



MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 25, 2010

FROM: Richard Lorber, AICP *RL*
Acting Planning Director

SUBJECT: **File No. 1954. North Beach Town Center "TC" Amendments to the
Land Development Regulations of the City Code;**

and

File No. 1955. North Beach Town Center "TC" Zoning Map Changes.

THE REQUEST

The City of Miami Beach, Florida is requesting amendments to the text of the City's Land Development Regulations, Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", by creating a new Division 20, "TC North Beach Town Center Districts", creating new zoning districts TC-1, "Town Center Core"; TC-2, "Town Center Mixed Use; and TC-3, "Town Center Residential Office"; providing for purpose and intent, definitions, main permitted, conditional, accessory and prohibited uses, development regulations, design review standards, and parking regulations; amending Chapter 130, "Off-Street Parking", Article II, "Districts; Requirements", Section 130-31, "Parking Districts Established", amending the boundaries of Parking District 4; amending Article III, Section 130-68, "Commercial and Noncommercial Parking Garages", adopting new regulations in TC-3 and GU districts for commercial and noncommercial parking garages; amending Chapter 138, "Signs", Article V, "Sign Regulations by Districts", Section 138-72, "Schedule of Sign Regulations for Principal Use Signs"; and creating a new Section 138-174, "North Beach Town Center Signage".

and

The City Of Miami Beach, Florida is requesting amendments to the Official Zoning District Map, referenced in Section 142-72 of the City Code, by changing the Zoning District Classifications for the North Beach Town Center from CD-3, "Commercial, High Intensity" to TC-1, "Town Center Core"; from CD-2, "Commercial, Medium Intensity" to TC-2, "Town Center Mixed Use"; and from RM-1, "Residential Multifamily, Low Intensity" to TC-3, "Town Center Residential Office" and TC-3(c) "Town Center Conditional Neighborhood Commercial".

BACKGROUND

The North Beach Town Center Plan was adopted by the Mayor and City Commission on July 11, 2007. The purpose of the Town Center Plan is to stimulate reinvestment and guide future development to create a vibrant commercial center serving the entire North Beach community. The next step is to amend the zoning ordinance and the comprehensive plan to implement the land use and urban design recommendations in the conceptual plan.

The Planning Department prepared the North Beach Town Center Development Code as a comprehensive guide to the purpose and effect of each element of the proposed code amendments. This document was reviewed at a community workshop in North Beach on September 16, 2008 and in two workshops with the Planning Board on October 28, 2008 and November 25, 2008.

The Land Use and Development Committee discussed the proposed TC code on February 9, 2009 and heard public testimony. The Committee expressed their desire to ensure that the new regulations are not overly burdensome on developers, provide incentives to attract new development, potentially reducing the area of the Town Center to concentrate development in the blocks between Collins and Abbott Avenues, and emphasizing the importance of constructing a public parking garage. The Committee passed a motion to hold a special LUDC meeting to further discuss this item due to its importance and complexity. Subsequently, staff met individually with the Mayor and members of the LUDC and determined that there was consensus to move forward with the ordinance including certain modifications that have been incorporated into the ordinance.

The Land Use and Development Committee discussed the proposed TC code for a second time on March 22, 2010. The Committee voted to send the item on to the Planning Board, after first holding a public workshop in the North Beach Town Center area, and with the following changes and conditions: 1) no variances to the use provisions; 2) prohibit rooftop alcoholic beverage venues; 3) limit accessory uses in hotels in the TC-3 area to a similar ratio of seats to rooms as used for South Pointe; 4) address outdoor bar counters by prohibiting or limiting to more than 100 feet from a residential use; and 5) inclusion of additional TC-3 area north of Publix into area permitting additional expanded conditional uses. The item is to return to Committee after Planning Board and prior to first reading at the full Commission.

