

C6 D REPORT OF THE SEPTEMBER 5, 2024, LAND USE AND SUSTAINABILITY  
COMMITTEE MEETING.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: October 30, 2024  
TITLE: REPORT OF THE SEPTEMBER 5, 2024, LAND USE AND SUSTAINABILITY COMMITTEE MEETING.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

### **FISCAL IMPACT STATEMENT**

Not Applicable

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

**Co-sponsor(s)**

**Condensed Title**

Report: September 5, 2024, Land Use and Sustainability Committee Meeting. PL



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: The Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024

SUBJECT: **Report of the September 5, 2024, Land Use and Sustainability Committee (LUSC) Meeting.**

A Land Use and Sustainability Committee (LUSC) meeting was held on September 5, 2024. Committee Members participating were Commissioners Alex Fernandez (Chair), Tanya K. Bhatt (Vice-Chair), Laura Dominguez, and David Suarez. Commissioner Joseph Magazine also participated. Members from the Administration, including Thomas Mooney, David Martinez, David Gomez, Jose Gonzalez, Otniel Rodriguez, Brad Kaine, Christina Ortega, and Nick Kallergis and Gisella Torres from the City Attorney's Office, as well as members of the public, also participated.

**The meeting was called to order at 3:10 p.m.**

### **PRIORITY ITEMS**

1. DISCUSSION REGARDING I-395/MACARTHUR CAUSEWAY.

Commissioner Alex Fernandez  
Transportation and Mobility  
May 15, 2024 C4 AH

**Deferred to a future meeting with no discussion.**

2. RESIDENTIAL USE INCENTIVES – LDR AND COMPREHENSIVE PLAN AMENDMENTS

Commissioner Laura Dominguez and Commissioners Joseph Magazine and David Suarez  
Planning  
July 24, 2024 R5 Y and R5 Z

**Motion – LD/AF (4-0): Recommend that the City Commission adopt the ordinance at Second Reading.**

3. LDR AMENDMENT TO INCENTIVIZE RESIDENTIAL USES ON LINCOLN ROAD (Dual Referral to the Planning Board).

Commissioner David Suarez  
Planning  
June 26, 2024 C4 AB

**Motion – By Acclamation:**

- a. Continue the item to the October 10, 2024, LUSC meeting.
- b. Schedule a special meeting of the LUSC for September 24, 2024, to discuss all

- related legislation involving FAR incentives for non-transient residential uses.
- c. **Direction given to amend the applicable FAR incentive ordinances to include a provision for a 6/7 vote to reverse required covenants pertaining to non-transient residential uses.**

4. DISCUSS PROPOSAL TO REVITALIZE THE 200-300 BLOCKS OF LINCOLN ROAD (BETWEEN WASHINGTON AVENUE AND COLLINS AVENUE), INCLUDING PEDESTRIANIZATION OF THE CORRIDOR, OTHER STREETScape IMPROVEMENTS, AND AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS.

Commissioner Alex Fernandez and Commissioners Joseph Magazine and David Suarez  
Planning  
June 26, 2024 C4 AD

**Motion – By Acclamation:**

- a. **Continue the item to the October 10, 2024, LUSC meeting.**
- b. **Schedule a special meeting of the LUSC for September 24, 2024, to discuss all related legislation involving FAR incentives for non-transient residential uses.**
- c. **Direction given to amend the applicable FAR incentive ordinances to include a provision for a 6/7 vote to reverse required covenants pertaining to non-transient residential uses.**
5. AMEND THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF UNDERSTORY AREAS, AND TO REVIEW THE CURRENT MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR SINGLE-FAMILY HOMES TO PROMOTE RESILIENCY AND REDUCE FLOOD RISK (Dual Referral to the Planning Board).

Commissioner David Suarez  
Planning  
July 24, 2024 C4 W

**Motion – DS/AF (3-1):**

- a. **Include a provision in the ordinance for the posting of a property for which an understory home is proposed.**
- b. **Recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.**
6. DISCUSS PROPOSED 6<sup>TH</sup> STREET OVERLAY

Mayor Steven Meiner and Commissioner Laura Dominguez  
Planning  
October 18, 2023 C4 A

**Motion – By Acclamation: Recommend that the City Commission refer the ordinance to the Planning Board with revised overlay boundaries noted in the LUSC memo.**

7. DISCUSS CREATING A REGISTRY OF PLANNED RESIDENTIAL DEVELOPMENTS IN ZONING DISTRICTS WHERE SHORT-TERM RENTALS ARE PERMITTED, TO ENSURE PROPERTIES COMPLY WITH THE CITY'S SHORT-TERM RENTAL REGULATIONS AND FACILITATE CODE ENFORCEMENT EFFORTS, IN THE EVENT THAT ANY UNITS ON THE PROPERTY ARE RENTED ON A SHORT-TERM BASIS.

