

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: Jimmy L. Morales, City Manager



DATE: January 20, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF January 20, 2016**

A meeting of the Land Use and Development Committee has been scheduled for January 20, 2016 at 3:00 p.m. in the City Commission Chambers.

1. Annual Evaluation of Parking Impact Fee Structure.

(Returning from the July 29, 2015 LUDC Meeting
Sponsored By City Commission
September 17, 2014 Item R7E)

2. Discussion On The Collins Canal Project.

(Returning From the July 29, 2015 LUDC Meeting
Sponsored By City Commission
September 10, 2014 City Commission Meeting, Item R9G)
Verbal Report

3. Sidewalk Café Ocean Drive Umbrellas

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article Iv, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Continued from the October 7, 2015 LUDC Meeting
Sponsored By City Commission
May 20, 2015 City Commission Meeting, Item R5B)

- 4. a) Discussion Regarding Grade Elevations for New Construction.**
(Returning from the June 17, 2015 LUDC Meeting
Sponsored By City Commission
June 10, 2015 City Commission Meeting, Item C4E)
- 4. b) Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards.**
(Sponsored by Commissioner Joy Malakoff
October 14, 2015 City Commission Meeting, Item C4D)
- 5. Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.**
(Returning From the September 9, 2015 LUDC Meeting
Sponsored By Commissioner Joy Malakoff
June 10, 2015 City Commission Meeting, Item C4I)
- 6. Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island.**
(Returning From the September 9, 2015 LUDC Meeting
Sponsored By City Commission
July 8, 2015 City Commission Meeting, Item C4D)
Verbal Report
- 7. Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.**
(Returning from the September 9, 2015 LUDC Meeting
Sponsored By Commissioner Joy Malakoff
September 2, 2015 City Commission Meeting, Item C4I)
Verbal Report
- 8. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date.**
(Sponsored By Commissioner Michael Grieco
October 14, 2015 City Commission Meeting, Item C4B)

- 9. Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect.**

(Sponsored By Commissioner Joy Malakoff
October 14, 2015 City Commission Meeting, Item C4F)
Verbal Report

- 10. Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden.**

(Sponsored By Commissioner Michael Grieco
October 14, 2015 City Commission Meeting, Item C4G)

- 11. Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**

(Sponsored by Commissioner Joy Malakoff
December 9, 2015 City Commission Meeting, Item C4A)

- 12. Discussion Regarding Amending Section 118-5 Unity of Title; Covenant in Lieu thereof.**

(Sponsored by Commissioner Michael Grieco
December 9, 2015 City Commission Meeting, Item C4C)

- 13. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations (LDR's) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD.3 District, Washington Avenue Between 16th Street And 17th Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16th And 17th Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date.**

(Sponsored by Commissioner Michael Grieco
December 9, 2015 City Commission Meeting, Item C4H)

- 14. Discussion Regarding The City of Miami Beach's Building Permit Application Process.**

(Sponsored by Commissioner Ricky Arriola
January 13, 2016 City Commission Meeting, Item C4E)
Verbal Report

- 15. Ordinance Amending Height and Setbacks for Mixed-Use Development in the Sunset Harbour Neighborhood.**

(Sponsored by Commissioner Joy Malakoff
January 13, 2016 City Commission Meeting, Item C4F)
Verbal Report

16. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

(Sponsored by Commissioner Joy Malakoff
January 13, 2016 City Commission Meeting, Item C4I)
Verbal Report

2016 Meeting Schedule

Wednesday February 17, 2016

Wednesday March 30, 2016

Wednesday April 20, 2016

Wednesday May 18, 2016

Wednesday June 15, 2016

Wednesday July 20, 2016 at 2 p.m.

Wednesday September 21, 2016

Wednesday October 26, 2016 at 2 p.m.

Wednesday November 16, 2016

Monday December 12, 2016

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VERBAL REPORT

8:21:45 p.m.

8:30:00 p.m.

R7E A Resolution Changing The Fee In Lieu Of Providing Parking From \$35,000 To \$40,000, Per Parking Space As Provided By And In Accordance With Section 130-132(d) Of The City Code; With Such Change To Be Effective Upon The Date Of Adoption Of This Resolution.
(City Manager's Office)

ACTION: Resolution 2014-28757 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff to approve the resolution; Voice-vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. Item referred to the Land Use & Development Committee by acclamation. **Thomas Mooney to place on the committee agenda. Saul Frances to handle.**

***REFERRAL & RECOMMENDATION:**

Land Use and Development Committee to discuss the issue of the parking impact fees and the issue of conducting a parking requirement study.

MOTION 1:

Motion made by Commissioner Tobin; seconded by Commissioner Malakoff to approve the resolution; Voice-vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson.

MOTION TO RESCIND:

Motion made by Commissioner Tobin to rescind prior vote; seconded by Commissioner Wolfson; Voice vote: 2-4; Opposed: Vice-Mayor Grieco and Commissioners Malakoff, Steinberg and Weithorn; Absent Mayor Levine. **Motion failed.**

Thomas Mooney, Planning Director, introduced Carmen Sanchez, Assistant Planning Director, who will give a presentation on cost analysis.

Assistant Planning Director Sanchez spoke. The Parking Ordinance requires that the average parking space costs be brought to City Commission each year for analysis. Ms. Sanchez brought the analysis, and the average cost of parking space is now up for the Commission's consideration.

Joy Malakoff said the City needs to remain competitive with the actual construction costs of parking spaces in the City, and continue to be financially sound.

Motion No. 1:

Commissioner Tobin moved the item; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent: Mayor Levine and Commissioner Wolfson. Item passed.

8:30:00 p.m.

Commissioner Wolfson expressed concern over raising the parking fees from \$35,000 to \$40,000. He thinks there are instances where he disagrees that the parking impact fees should apply, and prefers not to raise the fee. Commissioner Wolfson suggested referring the issue of the parking impact fees to the Land Use & Development Committee (LUDC).

Joe Jimenez, Assistant City Manager, recommends doing a parking requirement study, because in an urban environment such as ours, the City may have antiquated parking requirements.

Commissioner Malakoff stated that more parking garages are needed in the City and one of the ways to get the funding is through fees in lieu of providing parking spaces.

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VERBAL REPORT



MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: July 15th, 2014

SUBJECT: Agenda Item for July 23rd, 2014 City Commission Meeting

Please place on the July 23rd, 2014 City Commission Meeting agenda a discussion regarding the Collins Canal/ Dade Boulevard Bike Path Project.

Attached please find corresponding emails and information.

If you have any questions please do not hesitate to call our office.

Best Regards,

Dessiree Kane
on behalf of Commissioner Ed Tobin

Agenda Item R96
Date 9-10-14

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To: Mayor Philip Levine
Members of the City Commission
Jimmy Morales, City Manager

Date: June 17, 2015

MEMORANDUM

From: Raul Aguila, City Attorney

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 5, ENTITLED "SIDEWALK CAFES," SUBDIVISION 2, ENTITLED "PERMIT," BY CREATING SECTION 82-389, ENTITLED "ADDITIONAL MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES ON OCEAN DRIVE BETWEEN 5TH STREET AND 15TH STREET" TO PROVIDE MINIMUM STANDARDS FOR UMBRELLAS AND AWNINGS, REQUIRE REGULAR MAINTENANCE OF UMBRELLAS, AND PROVIDE PROHIBITIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Introduction

This item was heard during the May 20, 2015 City Commission meeting, and was referred by the Commission to the Land Use Committee.

The attached Ordinance is submitted for consideration by the Mayor and City Commission. The ordinance modifies Chapter 82, at Article IV, Division 5, which regulates Sidewalk Cafes. Section 82-389 was added to the code to incorporate specific provisions relating to the utilization of umbrellas along the sidewalk cafes located on Ocean Drive between 5th Street and 15th Street (hereinafter Ocean Drive sidewalk cafes).

There is an existing need for outdoor eating establishments (sidewalk cafes) in certain areas of the city to provide a unique environment for relaxation and food and/or beverage consumption. Sidewalk cafes encourages additional pedestrian traffic to the city's historic districts, and commercial use areas. The sidewalk widths along Ocean Drive are narrow, and the presence of sidewalk cafes may impede the free and safe flow of pedestrian traffic. As a result, there is a need for additional regulation and standards for the existence and operation of sidewalk cafes along Ocean Drive between 5th Street and 15th Street, to facilitate and ensure a safe pedestrian environment in these areas. In addition, it is important to regulate the use of umbrellas within the sidewalk cafe, particularly as the conditions on Ocean Drive have deteriorated by having large umbrellas attached to one another, which are then attached to awnings projecting from the buildings, thus creating a tunnel effect along the pedestrian pathway.

A majority of the buildings along Ocean Drive between 5th Street and 15th Street are listed as contributing buildings within the Ocean Drive – Collins Avenue Local Historic District, and the National Register of Historic Places Miami Beach Architectural District, the umbrellas and awnings hide all the architectural beauty that is South Beach. Oversized umbrellas and awnings have the potential to block historically and aesthetically significant architectural features.

In order to protect the health, safety, welfare and tranquility of the community, has established permit conditions and safety standards, including conditions and standards relating to street furniture, for sidewalk cafes within the Ocean Drive sidewalk café area, which are necessary to protect and promote the general health, safety, and welfare of the residents of the City. The draft ordinance is a second step by the City (the first step being the Mayor's ordinance amendment as to the hours of alcohol consumption and sales at sidewalk cafes) to protect the integrity of Ocean Drive.

Content of Ordinance:

The proposed supplemental regulations would provide the following requirements as it relates to the use of umbrellas within the Ocean Drive sidewalk café area:

- (1) All umbrella canopies shall be supported by no more than one center post or one cantilevered post.
- (2) All umbrella canopies shall provide a minimum clearance of seven (7) feet in height as measured from the sidewalk. The highest point of the umbrella canopy or frame shall not exceed nine (9) feet in height as measured from the sidewalk.
- (3) All umbrella canopies shall be installed parallel to the sidewalk. No canopy shall be allowed to tilt or be installed on a bias. All open canopies shall remain in a horizontal position, parallel to the sidewalk.
- (4) All umbrella posts or frames shall be installed perpendicular to the sidewalk. No post or frame may be allowed to tilt or be installed on a bias.
- (5) When the canopy is closed the umbrella shall be removed from the sidewalk café and stored inside the permittee's restaurant, cafe, or bar.
- (6) All umbrella canopies shall be round or octagonal.
- (7) The umbrella canopy shall bear a circumference of no greater than 36 square feet.
- (8) All umbrella bases shall be bolted down into the sidewalk, and the sidewalk cafe permittee shall obtain a right-of-way revocable permit pursuant to chapter 82, article III, division 2 of this Code. The pole or frame shall be removable from the base.
- (9) The minimum distance or spacing between umbrella canopies shall be two (2) feet.

(10) Each sidewalk café permit shall require a uniform color pattern for installed umbrellas subject to planning staff approval. The umbrella canopy may consist of no more than two colors. No umbrella canopies may contain fringes, scallops, or other ornamentation.

(11) The business name or logo may be placed on the umbrella, but may not exceed one foot in height.

(12) All umbrella canopies shall be fire-retardant, pressure-treated or manufactured of fire-resistant material.

(13) Rechargeable – battery operated lights facing the table may be installed on the post or frame, within inside of canopy.

Advertising would be prohibited. Also prohibited would be the clipping, zipping, or fastening of umbrellas together. No clear plastic or other material could be fastened to the umbrellas. Further, no awnings or canopies other than those umbrellas specifically authorized in this new ordinance may be installed on or over a sidewalk cafe.

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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

*JLM
for SMT*

DATE: January 20, 2016

SUBJECT: **A) DISCUSSION REGARDING GRADE ELEVATIONS FOR NEW CONSTRUCTION**

B) AMENDMENTS TO THE CITY CODE, INCLUDING THE LAND DEVELOPMENT REGULATIONS, TO IMPROVE THE CITY'S RESILIENCY TO SEA LEVEL RISE, FLOODING AND NATURAL HAZARDS

BACKGROUND

On June 10, 2015, the City Commission referred subject item 'A' to the Land Use and Development Committee (Item C4E). On June 17, 2015, the Land Use and Development Committee discussed the item, directed the Administration to prepare a draft Ordinance, and continued the item to the July 29, 2015 meeting.

On July 29, 2015, the item was continued to October 7, 2015. On October 7, 2015 the item was continued to December 2, 2015. The December Land Use meeting was subsequently canceled.

On October 14, 2015, at the request of Commissioner Malakoff, the City Commission referred subject item 'B' to the Land Use and Development Committee (Item C4D).

ANALYSIS

Below is a list of terms along with their common definitions, which are used throughout this analysis:

Freeboard means the additional height between the minimum finished floor elevation and the *base flood elevation*. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and other factors, which could contribute to greater flood heights.

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation ranges between 7 to 10 feet NGVD.

FEMA – **Federal Emergency Management Agency**. FEMA is an agency of Homeland Security, with the stated mission to “support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.”

FIRM – **Flood Insurance Rate Map**. This is the official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

NGVD and **NAVD** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

LID - **Low-Impact Development** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

AECOM is the consultant for the development of the City’s Comprehensive Resiliency Program. AECOM’s recommendations have been incorporated into the proposed ordinances described in the below analysis.

1. Minimum Base Flood Elevation:

Limited areas of the City are depicted on the current FEMA FIRM panels as having a base flood elevation of 7.0 feet NGVD. Although the designation of base flood elevations are based on coastal inundation modeling by FEMA, further research and modeling as part of the ongoing City of Miami Beach Flood Mitigation Study indicates that during a large storm event, this area will be faced with similar flood risks as the surrounding areas currently mapped with a base flood elevation of 8.0 feet NGVD.

Therefore, to provide adequate protection of properties within this zone, it is recommended that the City adopt a minimum base flood elevation of 8.0 feet NGVD. This will affect major renovation and new construction projects, requiring a one foot higher finish floor elevation. However, it should be noted that this ordinance is intended to apply only to design and permitting requirements in the City and is not intended to be used as an insurance rate tool. The adopted FEMA FIRM panels will continue to be used for this purpose.

New FEMA FIRM panels will be available as soon as 2018-19 based on revised coastal modeling, providing updated base flood elevations for the entire City. Once these FEMA maps are adopted by the City, this code may require revision.

2. Building Freeboard

As sea levels and storm severity continue to increase, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage. Consistent with U.S. Federal and state guidance, these code changes provide the basic level of protection for buildings through minimal freeboard requirements. This nominal change in new building finish floor elevation requirements provides additional levels of protection, reduces insurance premiums and enhances the City's current NFIP CRS (National Flood Insurance Program Community Rating System) status which can have benefits to all residents and business owners in the City.

As proposed, a minimum freeboard of one (1) foot, and a maximum freeboard of three (3) feet would be established at this time. Building heights would be measured from the base flood elevation plus the actual freeboard provided, which would be between the minimum and maximum freeboard.

In order to account for the future raising of streets and sidewalks for commercial properties, the measurement of building height is also proposed to be modified. Commercial properties often have zero or minimal setbacks, and it is preferable from a business perspective and urban design standpoint to have such commercial uses located at the same level as the sidewalk. In order to accommodate the future raising of streets and sidewalks, additional height will have to be built into projects today, so that the building can be modified with a future raised floor slab to meet the future raised public sidewalk. As proposed, for projects that are designed to accommodate a future raised slab to meet the future sidewalk level, building height would be measured from the base flood elevation plus the provided freeboard. Currently, height for commercial properties that are located predominately at the sidewalk level, are measured from the minimum first floor elevation.

3. Seawall Elevation and Design

The City of Miami Beach is surrounded by water and protected from erosion and damage from wave action by seawalls. Since much of the island was built out over 50 years ago, many of these sea walls are at a low elevation reducing their effectiveness as the first line of defense against wave energy. For this reason, elevating this critical means of protection for the City is paramount to incorporating resilience.

Understanding the unintended consequences to view sheds from low lying homes, it is recognized that not all sea walls can be built to the ideal elevation of 5.7 feet NAVD at this time. For this reason and to continue protecting properties within the City, private sea walls are recommended to be elevated to an elevation of at least 4.0 feet NAVD, offering additional levels of protection with minimal adverse impacts to view sheds.

In addition to the increase in elevation for private sea walls, the design of the new/renovated walls shall also incorporate a more robust design including larger footer, rebar, width, etc. enabling a retrofit to elevation 5.7 feet NAVD with minimal effort such as with a height extension and new cap.

As proposed, all new public sea walls would be constructed to a minimum elevation of 5.7 feet NAVD. Any private sea walls impacted by public right-of-way projects involving City funds would also be constructed to the minimum elevation of 5.7 feet NAVD

consistent with public sea walls.

Specifically, the Public Works Manual, Section A.2 "General Requirements – Sea Wall Elevation", is proposed to be amended as follows:

5) The minimum ~~height-top of wall elevation required requirement~~ when replacing/repairing a public seawall is 3.2 5.7 ft. NAVD (7.26 ft. NGVD).

5a) The minimum top of wall elevation required when replacing/repairing a private seawall is 4.0 ft. (NAVD 88), unless part of right-of-way project. However, the seawall structural design shall accommodate a future retrofit for a seawall height extension up to a minimum elevation of 5.7 ft. NAVD (7.26 ft. NGVD).