The Planning Department held two community workshops on the proposed North Beach Town Center zoning amendments on Wednesday, May 5, 2010. The two meetings were held at 4 PM at the Shane Rowing Center and at 6:30 PM at the North Shore Youth Center. Notices of the workshops were mailed to all property owners within a 375 foot radius of the Town Center. Comments from the community were generally positive. A detailed report is found at the end of this staff report on page 12.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed changes are consistent with the applicable neighborhood plan, specifically the North Beach Town Center Plan, adopted by the Mayor and City Commission on July 11, 2007 by Resolution No. 2007-26600. The proposed changes are generally consistent with all elements of the comprehensive plan. Amendments to the goals, objectives and policies of the Future Land Use Element and the Future Land Use Map are proposed as companion items to this zoning amendment in order to create the three new TC land use categories, TC-1, TC-2, and TC-3. Each of the proposed new land use categories is consistent with the existing land use categories, CD-3, CD-2 and RM-1, in development intensity (FAR) and dwelling units per acre. They are also consistent with the existing permitted uses, accessory uses and conditional uses, with the exception of TC-3, which allows office uses in addition of residential, as well as certain conditional uses intended to develop a low intensity, mixed use neighborhood.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed TC zoning districts will create a cohesive Town Center with a commercial core and lower intensity mixed uses serving as a transition between the commercial core and nearby residential districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed TC zoning districts will support the goals of the North Beach Town Center Plan to encourage development of high intensity mixed use commercial core serving the North Beach community. In addition, the TC-3 district is designed to ensure that new development is more compatible in scale with the existing buildings in the district.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent - The existing public facilities and infrastructure are sufficient to support the development permissible under the proposed TC zoning districts.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Consistent – The proposed TC zoning district boundaries follow the exact boundaries of the existing CD-3, CD-2 and RM-1 zoning districts.

6. **Whether changed or changing conditions make the passage of the**

proposed change necessary.

Consistent – The proposed TC zoning districts reflect the shared vision of how the community wants the area to develop as a Town Center in the future, as defined in the adopted neighborhood plan.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed TC zoning districts will not adversely influence living conditions. On the contrary, the proposed change will improve the living conditions in the neighborhood by encouraging development of a compact, mixed use district with increased employment opportunities, retail services, cultural activities and a variety of choices for housing and transportation.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent - The proposed TC zoning districts are not expected to increase traffic congestion beyond the adopted levels of service. There is available capacity in all of the North Beach roadways to accommodate additional development. In addition, the proposed TC districts are not expected to increase traffic to the extent that the existing zoning would permit because of the emphasis in the TC districts on walkable streets, bicycle parking and reduced vehicle parking requirements.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent - The proposed TC zoning districts is designed to increase light and air to the adjacent neighborhoods in comparison to the existing zoning.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent - The proposed TC zoning districts is expected to positively affect property values in the adjacent area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent - The proposed TC zoning districts is not expected to be a deterrent to the improvement or development of adjacent properties.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Partially consistent - Most of the properties within the proposed TC zoning districts are already developed and may continue to be used in their current form.

The reason for the proposed TC districts is to provide the framework for higher quality development in accord with the future vision defined by the community during an extensive neighborhood planning process. Property owners will have a choice of whether to remain with their current buildings and uses or to redevelop. Redevelopment under the terms of the TC zoning code is expected to achieve a higher economic return and to serve the needs of the larger North Beach community by providing a hub of commercial activity.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Partially consistent – The proposed TC-1 and TC-2 districts do not contain changes in use as compared to the existing zoning, except for prohibiting pawnshops and rooftop alcoholic beverage establishments and restricting the hours of operation for accessory outdoor bar counters. The proposed TC-3 district does introduce the possibility of new uses in the areas currently limited to residential uses. It is not impossible to find other adequate sites in the city for the proposed office uses and conditional use commercial uses. Rather it is a carefully considered choice to provide for mixed uses in the TC-3 district to provide a transition between the high intensity commercial core (TC-1) and the surrounding residential neighborhoods, as well as to provide additional opportunities for employment and neighborhood-oriented services in the Town Center area.

ANALYSIS

The proposed North Beach Town Center Development Code is intended to create three new zoning districts as shown on the map on page 11. The boundaries of the proposed new zoning districts will exactly follow the boundaries of the existing CD-3, CD-2 and RM-1 zoning district boundaries on the zoning map.

