

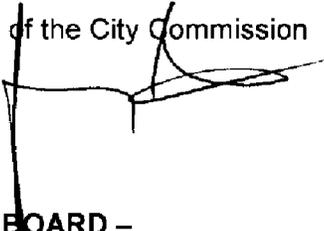


MIAMI BEACH

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: December 11, 2013

SUBJECT: **REFERRAL TO THE PLANNING BOARD –
PROPOSED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS
REGARDING NON-MEDICAL OFFICE USES FOR RESIDENTIAL
PROPERTIES LOCATED IN THE RM-2 ZONING DISTRICT**

ADMINISTRATION RECOMMENDATION

Refer an Ordinance Amendment to the Planning Board for consideration and recommendation.

BACKGROUND

In 2011 the Land Use and Development Committee began discussions on an Ordinance change that proposed to allow small office as accessory commercial uses in apartment buildings within the RM-2 zoning district. Such uses would have included real estate offices, property management offices, and other similar types of non-medical office uses.

On May 16, 2012, the Land Use Committee referred an Ordinance to the Planning Board for consideration, which proposed to allow certain types of non-medical office uses as a 'Conditional Use' in Apartment buildings located within RM-2 zoning districts. On July 24, 2012, the Planning Board considered the proposed Ordinance (PB File No. 2077) and recommended DENIAL. On April 3, 2013 a member of the Planning Board requested that the July 24, 2012 action of the Planning Board be re-considered; on April 30, 2013, this reconsideration request was withdrawn.

On June 5, 2013, at the request of Commissioner Wolfson, the City Commission Referred a discussion item regarding a proposed amendment to Section 142-213 of the City Code, pertaining to Conditional Uses in the RM-2 District, to the Land Use and Development Committee.

On October 23, 2013, the Land Use and Development Committee referred an Ordinance to the Planning Board.

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,

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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 recommends 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. More specifically, the proposed section of the code would read as follows:

Sec. 142-213. - Conditional uses.

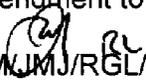
Conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; accessory neighborhood impact 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

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.

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 must 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 Mayor and the City Commission refer an Ordinance Amendment to the Planning Board for consideration and recommendation.


JLM/MJ/RGL/TRM

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