Commissioner Tanya K. Bhatt  
Planning  
July 24, 2024 C4 Y

**Motion – TB/AF (4-0): Move the item to the City Commission with direction to the Administration to develop a registry framework in coordination with the item sponsor.**

8. DISCUSS A POSSIBLE ORDINANCE TO REQUIRE PROPERTY OWNERS TO PROPERLY DISPOSE OF YARD TRIMMINGS/LEAVES TO AVOID CLOGGING OF STORMWATER DRAINS.

Commissioner Tanya K. Bhatt and Commissioner David Suarez  
Public Works

June 26, 2024 C4 AC

**Motion – By Acclamation: Conclude the item and endorse the plan of action identified in the LUSC memo.**

9. EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE REOPENING OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.

Commissioner Laura Dominguez  
Capital Improvement Projects  
March 17, 2021 C7 Q

**Motion – By Acclamation: Continue the item to the October 10, 2024, LUSC meeting for additional updates.**

#### **REGULAR ITEMS**

10. REVIEW FUTURE LAND USE MAP CLASSIFICATION FOR PRIDE PARK.

Commissioner Alex Fernandez  
Planning  
March 13, 2024 C4 M

**Motion - LD/AF (4-0): Recommend that the City Commission refer an ordinance to the Planning Board.**

11. DISCUSS RETAINING WALL SETBACKS AND REQUIREMENTS IN SINGLE FAMILY DISTRICTS.

Commissioner Kristen Rosen Gonzalez  
Planning  
July 24, 2024 C4 U

**Withdrawn by Sponsor with no discussion.**

12. REVIEW TRAFFIC IMPACT STUDY REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS ("LDRS") FOR NEW DEVELOPMENT AND CONSIDER WHETHER LDR AMENDMENTS ARE APPROPRIATE TO (I) STRENGTHEN THE CITY'S REVIEW OF A PROJECT'S IMPACTS ON TRANSPORTATION INFRASTRUCTURE, AND (II) ENHANCE TRAFFIC MITIGATION MEASURES REQUIRED OF APPLICANTS.

Commissioner Tanya K. Bhatt  
Planning  
July 24, 2024 C4 V

**Motion – By Acclamation: Continue the item to the October 10, 2024, LUSC meeting with direction to the Administration to meet with the item sponsor to further evaluate current transportation and circulation review policies.**

13. DISCUSS AMENDING NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS (LDRS) TO PERMIT THE CITY TO USE A PUBLICLY ACCESSIBLE

WEBSITE HOSTED BY MIAMI-DADE COUNTY AS AN ALTERNATIVE MEANS OF PUBLISHING NOTICES AND ADVERTISEMENTS FOR LAND USE BOARD APPLICATIONS, WHICH ARE CURRENTLY REQUIRED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION (Dual Referral to the Planning Board).

Commissioner David Suarez  
Planning

June 26, 2024 C4 P

**Motion – By Acclamation: Recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.**

14. AMEND DEFINITION OF “FLOOR AREA” TO EXEMPT UNISEX/GENDER-NEUTRAL RESTROOMS FROM THE DEFINITION OF “FLOOR AREA.” (Dual Referral to the LGBTQIA+ Advisory Committee)

Commissioner Alex Fernandez  
Planning

June 26, 2024 C4 T

**Motion - By Acclamation: Recommend that the City Commission refer an ordinance to the Planning Board.**

15. REVIEW AND, IF NECESSARY, AMEND PARKING REQUIREMENTS APPLICABLE TO DISTRICTS WHERE LIVE LOCAL PROJECTS ARE PERMITTED (Dual Referral to Planning Board).

Commissioner Kristen Rosen Gonzalez  
Planning

May 15, 2024 C4 AB

**Withdrawn by Sponsor with no discussion.**

16. DISCUSS/CONSIDER THE POTENTIAL REZONING OF THE MXE (MIXED USE ENTERTAINMENT) DISTRICT IN NORTH BEACH, ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, TO A DIFFERENT ZONING DISTRICT CLASSIFICATION (Dual Referral to Planning Board).

Commissioner Tanya K. Bhatt  
Planning

May 15, 2024 C4 AD

**Motion – By Acclamation: Recommend that the Planning Board transmit an ordinance to the City Commission with a favorable recommendation.**

17. ORDINANCE TO MODIFY THE HEIGHT OF ALLOWABLE FENCING AND SHRUBBERY OF OCEANFRONT PROPERTIES FACING THE BEACHWALK TO IMPROVE SIGHTLINES FOR PEDESTRIANS (Dual Referral to Planning Board).