9) When existing seawalls are disturbed as part of a right-of-way project they must be raised to a minimum elevation of 5.7 ft. NAVD. (*no change*)

4. Minimum Residential Lot Grade:

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise.

Within single family districts, the maximum elevation of a required front yard and side yards facing a street is limited to no higher than the greater of 'adjusted grade', which is the midpoint between the base floor elevation (BFE) and 'sidewalk grade', or 30 inches above 'sidewalk grade'. As part of its overall review, AECOM has recommended that if the elevation of required yards is less than elevation 2.5 feet NAVD, then required yards may be elevated to 5.0 feet NAVD. Grade is the sidewalk elevation at the center of the property. For example, if grade is 4 feet NGVD, and the base flood elevation (BFE) is 8 feet NGVD, then adjusted grade is 6 feet NGVD. Since the 'adjusted grade' is only 24 inches above 'grade', in this instance the maximum elevation of a required yard could be raised to 30 inches above grade or 6 feet 6 inches NGVD.

While the previous amendments reflect improvements in addressing concerns over sea level rise, there needs to be better agreement between the Land Development Regulations (LDR's) and the Miami Beach Stormwater Management Master Plan (SMP). The adopted SMP calls for the raising of the minimum crowns of roadways in various parts of the City to approximately 5.26 feet NGVD (3.7 feet NAVD). In order to improve consistency between the SMP and LDR's, the proposed ordinance establishes a definition for the 'future crown of the road', where the SMP is referenced. It also establishes a 'future adjusted grade' which is the midpoint elevation between the future crown of the road and the base flood elevation (BFE).

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards be raised to a minimum elevation of 5 feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface Stormwater shallow conveyance and LID features and areas where landscaping is to be preserved. However, it would still require that fences within front yards and side yards facing a street be measured from the existing 'sidewalk grade'. This will allow for better transitions between the public right of way and private property as the Stormwater Master Plan is implemented over time.

Staff has included photos of various examples where raised front yards are located in single family neighborhoods that do not create problems with compatibility for the surrounding community.

SUMMARY

The following chart provides a comparison of the primary changes proposed, as described above:

		Existing Requirements	Proposed Requirements
1.	Base Flood Elevation (BFE)	5.44 Feet NAVD (7 Feet NGVD)	6.44 Feet NAVD (8 Feet NGVD)
2.	Freeboard	0 feet above BFE	+1 foot to +3 feet above BFE
3.	Seawall Elevation (Private)	3.2 FT NAVD 4.76 FT NGVD	4 to 5.7 FT NAVD 5.56 to 7.26 FT NGVD
	Seawall Elevation (Public)	3.2 FT NAVD 4.76 FT NGVD	5.7 FT NAVD 7.26 FT NGVD
4.	Minimum required yard elevation	No minimum required	5.0 Feet NAVD (6.56 Feet NGVD)

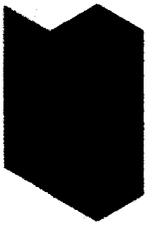
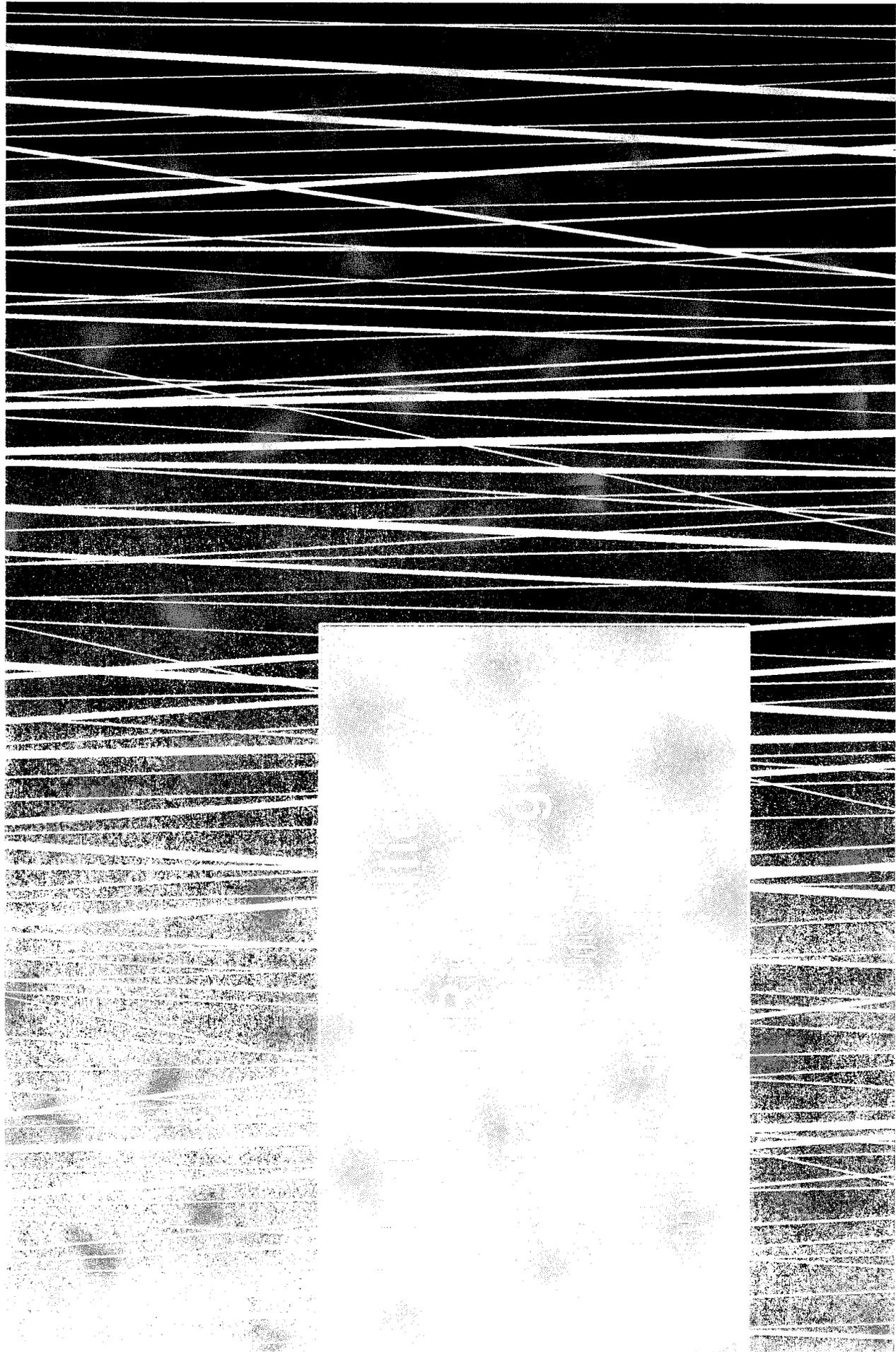
Please see the attached presentation prepared by AECOM which further details the changes proposed herein.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction. If there is consensus on the proposal, it is further recommended that the Committee recommend that the City Commission refer the items to the Planning Board.


JLM/SMT/TRM/MAB

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MIAMI BEACH



A=COM

January 20, 2016

LUDC#15

Code Modifications

1. Minimum Base Flood Elevation
2. Building Freeboard
3. Sea Wall Elevation and Design
4. Minimum Residential Lot Grade

1. Minimum Base Flood Elevation

Base Flood Elevation: Regulatory elevation associated with building elevation as identified in current FEMA FIRM panels.

Current Requirement: 8.0 NGVD (6.44 NAVD) with one area at 7.0 NGVD

Proposed Requirement: Define Base Flood Elevation as uniform 8.0 NGVD throughout Miami Beach



2. Building Freeboard (residential)

Freeboard:

The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management.

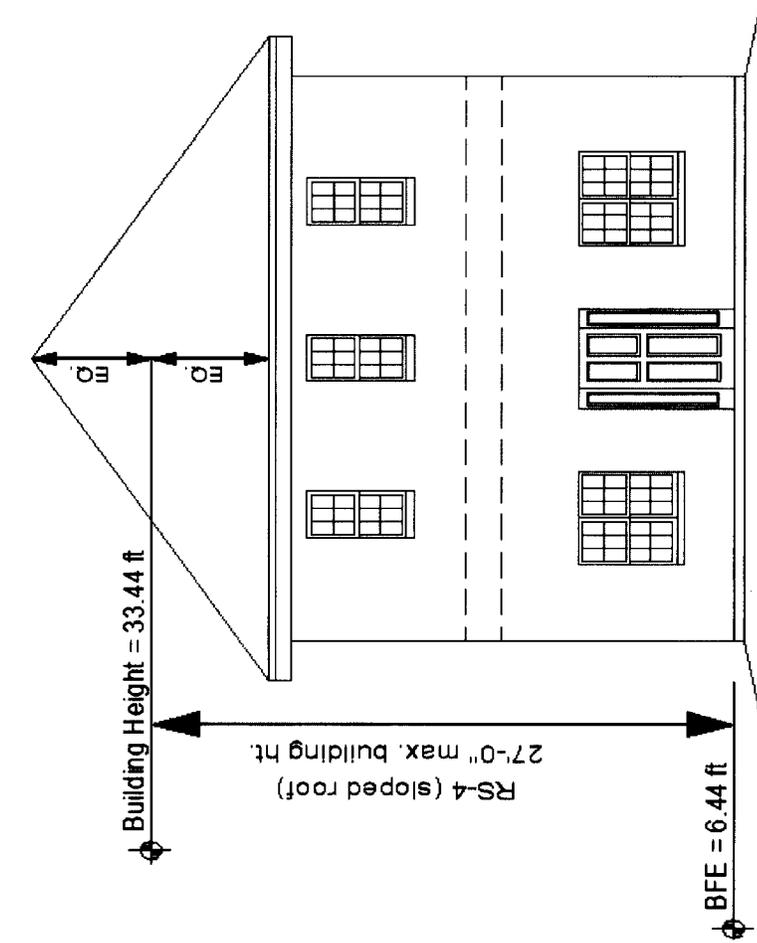
Existing Requirement:

The minimum and maximum levels for freeboard are not defined in the land development regulations.

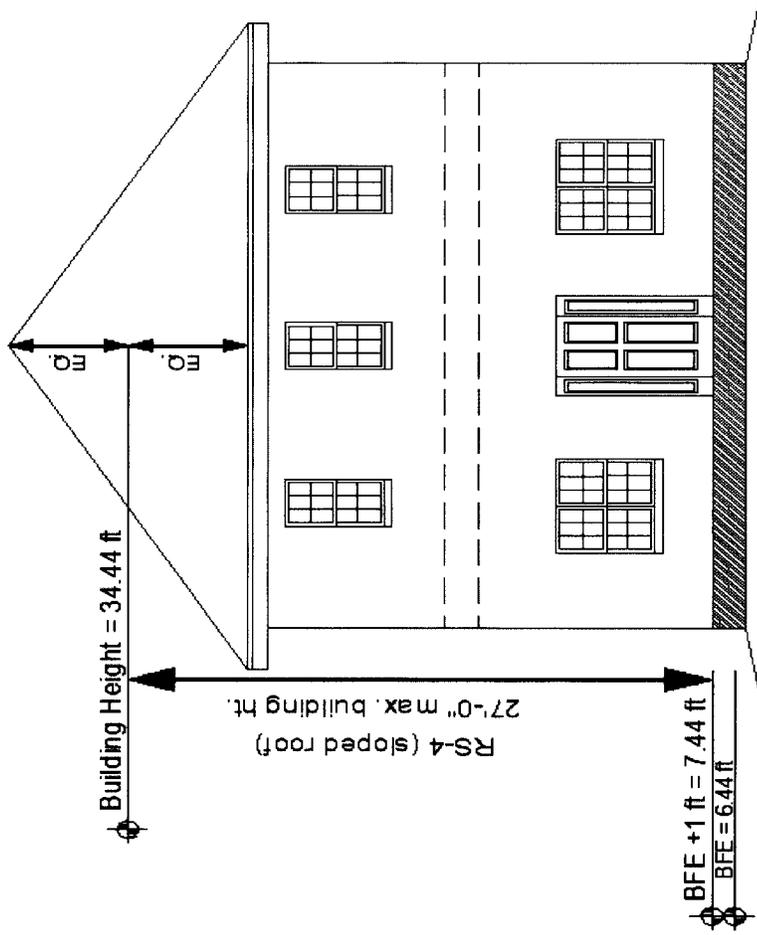
Proposed Requirement:

Define the minimum freeboard as 1 foot above Base Flood Elevation, and the maximum freeboard as 3 feet above Base Flood Elevation

2. Building Freeboard (residential)



Building Height - Measurement
 Existing Code NTS
 BFE w/o Freeboard

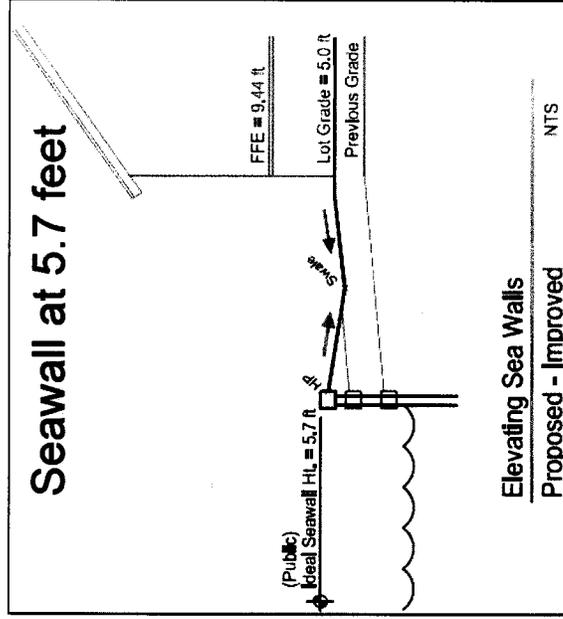
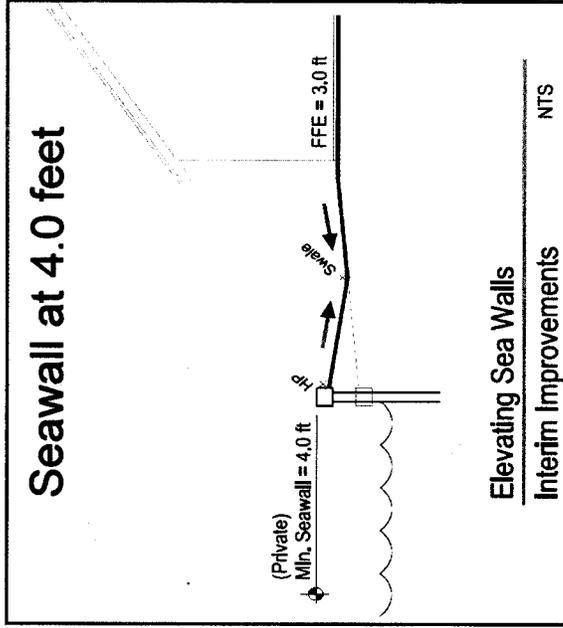
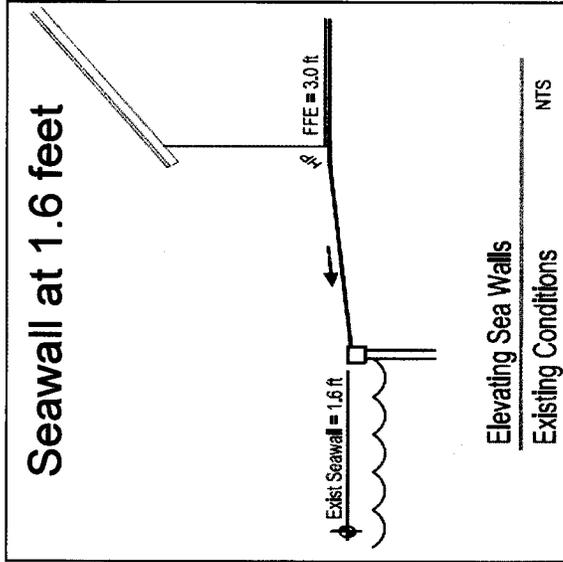


Building Height - Measurement
 Proposed Code NTS
 BFE + 1-ft Freeboard

3. Sea Wall Elevation and Design

Current Requirement: 3.2 ft. NAVD (public and private)

Proposed Requirement: 5.7 ft. NAVD (public, commercial, new residential)
4 to 5.7 ft. NAVD (private)



