in today's Miami Beach environment. Several of the more intense light industrial uses

that are currently permitted as of right would now become conditional uses, subject to Planning Board review. Machine shops, auto repair, mechanical car washes and towing yards would all now require Conditional Use approval from the Planning Board. This will ensure that these uses, which have the potential to negatively impact surrounding areas of the neighborhood if not properly controlled, will receive careful review on a case-by-case basis. The ordinance includes criteria to be used by the Planning Board when reviewing towing yards, as these uses should be carefully controlled and their impacts upon the surrounding properties managed.

The aggregation of lots resulting in developments on properties greater than 20,000 square feet would now also be subject to conditional use review by the Planning Board, in order to more fully review the effects of larger developments and lot aggregation. Finally, new residential uses could be introduced in the adaptive re-use of existing buildings, as a conditional use.

COMMISSION COMMITTEE ACTION

At the May 4th, 2009 meeting, the Land Use and Development Committee discussed the proposed ordinance and referred it to the Planning Board for review and comment.

PLANNING BOARD ACTION

At the March 24, 2009 meeting the Planning Board recommended that the City Commission adopt the proposed ordinance by a vote of 5-0 (two members absent).

FISCAL IMPACT

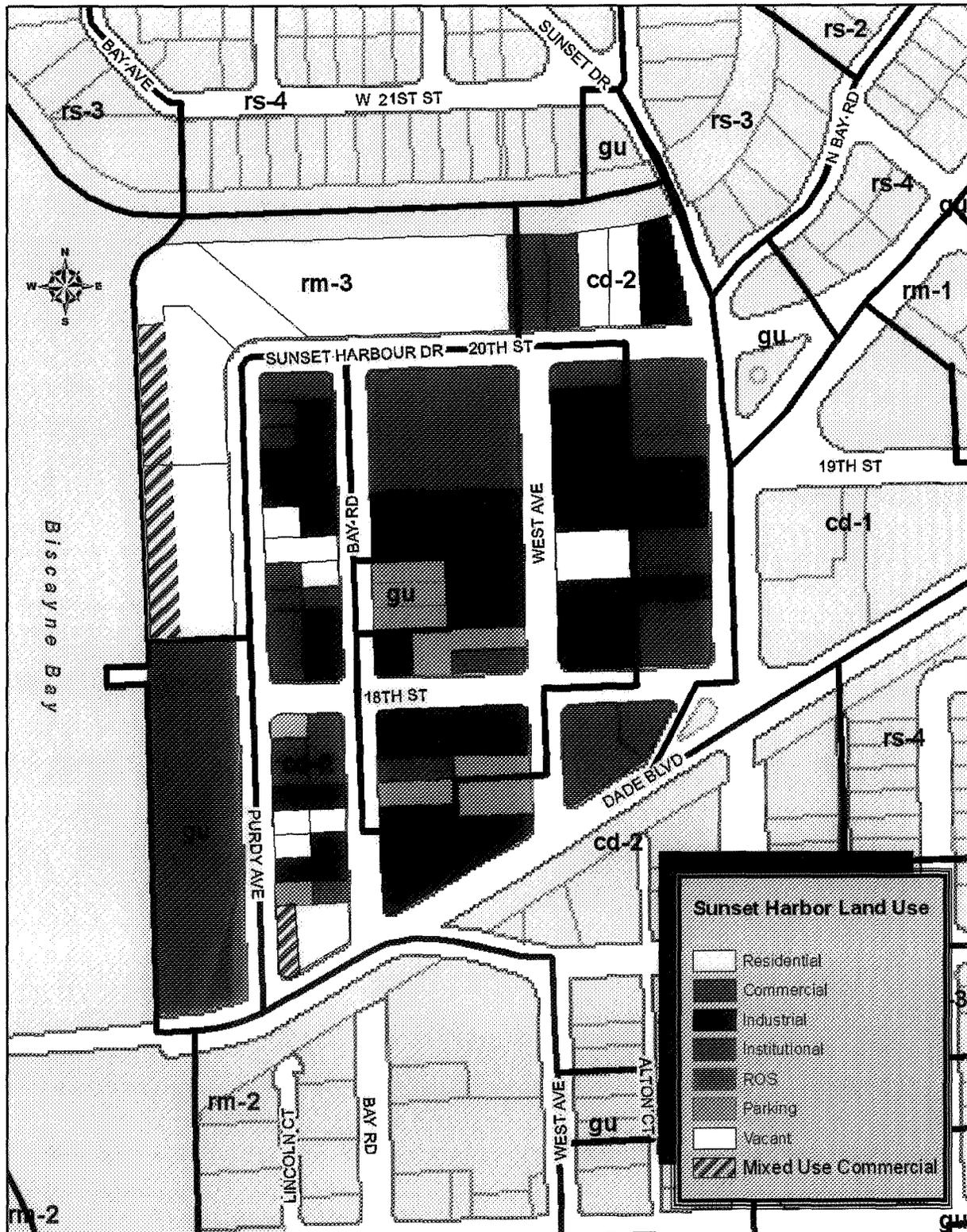
In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action and determined that the proposed Ordinance can be expected to have little or no fiscal impact, and any impact that is produced would be expected to be positive, as the neighborhood-friendly uses which are encouraged by the ordinance tend to be higher value added than typical industrial uses.