Commissioner Tanya K. Bhatt  
Planning

May 15, 2024 C4 AE

**Motion – By Acclamation: Continue the item to the October 10, 2024, LUSC meeting with direction to the Administration to prepare graphics and amend the text of the proposed code section to reflect a visibility triangle.**

18. REVIEW CITY’S MODAL PRIORITIZATION STRATEGY ESTABLISHED IN 2015 AS PART OF THE TRANSPORTATION MASTER PLAN.

Commissioner Alex Fernandez and Commissioner Tanya K. Bhatt  
**Transportation and Mobility**

May 15, 2024 C4 AF

**Discussed and concluded with no further action.**

19. DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR'S) AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS.

Mayor Steven Meiner  
Planning

May 15, 2024 C4 AS

**Deferred to the October 10, 2024, LUSC meeting with no discussion.**

20. MASSAGE THERAPY CENTERS – NORTH BEACH USE REGULATIONS.

Commissioner Alex Fernandez  
Planning

May 15, 2024 R5 G

**Motion – By Acclamation: Recommend that the City Commission adopt the ordinance at Second Reading with an amendment to allow massage therapy centers at the first floor in commercial districts, subject to CUP approval.**

21. NORTH BEACH COMPREHENSIVE USE REGULATIONS.

Commissioner Alex Fernandez  
Planning

May 15, 2024 R5 H

**Motion – By Acclamation: Recommend that the City Commission adopt the ordinance at Second Reading.**

22. REVIEW AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO AMEND THE HOTEL APPROVAL PROCESS.

Commissioner Joseph Magazine, and Commissioners Tanya K. Bhatt, Alex Fernandez, and Kristen Rosen Gonzalez  
Planning

December 13, 2023 R9 G

**Motion - By Acclamation: Recommend that the City Commission refer an ordinance to the Planning Board.**

23. CONSIDER THE CREATION OF A NEW CAPITAL PROJECT TO INSTALL FLOATING WALKWAYS AND/OR THE ACQUISITION OF THE OUTLOT AT 2811 INDIAN CREEK DRIVE TO COMPLETE THE INDIAN CREEK PEDESTRIAN PATHWAY (Dual Referral to FERC).

Commissioner Alex Fernandez  
**Public Works**

March 13, 2024 C4 I

**Discussed and concluded with no further action.**

### **FUTURE ITEMS**

The following items were deferred to a future date with no discussion:

24. EXPLORE ZONING INCENTIVES AND IDENTIFY APPROPRIATE ZONING DISTRICTS TO ENCOURAGE THE DEVELOPMENT OF SCHOOLS AND OTHER EDUCATIONAL



FACILITIES.

Commissioner Alex Fernandez  
Planning  
April 3, 2024 C4 F

25. DISCUSS CREATING ECONOMIC AND ZONING INCENTIVES TO ENCOURAGE THE CONVERSION OF EXISTING OFFICE BUILDINGS TO RESIDENTIAL, WHICH IDEALLY EXPLORE NEW INCENTIVES (ECONOMIC OR OTHER) BEING USED IN OTHER STATES, RATHER THAN RELYING ON EXISTING OPTIONS WHICH WE MIGHT NOT WANT TO ENCOURAGE, SUCH AS FLOOR AREA RATIO (FAR) AND PARKING INCENTIVES, REDUCTIONS TO THE MOBILITY FEE, IN ORDER TO INCREASE THE SUPPLY OF AVAILABLE HOUSING IN MIAMI BEACH.

Commissioner Tanya K. Bhatt and Commissioner Joseph Magazine  
Planning  
March 13, 2024 R9 E

26. DISCUS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

Commissioner Joseph Magazine  
Planning  
March 13, 2024 R9 AR

27. DISCUSS POTENTIALLY REQUIRING COMMERCIAL CHARTER VESSEL OPERATORS TO PROVIDE SANITATION/PUMP-OUT LOGS EVIDENCING COMPLIANCE WITH APPLICABLE SANITATION LAWS.

Commissioner Tanya K. Bhatt and Commissioner Kristen Rosen Gonzalez  
Police  
February 21, 2024 C4 J

28. DISCUSS AND IDENTIFY POTENTIAL SITES FOR THE INSTALLATION OF "THE GLORY OF OLD GLORY," A SERIES OF MURALS BY ARTIST ENZO GALLO, WHICH WERE REMOVED, PRESERVED, AND DONATED TO THE CITY PRIOR TO THE DEMOLITION OF THE WELLS FARGO BANK ON ALTON ROAD.