3. Sea Wall Elevation and Design

New Public Sea Wall at Flamingo Way -
Biscayne Bay



New Private Sea Wall at Flamingo Way -
Biscayne Bay



Brittany Park - Indian Creek

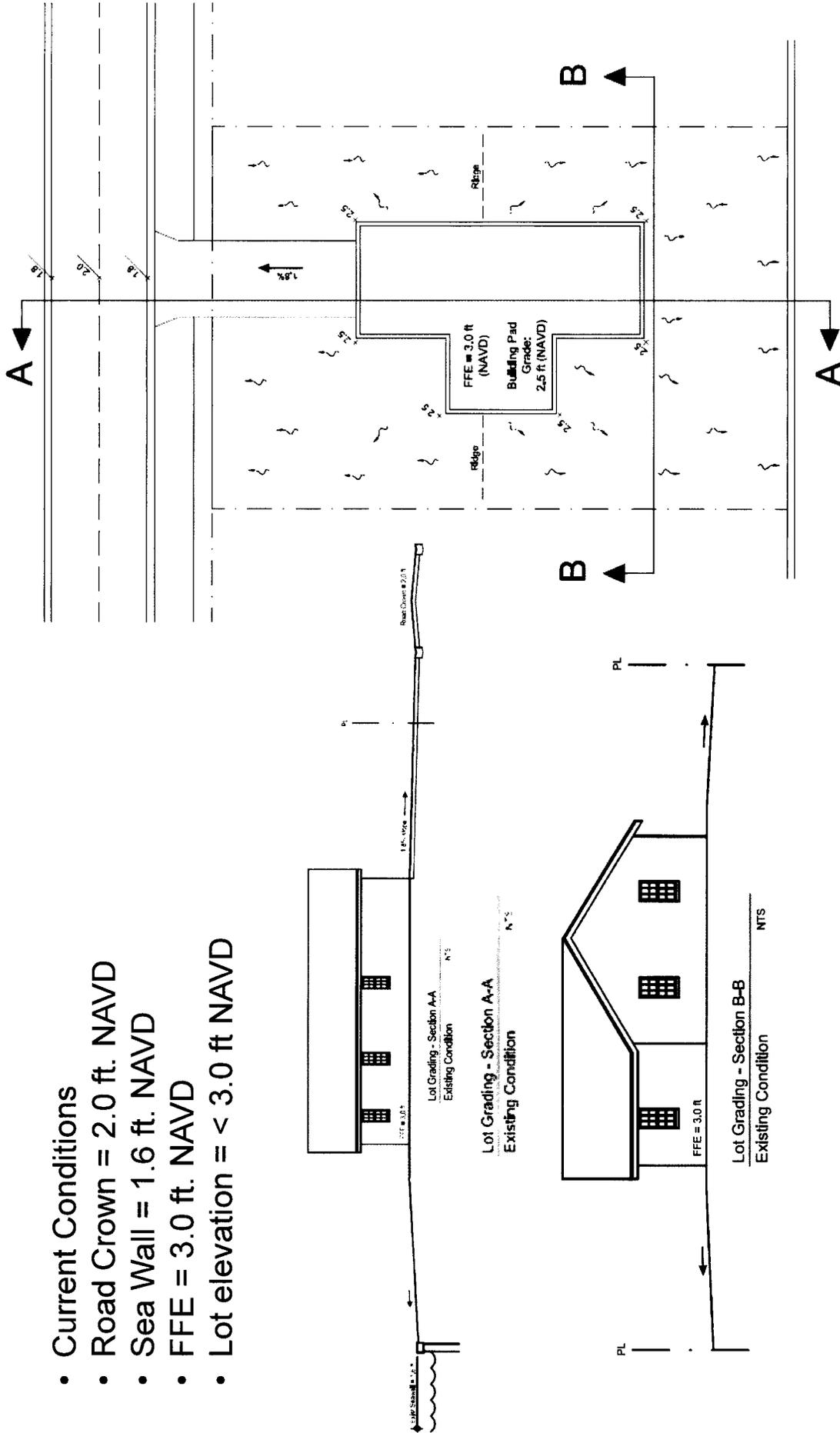


Brittany Park - Indian Creek



4. Minimum Residential Lot Grade - Current

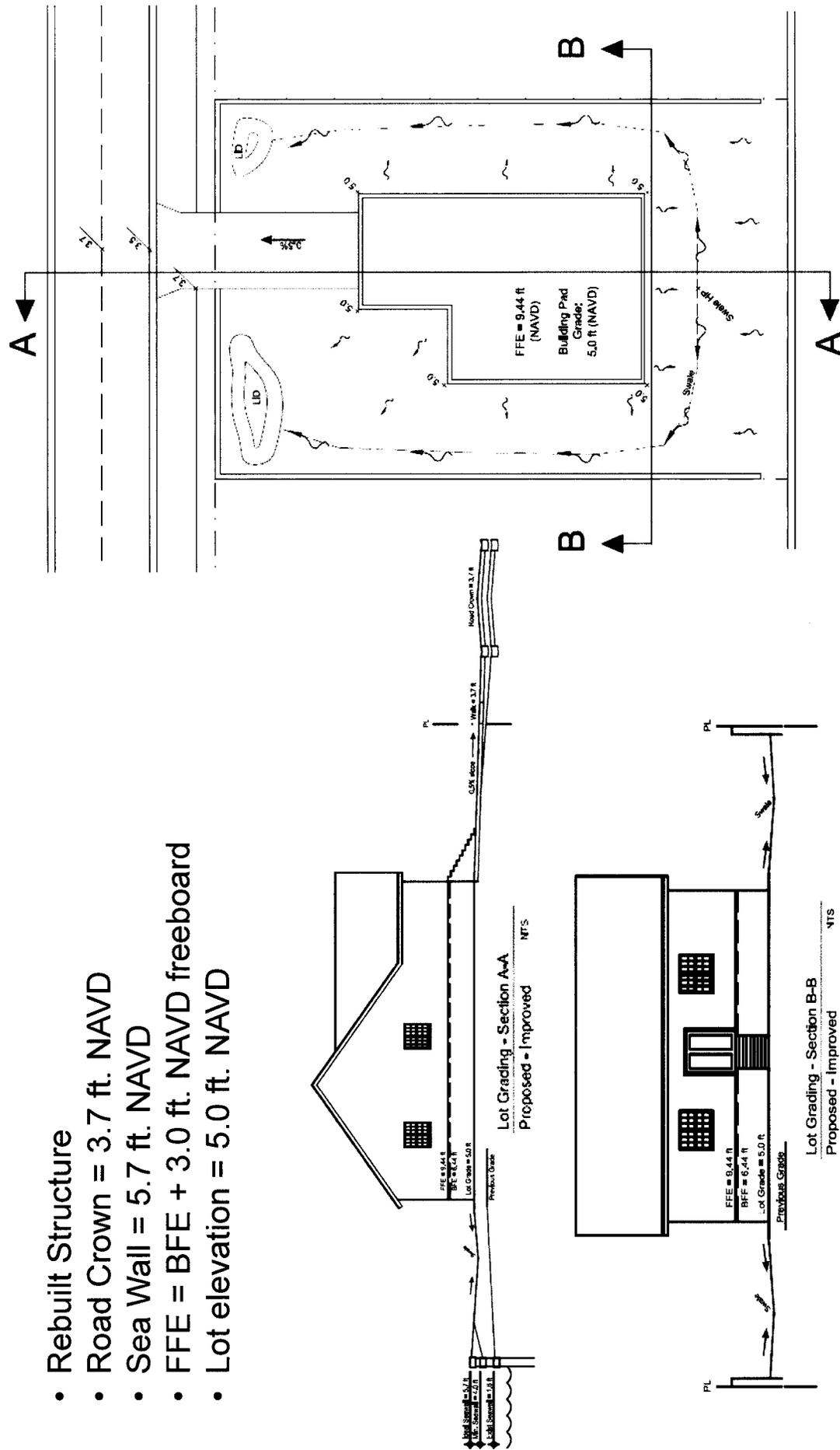
- Current Conditions
- Road Crown = 2.0 ft. NAVD
- Sea Wall = 1.6 ft. NAVD
- FFE = 3.0 ft. NAVD
- Lot elevation = < 3.0 ft NAVD



* Location of section may not match figure, and was selected for discussion purposes only.

4. Minimum Residential Lot Grade - Proposed

- Rebuilt Structure
- Road Crown = 3.7 ft. NAVD
- Sea Wall = 5.7 ft. NAVD
- FFE = BFE + 3.0 ft. NAVD freeboard
- Lot elevation = 5.0 ft. NAVD



* Location of section may not match figure, and was selected for discussion purposes only.

Summary

		Existing Requirements	Proposed Requirements
1.	Base Flood Elevation (BFE)	5.44 Feet NAVD (7 Feet NGVD)	6.44 Feet NAVD (8 Feet NGVD)
2.	Freeboard	0 feet above BFE	+1 to +3 feet above BFE
3.	Seawall Elevation (Private)	3.2 FT NAVD 4.76 FT NGVD	4 to 5.7 FT NAVD 5.56 to 7.26 FT NGVD
	Seawall Elevation (Public)	3.2 FT NAVD 4.76 FT NGVD	5.7 FT NAVD 7.26 FT NGVD
4.	Minimum required yard elevation	No minimum required	5.0 Feet NAVD (6.56 Feet NGVD)

Thank You

Contacts:

Marcia.Tobin@aecom.com

Jason.Bird@aecom.com

Tom.McGowan@aecom.com

AECOM

MIAMI BEACH

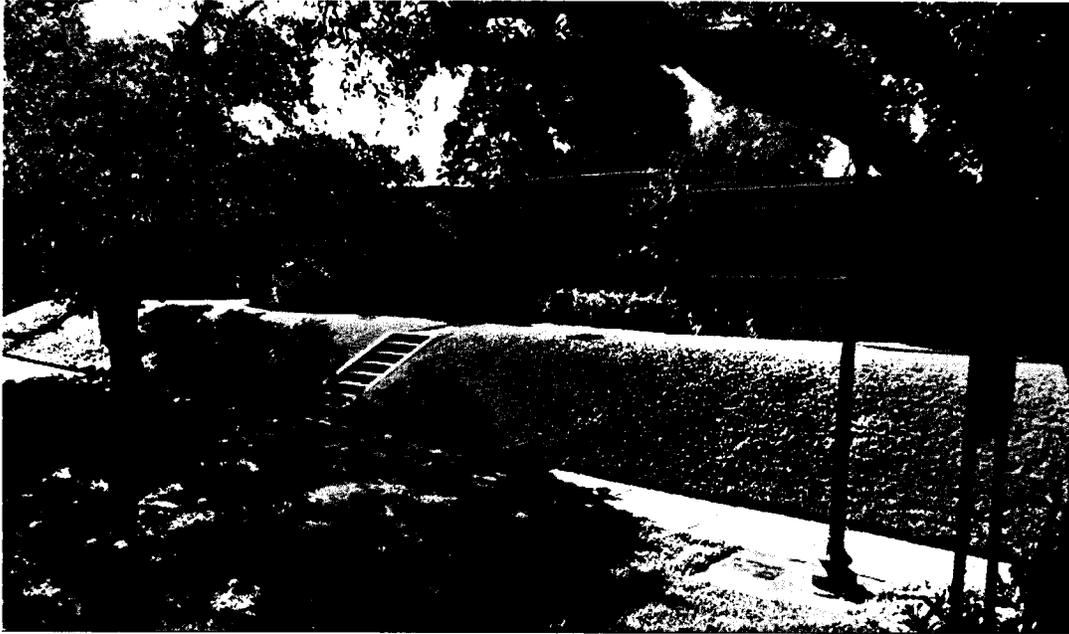
Miami Shores examples of raised front yards



406 NE 103 ST. - Front yard at sidewalk elevation.



442 NE 103 ST. - Front yard about 36" above sidewalk elevation.



460 NE 103 ST. - Front yard about 48" above sidewalk elevation.



429 NE 102 ST. - Front yard - retaining wall about 18" above sidewalk elevation.



429 NE 102 ST. - Front yard - retaining wall about 24" above sidewalk elevation.



10205 NE 4 AVE. - Front yard - retaining wall about 30" above sidewalk elevation.



10208 NE 4 AVE. - Front yard - retaining wall about 30" above sidewalk elevation.



375 NE 102 ST. - Front yard - retaining wall about 12" above sidewalk elevation.

FREEBOARD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 54 “FLOODS” AT SECTION 54-35, “DEFINITIONS,” TO ESTABLISH DEFINITIONS FOR MINIMUM FREEBOARD, MAXIMUM FREEBOARD, AND PROVIDED FREEBOARD AND TO AMEND THE DEFINITION OF BASE FLOOD ELEVATION; AND BY AMENDING SECTION 54-48, “SPECIFIC STANDARDS” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FINISHED FLOOR FOR RESIDENTIAL CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT; AND BY AMENDING SECTION 54-51, “STANDARDS FOR COASTAL HIGH HAZARD AREAS (V-ZONES),” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FLOOR OF ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage; and

WHEREAS, it is appropriate to amend the minimal freeboard requirements for residential structures to provide additional levels of protection to maintain consistency with U.S. Federal and state guidance, and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

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

SECTION 1. That Section 54-35, “Definitions”, is hereby amended as follows:

* * *

Base flood elevation, for the City of Miami Beach shall be as defined in Chapter 114-1. ~~means the water surface elevation associated with the base flood.~~

* * *

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Freeboard, minimum equals one (1) foot.

Freeboard, maximum equals three (3) feet.

Freeboard, Provided means the actual freeboard provided, between the minimum and maximum freeboard.

* * *

SECTION 2. That Section 54-48, "Specific Standards", is hereby amended as follows:

In all A-zones where base flood elevation data have been provided (zones AE, A1-30, A (with base flood elevation), and AH), as set forth in section 54-37, the following provisions, in addition to those set forth in sections 54-47 54-47 and 54-49 54-49, shall apply:

(1) *Residential construction.*

- (a) All new construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest finished floor elevated to no lower than the base flood elevation plus one foot, with allowance of base flood elevation plus three feet. For multi-family residential structures, garage entrances shall be no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of subsection 54-48(3).

* * *

(4) *Standards for manufactured homes and recreational vehicles.*

- (a) All manufactured homes that are placed, or substantially improved within a zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than the base flood elevation plus one foot, with allowance of base flood elevation plus three feet and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

* * *

SECTION 3. That Section 54-51. "Standards for coastal high hazard areas (V-zones)", is hereby amended as follows:

* * *

Located within areas of special flood hazard established in section 54-37 are coastal high hazard areas, designated as zones V1-V30, VE, or V (with BFE). The following provisions shall apply:

(2) All new construction and substantial improvements in zones V1-V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than the base flood elevation plus one foot, with allowance of base flood elevation plus three feet, whether or not the structure contains a basement; and

* * *

(c) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection plus one foot (with allowance of base flood elevation plus three feet), or the base flood elevation plus one foot (with allowance of base flood elevation plus three feet), whichever is the higher.

* * *

(11) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection plus one foot (with allowance of base flood elevation plus three feet) or the base flood elevation plus one foot (with allowance of base flood elevation plus three feet), whichever is higher. All non-elevation design requirements subsections 54-51(2) through (10) shall apply.

* * *

SECTION 4. 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

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

SECTION 6. SEVERABILITY.

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

DEVELOPMENT REGULATIONS – GRADE ELEVATIONS

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, FLORIDA, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," INCLUDING A DEFINITION FOR BASE FLOOD ELEVATION, MAXIMUM ADJUSTED GRADE AND FUTURE CROWN OF THE ROAD, AND AMENDING THE DEFINITION OF GRADE; AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING AND CLARIFYING THE MAXIMUM ELEVATION WITHIN A REQUIRED YARD AND INCLUDING A MINIMUM ELEVATION REQUIREMENT, AND AMENDING AND CLARIFYING THE MEASUREMENT FOR MAXIMUM BUILDING HEIGHT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, the City has previously implemented increased height requirements for sea walls in order to more fully protect the City from flooding; and

WHEREAS, it is appropriate to amend the maximum elevation requirements within required yards of single family districts to eliminate or mitigate any conflict with corresponding legislation enacted to address sea level rise and flood mitigation; and

WHEREAS, the regulation of grade elevations in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods in the City; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's single-family districts.

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

SECTION 1. That Section 114-1, "Definitions", is hereby amended as follows:

* * *

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. This elevation shall not be less than 8.0 ft. NGVD (6.44 ft. NAVD) in the City of Miami Beach.

* * *

Crown of the road, future means the expected elevation of the crown of a roadway as described in the adopted Miami Beach Stormwater Master Plan.

* * *

Grade means the city sidewalk elevation at the centerline of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the property shall be used. ~~the public works director shall establish the city sidewalk elevations.~~

Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

* * *

Grade, future adjusted, means the midpoint elevation between the future crown of the road and the minimum flood elevation plus provided freeboard for a lot or lots.

* * *

Height of building means the vertical distance from the lowest floor according to the following, as applicable:

- (a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;
- ~~(b) When enclosed commercial or residential space is located at or below grade, height shall be measured from grade to the highest point to the roof;~~
- ~~(c)~~(b) When the minimum finished floor elevation is located above the base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the base flood elevation plus the provided "Freeboard".

The highest point of a roof is as follows:

- 1. The highest point of a flat roof;
- 2. The deck line of a mansard roof;
- 3. The average height between eaves and ridge for gable hip and gambrel roofs; or
- 4. The average height between high and low points for a shed roof.

- (c) For commercial properties, height shall be measured from the future base flood elevation plus the provided "Freeboard", as determined by the Public Works Director or designee, provided that the overall height and structural composition of the first floor of the structure is designed and built to accommodate a future raised floor slab to meet the height of a future raised public sidewalk.