- **TC-1, Town Center Core** district replaces the CD-3 Commercial High Intensity district
- **TC-2, Town Center Mixed Use** district replaces the CD-2 Commercial Medium Intensity district
- **TC-3, Town Center Residential Office** district replaces the RM-1 Residential Multi-Family Low Intensity district

The TC North Beach Town Center Districts are intended to: promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services; promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors and residents; encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses; provide opportunities for live/work lifestyles and increase the availability of affordable office space in the North Beach area; promote the health and

well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction; create a place that represents a unique, attractive and memorable destination for residents and visitors; enhance the community's character through the promotion of high-quality urban design.

Proposed District Regulations

TC-1 Town Center Core District

The TC-1 district is intended to encourage and enhance the high-intensity commercial employment center function of the Town Center's core area and its regulations are intended to support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment while also accommodating mixed-use and residential projects as important components of the area's vitality.

Maximum development intensity, including Floor Area Ratio (FAR) and maximum building height would remain the same as CD-3. The maximum FAR is 2.25 for lots 45,000 sq. ft of less and 2.75 for lots over 45,000 sq. ft. Permissible land uses would remain the same except as noted below.

Following are highlights of proposed regulations in TC-1 that are different from CD-3:

1. Land uses: outdoor bar counters, accessory to a hotel, located within 100 feet of an apartment unit may not be operated between 8 pm and 8 am. Also, alcoholic beverage establishments may not be located in any open area about the ground floor, except restaurants with less than 40 seats until 8 pm with no music.
2. Minimum setback requirements – 5 feet adjacent to all streets; 10 feet side and rear where abutting a TC-3 district or a future alley; 20 feet adjacent to any waterfront; otherwise 0 feet
3. An increased setback would be required for portions of buildings above 50 feet in height along 71 Street equal to 1 ft. setback for each 1 ft. of height above 50 feet (max. 25 ft setback for a 75 ft. high building) This is intended to maintain a more human scale for buildings facing 71 Street.
4. Ground floor retail, restaurant or cultural space would be required for 75% of the frontage along 71 St and Collins Ave. in order to develop a cohesive retail storefront district. Distance separation from schools would be waived for restaurants serving alcoholic beverages.
5. Open space would be required for building sites over 20,000 sq. ft. in the form of an urban plaza occupying at least 10% of the lot area.
6. Publicly accessible waterfront pedestrian walkways would be required along Indian Creek.
7. A dedication or easement for an alley would be required in the rear or side setback area. The creation of alleys is an extremely important means of improving vehicular traffic flow by removing service and delivery functions from the main streets. It will also enhance the safety and comfort of the pedestrian environment by reducing curb cuts that create conflicts between vehicles pedestrians and bicycles.
8. Allowable encroachments in required yard areas would be more limited.
9. Signage regulations would be slightly modified to be more compatible with required shade trees along the street.

TC-2 Town Center Mixed Use District

The TC-2 district is intended to support medium intensity mixed-use (residential/nonresidential) projects with active retail ground floor uses.

Maximum development intensity, including Floor Area Ratio (FAR) and maximum building height would remain the same as CD -2. The maximum FAR is 1.5 with a .5 bonus for residential mixed-use and the maximum height is 50 feet. Permissible land uses would remain the same except as noted below.

Following are highlights of proposed regulations in TC-2 that are different from CD-2:

1. Land uses: outdoor bar counters, accessory to a hotel, located within 100 feet of an apartment unit may not be operated between 8 pm and 8 am. Also, alcoholic beverage establishments may not be located in any open area about the ground floor, except restaurants with less than 40 seats until 8 pm with no music.
2. Minimum setback requirements – 5 feet adjacent to all streets; 10 feet side and rear where abutting a future alley; 20 feet adjacent to any waterfront; otherwise 0 feet
3. Ground floor retail, restaurant or cultural space would be required for 75% of the frontage along 71 St and Collins Ave. in order to develop a cohesive retail storefront district. Distance separation from schools would be waived for restaurants serving alcoholic beverages.
4. Open space would be required for building sites over 20,000 sq. ft. in the form of an urban plaza occupying at least 10% of the lot area.
5. Publicly accessible waterfront pedestrian walkways would be required along Indian Creek.
6. A dedication or easement for an alley would be required in the rear or side setback area.
7. Allowable encroachments in required yard areas would be more limited.
8. Signage regulations would be slightly modified to be more compatible with required shade trees along the street.