CONCLUSION

The Administration recommends that the City Commission approve the ordinance as it addresses the stated concerns of the neighboring community regarding the future uses within the subject district while also maintaining a viable area for light industrial uses.

Attachments

I-1 Land Use Study Sunset Harbour, Miami Beach



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," DIVISION 11, "I-1 URBAN LIGHT INDUSTRIAL DISTRICT," BY AMENDING THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES; AND BY AMENDING SECTION 142-487 "SETBACK REQUIREMENTS;" PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the residents of the Sunset Harbor neighborhood are concerned that uses in the I-1 Urban Light Industrial District may have an adverse impact on their quality of life; and

WHEREAS, the Land Use and Development Committee discussed the I-1 Urban Light Industrial district in the context of the Sunset Harbour neighborhood and directed staff to address resident's concerns about incompatible uses by amendments to the existing district regulations; and

WHEREAS, Planning Department staff held a community workshop meeting with Sunset Harbour residents, and has crafted a proposed ordinance amendment reflecting the consensus reached with regard to the various uses which would be permitted in the district.

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

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

Section 1. That Chapter 142, "Zoning Districts and Regulations," Division 11, "I-1 Light Industrial District," is hereby amended as follows:

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 142-481. Purpose.

The primary purpose of the I-1 urban light industrial district is to permit light industrial uses that are generally compatible with one another and with adjoining residential or commercial districts. Uses that are compatible and complement light industrial uses, such as a limited range of offices, and commercial uses shall also be permitted. This district shall not include any residential uses.

Sec. 142-482. Main permitted uses.

The main permitted uses in the I-1 urban light industrial district are those uses

that are consistent with the district purpose including the following:

- (1) Assembly or packaging of goods not utilizing heavy machinery, including food and beverage products, small electronics, watches, jewelry, clocks, musical instruments, and products from previously prepared materials (cloth, leather, canvas, rubber, etc.);
- (2) Light manufacturing, not utilizing heavy machinery, including: ceramic products, glass products, hand tools, and electronic equipment;
- (3) Professional, business, research or administrative offices, either as a main permitted use or as part of a permitted light-industrial use;
- (4) Printing, engraving, lithographing, media services and publishing, not utilizing heavy machinery;
- (5) Wholesale businesses and sales, warehouses, mini and other storage buildings, and distribution facilities, except those storing or distributing flammable or explosive materials;
- (6) ~~Automobile service stations, including~~ Hand car wash services, auto repair, and towing services;
- (7) ~~Machine shop, welding shop~~ Artisan studios, including but not limited to crafts, furniture, cabinet and wood working shops, glass blowing and similar shops;
- (8) Plumbing, electrical, air conditioning and other similar type shops, which may wholesale and store parts on site;
- (9) Tailoring services, including dry cleaning;
- (10) Main use parking garages and parking lots;
- (11) Utilities;
- (12) Landscaping services, including nursery facilities;
- (13) Commercial uses that provide support services to the light industrial uses and to the adjacent RM-3 residents, including retail sales, photocopying, coffee shop, standard restaurant, video rental, bank;
- (14) Marine-related uses (when located adjacent to waterfront areas); and
- (15) Any use similar and compatible to the uses described in this district and the district purpose as determined by the planning director.

Sec. 142-483. Conditional uses.

The conditional uses in the I-1 urban light industrial district are:

- (1) any use that includes the retail sale of gasoline;
- (2) automobile service stations;
- (3) mechanical car wash facilities;
- (4) auto repair;
- (5) new construction of structures, as defined in section 114-1, of 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards;
- (6) Developments on properties made up of more than 20,000 square feet lot area.
- (7) machine, welding, and printing shops, involving heavy machinery
- (8) recycling receiving stations;
- (9) utilities;
- (10) residential uses, including live-work units, when included in rehabilitation of buildings existing as of the date of this ordinance;
- (11) ~~outdoor entertainment establishment; neighborhood impact establishment; open air entertainment establishment. and,~~
- (12) towing services:
Lots reviewed pursuant to the conditional use process shall also comply with the following criteria:
 - (1) A schedule of hours of vehicle storage and of hours of operation shall be submitted for review and approval by the planning board.
 - (2) If the towing yard is proposed to be within 100 feet of a property line of a lot upon which there is a residential use, the planning board shall analyze the impact of such storage and/or parking on the residential use. The analysis shall include, but not be limited to, visual impacts, noise, odors, effect of egress and ingress and any other relevant factor that may have an impact on the residential use.

inches above grade, with an opaque wood fence, masonry wall or other opaque screening device not less than six feet in height.

(d) Parking spaces, backup areas and drives shall be appropriately dimensioned for the type of vehicles being parked or stored.