* * *

SECTION 2. That Section 142-105, "Development regulations and area requirements", is hereby amended as follows:

* * *

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)*	Maximum Lot Coverage for a 2-story Home (% of lot area)**	Maximum Unit Size (% of Lot Area)	Maximum Building Height, which shall not exceed two stories above the <u>minimum base flood elevation, plus provided freeboard</u> in all districts***
RS-1	30,000	100	30%	50%	28 feet - flat roofs. 31 feet - sloped roofs.
RS-2	18,000	75	30%	50%	
RS-3	10,000	50 - Oceanfront lots. 60 - All others	30%	50%	24 feet - flat roofs. 27 feet - sloped roofs. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
RS-4	6,000	50	30%	50%	24 feet - flat roofs. 27 feet- sloped roofs.
		*Except those lots fronting on a cul-de-sac or circular street as defined in lot width	**Single story homes shall follow the requirements of <u>section 142-105(b)(4)b.</u>		*** Height shall be measured from the <u>minimum required base flood elevation for the lot, plus provided freeboard</u> , measured to the top of the structural slab for a flat roof and to the mid-point of the slope for a sloped roof. Single story homes shall follow the requirements of <u>section 142-105(b)(4)b</u>

(2) *Maximum number of stories.* The maximum number of stories shall not exceed two above the minimum base flood elevation plus the provided freeboard.

* * *

(4) *Unit size requirements.*

* * *

d. Non-air conditioned space located below minimum flood elevation, plus provided freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor is ~~required to be located six feet or more above existing grade~~ in order to meet minimum flood elevation requirements, including provided freeboard, the following shall apply:

1. The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from grade the lowest level slab provided. ~~Except that in the event that the minimum flood elevation requires the underside of the slab of the first habitable floor to exceed seven feet six inches from grade, such slab shall not exceed the minimum flood elevation as measured from grade.~~
2. Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.
3. The area under the first habitable floor of the main structure shall consist of non-air conditioned space, ~~which is at least 50 percent open~~. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.
4. The parking garage area and the ~~open~~, non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations, ~~provided it remains open in perpetuity~~.

* * *

(8) *Exterior building and lot standards*. The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

- a. Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.
- b. The minimum elevation of a required yard shall be no less than 5 feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, surface stormwater shallow conveyance and LID features, and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c. below, the minimum elevation requirements shall still apply.
- ~~b~~c. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation plus provided freeboard:
 1. *Front Yard*. The maximum elevation within a required front yard shall not exceed adjusted grade, ~~or 30 inches above grade~~, or future adjusted grade, whichever is greater. In this instance the maximum height of any fences or walls in the required front yard, constructed in accordance with Section 142-1132 (h), Allowable encroachments within required yards, shall be measured from existing grade.

2. *Interior Side Yards* (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - a. When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - b. When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - c.. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required side yards.

3. *Side Yard Facing a Street*. The maximum elevation within a required side yard facing a street shall not exceed adjusted grade or 30 inches above grade, or future adjusted grade, whichever is greater. In this instance the maximum height of any fences or walls in the required side yard facing a street, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from existing grade.

4. *Rear Yard*. The maximum elevation for a required rear yard, (not including portions located within a required sideyard or sideyard facing the street), shall be calculated according to the following:
 - a. *Waterfront*. The maximum elevation shall not exceed the minimum required base flood elevation plus provided freeboard.
 - b. *Non-waterfront*. The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - i. When the average grade of an adjacent lot along the abutting rear yard is equal or greater than adjusted grade, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - ii. When abutting a vacant property, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - iii. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both rear yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required rear yards.

5. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

SECTION 4. 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

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

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: _____, 2016

Second Reading: _____, 2016

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

Underline = new language

~~Strikethrough~~ = deleted language

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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

Off for SMT

DATE: January 20, 2016

SUBJECT: **Ordinance: Revisions to Chapter 126 pertaining to landscaping**

BACKGROUND

On June 10, 2015, at the request of Commissioner Malakoff, the City Commission referred the subject Ordinance amendment (Item C41) to the Land Use and Development Committee. Additionally, the matter was referred to the Planning Board.

On June 17, 2015, the Land Use and Development Committee discussed the item and continued it to the July 29, 2015 meeting. The Committee directed the Administration to prepare an ordinance amendment to Chapter 126 and to Chapter 46, so that the two chapters of the Code are consistent.

On July 29, 2015, the Land Use and Development Committee requested that recommendations from the Greenspace/Tree Advocacy Group (GTAG) be incorporated into the Ordinance and continued the item to the September 9, 2015 meeting.

On September 9, 2015, the Land Use and Development Committee continued the item to the November 18, 2015 meeting. The November 18, 2015 and December 2, 2015 meetings of the Land Use and Development Committee were cancelled; therefore, the item was continued to the January 20, 2016 meeting.

ANALYSIS

According to the U.S. Department of Agriculture (USDA) Forest Service trees are a valuable worth three times their initial investment. They reduce carbon dioxide and air pollutants, reduce energy costs by providing shade, and increase the frequency of shopping and amount spent in commercial areas by creating a more comfortable atmosphere, and increase property values, among other benefits.

Chapter 126 of the Land Development Regulations (LDR's) provides the City's existing minimum landscape standards for private properties. The requirements of the landscape regulations are applicable to all building permits for new construction, substantial rehabilitation or additions to existing buildings when located in areas designated for design review, conditional use or variance procedures and property in the redevelopment area. Additionally, permits for demolition require a landscape survey to insure that valuable existing trees are not damaged or destroyed. Trees that have a trunk diameter of eight or more inches may not be removed without the approval of the

planning and zoning director.

These standards are generally consistent with the minimum landscape standards of Miami-Dade County. However, these standards are currently insufficient to achieve many of the benefits described by the USDA and desired by the City.

As the need to protect existing tree species has become more apparent, it had been suggested that revisions to Chapter 126 of the LDR's are in order, to compliment and be consistent with the requirements of Chapter 46, Article II of the City Code pertaining to the care and maintenance of trees and plants. The attached ordinances propose updates to Chapter 126 of the LDR's, as well as to Chapter 46 of the City Code, to be consistent with established policy goals of enhanced landscaping and the preservation of existing tree canopy in the City. These modifications will complement the City's other efforts in tree protection, such as assuming the responsibility for tree removal permits from Miami-Dade County, which occurred on June 15, 2015. The analysis that follows details the proposed modifications.

City of Miami Beach Landscape Ordinance

Staff has developed a draft landscape ordinance that establishes minimum landscape standards utilizing best practices for South Florida in order to accomplish the following:

- Enhance, improve, and maintain the quality of landscape.
- Prevent the destruction of the City's existing tree canopy and promote its expansion.
- Improve the aesthetic appearance of new development and protecting designated historic landscapes.
- Promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place.
- Promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects.

Submittal Requirements

The proposed ordinance establishes that the following types of plans must be submitted with building permit applications for new construction, substantial rehabilitation or additions to existing buildings, as well as applications submitted for land use board approval:

- Vegetation Survey
- Landscape Plan
- Irrigation Plan
- Site and Landscape Lighting Plan

The ordinance requires that the vegetation survey be prepared by a professional land surveyor licensed to practice in the state of Florida. It also requires that the landscape plans be prepared by a landscape architect licensed to practice in the State of Florida. In addition, it requires that irrigation plans and the site and landscape lighting plans be prepared by a landscape architect or other persons authorized by Chapter 481, Florida statutes.

The proposal also requires that no permit for development activity be issued unless any necessary tree removal permits have been obtained or it has been determined that no tree removal permit is required pursuant to the tree preservation and protection criteria described in Chapter 46 of the City Code.

Minimum Standards

The proposed ordinance establishes minimum standards for the following criteria:

- Trees
- Lawn Grass/Sod Area
- Minimum Number of Trees
- Large Shrubs or Small Trees
- Shrubs
- Vines
- Groundcover and Grasses
- Soil
- Fertilizer
- Mulch
- Plant Quality
- Buffers between dissimilar Land Uses
- Landscaped Areas in Permanent Parking Lots
- Temporary and Provisional Parking Lot Standards
- Landscape Installation
- Irrigation
- Landscape Maintenance

The existing landscaping standards generally require that there be one canopy tree or grouping of three palms for every 25 linear feet of frontage in required yards. The proposed ordinance includes more specific criteria as to the dimensions, spacing, and types of trees. A table indicates the number of trees per lot in each of the various zoning districts throughout the City. In an effort to improve the City's canopy and increase shade, the proposed ordinance indicates that, although permitted, palm trees do not count towards meeting the minimum tree canopy requirements.

The standards for soil, fertilizer, mulch, plant quality, installation, irrigation, and maintenance are intended to ensure that landscaping that is planted within the City survives and thrive. It requires that if a tree that is used to satisfy the minimum requirements of the code dies, that it be replaced with the same type of landscape material or an approved substitute.

In an effort to improve sustainability and reduce groundwater withdrawals, the standards encourage the use of treated brown and grey water for the use of irrigation in order to conserve potable water. The ordinance proposes that guides and standards be created by the City in order to encourage and regulate them.

In conjunction with the Greenspace Management Division, or a successor department or division as determined by the City Manager or designee, modifications to Chapter 46 are also proposed, as a separate ordinance, in order to be consistent with the revisions to

Chapter 126. The modifications include reducing the minimum review caliper from 12 inches to six inches.

Update

At the request of the Land Use and Development Committee, several of GTAG's recommendations were incorporated into the proposed ordinance amendment. The following of GTAG's comments and recommendations should be further discussed for appropriate policy direction:

- If the intent of the ordinance as stated is to "a. Prevent the destruction of the city's existing tree canopy and promote its expansion," then its applicability in Section 126-3 Applicability, must include the city's public works and CIP projects and ALL streetscapes. Suggested added language: Prior to issue of permit to remove trees in ROW, a landscape plan shall be prepared by a landscape architect for all public works and CIP projects. Prior to approval/commencement of public works and CIP projects, a landscape plan shall be prepared by a landscape architect.
- 126-4.1 Vegetation. Surveys are required for existing trees that are two inches or greater DBH. This needs to be consistent with DBH required for tree removal permits. Therefore, we are recommending that all trees three inches or greater require a tree removal permit (with parallel change to Chapter 46 in the Tree Ordinance). This will help to preserve valuable and significant trees that may be slow growers or do not reach the minimum DBH measurement.
- One entity needs to be accountable for tree removals, protections and the inventory. The impact of development on existing trees should be assessed from the outset, determining those trees that should be preserved and protected. Therefore, we strongly recommend that the responsibility for conducting the required on site tree inspections/inventory belongs in the Urban Forest Division.
- GTAG has also suggested that in section 12-14, that the City should maintain street trees that are planted in public rights-of-way adjacent to private property, as opposed to the adjacent owner. This recommendation was included in the proposed ordinance; however, the subject should be discussed further.

The Planning Department has recommended the following additional language:

- *Section 126-5.* No person and no agent or representative thereof, directly or indirectly, shall cut down, destroy, move or effectively destroy through damaging any tree with a DBH of three inches or greater in multi-family or commercial properties, or any tree with a DBH of six inches or greater in single family residential properties situated on any real property without first obtaining approval and a tree work permit.
- *Section 126-4.1.* Vegetation survey(s) shall provide the accurate location, identification and graphic representation of all existing trees inclusive of the canopy dripline that are a minimum of ~~twelve~~ ten (10) feet in height and a minimum of ~~two-three~~ (23) inches in diameter at breast height (DBH) and existing palms that are a minimum of ten (10) feet in height and a minimum of four (4) inches DBH.

- ~~Section 126-6.5. Shrubs with a minimum height of 30 to 36 inches at time of planting~~ shall be used to visually screen ground level equipment such as A/C units and pool equipment and shall be planted at the height of the adjacent equipment.
- ~~Section 126-6.10. Cypress Mulch, Red Colored Mulch, and Rubber Mulch is prohibited.~~ Any other mulch must be submitted to and approved by the Planning Department or Public Works Department- Greenspace Division prior to delivery.
- The landscape standards and requirements for parking lots be relocated from Chapter 130 to Chapter 126.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the item, it is further recommended that the Committee transmit the proposed ordinances, inclusive of the Planning Department recommendations, to the City Commission for referral to the Planning Board.

SMT/TRM/RAM

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CITY OF MIAMI BEACH LANDSCAPE ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 126, "LANDSCAPING," BY EXPANDING SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS, EXPANDING MINIMUM LANDSCAPE STANDARDS, AND DETAILING MAINTENANCE REQUIREMENTS FOR REQUIRED LANDSCAPING; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, it is the City's intent to prevent the destruction of the City's existing tree canopy and promote its expansion; and

WHEREAS, it is in the best interest of the City to improve the aesthetic appearance of new development and protecting designated historic landscapes; and

WHEREAS, the City seeks to promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place; and

WHEREAS, the City seeks to promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects; and

WHEREAS, the City seeks increase the tree canopy in order to provide shade and coolness in order to encourage pedestrian activity and reduce reliance on single occupancy vehicles; and

WHEREAS, the City seeks to increase and improve green space in order to improve storm water management; and

WHEREAS, the City seeks to utilize landscaping in order to ameliorate noise impacts and light pollution; and

WHEREAS, the City seeks to promote the use of canopy trees to sequester carbon dioxide emissions and that increase climate change; and

WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives.

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

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SECTION 1. That Chapter 126, entitled "Landscaping," of the Miami Beach City Code is hereby amended as follows:

Chapter 126 - LANDSCAPEING REQUIRMENTS

~~Sec. 126-1. Purpose.~~

~~These regulations are designed to result in the placement of landscape materials in such manner as to improve highly visible tourist, commercial and residential areas of the city, to protect and preserve landscape features, and to enhance the value of property.~~

~~Sec. 126-2. Scope of review.~~

~~All elements of landscaping shall be selected for their functional value, aesthetic appeal and consistency with the comprehensive plan and neighborhood plans. Landscape plans shall be in compliance with the following criteria:~~

- ~~(1) Provision of shade and coolness;~~
- ~~(2) Enhancement of architectural features;~~
- ~~(3) Achievement of beauty and pride in the community;~~
- ~~(4) Enhancement of the tropical image of the community;~~
- ~~(5) Separation of incompatible uses or obtrusive elements;~~
- ~~(6) Amelioration of the impact of noise and light;~~
- ~~(7) Integration of any structures with adjacent body of water; and~~
- ~~(8) Preservation and protection of existing plant materials and energy conservation.~~

~~Sec. 126-3. Applicability and exemptions.~~

- ~~(a) Applicability. All building permits for new construction, substantial rehabilitation or additions to existing buildings when located in areas designated for design review pursuant to section 118-252, projects that are reviewed under the conditional use or variance procedures and property in the redevelopment area. The planning and zoning director shall conduct all landscape reviews pursuant to the regulations set forth in this chapter and consistent with the design review regulations as set forth in chapter 118, article VI. The landscape review shall include but not be limited to parking decks, all required yards, decks associated with recreational facilities, or any open space areas that are visible to the public.~~
- ~~(b) Permits for demolition or wrecking. Permits for demolition or wrecking shall require a landscape survey to insure that valuable existing trees are not damaged or destroyed; however, the submission of the survey may be waived by the planning and zoning director. In the event a survey is waived, the applicant shall provide a detailed landscape narrative. Trees that have a trunk diameter of eight or more inches shall not be removed without the approval of the planning and zoning director.~~

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- ~~(c) Exemptions. Exemptions to these regulations include all of the following, provided no new construction and/or additions to existing buildings or removal or damage to existing vegetation are required:~~
- ~~(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms, and extinguishing equipment, and other mechanical and electrical equipment.~~
 - ~~(2) Any permit necessary for the compliance with a lawful order of the building official, fire marshal, or public works director including:~~
 - ~~a. Any permit necessary for the immediate public health or safety.~~
 - ~~b. All permits for interior alterations and repairs.~~

~~Sec. 126-4. Elements of the landscape plan.~~

~~Landscape elements shall include but not be limited to:~~

- ~~(1) Palms, shade trees, shrubs, ground cover, lawn areas, walls, wood fencing, sculptures, water features, irrigation system, outdoor furniture such as benches and outdoor lighting and paving materials such as concrete pavers, wood decking, and unit pavers.~~
- ~~(2) Any nonliving durable material commonly used in landscaping but not limited to rocks, pebbles or sand.~~

~~Sec. 126-5. Landscape plan submission.~~

- ~~(a) Prior to the issuance of a building permit, the planning, design and historic preservation division shall approve a landscape plan which includes the following:~~
- ~~(1) Location of all existing vegetation by name and size, trees to remain, to be relocated either on or off site, or to be removed;~~
 - ~~(2) Location of all proposed landscape elements including botanical names, common names, quantities, height, spread, spacing and grades;~~
 - ~~(3) All paving materials;~~
 - ~~(4) All site furnishings, such as benches, and planters;~~
 - ~~(5) Mulching, fertilizing, staking, planting bed preparation;~~
 - ~~(6) The existence of irrigation system, if required; and~~
 - ~~(7) Existing and proposed lighting with fixture location, sizes, heights and cut sheets.~~
- ~~(b) No certificate of completion, occupational license, or certificate of occupancy shall be issued unless the planning, design and historic preservation division has determined that the installed landscaping substantially meets the requirements as listed in the landscape plan.~~

~~Sec. 126-6. Landscape criteria.~~

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~~When the site is located in an area designated for landscape review, the following regulations shall be used in evaluating the plans:~~

~~(1) All districts except I-1. In all districts except I-1 the following shall apply:~~