TC-3 Town Center Residential Office District

The TC-3 district is intended to accommodate low density multi-family residential development and low intensity office and tourist lodging uses, and also accommodating small-scale ground floor neighborhood commercial uses that are compatible with the residential character of the TC-3 district in certain areas designated as TC-3(c) on the zoning map.

Maximum Floor Area Ratio (FAR) would remain at 1.25, which is the same as RM-1. Following are highlights of proposed regulations in TC-3 that are different from RM-1:

1. The list of permissible land uses would be expanded to allow neighborhood compatible mixed uses and to provide diverse opportunities for employment.
 - a. Main permitted uses – residential and office
 - b. Conditional uses – RM-1 conditional uses plus hotels
 - c. Accessory uses – RM-1 accessory uses and special regulations for hotels outlined in Sec. 142-736 (c) (3) on pages 7-8 of the ordinance.
 - d. Prohibited uses – accessory uses associated with hotels including dance halls, outdoor entertainment establishment, open air entertainment establishment; outdoor bar counter and alcoholic beverage establishments located in any open area above the ground floor.

2. A subdistrict within TC-3, which is labeled TC-3(c) on the zoning map, (see map on page 9) would provide for Conditional Uses in limited areas. These would include the following neighborhood retail and service uses located on the ground floor and limited to 2,500 sq. ft. or less per establishment:
 - antique stores,
 - art/craft galleries,
 - artist studios
 - bakery or specialty food stores,
 - barber shops and beauty salons,
 - dry cleaner with off-site processing (dry cleaning receiving station),
 - newspapers and magazines
 - photo studio,
 - shoe repair,
 - tailor or dressmaker,
 - food service establishments with less than 30 seats (including outdoor café seating with alcohol limited to beer and wine and closing no later than 11:00 PM,
 - full service restaurants serving alcoholic beverage or with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway

Comments from the community meeting on May 5th would encourage the City to expand this list of uses, and to allow indoor restaurants to remain open past 11:00 PM. The Department is seeking further input from the Planning Board.

3. Commercial and non-commercial parking garages are permissible as conditional uses in RM-1 and would also be conditional uses in the TC-3 district. A new subsection Sec. 130-68 (9) is proposed in Chapter 130. “Off Street Parking” to consolidate regulations pertaining to parking garages in TC-3. Most of the regulations would be the same as for parking garages in RM-1, with the following exceptions.
 - a. commercial uses would be permissible as conditional uses on the ground floor of a parking structure (Note: this provision was added subsequent to the mailed notice of this hearing) and could not exceed 25% of the total floor area of the structure.
 - b. residential or commercial uses would be required on the first level facing a street or waterway, but would not be required on the upper floors.
 - c. the parking spaces may serve residential or commercial uses without limitation on the percentage of residential spaces.
4. Minimum setback requirements – 15 feet front yard; 7.5 feet side yard facing a street (10 feet for lots over 50 feet in width); 7.5 feet side interior lot line except 10 feet for buildings over 33 feet in height and 10 feet where abutting TC-1; 10 feet rear yard; 20 feet adjacent to any waterfront
5. Height limitations are proposed to ensure compatibility with the predominant low scale built environment as follows:
 - a. maximum building height 4 stories or 45 feet, except for waterfront lots which may be 5 stories or 50 feet due to the greater (20 ft) setback requirement
 - b. increased setback (1:1 ratio) would be required for portions of buildings above 23 feet in height along the front lot line to be compatible with the existing 2-story buildings

- c. rear yard setbacks (1:1 ratio) would be required for portions of buildings above 33 feet in height
- d. limitations on rooftop features that may exceed the height and setbacks

Parking regulations in the North Beach Town Center are intended to provide centralized public parking garages to serve the Town Center and minimize the amount of on-site parking required for individual lots, thereby reducing building bulk and maximizing ground floor space available for retail and restaurant uses and to promote walking, bicycling and transit ridership to help reduce the demand for parking within the district. The following changes are recommended:

1. to modify the boundaries of Parking District #4 to include all of the TC-1 district (see section 3 on page 16 of the proposed ordinance)
2. to permit offsite parking within a distance of 800 feet from the development site
3. to reduce the residential parking requirements for smaller units
4. to encourage shared parking between uses that have different peak usage periods and add residential uses to the calculation of shared parking minimums (see Sec. 130-221 of the City Code)
5. to provide a parking credit as an incentive for developers to provide urban plaza space or space for a public library
6. to provide a parking credit for commercial developments that provide showers for bicycle commuters
7. to define parking requirements for "live-work" units.