(e) Towing yards shall be required to satisfy the landscaping requirements of subsection 126-6(2), and shall be subject to the design review procedures, requirements and criteria as set forth in chapter 118, article VI.

Sec. 142-484. Accessory uses.

The accessory uses in the I-1 urban light industrial district are as follows: Those uses customarily associated with the district purpose. (See article IV, division 2 of this chapter).

Sec. 142-485. Prohibited uses.

The prohibited uses in the I-1 urban light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code) and all residential uses except as provided for in Section 142-483(9).

Sec. 142-486. Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the I-1 light industrial district. The maximum floor area ratio, building height and story requirements are as follows:

- (1) Maximum floor area ratio is 1.0.
- (2) Maximum building height is 40 feet.
- (3) Maximum number of stories is four.

Sec. 142-487. Setback requirements.

The setback requirements for the I-1 light industrial district are as follows:

- (1) Front yard: 20 feet when abutting a residential district, otherwise none.
- (2) Side yard, interior: Ten feet when abutting a residential district, otherwise none.
- (3) Side yard, facing a street: Ten feet when abutting a residential district, otherwise none.

(4) Rear yard: Ten feet when abutting a residential district, otherwise none.

SECTION 2. 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 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

9/1/09

Date

First Reading: April 16, 2008
Second Reading: June 25, 2008

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language



MIAMI BEACH

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

I-1 LIGHT INDUSTRIAL DISTRICT

NOTICE IS HEREBY given that a first reading and public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, September 9, 2009 at 5:05 P.M.**, To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Amending The List Of Permitted, Conditional And Prohibited Uses; And By Amending Section 142-487 "Setback Requirements."

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

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

To request this material in accessible format, sign language interpreters information on access for persons with disabilities, and /or any accommodation to review any document or participate in any City-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #550

Gomez, Jorge

From: Marilyn Freundlich [mfmfefex@bellsouth.net]
Sent: Friday, August 28, 2009 10:26 AM
To: Gomez, Jorge; Bower, Matti H.; Libbin, Jerry; Lamazares, Mercedes; Lorber, Richard; Diaz, Victor; Wolfson, Jonah; Tobin, Ed; Weithorn, Deede; Gross, Saul
Subject: Notice Public Hearing I-1 Light Industrial District

Follow Up Flag: Follow up
Flag Status: Flagged

Kindly enter this email in the record at this hearing on September 9, 2009. Thank you.

Honorable Mayor, Commissioners, Mr. Gomez, Mr. Lorber and Ms. Lamazares:

My apologies for not being present at this very important meeting, but my daughter is getting married today, as you read this letter. I guess that is a valid excuse to miss this very important and long-awaited meeting.

You all know how hard we have worked with Mr. Gomez and the Planning Department to achieve this zoning amendment. I urge you to pass its first reading today. This is a much-sought improvement for the Sunset Harbour neighborhood and we are sure a catalyst for better development and use of the already existing buildings.

Thank you again for all the time and assistance you have dedicated to our neighborhood.

Marilyn Freundlich

Gomez, Jorge

From: Nanlieb@aol.com
Sent: Sunday, August 30, 2009 10:49 AM
To: Gonzalez, Jorge; Gomez, Jorge
Subject: Fwd: (no subject)

Follow Up Flag: Follow up
Flag Status: Flagged

FYI FOR DISTRIBUTION

From: Nanlieb
To: MayorBower@miamibeachfl.gov, saul@miamibeachfl.gov, Jerry@miamibeachfl.gov, JONAH@MIAMIBEACHFL.GOV, edtobin@ratnertobin.com, DEEDE@MIAMIBEACHFL.GOV, victor@Miami Beachfl.gov
Sent: 8/30/2009 10:47:49 A.M. Eastern Daylight Time
Subj: (no subject)

SEPTEMBER 1, 2009

Honorable Mayor Matti Bower

City of Miami Beach Commissioners

RE: THE INDUSTRIAL DISTRICT

Dear Mayor and Commissioners,

I am happy I finally have the opportunity to support the positive zoning changes in the Industrial District. The legislation will enable residential work spaces in the older structures which line the district. This change has been supported by the residential community, the Belle Isle neighborhood and of course, my daughter, son-in-law and grandchild, residents of the area. The residents and interested land owners have worked for the past four years to develop this and other new concepts for the neighborhood.

The proposed zoning changes will allow the district to become a better mix in a mixed use area that will now include live/work/loft spaces. The addition of live/work/ loft spaces will make the

neighborhood a more vibrant place to live, work, dine and utilize local services – a true urban area and a good model for the utilization of older warehouse buildings. The legislation will not allow for new residential buildings, thus keeping the flavor of a “light industrial” mixed use.

I will not be at the meeting as I am out of town for the summer. I thank you for all of your support you have offered the district in the past. You know the neighborhood has prospered with your help. I urge you to support the current zoning change that will encourage new uses for the Industrial District and better live-style for the future.

Sincerely,

Nancy Liebman

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