MIAMIBEACH

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: July 22, 2013

SUBJECT: **ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS**

BACKGROUND

On November 12, 2012, at the request of Commissioner Libbin, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to a Planning Board resolution outlining zoning and planning initiatives for the North Beach area, including ordinance amendments for required parking and development regulations.

On October 30, 2012, the Planning Board held a workshop discussion regarding potential initiatives for the North Beach area. The Planning Department made a presentation based upon ideas that were identified during a series of meetings between staff members from Planning, Economic Development, Neighborhood Services, Parks and Recreation, Police, Parking and Real Estate, Housing and Community Development. A copy of the presentation memo entitled "North Beach Initiatives" is attached hereto.

At the conclusion of the discussion, the Planning Board adopted a resolution urging the Commission to refer the following items to the Land Use and Development Committee (LUDC) for further discussion and action:

1) Amending the Parking Ordinance to allow additions to contributing buildings in National Register districts to pay a one-time parking impact fee in the same manner as Local Historic Districts
2) Amending the Parking Ordinance to reduce parking requirements for additions to 'Contributing' buildings in National Register historic districts.
3) Provide public parking in areas of greatest need.
4) Explore the creation of building permit incentives for substantially rehabilitated buildings.
5) Prepare design guidelines for the rehabilitation of and additions to MiMo architecture in order to streamline the development review process.
6) Amend the RM-1 zoning district with height and setback standards for new construction that are more compatible with the scale and character of the built environment.

On April 23, 2013, the Land Use Committee discussed the above noted items. Staff was directed to bring the parking related initiatives to the Transportation and Parking Committee (TPC) for their input. On May 6, 2013, the TPC reviewed the proposed parking ordinance for

the National Register areas of North Beach. The TPC endorsed the concept behind the Ordinance, but stressed that it should not be applicable to those areas outside the boundaries of the National Register Districts, including the area of 'Biscayne Beach'.

ANALYSIS

The following is an analysis of the attached ordinances:

Parking Impact fees

Currently, the City Code allows payment of a fee in lieu of providing parking when additions, alterations or change of use result in an increased parking requirement, but only in the architectural district or locally designated historic districts. The proposal would extend this same benefit to contributing buildings located in the North Beach National Register Historic Districts. The intent is to provide an incentive to preserve and rehabilitate historic MiMo buildings in North Beach, which currently has two National Register districts: North Shore and Normandy Isles. This would benefit development involving a change of use, alteration, rehabilitation or addition of a sidewalk cafe (options for one-time fee or yearly fee) and development with construction of additional square footage (one-time fee only). It should apply to both commercial and residential buildings provided that they are identified as "contributing" by the National Register, and provided that the existing contributing structure is substantially retained, preserved and restored.

The attached Ordinance pertaining to the expansion of parking impact fees to North Beach National Register Districts addresses all of the aforementioned issues.

Parking Requirement for Additions to Historic Buildings

Many of the historic apartment buildings in North Beach are built at slightly less than the maximum floor area allowed by the existing zoning (generally RM-1, FAR 1.25). When owners consider the options of preservation vs. new construction, they generally seek to optimize the floor area and number of dwelling units or hotel rooms. If they are inclined toward preservation, the parking requirement for additional units may be an obstacle, even with the ability to pay a fee in lieu of parking, as recommended above. Therefore, as a further incentive to preserve historic buildings in North Beach, the Planning Board supported the idea of allowing small additions to be made with no parking requirement. Specifically, there should be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet. This incentive would only apply to an existing apartment and apartment-hotel building that is being substantially retained, preserved and restored; additionally, the existing building must be classified as 'Contributing', and located within a National Register historic district.

The attached Ordinance pertaining to parking requirements for Contributing buildings addresses all of the aforementioned issues.

RM-1 Height and Setback Standards

The RM-1 zoning district, which encompasses much of North Beach, is intended for low intensity multifamily housing, and hotels in limited areas along Collins and Harding Avenues. The intensity limitation for new construction, as determined by the Floor Area Ratio (FAR) 1.25, is consistent with the existing two story buildings in the neighborhood. However, the height, setback and parking regulations in the RM-1 zoning often lead to incompatible relationships between new infill construction and the built context of existing neighborhoods. The Planning Department has analyzed the height and setback of the predominant building

types in North Beach, and has suggested certain adjustments to make new infill buildings more compatible with their surroundings. These could be implemented in the form of a zoning overlay.