Minimum bicycle parking requirements for various land uses are proposed for the TC districts. The bicycle parking requirements are based on the LEED (Leadership in Energy and Environmental Design) standards for neighborhood development. The Administration envisions these bicycle parking standards to be a model for the entire city.

Streetscape improvements are required to be constructed by developers and detailed design standards are set forth in the North Beach Town Center Design Standards (see below). This includes sidewalks in the public right-of-way and a minimum 5-foot-wide setback area on private property adjoining all streets.

Design Review Standards will be proposed to further define and illustrate the urban design intent for the North Beach Town Center. This is a separate document that is intended to be adopted by the Design Review Board. It is entitled "Design Review Standards for the North Beach Town Center TC Zoning Districts", also know as the "NBTC Design Standards". The document contains specific design standards for such things as access drives, alleys, parking, building location on the lot, shade canopies, waterfront pedestrian walkways, urban plazas, signs, and streetscape design. It also contains the Infill Regulating Plan which illustrates the plan for the entire Town Center and shows how individual lots should relate to the whole.

STAFF RECOMMENDATION

In view of the above background and analysis, Staff recommends that the Planning Board transmit a favorable recommendation to the City Commission for adoption of the proposed ordinances.

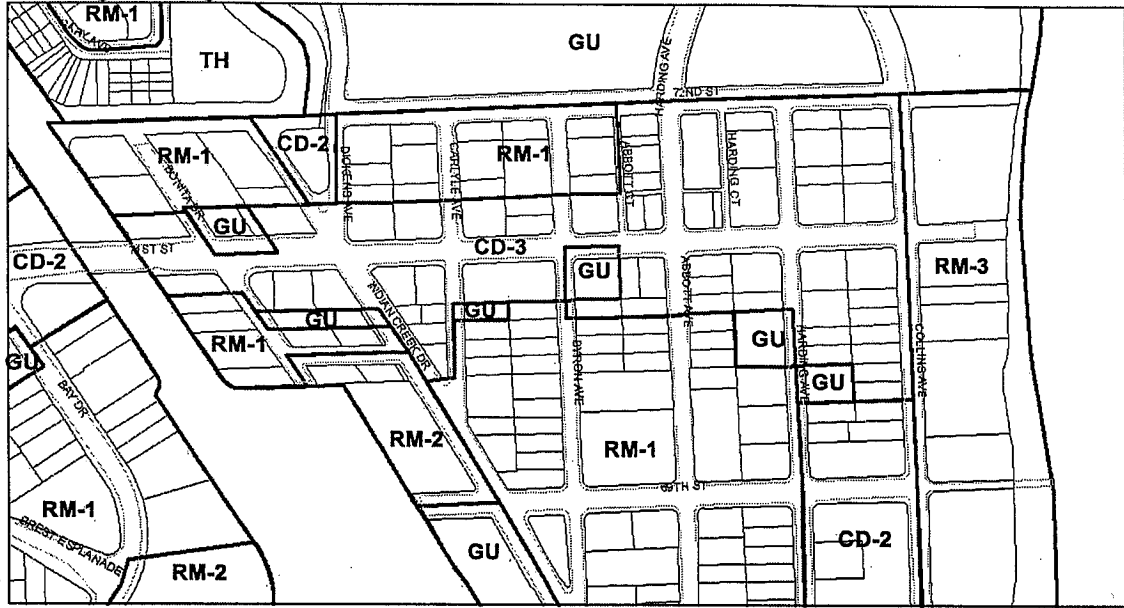
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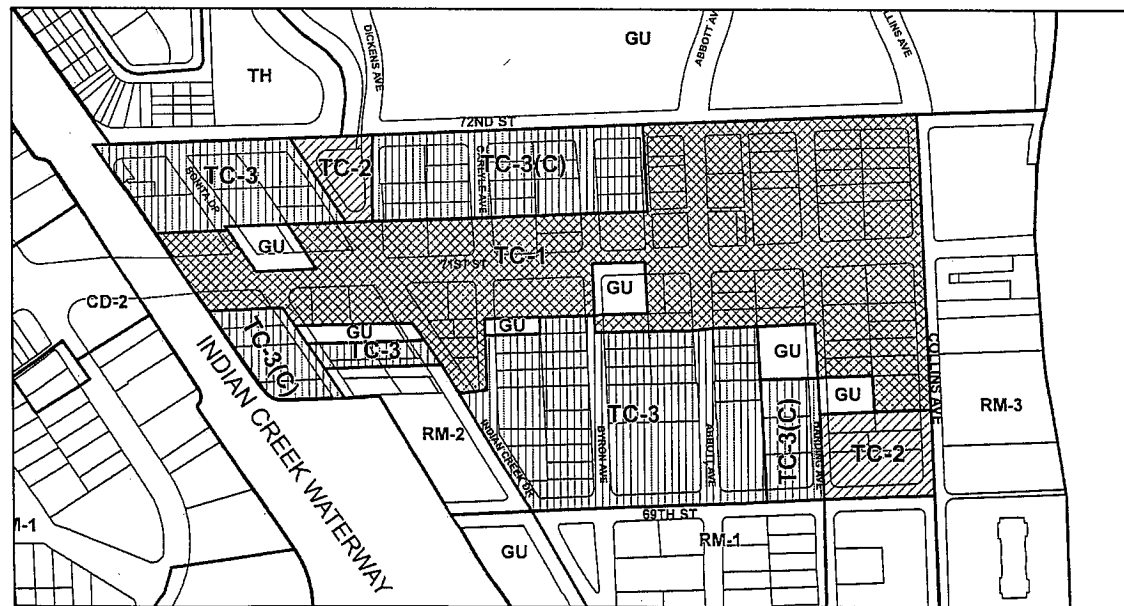
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North Beach Town Center Proposed Zoning Changes