Commissioner Alex Fernandez  
Facilities and Fleet Management  
May 15, 2024 C4 AJ

29. DISCUSSION REGARDING I-95/JULIA TUTTLE CAUSEWAY FDOT PROJECT.

Commissioner Alex Fernandez  
Transportation and Mobility  
May 15, 2024 C4 AI

30. PROVIDE A PRESENTATION OF THE 41ST STREET CORRIDOR PROJECT STATUS AND FUTURE DIRECTION.

Commissioner Alex Fernandez and Commissioner Joseph Magazine  
CIP  
May 15, 2024 C4 AK

31. PROVIDE A PRESENTATION OF THE OCEAN DRIVE CORRIDOR PROJECT STATUS AND FUTURE DIRECTION.

Commissioner Alex Fernandez and Commissioner Joseph Magazine  
CIP  
May 15, 2024 C4 AN

32. DISCUSS A PROPOSAL TO CONVERT THE CLEVELANDER TO A RESIDENTIAL PROJECT WITH NO OUTDOOR BAR/ENTERTAINMENT.

City Attorney  
Planning/CAO  
January 31, 2024 C4 AF

33. DISCUSS PROPOSED ORDINANCE ESTABLISHING THE CENTURY AND FARREY LANE OVERLAY ON BELLE ISLE.

Commissioner Alex Fernandez  
Planning  
October 18, 2023 R5 A

34. DISCUSS INSTALLING TRAFFIC DIVERTERS AT CONVENTION CENTER DRIVE AND DADE BOULEVARD.

Commissioner Alex Fernandez  
Transportation and Mobility  
June 26, 2024 C4 S

35. DISCUSS THE USE OF THE MIDDLE TURN LANE AS REVERSIBLE LANES ON 41ST STREET TO IMPROVE TRAFFIC FLOW DURING PEAK TRAFFIC HOURS.

Commissioner Alex Fernandez  
Transportation and Mobility  
June 26, 2024 C4 AE

36. DISCUSS DEDICATED BUS LANES ON WASHINGTON AVE.

Commissioner Alex Fernandez  
Transportation and Mobility  
June 26, 2024 C4 W

37. AMEND LAND DEVELOPMENT REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS WHERE HOTELS ARE PERMITTED, TO INCREASE THE MINIMUM UNIT SIZE FOR HOTEL ROOMS (Dual Referral to the Planning Board).

Commissioner Kristen Rosen Gonzalez and Commissioners Joseph Magazine and David Suarez  
Planning  
June 26, 2024 C4 O

38. INCREASE SECURITY REQUIREMENTS FOR NIGHTCLUBS AND OTHER LATE-NIGHT DRINKING ESTABLISHMENTS.

Commissioner Alex Fernandez and Commissioners Joseph Magazine and David Suarez  
Police  
June 26, 2024 C4 Q

39. REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS AN ORDINANCE INCREASING FINES AND PENALTIES FOR FREQUENT CODE VIOLATIONS THAT AFFECT RESIDENT QUALITY OF LIFE.

Commissioner Alex Fernandez  
Code Compliance  
June 26, 2024 C4 R

40. INSTALLING WAYFINDING SIGNAGE TO OCEAN DRIVE FROM THE ENTRANCE TO THE CITY AT THE MACARTHUR CAUSEWAY.

Commissioner Alex Fernandez  
Public Works  
June 26, 2024 C4 U

41. FOR THE ADMINISTRATION TO EXPLORE AND RECOMMEND NEW, MORE FORWARD-LEANING RESILIENCY CODE UPDATES FOR OUR BUILT ENVIRONMENT.

Commissioner Tanya K. Bhatt  
Planning  
June 26, 2024 C4 X

42. DISCUSS THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM FOR WASHINGTON AVENUE.

Commissioner Alex Fernandez  
Planning  
June 26, 2024 C4 Y

43. REQUEST FOR THE ADMINISTRATION TO EXPLORE AND PROVIDE OPTIONS FOR ESTABLISHING NEW RESILIENCY BEST-PRACTICE PARAMETERS TO ENSURE THAT POROUS CONCRETE/PAVERS AND BIOSWALES ARE USED IN NEW DEVELOPMENT TO HELP MITIGATE "NEW NORMAL" FLOODING EVENTS.

Commissioner Tanya K. Bhatt  
Planning  
June 26, 2024 C4 V

44. REVIEW AND ANALYZE WHERE LIVE LOCAL DEVELOPMENTS MAY BE CONSTRUCTED IN THE CITY, TAKING INTO ACCOUNT THE PREEMPTIONS IN THE LIVE LOCAL ACT.

Commissioner Alex Fernandez  
Planning  
May 15, 2024 C4 AM

45. REVIEW CURRENT LOADING REQUIREMENTS, AND HOW TO MITIGATE THE IMPACTS OF LOADING AND DELIVERIES ON TRAFFIC CONGESTION AND RESIDENTS' QUALITY OF LIFE (INCLUDING, WITHOUT LIMITATION, INCREASED ENFORCEMENT EFFORTS AS WELL AS LEGISLATIVE AMENDMENTS).

Commissioner Tanya K. Bhatt  
Transportation and Mobility  
July 24, 2024 C4 X

**The meeting adjourned at 6:51 p.m.**