~~a. Surface/ground treatment. One canopy tree or grouping of three palms shall be provided for every 25 linear feet of frontage in a required yard abutting a public right-of-way. Where a driveway crosses a landscaped easement and a curb cut is provided, the driveway shall be paved with a hard surface material such as concrete, asphalt, or decorative unit pavers and shall have a clearly defined edge between paving and landscaped easement.~~

~~Any plantings located in the right-of-way including but not limited to trees, shrubs, ground cover, and sod shall be maintained by the abutting property owner and approved by the planning, design and historic preservation division.~~

~~b. Hedges.~~

~~1. Required front yards. In required front yards hedges, ground cover, vines, and sod may be placed in the required yards. Hedges or other living barriers not associated with a fence or wall shall have a maximum height of five feet. Hedges or other living barriers provided in concert with a fence or wall shall not exceed a height of five feet or the height of the permitted fence or wall, whichever is greater.~~

~~2. Height limitation generally; maintenance. There is no height limitation. Hedge material must be kept neat, evenly trimmed and properly maintained. For corner visibility regulations see section 142-1135.~~

~~(2) At-grade parking lots. For the purpose of this section, the term "at-grade" parking lot shall encompass commercial parking lots and noncommercial parking lots as described in section 114-1 whether they are primary or accessory uses and that portion of a lot which is underneath the building and is at grade which is utilized for parking. Notwithstanding the requirements in this section in no instance shall the required landscaped area be less than 20 percent of the total area, except for temporary parking lots which are subject to section 130-68, and lots which are 55 feet wide or less.~~

~~a. Required landscaping adjacent to the public right-of-way shall be landscaped as follows:~~

~~1. Landscaping shall include one tree or grouping of three palms for each 30 linear feet or any fraction thereof. Such trees shall be located between the abutting right-of-way and parking lot area and shall be planted in a planting area of at least 25 square feet with a minimum dimension of five feet. In addition, a hedge, wall or other landscape barrier not to exceed 3 1/2 feet at maturity and at least 2 1/2 feet in height at the time of planting, shall be placed only along the right-of-way. If such barrier is of nonliving material, one shrub or vine shall be planted abutting the barrier for each ten linear feet. Such shrubs or vines shall only be planted between the property line and barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscape treatment excluding paving.~~

~~2. Any plantings located in the right-of-way including, but not limited to, trees, shrubs, ground cover, and sod shall be maintained by the abutting property owner.~~

- ~~3. Necessary access ways from the street through all such landscaping shall be permitted to service the parking lot and such access ways may be subtracted from the linear dimension used to determine the number of trees required.~~
 - ~~b. Perimeter parking adjacent to side and rear property lines shall be landscaped as follows. The perimeter of parking areas abutting residential or commercial properties shall provide, at a minimum, a five foot landscaped strip, except when abutting an alley. The perimeter of the parking area shall also be screened with an opaque fence, wall or continuous hedge or other durable landscape barrier. If plant material is used as the screening device, it shall not be less than a height of 30 inches at the time of planting. All landscape areas along the perimeter of the parking areas abutting residential or commercial properties shall provide one tree or cluster of three palms for every 40 linear feet of property relating to an abutting property.~~
 - ~~c. Parking area, interior landscaping shall be as follows. Parking areas shall provide a minimum of five percent of net interior area as landscaping. One tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. In instances where the strict application of this subsection will seriously limit the function of the parking area, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping shall be in addition to the perimeter landscaping requirements. Landscaped area shall require protection from vehicular encroachment. Car stops shall be placed at least 2 1/2 feet from the edge of the paved area. The minimum and maximum paved area designated as the required parking space shall be as stated in chapter 130, article III. In no instance shall the required landscaped area be included within the required parking space area.~~
 - ~~d. Notwithstanding the requirements in this chapter, in no instance shall the required landscaped area be less than 20 percent of the total area of the parking lot.~~
 - ~~e. For parking lots 55 feet wide or less, landscaping shall consist of a perimeter wall or dense hedge of at least three and one half feet in height, one shade tree or three palms per 30 linear feet adjacent to a public right of way, one palm per 30 linear feet along the side property lines, and one shade tree or three palms per 30 linear feet along the rear property line except when abutting an alley. An in ground irrigation system that covers 100 percent of the landscaped areas shall be provided.~~
- ~~(3) Other vehicular use areas. Landscape requirements of vehicular use areas, such as service stations, are subject to regulations as stated in subsection 126-6(2).~~
 - ~~(4) Parking garages. Parking garage requirements for landscaping shall comply with regulations as stated in subsection 126-6(1).~~
 - ~~(5) Dumpsters. Dumpsters shall not be located within any front yard or required side or rear yards. They shall be within an enclosed area.~~
 - ~~(6) Temporary parking lot standards. Landscape standards and setback requirements are pursuant to section 130-68.~~
 - ~~(7) Appeals. All appeals regarding the interpretation of the landscape ordinance shall be to the board of adjustment.~~

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Sec. 126-1 – Intent and Purpose

It is the intent of these regulations to establish minimum landscape standards for the City of Miami Beach that enhance, improve and maintain the quality of the landscape, and to:

- a. Prevent the destruction of the City's existing tree canopy and promote its expansion.
- b. Improve the aesthetic appearance of new development and protecting designated historic landscapes.
- c. Promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place.
- d. Promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects.
- e. Provide shade and coolness.
- f. Improve storm water management.
- g. Ameliorate noise impacts and light pollution.
- h. Promote the use of canopy trees to sequester carbon dioxide emissions.

Sec. 126-2 – Definitions

The Definitions section within Chapter 46- Environment, of the City of Miami Beach Code, forms part of this regulation. The following are additional definitions specific to this ordinance:

Citation:

Landscape manual: The Miami-Dade County Landscape Manual, latest edition, which is the official landscape manual issued by Miami-Dade County, Florida, and incorporated herein by reference. The landscape manual, as amended from time to time, is adopted by reference by the city and deemed incorporated by reference as if set forth herein. If a conflict arises between the landscape manual and this article, the latter shall prevail.

Substantial rehabilitation:

Sec. 126-3 – Short Title and Applicability

a. **Title.** This regulation shall be known and may be cited as the “City of Miami Beach Landscape Ordinance”.

b. **Applicability.** All building permits for new construction, substantial rehabilitation or additions to existing buildings, and projects that are reviewed under the conditional use, variance, design review, and / or certificate of appropriateness processes. The Planning Director, or designee shall conduct all landscape reviews pursuant to the regulations set forth in this chapter and consistent with the design review or certificate of appropriateness regulations, as applicable and as set forth in chapter 118 of these land development regulations. The landscape review shall include but not be limited to parking decks, all required yards, decks associated with recreational facilities, or any open space areas that are visible to the public.

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c. **New Development and Permits for demolition or wrecking.** Permits for new development and for demolition or wrecking shall require a vegetation survey pursuant to section 126-4.1, in order to insure that valuable existing trees are not damaged or destroyed.

Sec. 126-4 – Plans Required

Sec. 126-4.1 Vegetation Survey

Vegetation Survey(s) shall be prepared by, and bear the seal of, a professional land surveyor, licensed to practice in the State of Florida.

Vegetation survey(s) shall provide the accurate location, identification and graphic representation of all existing trees inclusive of the canopy dripline that are a minimum of twelve (12) feet in height and a minimum of two (2) inches in diameter at breast height (DBH) and existing palms that are a minimum of ten (10) feet in height and a minimum of four (4) inches DBH.

Existing trees and palms shall not be removed until it has been determined that no tree removal permit is required or that a valid tree removal permit has been issued in compliance with chapter 46 of the city code.

Sec. 126-4.2 Landscape Plans

Landscape Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Prior to the issuance of a building permit, the Planning Department shall review a landscape plan; at a minimum, such plan shall include the following:

- a. The plan shall be drawn to scale and include property boundaries, north arrow, graphic scale, and date.
- b. All existing and proposed structures, parking spaces, driveways and other vehicular use areas, public sidewalks, right-of-way swale/parkway, curbs, street edge of pavement, easements, and utilities on the property or adjacent property, shall be clearly delineated.
- c. All landscape features and non-living landscape materials shall be identified.
- d. All geologic, historic and archeological features to be preserved shall be illustrated.
- e. The common and scientific name, as well as the quantity and size specifications of all plant materials to be installed shall be clearly indicated.
- f. The critical layout dimensions for all trees, plant beds and landscape features shall be provided.
- g. Method(s) to protect and relocate trees and native plant communities during construction.
- h. Planting details and specifications.
- i. The **Landscape Legend form** shall be affixed to the plan and shall include the following:
 1. The code required trees per lot;

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2. The code required street trees;
3. Provided trees per lot;
4. Provided street trees
5. Provided shrubs; and
6. Maximum allowable percentage of sod within the property.

Sec. 126-4.3 Irrigation Plans

Irrigation Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare irrigation plans or drawings.

Where a Landscape Plan is required, an Irrigation Plan shall be submitted concurrently and shall:

- a. Be drawn on a base plan at the same scale as the landscape plan(s)
- b. Delineate landscape areas, major landscape features and hydrozones.
- c. Include water source, design operating pressure, flow rate/volume required per zone and application rate.
- d. Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, and electric supply.
- e. Irrigation details and specifications

Sec. 126-4.4 Site and Landscape Lighting Plans

Site and Landscape Lighting Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare site and landscape lighting plans or drawings.

Where a Landscape Plan is required, a Site and Landscape Lighting Plan may be submitted concurrently and shall:

- a. Be drawn on a base plan at the same scale as the landscape plan(s)
- b. Delineate landscape areas, major landscape features and electrical zones.
- c. Include existing and proposed lighting equipment and fixture locations with sizes and mounting heights.
- d. Lighting equipment details and specifications

Sec. 126-5 Tree Removal and Preservation

No person and no agent or representative thereof, directly or indirectly, shall cut down, destroy, move or effectively destroy through damaging any tree with a DBH of six (6) inches or greater situated on any real property without first obtaining approval and a tree work permit. No permit for development activity shall be issued until it has been determined that no tree work permit is required or that a valid tree work permit has been issued in compliance with this ordinance. The City of Miami Beach Public Works Department, Greenspace Management Division is

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responsible for administering and enforcing these provisions in accordance with Chapter 46 of the City of Miami Beach Code.

Sec. 126-6 Minimum Standards

The following standards shall be considered minimum requirements unless otherwise indicated:

Sec. 126-6.1 Trees

Tree Size: All trees except street trees, shall be a minimum of twelve (12) feet high with a minimum crown spread of six (6) feet and have a minimum caliper of two (2) inches at time of planting, except that thirty (30) percent of the tree requirement may be met by native species with a minimum height of ten (10) feet and a minimum caliper of one and one half (1 ½) inches at time of planting.

- a. **Street Tree Size and Spacing:** Street trees shall be of a species typically grown in Miami Beach which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of twelve to fourteen (12'-14') feet and a minimum caliper of three (3) inches at time of planting and shall be provided along all roadways at a maximum average spacing of twenty (20) feet on center, except as otherwise provided in this ordinance. The twenty (20) foot average spacing requirement for townhouse or multi-family units shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works Department, Greenspace Management Division. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.
- b. **Palms as Street Trees:** Single trunk palm species with a minimum of ten (10) inches diameter at breast height (DBH) and a minimum of fifteen (15) feet of clear or grey wood at time of planting may be planted in addition to the required number of street trees. The maximum spacing of palms as street trees shall be twenty (20) feet on center. Palms shall not count towards the required number of street trees.
- c. **Power Lines:** Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the FPL Plant the Right Tree in the Right Place guidelines and illustrations. The maximum spacing of appropriate and allowed tree species planted under power lines shall be twenty (20) feet on center.

Sec. 126-6.2 Lawn Grass/Sod Area

- a. **Lawn grass/sod areas** shall be planted with species well adapted to localized growing conditions in Miami Beach. Grass areas shall be sodded and used in swales or other areas subject to erosion.
- b. **Exclusions from maximum permitted lawn areas:**

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1. Stabilized grassed areas used for parking
2. Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas.
3. Grassed areas in the right-of-way
4. Stormwater retention/detention areas planted in grasses which are very drought tolerant, as well as tolerant to wet soils.
5. Very drought tolerant grasses and low growing native plants, including grasses and forbs may be used as groundcover beyond the maximum permitted grass areas.

c. Maximum permitted lawn grass/sod areas for all zoning districts are referenced in Table A.

Sec. 126-6.3 Minimum Number of Trees

Minimum number of required trees per lot or per acre of net lot area (not including street trees) and maximum allowable percentage of lawn grass/sod areas within the subject property is referenced in **Table A**.

Furthermore, refer to the **Table A General Notes** for specific information.

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TABLE A				
Zoning District	Number Of Trees Required			Maximum Lawn Area
	Per Lot (Front Yard)	Per Lot (Back Yard)	Per Acre of Net Lot Area	Percent Of Required Open Space
CAT 1: Single Family Home and Townhome				
RS-1	2	3		50%
RS-2	2	3		50%
RS-3	2	3		50%
RS-4	2	3		50%
TH	2	3		50%
CAT 2: Multifamily Residential, Hospital Districts				
RM-1			28	40%
RM-2			28	40%
RM-3			28	40%
HD			28	40%
RM-PRD			28	40%
RMPRD-2			28	40%
RO			28	40%
CAT 3: Commercial, Urban Light Industrial, Mix-Use Districts, Waterway District, Residential and Commercial Standard, etc				
CD-1			22	20%
CD-2			22	20%
CD-3			22	20%
I-1			22	20%
MXE			22	20%
WD-1			22	20%
WD-2			22	20%
RPS-1			22	20%
RPS-2			22	20%
RPS-3			22	20%
C-PS1			22	20%
C-PS2			22	20%
C-PS3			22	20%
C-PS4			22	20%
RM-PS1			22	20%
SPE			22	20%
TC-1			22	20%
TC-2			22	20%
TC-3			22	20%
CAT 4: Institutional/ Recreational: Marine Recreational, Civic/ Government Use, Convention Center				
MR			22	20%
GU			22	20%
CCC			22	20%
GC			22	20%

* CAT 1: Single Family Home and Townhome districts up to 6000 square feet lot area. Refer to Table A General Notes (f) for number of trees required for larger properties.

Table A General Notes:

- a. **Multi-family Residential and Commercial Zones.** In Multi-family Residential, RM-1 through 3, RPS-1 through 4, RO, TC-3 or Commercial Zones, CD-1 through 3, C-PS-1 through 4, I-1, MXE, TC-1 and 2, if the minimum number of trees required cannot be planted on the ground level of the subject property, the applicant may plant twenty five percent (25%) of the required trees on upper levels such as open recreation areas and exposed decks.
- b. **Off-site tree planting.** If the minimum number of trees required cannot be planted on the subject property, the applicant may enter into an agreement with the city, as approved by the Planning Department, to plant the excess number of required trees on public property.
- c. **Tree trust fund.** If the minimum number of trees required cannot be planted on the subject property, but as an alternative to the off-site tree planting option provided, the applicant shall contribute into the city's tree trust fund the sum of two thousand five hundred dollars (\$2500.00) for each two (2) inch caliper tree required in accordance with Table A. City residents with current proof of residency and homestead status shall contribute one thousand dollars (\$1000.00) for each two (2) inch caliper tree required in accordance with Table A.
- d. **Lawn grass/sod areas** that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.
- e. **Trees shall be planted to provide shade** to residential structures of a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined herein. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs.
- f. **The number of required trees listed in Table A for Category 1 Residential zoning districts** are intended for properties up to 6000 square feet lot area. Provide one (1) additional tree for each additional 1000 square feet of lot area. If the total lot area is a fraction over the additional 1000 square feet then, the number of required trees will be rounded up.
- g. **Palms** of a ten (10) foot minimum overall height and minimum caliper of three (3) inches at time of planting may be planted in addition to the tree requirement. Palms shall not count towards the minimum number of required trees.
- h. **Existing trees** required by law to be preserved on site and that meet the requirements of minimum tree size may be counted toward fulfilling the minimum tree requirements.
- i. **Prohibited and controlled tree species:** Prohibited and controlled trees shall not be planted or counted toward fulfilling minimum tree requirements. Prohibited and controlled trees included within Section 24-49 (f) I & II of the Miami- Dade County Code shall be identified and listed on a tree survey and tree disposition plan prior to removals.
- j. No less than **thirty (30) percent of the required trees** shall be **native species**.
- k. No less than **fifty (50) percent of the required trees** shall be **low maintenance or drought and salt tolerant species**.

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- l. **Diversity of required tree species.** In order to avoid a mono-species appearance and to circumvent significant tree loss due to disease to a specific tree species, the number of different tree species to be planted is as follows:

<u>1-5 required trees</u>	<u>2 tree species</u>
<u>6-10 required trees</u>	<u>3 tree species</u>
<u>11-15 required trees</u>	<u>4 tree species</u>
<u>16-20 required trees</u>	<u>5 tree species</u>
<u>21-30 required trees</u>	<u>6 tree species</u>
<u>31 or more required trees</u>	<u>7 tree species</u>

- m. **All of the trees shall be listed** in the Miami-Dade County Landscape Manual, the Miami-Dade County Street Tree Master Plan, the University of Florida's Low-Maintenance Landscape Plants for South Florida list, or other list approved by the City of Miami Beach Urban Forester.