Existing Zoning Districts



Proposed Zoning Districts



Report from North Beach Town Center Zoning Community Meetings - May 5, 2010

The Planning Department held two community meetings on Wednesday, May 5, 2010 on the proposed North Beach Town Center zoning amendments. The two meetings were held at 4 PM at the Shane Rowing Center and at 6:30 PM at the North Shore Youth Center. Notices of the workshops were mailed to all property owners within a 375 foot radius of the Town Center.

A total of approximately 40 people attended the two workshops, including about equal numbers of business persons and interested residents. The feedback was very positive. Everyone supported the concept of encouraging redevelopment of a more intense, walkable, mixed-use Town Center. Several people asked about what incentives the City can offer to stimulate private investment, such as greater height and FAR. Planning staff responded that public parking is the primary incentive available at this time; and they described the RFLI for a public-private joint venture parking garage in North Beach. Staff also highlighted the important steps the City is taking to support cultural activities in the Town Center by rehabilitating the North Beach Bandshell and seeking new groups to operate the Byron Carlyle Theater.

Several people expressed a desire to allow greater flexibility in the types of retail/service uses proposed for conditional uses the TC-3 Town Center Residential Office district. No one objected to introducing retail/service uses into these residential blocks; and everyone supported allowing office uses in TC-3. One person stated that the proposed 11 PM closing time for a restaurant located on the Indian Creek waterfront would make it financially infeasible for the restaurant owner. Everyone present agreed that the indoor portion of a waterfront restaurant could remain open to a later hour without harming the surrounding residential uses. Several people expressed a desire to make parking requirements more flexible for new businesses located in the TC-3 district, perhaps by allowing them to pay parking mitigation fees.

Regarding the TC-1 Town Center Core district, two people expressed concern that the requirement for retail/restaurant/cultural uses on 75% of the ground floor frontage facing 71 Street and Collins Avenue could result in numerous vacancies if there is not a sufficient market for such uses. One person stated that the North Beach Town Center should not be subjected to the same restrictions on outdoor dining and entertainment as South Beach because North Beach is different; and no one expressed any disagreement with the sentiment.