Prior to 1963, buildings in North Beach neighborhoods were almost exclusively one or two stories and not more than 22 feet in height. These building types still represent about 80% of the built environment, giving it a very strong, consistent, human scale character. The RM-1 zoning district allows new construction up to 50 feet in height, but with an FAR 1.25, it is rarely necessary to build more than two floors of living space. The parking requirement for new construction automatically makes the ground floor mostly utilized for parking and the minimum building height increases to three stories. Therefore, this analysis suggests that the height limit could be 3-stories or 30 feet above base flood elevation. In order to give more flexibility to the architectural design, the Planning Department suggests that the 3-story height limit could apply to the first 60 feet of lot depth as measured from the lot front and a 4-story or 40 feet height limit could apply for the remainder of the lot depth. This would ensure a more compatible height relationship between adjoining lots.

The minimum setbacks in the RM-1 zoning district (generally 20' in the front, 7'-6" on the side and 15' in the rear) apply to neighborhoods citywide. However, they do not match the minimum setbacks that were enforced prior to 1963 when the majority of North Beach was developed. In fact, there were different front yard setbacks in each neighborhood as shown on the chart below:

	Front	Side	Rear
North Shore	10	5	5
Biscayne Beach	10	5	5
North Shore S of 71 Street	15	5	5
Normandy Isle and Normandy Shores	20	5	5
Normandy waterfront	25	5	5

New infill construction would be more compatible with the built context of existing neighborhoods if it could follow the established setback lines. The attached Ordinance pertaining to RM-1 setbacks and height addresses all of the aforementioned issues.

Staff believes that both of the aforementioned Ordinances have been properly vetted and are mow ready to move forward to the Planning Board for their input and consideration as amendments to the Code.

CONCLUSION

The Administration recommends that the Land Use Committee refer the attached Ordinance Amendments to the Planning Board for consideration.

RL

JLM/JMJ/RGL/TRM
Attachments

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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 130 OFF-STREET PARKING, ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-31 "PARKING DISTRICTS ESTABLISHED," BY ADDING NEW PARKING REGULATIONS FOR PARKING DISTRICTS NO. 1 AND NO. 4, INCLUDING A REDUCTION IN OFF-STREET PARKING REQUIREMENTS FOR CERTAIN LAND USES AND BUILDING TYPES IN NATIONAL REGISTER DISTRICTS; BY AMENDING CHAPTER 130 OFF-STREET PARKING, ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM", SECTION 130-131 "GENERALLY", BY EXPANDING THE PARKING IMPACT REQUIREMENTS FOR CERTAIN LAND USES AND BUILDING TYPES IN NATIONAL REGISTER DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, In the summer of 2009, the North Shore and Normandy Isles National Register Historic Districts were placed on the National Register of Historic places by the United States Department of the Interior; and

WHEREAS, the Planning Department conducted an analysis of existing conditions, issues and opportunities in the North Shore and Normandy Isles National Register Historic Districts; and

WHEREAS, the City desires to reduce parking requirements with certain conditions in the North Shore and Normandy Isles National Register Historic Districts in order to encourage the retention and preservation of existing contributing structures within the districts and to promote walking, bicycling and public transit modes of transportation, as well as to reduce the scale and massing of new development in the residential neighborhoods.

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

SECTION 1. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(6) Apartment building and apartment-hotel:

a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.

b. Apartment buildings on lots wider than 50 feet:

1.5 spaces per unit for units between 550 and 999 square feet;

1.75 spaces per unit for units between 1000 and 1200 square feet;

2.0 spaces per unit for units above 1200 square feet.

c. Designated Guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.

d. For existing apartment and apartment-hotel buildings, which are classified as 'Contributing', are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet.