- n. **Where the State, County or municipality** determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.

Sec. 126-6.4 Large Shrubs or Small Trees

All large shrubs or small trees shall be a minimum of six (6) feet high with a minimum crown spread of four (4) feet at time of planting. Large shrubs or small trees may be planted with the required shrub and groundcover plantings, in order to achieve a layering of plants. The minimum number of large shrubs or small trees shall be ten (10) percent of the required number of shrubs for the specific project. No less than fifty (50) percent of the required large shrubs or small trees shall be native species.

Sec. 126-6.5 Shrubs

Shrubs shall be a minimum of eighteen (18) to twenty-four (24) inches high at time of planting and spaced not to exceed thirty (30) inches on center. The minimum number shall be 12 shrubs per the number of required lot and street trees. No less than fifty (50) percent of the required shrubs shall be native species. No one species of shrub shall constitute more than twenty-five (25) percent of the shrubs required by these regulations.

Shrubs with a minimum height of 30 to 36 inches at time of planting shall be used to visually screen ground level equipment such as A/C units and pool equipment. Alternatives to shrubs screening ground level equipment include masonry walls, fences or screens that are planted with vines. The aforementioned alternatives must receive approval from the Planning Department.

Sec. 126-6.6 Vines

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Vines shall be a minimum of thirty (30) inches high at time of planting and may be used in conjunction with fences, screens or walls. Vines will be considered as shrubs on a one to one basis as part of the required number of shrubs for the specific project.

Sec. 126-6.7 Groundcover and Grasses

Groundcover and grasses shall be used in lieu of lawn grass / sod area in whole or in part shall be planted with a minimum of seventy-five (75) percent coverage with one hundred (100) percent coverage occurring within three (3) months of installation.

Sec. 126-6.8 Soil

All plant material with the exception of palms and beach material shall be planted with the following soil mix:

- a. Weed free soil and consist of sixty (60) percent clean silica sand, thirty (30) percent everglades muck and ten (10) percent Canadian peat.
- b. There must be a slight acid reaction to the soil with no excess of calcium or carbonate.
- c. Soil shall be delivered in a loose friable condition.

Any other soil mix must be submitted to and approved by the Planning Department or the Public Works Department- Greenspace Division prior to delivery.

Sec. 126-6.9 Fertilizer

The fertilizer shall be uniform in composition, dry and free flowing and shall be delivered to the site in the original unopened containers, bearing the manufacturer's guaranteed analysis.

Fertilizer for trees, shrubs, containerized groundcovers and vines shall be as follows:

Five (5) pounds of FEC 3-24-0 #1308 as manufactured by Atlantic-Florida East Coast Fertilizer Company, Homestead, Florida, or equal, and two (2) pounds FEC 15-8-8 #2500 or equal per cubic yard of planting soil.

- a. Fertilizer for groundcover seedling beds: Broadcast four (4) pounds of the above mix for each five hundred (500) square feet of bed area.

Fertilizer for turf establishment shall be as follows:

- a. Broadcast fifteen (15) pounds of FEC 7-11-7 or equal per thousand (1000) square feet.

Any other fertilizer must be submitted to and approved by the Planning Department or Public Works Department- Greenspace Division prior to delivery.

Sec. 126-6.10 Mulch

Mulch shall be shredded Pine, Eucalyptus or Florimulch (100 percent Melaleuca mulch). Planting areas not covered by lawn grass/sod shall be mulched to a minimum depth of three (3) inches, in order to present a finished appearance.

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Any other mulch must be submitted to and approved by the Planning Department or Public Works Department- Greenspace Division prior to delivery.

Sec. 126-7 Plant Quality

All plant materials shall be equal to or better than Florida No. 1 as classified by "Grades and Standards for Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. Plant materials shall have a growth habit that is normal to the species, healthy, vigorous, free from insects, disease and injury.

Exceptions to the Florida No. 1, Grades and Standards classification will require approval from the City of Miami Beach Urban Forester.

Sec. 126-8 Buffers between dissimilar Land Uses

Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion shall be provided with a buffer consisting of the following:

- a. **A landscaped buffer strip** shall consist of trees with understory evergreen shrubs and groundcovers within a minimum five (5) foot wide landscaped strip.
- a. **Trees** with a minimum height of twelve (12) feet shall be planted at a maximum average spacing of twenty (20) feet on center.
- b. **Evergreen shrubs** at a minimum of twenty-four (24) to thirty-six (36) inches high at time of planting may be used as a buffer and shall form a continuous screen between the dissimilar land uses within one (1) year after planting.
- c. **Groundcovers** shall be planted as understory to the trees and shrubs within the landscaped buffer strip.
- d. Where site limits or constraints do not allow the five (5) foot wide landscaped buffer strip, provide a **six (6) foot high wall or approved fence** with a life expectancy of at least ten (10) years. Vines may be used in conjunction with fences, screens or walls. in order to soften blank wall conditions.

Sec. 126-9 Landscaped Areas in Permanent Parking Lots

At-grade parking lots. For the purpose of this section, the term "at-grade" parking lot shall encompass commercial parking lots and non-commercial parking lots as described in section 114-1 whether they are primary or accessory uses and that portion of a lot which is underneath the building and is at-grade which is utilized for parking. Notwithstanding the requirements in this section in no instance shall the required landscaped area be less than 20 percent of the total area, except for temporary parking lots which are subject to section 130-68, and lots which are 55 feet wide or less.

All required and/or provided surface off-street parking facilities and parking lots shall be landscaped in accordance with the following standards:

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a. The total area of all interior landscaped areas shall not be less than ten (10) square feet for each parking space provided on the site.

b. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers.

c. A landscaped area with a tree shall be required at the end of all parking rows, particularly when abutting an aisle or building. Planting areas for each tree shall have a minimum width of eight feet six inches (8'-6"), exclusive of the curb dimension, and shall be planted or covered with other landscape materials.

d. For each row of parking there shall be landscaped areas with trees within the first ninety (90) linear feet, and one (1) landscaped area provided with a tree for each additional ninety (90) linear feet. When a minimum eight foot six inches (8'-6") clear landscape area is provided between two rows of parking, the landscape areas with trees every ninety (90) linear feet is not required. This eight foot six inches (8'-6") wide landscape area shall be planted with trees no greater than twenty (20) feet on-center.

e. For each row of parallel parking there shall be a minimum of two (2) landscape areas for every three (3) parking spaces. The landscape areas shall be equally spaced wherever possible. Parallel parking landscape area/tree place details such as curbed bulb outs shall be approved by the Public Works Department.

f. All required trees shall be of an approved shade tree variety which shall attain a minimum mature crown spread greater than twenty (20) feet.

g. All parking stalls, access aisles and driveways in a residential uses shall be separated from any building by a minimum of thirty (30) inches and landscaped with shrubs, groundcover, or other suitable plant materials.

h. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting layer of trees, shrubs, and groundcover.

i. A landscape area that is a minimum of five (5) feet in width shall be provided when parking stalls, access aisles, or driveways are located along any side or rear lot line. The landscape areas shall be planted with a continuous hedge and with trees spaced a maximum of twenty (20) feet on center. In certain instances, a solid and continuous masonry wall with a minimum of five (5) feet in height may be approved and used in lieu of a landscape area. The approved wall surface shall be stuccoed, painted, tiled, or textured in such a way to provide a decorative effect.

j. These requirements are in addition to any applicable required open space as provided in these regulations.

Sec. 126-10 Temporary and Provisional Parking Lot Standards

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- a. Temporary Parking Lot standards and setback requirements are pursuant to Section 130-70.
- b. Provisional Parking Lot standards and setback requirements are pursuant to Section 130-71.

Sec. 126-11 Landscape Installation

Landscape installation procedures are pursuant to the City of Miami Beach Landscape Installation and Specifications Standards, City of Miami Beach Public Works Department, Greenspace Management Division.

Sec. 126-12 Irrigation

All newly-planted and relocated plant material shall be watered by a **permanent irrigation system.**

Cisterns and rain barrels are encouraged to conserve water, supplement irrigation systems, and as components of permanent irrigation systems.

Brown & Grey Water Irrigation is encouraged as follows:

- a. **Brown Water Turf Irrigation:** After treatment of effluent from toilets and kitchen, recycled water may be used to irrigate the lawn grass/sod areas. Subsurface dripline irrigation may be used throughout the lawn grass/sod areas and soil moisture sensors contribute to control the watering regime.
- b. **Grey Water Irrigation:** Grey water from showers and hand basins is treated to a secondary standard and then pumped out to irrigation. Grey water may be used to irrigate trees and plants. Subsurface dripline irrigation may be used with the purple piping and similar to lawn/sod area irrigation, this system is split into zones to control the watering regime.

Sec. 126-13 Site and Landscape Lighting

- a. **Site lighting** is considered pedestrian scale lighting with luminaires/fixtures mounted on individual poles located along walkways and open spaces on a site.
- b. **Landscape lighting** is considered accent lighting for trees, palms, understory plantings, and pathways. Low voltage landscape lighting is encouraged.
- c. This section does not include architectural/building type lighting or sports field, vehicular or parking lot type lighting.
- d. Site and landscape lighting shall be controlled with timers or sensors, in order to avoid electrical use all night.

Sec. 126-14 Landscape Maintenance

- a. **An owner is responsible** to ensure that landscaping required to be planted pursuant to this ordinance is installed in compliance with the landscape requirements; maintained as

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to present a healthy, vigorous, and neat appearance free from refuse and debris; and sufficiently fertilized and watered to maintain the plant material in a healthy condition.

- b. **If any tree or plant dies** which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.
- c. **Trees shall be pruned in the following manner:**
1. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
 2. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously without any reduction in crown.
 3. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
 4. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
 5. No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
 6. Trees shall be pruned according to the current ANSI A300 Standards and the Miami-Dade County Landscape Manual.
- d. **When trees are planted within the right-of-way**, the owners of land adjacent to the right-of-way areas where street trees are planted must maintain the lawn grass and plants in those areas. Street trees shall be maintained by the City of Miami Beach.

Sec. 126-15 Landscape Plan Review Criteria

All landscape plans shall be reviewed by the Planning Department in accordance with this Code and the guidelines and illustrations provided in the Miami-Dade County Landscape Manual as well as the Guide to Florida Friendly Landscaping provided by the Florida Yards and Neighborhoods Program.

No permit for development activity shall be issued until it has been determined that no tree work permit is required or that a valid tree work permit has been issued in compliance with chapter 46 of the City code. The City of Miami Beach Public Works Department, Greenspace Management Division, or a successor division or department as determined by the City Manager or his/her designee, is responsible for administering and enforcing this provision in accordance with Chapter 46 of the City of Miami Beach Code.

Sec. 126-16 Landscape Adjustment

Unless otherwise required by the City Code, or the Florida Building Code, the requirements of Chapter 126 may be modified through the variance process. In addition to the applicable

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hardship criteria in chapter 118, the following additional criteria shall be considered by the applicable board:

- a. The requested variance promotes the intent of the particular zoning district where the proposal is located.
- b. The requested variance mitigates any potential adverse effect of a specific proposal whose implementation is found to be in compliance with the intent and findings of a commission approved Planning study or conceptual plan for the subject area.
- c. The requested variance is consistent with all applicable guidelines and standards for which the variance is being requested.

Sec. 126-17 Prohibitions

a. ***Prohibited plant species.*** Prohibited species shall not be planted or counted toward fulfilling minimum plant requirements. Prohibited species shall be removed from any site which is subject to the requirements of these regulations.

b. ***Controlled plant species.*** Controlled species shall not be planted or counted toward fulfilling minimum plant requirements. Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.

c. ***Tree abuse.*** Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.

Sec. 126-18 Enforcement

- a. ***The Planning Director*** shall withhold approval of a final building inspection if landscape installations do not comply with the approved landscape plans and details.
- b. ***No certificate of completion, occupational license, or certificate of occupancy*** shall be issued unless the Planning Department has determined that the installed landscaping substantially meets the requirements as listed in the approved landscape plan(s) and as certified by the Landscape Architect of Record.
- c. ***Modifications to the approved landscape plan(s)*** and approved landscape installations are not allowed and will be considered a violation of this code, unless such modifications are approved by the Planning Director or designee, or the design review or historic preservation board, as applicable..
- d. ***The Planning Department shall have the right to inspect the lands*** affected by this code, at any time, and is authorized to advise the Code Compliance Department of any violations.
- e. ***Failure to install or maintain landscaping*** according to the terms of this chapter shall constitute a violation of this code. Also, failure to plant, preserve or maintain each individual tree and plants shall be considered to be a separate violation of this code.
- f. ***Violations*** will be processed by the City of Miami Beach Department of Code Compliance.

Sec. 126-19 Appeals

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- a. Interpretations. All appeals regarding the interpretation of the requirements of the landscape ordinance shall be to the Board of Adjustment.
- b. Design and Material. All appeals regarding the substance of the landscape ordinance, including plant material and site design, shall be to the design review board or historic preservation board, as applicable.

Appendix A- Fines

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 reentered 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 (10) days following adoption.

PASSED and ADOPTED this ____ day of _____, 2015.

ATTEST:

MAYOR

CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2015
Second Reading: _____, 2015

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

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Strikethrough denotes deleted language

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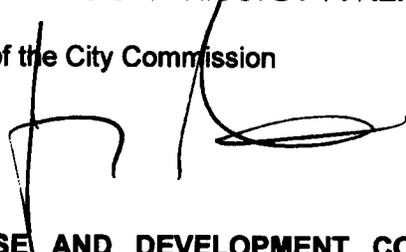
VERBAL REPORT

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: July 8, 2015

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –
DISCUSSION PERTAINING TO MAIN USE PARKING STRUCTURE HEIGHT
LIMITS ON TERMINAL ISLAND**

ADMINISTRATION RECOMMENDATION

Refer the item to the Land Use and Development Committee for consideration and recommendation.

BACKGROUND / ANALYSIS

The Administration has met with representatives of Fisher Island regarding a proposed main use parking structure that has been approved on Terminal Island. Fisher Island is seeking to increase the overall height of the parking structure in order to accommodate its own employees, as well as the Coast Guard and overflow parking associated with the City's vehicle maintenance operation.

Currently, the City Code only permits parking structures up to 40 feet in height on Terminal Island, which is zoned I-1 (Light Industrial). Fisher Island would like to explore a potential code change to allow for additional height related to main use parking structures.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer this item to the Land Use and Development Committee for consideration and recommendation.

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Agenda Item 64D
Date 7-8-15

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VERBAL REPORT



OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: August 28, 2015
SUBJECT: A REFERRAL TO THE LUDC REGARDING THE VACATION OF A PORTION OF THE ALLEY BETWEEN ALTON ROAD AND WEST AVENUE, JUST SOUTH OF 17TH STREET - AS PART OF A PROPOSED MIXED USE PROJECT THAT WILL INCLUDE RESIDENTIAL, RETAIL AND STRUCTURED PARKING, INCLUDING PUBLIC PARKING.

Please place the above item for discussion on the September 2, 2015 Commission Agenda.

If you have any questions, please contact me at extension 6622.

JVWM

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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 *NO by SMT*

DATE: January 20, 2016

SUBJECT: **Ordinance: Vacant Storefront Covers and Signs Requirements**

BACKGROUND

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4B) to the Land Use and Development Committee.

ANALYSIS

Section 138-140 of the Land Development Regulations establishes regulations for ground floor storefronts that face the public right-of-way and are vacant. Currently the regulations provide property owners the option of screening such windows with an opaque film while the storefront is vacant. It further encourages the screening of such properties by allowing for the City to provide a screening material at no charge to the property owner.

Several property owners have not taken advantage of the program when their storefronts have become vacant, leaving storefronts with a blighted appearance visible to the public. The proposed Ordinance amendment would modify Section 138-140 by making vacant storefront screening mandatory, and establishes penalties for not complying.

The Ordinance proposes the following changes to Section 138-140:

- For storefronts that face a public right-of-way, which are vacant for more than 15-days, all glass surfaces visible to the public shall be kept clean, and the interior of a vacant store shall be screened from public view through the two existing options.
- If the applicant is providing signage in their screening, the design and material of any signage shall require review and approval of the Planning Department, in accordance with applicable design review and historic preservation criteria.
- If the applicant is electing to use a City-provided storefront cover, it will now be provided with a charge.
- Penalties and enforcement procedures for the requirements are established.
- Civil fines are established that range from \$250 for the first violation; \$2,000 for the second violation; \$3,000 for the third violation; and 5,000 for the fourth and subsequent violations within a 12-month period.

Additionally, the Department of Code Enforcement has recommended the following modifications:

- First violation is a warning – allows the owner the opportunity to screen the windows.
- Second follow-up inspection would occur within 15-days of 1st violation. If the owner has not complied, the fine could be issued.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the item, it is further recommended that the Committee transmit the Ordinance to the City Commission for referral to the Planning Board.


SMT/TRM/RAM

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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: January 20, 2016

SUBJECT: **Ordinance: Vacant Storefront Covers and Signs Requirements**

BACKGROUND

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ANALYSIS

Section 138-140 of the Land Development Regulations establishes regulations for ground floor storefronts that face the public right-of-way and are vacant. Currently the regulations provide property owners the option of screening such windows with an opaque film while the storefront is vacant. It further encourages the screening of such properties by allowing for the City to provide a screening material at no charge to the property owner.

