



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: Kathie G. Brooks, Interim City Manager  for KGB

DATE: November 5, 2012

SUBJECT: **DISCUSSION REGARDING MIAMI BEACH UNITED RESOLUTIONS TO ADDRESS THE ISSUE OF COMPATIBILITY OF CERTAIN USES IN PROXIMITY TO RESIDENTIAL USES, TO CREATE SAFEGUARDS WHILE STILL ALLOWING FOR FLEXIBILITY OF DEVELOPMENT**

On July 18, 2012, at the request of Commissioner Góngora, the Mayor and City Commission approved a referral to the Land Use and Development Committee (LUDC) for a discussion regarding Miami Beach United resolutions (see attachments) to address the issue of compatibility of certain uses in proximity to residential uses, to create safeguards while still allowing for flexibility of development.

The first resolution deals with sidewalk cafes in close proximity to residential neighborhoods. This can be a problem if the café use generates late night noise and disruption. Planning Department staff has examined the issue through the use of existing licensing data for sidewalk cafes and maps of residential areas, and suggests that an ordinance requiring Conditional Use approval from the Planning Board for any newly proposed sidewalk café located within 100 feet of a residential neighborhood. A similar ordinance currently requires the same review and approval for parking lots within 100 feet of a residential district or use, so the concept could be applied in the same way to sidewalk cafés.

The second resolution attempts to address proposed developments within close proximity to single family residential neighborhoods. The recent public hearings for the proposed Palau development in Sunset Harbour brought much criticism from nearby single family residents of Sunset Islands 3 and 4. Although the development was finally approved by the Planning Board and then the Design Review Board, with significant modification to the originally proposed plans in order to mitigate the impact upon the neighboring single family residential areas to the north and east, residents remain dissatisfied with the proposal and feel that the scale of the building will overpower nearby residences.

This was also a similar concern several years ago with the approval of the Cabi project on 42nd Street, also in close proximity to a single family residential neighborhood. While the City's zoning map and future land use map are drawn in such a way as to try to separate uses and buffer lower scale neighborhoods from potentially higher intensity

development, in a few cases, such a buffer may not be present. In these cases, there does appear to be a need to modify proposed developments in order to most effectively buffer and protect nearby residents, while also allowing reasonable development to proceed.

Planning Department staff has begun discussions with MBU representatives, and suggests that although the exact wording of the below resolution might not be the preferred policy option, that some version of the concept could certainly be supported and should be further explored.

ADMINISTRATION RECOMMENDATION

The Administration seeks guidance from the Committee on the desired policy direction. If there is interest in pursuing these proposals, staff recommends that the matters be forwarded to the Planning Board for further review and recommendation.

KGB/JGG/RGL



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The City of Miami Beach Sidewalk Cafe Ordinance for purposes of permitting shall be amended to include a special zone created for SideWalk Cafes to be located within 200 ft of a residential zone - measuring the distance from the residential property line to the property line of the proposed Sidewalk Cafe.

The Sidewalk Cafe conditions proposed shall be the following:

OUT DOOR SPEAKERS AND MUSIC WILL BE BANNED

ALCOHOL SHALL NOT BE SERVED UNLESS ACCOMPANIED BY FOOD

A 5FT PEDESTRIAN PATH SHALL BE OBSERVED AT ALL TIMES

CLOSING HOURS SHALL BE 9PM ON WEEKDAYS AND 11PM ON WEEKENDS

RESIDENTS WITHIN THE SPECIAL CAFE ZONE SHALL BE NOTIFIED OF THE PENDING PERMIT WITHIN THE ZONE AND HAVE THE ABILITY TO OFFER COMMENTS ON THE PROPOSED APPLICATION

Sophia Sieczkowski

Corresponding Secretary

MIAMIBEACHUNITED

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MIAMI BEACH UNITED proposes the following amendment to the zoning code be placed on the Miami Beach City Commission's July agenda to transmit to the Land Use Committee:

TRANSITIONAL NEIGHBORHOODS

All applications for development approvals proposed, of which any part of is located within 350 feet of any single family-zoned or used property shall comply with the following:

1. Such proposed development shall not exceed the allowable height for single family homes (as set forth in section 142-105(b)) within 350 feet of any single family-zoned or used property and 125% of that height within the area between 350 feet and 500 feet of any single family-zoned or used property.
2. City staff and all appropriate city boards shall deny the requested development approval within 350 feet of single family-zoned or used property if the proposed development:
 - a) Would be out of scale with the adjacent residential neighborhood or
 - b) Would promote excessive, noise, traffic, light, dust, smell, overcrowding or concentration of people or population, or
 - c) Would not be compatible with the adjacent residential neighborhood and its development.

City staff and all appropriate city boards may impose conditions on any requested development approval within 350 feet of single family-zoned or used property including but not limited to reduction of the mass, scale and height of any structure, location of access points, and establishment of hours of operation.

3. Notice regarding transitional neighborhood applications shall be mailed (First Class US Mail) to all property owners and homeowners associations within a 500-foot radius of the application property as follows:
 - a) Upon filing of a development approval application, and
 - b) No sooner than ten days before the first decision-making action by staff or by the appropriate decision-making board or other city entity.
4. In any review of a development approval application, city staff, boards and other decision-making entities shall allow all parties (including any objectors) a reasonable time to present their full case, to present evidence, and to examine and cross-examine witnesses whether they have retained counsel or not.



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, City Manager
FROM: Michael Góngora, Commissioner
DATE: July 10, 2012

A handwritten signature in black ink, appearing to be 'MG', with a large 'X' drawn over it.

SUBJECT: Referral Item for July 18 Commission Meeting

Please place on the July Commission meeting consent agenda a referral to the Land Use and Development Committee a discussion item dealing with Miami Beach United resolutions. The point of the discussion is to address the issue of compatibility of certain uses in proximity to residential uses, to create safeguards while still allowing for flexibility of development. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item CYF
Date 7-18-12