Section 130-33. - Off-street parking requirements for parking districts nos. 2, 3 and 4.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3 and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

(1) *Apartment building and apartment-hotel:*

a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.

b. Apartment buildings on lots wider than 50 feet:

1.5 spaces per unit for units between 550 and 999 square feet;

1.75 spaces per unit for units between 1000 and 1200 square feet;

2.0 spaces per unit for units above 1200 square feet.

c. Designated Guest parking: Developments of 20 units or less shall have not designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.

d. For existing apartment and apartment-hotel buildings, which are classified as 'Contributing', are located within the Normandy Isles National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet.

SECTION 2. Chapter 130 of the City Code, entitled "Off-Street Parking," Article V, " Fee in Lieu of Parking Program," is hereby amended as follows:

Section 130-131. - Generally.

A fee in lieu of providing parking may be paid to the city in lieu of providing required parking on-site, or within 1,200 feet of the site in the architectural district or otherwise within 500 feet of the site, only in the following instances, except that parking requirements for accessory commercial uses in newly constructed buildings within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41st Street on the south and 44th Street on the north shall be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking:

(1) New construction of commercial or residential development and commercial or residential additions to existing buildings whether attached or detached from the main structure within the architectural district or a local historic district.

(2) When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to subsection 130-132(b).

(3) New construction of 1,000 square feet or less, or additions of 1,000 square feet or less to existing buildings whether attached or detached from the main structure may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to subsection 130-132(a).

(4) The creation or expansion of an outdoor cafe (except for those which are an accessory use to buildings described in subsection 130-31(b)).

(5) Commercial or residential additions to existing contributing buildings, whether attached or detached from the main structure, within the Normandy Isles National Register District or the North Shore National Register District, provided the existing contributing structure is substantially retained, preserved and restored.

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: _____
Richard Lorber, AICP, LEED
Acting Planning Director

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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," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-155 "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS" AND SECTION 142-156 "SETBACK REQUIREMENTS," BY ADDING NEW HEIGHT AND SETBACK REGULATIONS FOR MULTIFAMILY BUILDINGS IN NORTH BEACH; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

WHEREAS, In the summer of 2009, the North Shore and Normandy Isles National Register Historic Districts were placed on the National Register of Historic places by the United States Department of the Interior; and

WHEREAS, the Planning Department conducted an analysis of existing conditions, issues and opportunities in the RM-1 Multifamily; and

WHEREAS, the City desires to reduce parking requirements with certain conditions in the North Shore and Normandy Isles National Register Historic Districts in order to encourage the retention and preservation of existing contributing structures within the districts and to promote walking, bicycling and public transit modes of transportation, as well as to reduce the scale and massing of new development in the residential neighborhoods.

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. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II – "District Regulations," Subdivision II. – "RM-1 Residential Multifamily Low Intensity" is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

* * *

(4) In the National Register Historic Districts in North Beach, the following shall apply:

a. The maximum building height shall be 30 feet for the first 60 feet of lot depth as measured from the lot front and a maximum of 40 feet for the remainder of the lot depth.

b. The maximum number of stories shall be 3 for the first 60 feet of lot depth lot depth as measured from the lot front and a maximum of 4 stories for the remainder of the lot depth.

c. Stairwell bulkheads shall not be permitted to extend above the maximum building height.

d. Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum BuildingHeight (Feet)	Maximum Number of Stories
5,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161 North Beach National Register Districts – see section 142-155(a)(4) Otherwise—50	Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161 North Beach National Register Districts – see section 142-155(a)(4) Otherwise—5

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	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

* * *

(d) In the National Register Historic Districts in North Beach, the following setback requirements shall apply for the pedestal portions of all buildings. Setbacks for tower, at-grade parking and subterranean levels shall be the same as set forth in (a) above.

	Front	Side	Rear
North Shore	10	5	5
Biscayne Beach	10	5	5
North Shore S of 71 Street	15	5	5
Normandy Isle and Normandy Shores	20	5	5
Normandy waterfront	25	5	5

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:

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CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
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_____ _____
City Attorney Date

First Reading:
Second Reading:

Verified by: _____
Richard Lorber, AICP, LEED
Acting Planning Director

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