Several property owners have not taken advantage of the program when their storefronts have become vacant, leaving storefronts with a blighted appearance visible to the public. The proposed Ordinance amendment would modify Section 138-140 by making vacant storefront screening mandatory, and establishes penalties for not complying.

The Ordinance proposes the following changes to Section 138-140:

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- If the applicant is providing signage in their screening, the design and material of any signage shall require review and approval of the Planning Department, in accordance with applicable design review and historic preservation criteria.
- If the applicant is electing to use a City-provided storefront cover, it will now be provided with a charge.
- Penalties and enforcement procedures for the requirements are established.
- Civil fines are established that range from \$250 for the first violation; \$2,000 for the second violation; \$3,000 for the third violation; and 5,000 for the fourth and subsequent violations within a 12-month period.

Additionally, the Department of Code Enforcement has recommended the following modifications:

- First violation is a warning. This allows the owner the opportunity to screen the windows.
- A second follow-up inspection would occur within 15-days of the first violation. If the owner has not complied, the fine could be issued.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the item, it is further recommended that the Committee transmit the Ordinance to the City Commission for referral to the Planning Board.

SMT/TRM/RAM

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ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 138 OF THE MIAMI BEACH CITY CODE, ENTITLED "SIGNS," ARTICLE IV ENTITLED "TEMPORARY SIGNS," AT SECTION 138-140 ENTITLED "VACANT STOREFRONT COVERS AND SIGNS" TO MANDATE THAT ALL VACANT STOREFRONT WINDOWS AND DOORS BE WRAPPED IN NON-COMMERCIAL PAPER DESIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on May 9, 2012, the City Commission enacted Ordinance No. 2012-3767, creating Section 138-140 of the City Code, as the Commission was concerned with the possible appearance of blight due to vacant storefront displays, and the Commission declared that it was in the interest of the public health, safety and welfare, and the interest of the citizens of Miami Beach, to establish policies, regulations, and standards relating to vacant storefront windows and doors; and

WHEREAS, the City Commission found that vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic, and social fabric that the City has cultivated and encouraged in its commercial zoning districts; and

WHEREAS, to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material, the City Commission created temporary sign criteria for wrapping and obscuring vacant storefronts from the community; and

WHEREAS, the City Commission believes it is in the best interest of the community to mandate the wrapping of vacant storefronts, rather than to leave this decision to the storefront owner; and

WHEREAS, the City Commission also believes it is in the best interest of the City to create an enforcement mechanism and penalties for violations of this requirement; and

WHEREAS, the City Commission desires to amend Chapter 138, Article IV, at Section 138-140 to accomplish the above objectives.

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

SECTION 1. That Chapter 138, entitled "Signs," Article IV entitled "Temporary Signs" at Section 138-140, entitled "Vacant storefront covers and signs," of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 138
SIGNS**

* * *

ARTICLE IV. TEMPORARY SIGNS

* * *

Sec. 138-140. Vacant storefront covers and signs.

(a) *Purpose.* Vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic and social fabric that the city has cultivated and encouraged in its commercial zoning districts. The purpose of this section is to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material.

(b) *Definition.* For purposes of this section, a vacant storefront is any ground floor business establishment that is unoccupied.

(c) *Applicability.* The requirements of this section apply only to the ground floor windows and doors of vacant storefronts that face a public right-of-way. If a commercial property is vacant for more than 15 days, all glass surfaces visible to the public shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways, until the property is occupied:

- (1) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (e); or
- (2) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (f).

(d) *Storefront window cover ~~permitted~~ required for vacant storefronts.* Exterior Windows windows and doors on vacant commercial property may shall be completely screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section shall may remain covered until

issuance of a certificate of use or occupancy for the new occupant, whichever occurs first. If the owner of vacant commercial property elects not to utilize one of the signs identified in subsection (e), the owner shall utilize the window covers identified in subsection (f).

(e) *Temporary signs permitted.* Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain signs that comply with the regulations of this chapter, as follows:

- (1) Artistic or super graphics in accordance with section 138-204, which may cover 100 percent of the window; and
- (2) Other types of signage allowed by this chapter, including real estate signs in accordance with section 138-136, and construction signs in accordance with section 138-133; signage under this provision may be incorporated into artistic or super graphics as referenced in (1) above; however, the text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.
- (3) The design and material of all proposed signs under this subsection (e) shall require review by the planning department design review staff, in accordance with applicable design review and historic preservation criteria.

(f) *City-provided storefront cover.* The city ~~may also~~ shall produce and provide preapproved storefront covers, ~~for a charge with or without charge, to encourage the coverage of vacant storefronts not complying with subsection (d) above. Covers provided by the city shall also satisfy the requirements of this section.~~

(g) Penalties and enforcement. Each day of noncompliance shall constitute a separate offense. The code compliance department is empowered and authorized to require compliance with this section within 30 days of written notice to violators.

(1) The following civil fines shall be imposed for a violation of this section:

- a. First violation within a 12-month period: \$ 250.00;
- b. Second violation within a 12-month period: 2,000.00;
- c. Third violation within a 12-month period: \$ 3,000.00;
- d. Fourth or subsequent violation within a 12-month period: \$ 5,000.00.

(2) Enforcement. The code compliance department shall enforce this section. The notice of violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

(3) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.

a. A violator who has been served with a notice of violation must elect to either

i. pay the civil fine in the manner indicated on the notice of violation; or

ii. request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.

b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

c. The failure to pay the civil fine, or to timely request an administrative hearing before a special master, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. Three (3) months after the recording of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien, for the amount of the lien plus accrued interest.

e. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an

administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.

f. The special master shall not have discretion to alter the penalties prescribed in this section.

g. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

* * *

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 relettered 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 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 _____, 2015.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

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

[Sponsored by Commissioner Michael Grieco]

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VERBAL REPORT



OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: October 7, 2015
SUBJECT: Referral to the Land Use and Development Committee a Discussion on Expanding the Role of the Board of Adjustment to Include the Review of New Single Family Homes with Two Additional Members be Appointed by the Commission, in the Categories of Architect and Landscape Architect

Please place the above item for referral to the Land Use and Development Committee on the October 14, 2015 Commission Agenda.

If you have any questions, please contact me at extension 6622.

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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 *N/A for SRET*

DATE: January 20, 2016

SUBJECT: **Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden.**

BACKGROUND

October 14, 2015 The Mayor and City Commission referred the item (Item C4G) to the November 18, 2015 Land Use and Development Committee. The item is sponsored by Commissioner Michael Grieco.

November 18, 2015 The Land Use and Development Committee meeting was cancelled and items were placed on the December 2, 2015 meeting agenda.

December 2, 2015 The Land Use and Development Committee meeting was cancelled and items were placed on the January 20, 2016 meeting agenda.

ANALYSIS

The North Shore Bandshell and the Shane Rowing Center are both located in Government Use (GU) zoning district. The Miami Beach Botanical Garden is located in the Convention Center district (CCC). Currently, in order for these venues to have events that serve alcohol, they need to partner with a caterer that has a license from the State to serve liquor at catered events and obtain a Special Events permit from the City to waive the zoning requirements.

The City code currently does not have a provision for vendors to sell or distribute alcoholic beverages for consumption on or off the premises in Government Use Districts. Additionally, the use of all three of the facilities as a hall for hire, or venue for public and private events, the sale of alcohol as part of either a main or accessory uses in both the GU and CCC zoning districts must be approved by the city commission after a public hearing.

Furthermore, all three venues meet the thresholds for a Neighborhood Impact Establishment (NIE), as the capacity of each facility exceeds 200 persons, and qualify as open air entertainment establishment. As such, conditional use approval from the Planning Board is required. The City Commission can waive the conditional use requirements for GU properties, but not in CCC properties as conditional uses are currently not allowed in the CCC district.

In order for all three venues to be able to sell alcohol and host events, without continually obtaining special event permits and waivers for each event, modifications to the land development regulations are required. If that is the recommended policy direction, it is suggested that the administration be directed to draft an Ordinance, and bring it back to the next meeting for further discussion and input.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus to allow the sale of alcohol, then direct staff to prepare a draft ordinance including the following:

1. Allow for the sale of alcoholic beverages for consumption within GU properties;
2. Allow for a hall for hire and entertainment uses in GU and CCC districts;
3. Waive the conditional use process for Neighborhood Impact Establishments in the GU and CCC districts.

JLM/SMT/TRM/TUI

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\January\GU and CCC Hall for Hires - MEMO Jan 2016 LUDC.docx

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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: January 20, 2016

SUBJECT: **Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**

HISTORY

On December 9, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred this request to the Land Use and Development Committee (Item C4A).

ANALYSIS

The RM-2 residential multifamily, medium intensity district is designed for medium intensity multi-family residences. The main permitted uses in the RM-2 district are single-family detached dwellings, townhomes, apartments, apartment-hotels, and hotels. The following are 'Conditional Uses' within the RM-2 zoning district:

- Adult Congregate Living Facility;
- Day Care Facility;
- Nursing Home;
- Stand-alone Religious Institutions;
- Private And Public Institutions;
- Schools;
- Commercial or Noncommercial Parking Lots And Garages;
- Accessory Neighborhood Impact Establishment.

Temple Emanue-el, located at 1701 Washington Avenue, was built in 1947 as a religious institution. In 1975 an activity center was constructed as an addition on the north side of the property. The subject property is located in the RM-2 zoning district and the structure is classified as 'contributing' and is located within the boundaries of the Museum Local Historic District.

The following definition of religious intuition in section 114.1 of the city code allows for catering of certain types of events, but does not allow for a hall for hire use for private events not covered in the definition:

Religious institution means a use where an establishment, organization or association conducts religious prayer or activity that is open to members and/or

the general public, and may be accompanied by accessory uses customarily associated with religious institutions such as, but not limited to, education classes, youth centers, day care, offices, and rooms for licensed catering of life cycle or other gatherings or celebrations (e.g., weddings, confirmations, and coming-of-age events). A group privately assembling for worship, prayer or religious service in a private home or dwelling in which at least one member of the group resides, is not a religious institution, even if life cycle rituals are included in the service, including weddings, confirmations, and coming-of-age (such as bar or bat-mitzvah) observances and meals accompany the service.

A proposal has been put forward by Temple Emanue-el to expand the type of public and private events allowed on the property. In order to accomplish this, the code would need to be amended in order to allow for a hall-for-hire use within the RM-2 zoning district.

One option for accommodating this request would be to add to the list of conditional uses in the RM-2 district a hall-for-hire for properties located within the Museum Historic District (see attached map illustrating the boundaries of this area). Such an amendment would not be limited to a single piece of property, and would give the operators of Temple Emanue-el latitude to accommodate non-religious events and meetings in the attached accessory structure. Further, as the subject use would require the review and approval of the Planning Board, appropriate intensities of use, as well operational safeguards would be at the discretion of the Planning Board.

If direction is given to pursue this option, in order to ensure that a future hall-for-hire use is compatible with the medium scale, residential character of the immediate geographical area, the Administration recommends the following as part of any proposed code amendment:

- The prohibition of dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, open air entertainment establishments and outdoor music (including background music), proposed to be operated on a permanent basis.
- Stand-alone bars and alcoholic beverage establishments, not functioning as part of a food related event, shall be prohibited.

The use of the facility as a hall-for-hire, could be an asset to the surrounding area, as well as provide a mechanism for the expanded use of the contributing structure. There are a number of residential structures to the immediate north and east of Temple Emanue-el it is recommended that public outreach effort be undertaken by the operator, including meeting with all adjacent residents to reach a balanced approach.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter and provide appropriate policy direction.

JLM/SMT/TRM/TUI

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\January\RM-2 Museum HD CUP - MEMO Jan 2016 LUDC.docx

**RM-2 ZONING WITHIN THE
MUSEUM HISTORIC DISTRICT**

GU

DADE BLVD

WASHINGTON AVE

PARK AVE

23RD ST

CD-3

22ND ST

GU

COLLINS AVE

21ST ST

RM-2

20TH ST

CD-3

LIBERTY AVE

19TH ST

CCC

CD-2

18TH ST

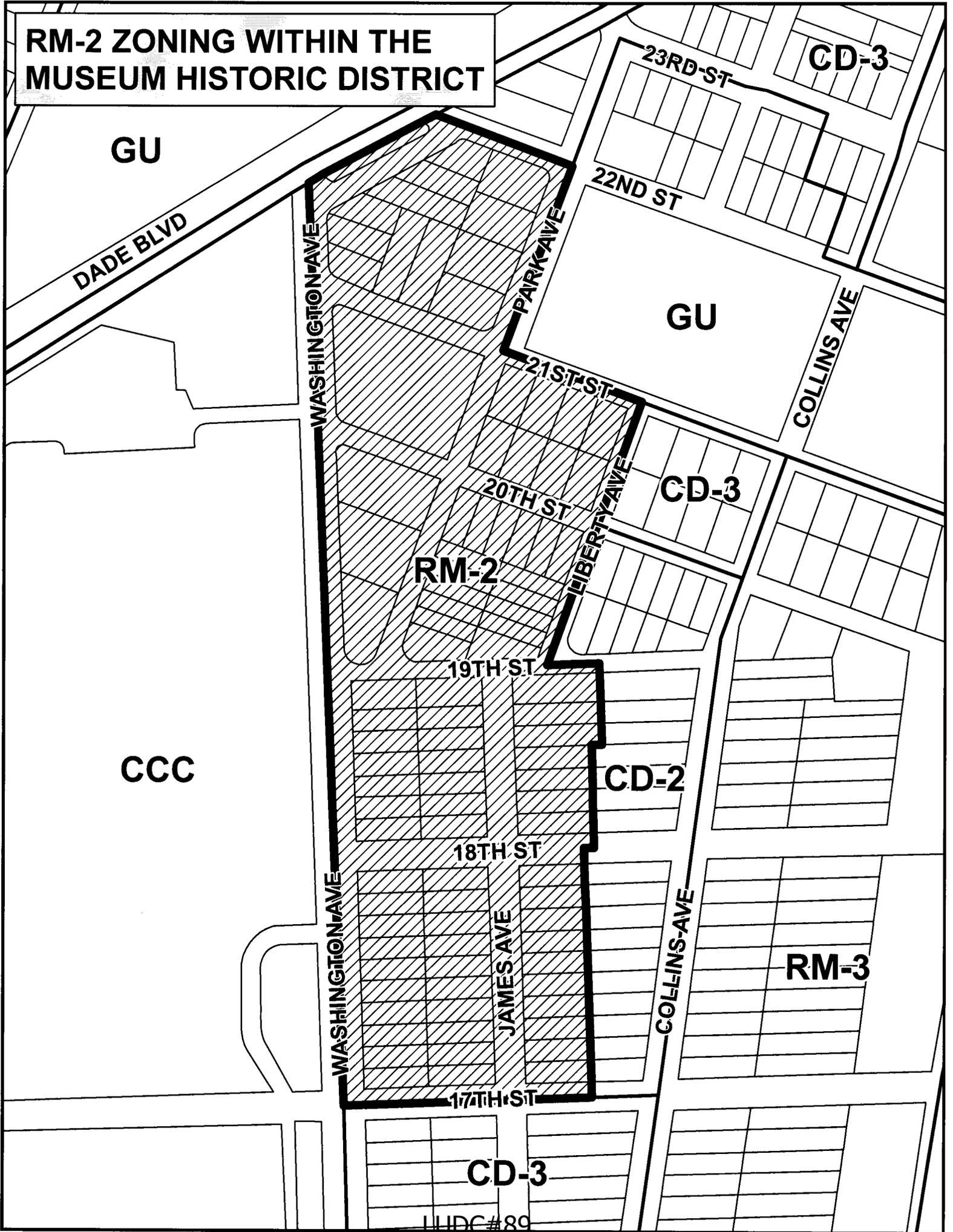
JAMES AVE

COLLINS AVE

RM-3

17TH ST

CD-3



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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 *NA for SACT*

DATE: January 20, 2016

SUBJECT: **Ordinance: Revisions to Unity of Title; Covenant In Lieu Requirements**

BACKGROUND

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4C) to the Land Use and Development Committee.

ANALYSIS

Section 1.03(c) of the City of Miami Beach Charter explicitly prohibits the floor area ratio (FAR) of any property from being increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists currently, without being approved by a public referendum. This Charter provision does include an exception for the division of lots, "*or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance.*" The ordinance referred to is Section 118-5 of the Land Development Regulations of the City Code, pertaining to Unities of Title and Covenants in Lieu of Unity of Title. This section provides a mechanism for single or multiple buildings proposed for a unified development site consisting of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way.

When a development is proposed over multiple lots, or multiple buildings are proposed for single or multiple lots, a Unity of Title or a Covenant in Lieu of Unity of Title must be executed to combine the lots or buildings for zoning purposes. While the code allows for a unified development site over multiple abutting lots, clarifications are needed as it relates to lots that have different zoning designations.

The proposed ordinance amendment would modify sections 114-4, 142-73, and 118-5, as it relates to FAR for unified sites with different zoning districts. If the zoning districts within the proposed unified site all have the same maximum FAR, the proposed ordinance would allow for the movement of floor area to different portions of the unified site, up to the maximum permitted by code for the entire site. While this may result in a situation where the maximum FAR is exceeded in a particular district, the overall unified site will still comply with the combined maximum permissible floor area.

The proposal will allow for additional flexibility when developing certain sites. Attached to the memorandum are several maps identifying areas of the City with abutting zoning districts that have the same maximum FAR. These areas could potentially take

advantage of this modification. The subject ordinance proposes the following amendments to the Land Development Regulations:

Sec. 118-5. - Unity of title; covenant in lieu thereof.

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

- (a) All lots need not be in the same zoning district; however, the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district.
- (b) If more than one zoning district exists, the entire united site may have the same maximum floor area ratio (FAR), inclusive of bonus FAR, provided all zoning districts within the Unified Development Site have the same maximum allowable FAR. The instrument creating the Unified Development Site shall clearly delineate both the maximum FAR and total square footage permitted.
- (c) In the event a future change in zoning district classification modifies the maximum FAR for a district within a Unified Development Site, the maximum floor area square footage recorded for the Unified Development Site shall not be exceeded.

114-4 - Compliance with regulations required

(7) *No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.*

142-73 - Interpretation of district boundaries.

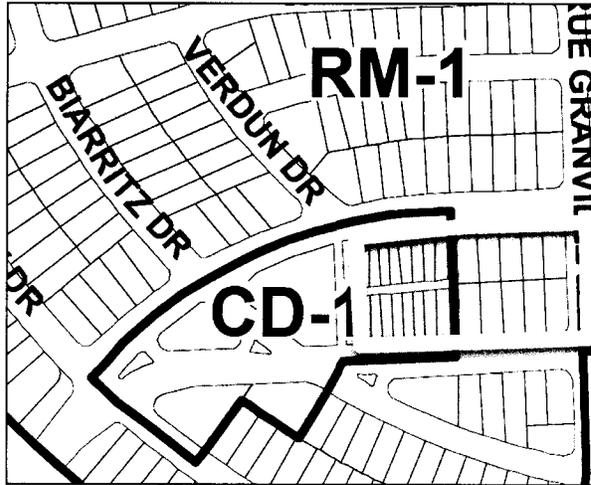
(6) *If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.*

CONCLUSION

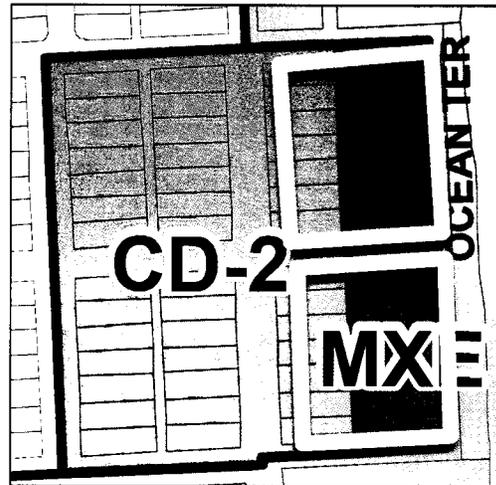
The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the item, it is further recommended that the Committee recommend that the City Commission refer the proposed Ordinance to the Planning Board.


SMT/TRM/RAM

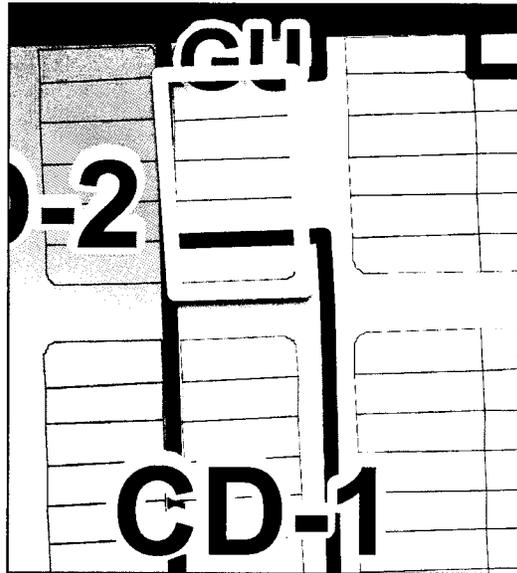
CD-1/RM-1 Area on 71st Street and Rue de Granville



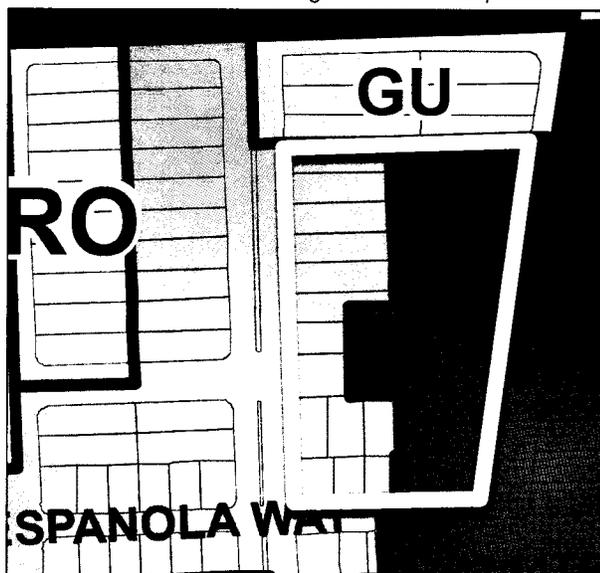
CD-2/MXE Area on Ocean Terrace



CD-1/RM-1 Area on Lenox Ave and 16th Street



CD-2/MXE Area on Washington Ave and Espanola Way



ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I ENTITLED "IN GENERAL" AT SECTION 118-5, ENTITLED "UNITY OF TITLE; COVENANT IN LIEU THEREOF;" CHAPTER 114, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-4, ENTITLED "COMPLIANCE WITH REGULATIONS REQUIRED;" AND CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-73, ENTITLED "INTERPRETATION OF DISTRICT BOUNDARIES;" IN ORDER TO CLARIFY PROCEDURES FOR THE MOVEMENT OF FAR WITHIN UNIFIED DEVELOPMENT SITES WITH DIFFERING ZONING DISTRICTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS,...

WHEREAS,...

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

SECTION 1. That Chapter 118, entitled "Administration and Review Procedures," Article I entitled "In General" at Section 118-5, entitled "Unity of title; covenant in lieu thereof," of the Miami Beach City Code is hereby amended as follows:

Sec. 118-5. - Unity of title; covenant in lieu thereof.

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

- (a) All lots need not be in the same zoning district; however; the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district.
- (b) If more than one zoning district exists, the entire united site may have the same maximum floor area ratio (FAR), inclusive of bonus FAR, provided all zoning districts

within the Unified Development Site have the same maximum allowable FAR. The instrument creating the Unified Development Site shall clearly delineate both the maximum FAR and total square footage permitted.

- (c) In the event a future change in zoning district classification modifies the maximum FAR for a district within a Unified Development Site, the maximum floor area square footage recorded for the Unified Development Site shall not be exceeded.

SECTION 2. That Chapter 114, entitled “General Provisions,” at Section 114-4, entitled “Compliance with regulations required,” of the Miami Beach City Code is hereby amended as follows:

114-4 - Compliance with regulations required

(7) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.

SECTION 3. That Chapter 142, entitled “Zoning Districts and Regulations,” Article II entitled “District Regulations,” Division 1, entitled “Generally,” at Section 142-73, entitled “Interpretation of district boundaries,” of the Miami Beach City Code is hereby amended as follows:

142-73 - Interpretation of district boundaries.

(6) If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.

SECTION 4. 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 relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

First Reading:

Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

[Sponsored by Commissioner Michael Grieco]

ITEM THIRTEEN

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 *JLM*

DATE: January 20, 2016

SUBJECT: **Ordinance: Amending the Washington Avenue Zoning incentive to include 16 to 17th Streets**

BACKGROUND

On October 14, 2015, the City Commission adopted an Ordinance establishing the Washington Avenue Zoning Incentives, which applied to properties fronting Washington Avenue between 6th Street and Lincoln Road.

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject ordinance amendment (Item C4H) to the Land Use and Development Committee.

ANALYSIS

The subject ordinance amendment creates new development regulations for the "CD-3 Commercial, High Intensity District" specific to properties fronting Washington Avenue, between 16th and 17th Streets.

The ordinance extends recommendations in the Washington Avenue Blue Ribbon Panel Zoning Incentives Package that were adopted by the City Commission. Specifically the recommendations related to hotel unit size; would extend north to 17th Street. The incentive seeks to encourage hotel development by allowing for smaller hotel room sizes in new hotel construction or conversions, subject to the inclusion of larger amenity spaces.

The Land Development Regulations presently require that 15 percent of a hotel's rooms be a minimum of 300 to 335 square feet, with the remaining being 335 square feet or greater. This regulation is intended to ensure that hotels built within the City are of a good quality. The proposal would allow for hotel rooms of a minimum of 175 square feet within the subject area. However, to ensure that the hotels are of good quality it requires that 20 percent of the hotel's gross floor area consist of hotel amenity space that is physically connected to and directly accessed from the hotel. The proposed regulations are below:

For new hotel construction or conversion to hotel use, the minimum hotel room unit size shall be 175 square feet provided that:

- a. A minimum of 20 percent of the gross floor area of the hotel consists of hotel amenity space that is physically connected to and directly accessed from the hotel. Hotel amenity space includes the following types of uses, whether indoor or outdoor roof decks restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel. Bars and restaurants shall count no more than 50 percent of the total hotel amenity space requirements.

- b. Windows shall be required in all hotel rooms and shall be of dimensions that allow adequate natural lighting, as determined by the historic preservation board.

Due to the safeguards in place requiring amenity space in order to take advantage of the room size reduction, there should not be any negative impacts created from such hotels. The proposal should further encourage the development of hotels, which would assist in the revitalization of the Washington Avenue corridor.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the item, it is further recommended that the Committee transmit the Ordinance to the City Commission for referral to the Planning Board.


SMT/TRM/RAM

**AMENDING THE WASHINGTON AVENUE ZONING
INCENTIVE TO INCLUDE 16-17TH STREETS**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR's) OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," TO CREATE SECTION 142-340, "CD-3 DISTRICT, WASHINGTON AVENUE BETWEEN 16TH STREET AND 17TH STREET DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO MODIFY THE DEVELOPMENT REGULATIONS FOR PROPERTIES FRONTING WASHINGTON AVENUE TO INCLUDE THE CD-3, COMMERCIAL - HIGH INTENSITY DISTRICT PROPERTIES FRONTING 16TH AND 17TH STREET AND AUTHORIZING FOR NEW HOTEL CONSTRUCTION OR CONVERSION TO HOTEL USE, WITH THE MINIMUM HOTEL ROOM UNIT SIZE OF 175 SQUARE FEET, AND PROVIDE SOME ADDITIONAL DESIGN REGULATIONS RELATING TO THE HOTEL USE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City has studied Washington Avenue for over a year, and has created a Mayor's Washington Avenue Blue Ribbon Task Force; and

WHEREAS, the City has reviewed the conditions of Washington Avenue and the concerns raised by residents, property owners, and businesses as it relates to the condition of Washington Avenue; and

WHEREAS, there appears to be some deterioration of the area and the businesses and property owners are concerned with the quality of life and quality of the streets within the Historic District; and

WHEREAS, the City has studied various mechanisms for improving the quality of life and quality of business improvements within the area; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the Planning Board, at its meeting dated June 23, 2015, by a vote of 6-0, recommended in favor of enacting the Washington Avenue Zoning Incentive ordinance codified at 142-309; and

WHEREAS, it would be in the City's best interest to extend the boundaries of the Washington Avenue Zoning Incentive ordinance to include the properties facing Washington Avenue, between 16th Street and 17th Street, located within the CD-3, Commercial - High

Intensity District to allow new hotel construction or conversion to hotel use, with the minimum hotel room unit size of 175 square feet, plus providing design regulations relating to same; and

WHEREAS, the amendment set forth below are necessary to accomplish the above objective.

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," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

* * *

Sec. 142-340 – Reserved. CD- 3 District, Washington Avenue between 16th Street and 17th Street development regulations and area requirements

The following regulations shall apply to the CD-3 properties that front Washington Avenue between 16th Street and 17th Street.

For new hotel construction or conversion to hotel use, the minimum hotel room unit size shall be 175 square feet provided that:

- a. A minimum of 20 percent of the gross floor area of the hotel consists of hotel amenity space that is physically connected to and directly accessed from the hotel. Hotel amenity space includes the following types of uses, whether indoor or outdoor roof decks restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel. Bars and restaurants shall count no more than 50 percent of the total hotel amenity space requirements.
- b. Windows shall be required in all hotel rooms and shall be of dimensions that allow adequate natural lighting, as determined by the historic preservation board.

Sec. 142-341 through 142-360 Reserved.

* * *

SECTION 3. 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 4. 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 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 _____, 2015.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underline denotes new language
~~Strikethrough~~ denotes deleted language
Underline denotes language added at Second Reading

[Sponsored by Commissioner Michael Grieco]

**ITEM
FOURTEEN**

VERBAL REPORT

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: December 28, 2015
SUBJECT: **REFERRAL TO LAND USE AND DEVELOPMENT COMMITTEE-
DISCUSSION REGARDING THE CITY OF MIAMI BEACH'S
BUILDING PERMIT APPLICATION PROCESS.**

Please add the above subject as an item to the January 13, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

Cardillo, Lilia

From: Chiroles, Erick
Sent: Monday, January 04, 2016 11:24 AM
To: Cardillo, Lilia
Subject: FW: Shine a Light in the Darkness

MIAMIBEACH

Erick Chiroles, Aide to Commissioner Arriola
Office of the Mayor and Commission
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139
Tel: 305-673-7000 x6274
www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community

 Please print only if necessary.

From: Michael Barrineau [<mailto:michael.barrineau@gmail.com>]
Sent: Monday, December 28, 2015 5:26 PM
To: Chiroles, Erick
Subject: Shine a Light in the Darkness

Thanks Erick! Happy New Year...Please let me know you received.

Re: An Open Letter to the Mayor, Commissioners and Candidates

Good Afternoon,

I appreciate the opportunity to have spoken with many of you over the past few months about the "dark period" that exists within the City's application review process and the out sized influence this affords applicants for building permits, variances, etc. I'm referring to the period of time between the submission of an application to modify or build something and the time when a permit is issued or the application is added to a board agenda. This is the dark period.

During this time, property owners, developers, architects and lawyers work one-to-one with City employees; for weeks or months. Meetings are held, emails and phone calls are exchanged, opinions are formed. Often, during the dark period, Tom Mooney and his staff will issue a statement of opinion regarding the application. What's missing? The residents of Miami Beach are completely excluded from this process. The most affected neighbors are completely unaware that an application has even been submitted.

When I spoke with City Clerk, Rafael Granado about the dark period, he assured me that anything/everything submitted to the City is public information. Rafael is proud of the speed his office processes public information requests and assured me that if I requested information on an application he'd have it to me within 48 hours. When I asked Rafael how I'd know to ask, what would alert me to the fact that an application had been submitted? -- he indicated that I should take that up with the City Manager or the Commission. This was Tom Mooney's response also. (Tom and Rafael are not the issue, just doing their jobs).

"Catch-22 -- a dilemma or difficult circumstance from which there is no escape because of mutually conflicting or dependent conditions"

Consider the Marriott Hotel's historic building. Located at 2nd Street and Ocean Drive (next door to Marjory Stoneman Douglas Ocean Beach Park), currently under construction. The interior of the historic building has been completely stripped; only the facade remains. A large, new, opening; presumably a doorway has been installed facing the park. I've been told, the total value of this project is over \$3M. Clearly, this is a significant renovation. But it was never presented to the residents South of Fifth and was not submitted for review by the HPB in spite of the fact that it's a historic building! Our first indication that something had been approved at this location was the massive hole in the wall beside the park.

A simple solution that would add transparency and provide residents an important voice? Require that basic information be published on the City's website within 72 hours of any application -- street address, name of applicant, \$\$ value, type of application, etc. This would resolve the catch-22. If a resident or neighborhood association discovers something of interest and wants more info, Rafael and his staff will be happy to provide it. To ensure that it's long lasting and non-political, this requirement should be added to the city code.

I'm writing to ask for your help on this issue. Have a great week; look forward to visiting with each of your at our candidate forum.

Best,

Michael
(305) 588-4600

ITEM

FIFTEEN

VERBAL REPORT

MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: December 31, 2015
SUBJECT: Referral to Land Use Committee Ordinance Amending Height and Setbacks for Mixed-Use Development in the Sunset Harbour Neighborhood.

Please add an item to the January 13, 2016 City Commission agenda referring the following to the Land Use Committee:

An ordinance amending the maximum building height and setbacks for mixed-use developments in the CD-2 district south of 18th Street with lot lines on Purdy Avenue and Dade Boulevard

If you have any questions, please contact me at extension 6622.

JVWM

**ITEM
SIXTEEN**

VERBAL REPORT

WANAIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: January 7, 2016
SUBJECT: Referral to Land Use for a discussion regarding the impact of a partial modification of Ordinance 2014-3876 as it relates to a FAR interpretation.

Please add the above item to the January 13, 2016 City Commission Consent Agenda for referral to the Land Use Committee on January 20, 2016:

If you have any questions, please contact me at extension 6622.

JVWM