

C6 G REPORT OF THE OCTOBER 14, 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 OCTOBER 14, 2024, LAND USE AND SUSTAINABILITY COMMITTEE MEETING.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

### **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**

N/A

### **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: October 14, 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 October 14, 2024, Land Use and Sustainability Committee (LUSC) Meeting.**

A Land Use and Sustainability Committee (LUSC) meeting was held on October 14, 2024. Committee Members participating were Commissioners Alex Fernandez (Chair), Tanya K. Bhatt (Vice-Chair), Laura Dominguez, and David Suarez. Commissioners Joseph Magazine and Kristen Rosen Gonzalez also participated. Members from the Administration, including Thomas Mooney, David Martinez, David Gomez, Jose Gonzalez, Otniel Rodriguez, Elizabeth Miro, and Frank Garcia participated. Finally, Joseph Centorino from the Office of the Inspector General and Nick Kallergis from the City Attorney's Office, as well as members of the public, also participated.

**The meeting was called to order at 11:05 a.m.**

### **PRIORITY ITEMS**

**1. ENTERTAINMENT AND SUPPER CLUB REGULATIONS.**

Commissioner David Suarez  
Planning  
September 11, 2024 R5 F

**Motion – DS/AF (4-0): Recommend that the City Commission adopt the ordinance at Second Reading, with an additional amendment increasing the conditional use occupancy threshold in commercial districts from 125 persons to 199 persons.**

**2. DISCUSS POSSIBLE LEGISLATION REGULATING THE SALE OF CANNABIS AND THE ADVERTISING THEREOF IF RECREATIONAL USE IS LEGALIZED BY FLORIDA VOTERS IN NOVEMBER 2024 ELECTION.**

Commissioner Tanya K. Bhatt  
**City Attorney**  
September 11, 2024 C4 P

**Motion – By Acclamation: Continue the item to the November 25, 2024, LUSC meeting.**

**3. AN AMENDMENT TO COMPREHENSIVE PLAN AND RESILIENCY CODE NONCONFORMING BUILDING PROVISIONS AND RM-1 DISTRICT REGULATIONS TO ALLOW INTRODUCTION OF ON-SITE PARKING AND RESIDENTIAL USES**

WITHIN NONCONFORMING HOTEL USE ON THE NORTH SIDE OF BELLE ISLE (Dual Referral to the Planning Board).

Commissioner Laura Dominguez  
Planning  
September 11, 2024 C4 W

**Motion – By Acclamation: Continue the item to the November 25, 2024, LUSC meeting.**

4. DISCUSS AN ORDINANCE TO CREATE FAR, HEIGHT AND SETBACK INCENTIVES FOR NON-TRANSIENT RESIDENTIAL USES FOR PROPERTIES FRONTING 6TH STREET IN THE C-PS2 ZONING DISTRICT (Dual Referral to the Planning Board).

Commissioner David Suarez  
Planning  
September 11, 2024 C4 X

**Motion – By Acclamation: Continue the item to a future LUSC meeting.**

5. 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

**Motion – By Acclamation: Recommend that the City Commission refer ordinance amendments to the Planning Board in accordance with the recommendations in the LUSC memo.**

6. 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: Recommend that the City Commission and Planning Board approve ordinance amendments in accordance with the recommendations in the LUSC memo, and with the following additional modifications:**

1. The 10-foot visibility triangle shall apply to properties with at least 100 feet of frontage on the beach walk.
2. The 6-foot visibility triangle shall apply to properties with less than 100 feet of frontage on the beach walk.
3. The measurement of the visibility triangle shall be taken from the western edge of the beach walk.
4. The regulations shall also apply to future sections of the bay walk and cut walk,

as well as city owner properties.

**REGULAR ITEMS**

7. 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 November 25, 2024, LUSC meeting for additional updates.**

8. DISCUSSION ON AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRS) AND COMPREHENSIVE PLAN (CP) TO REQUIRE A HOUSING IMPACT STATEMENT FOR ALL DEVELOPMENT APPLICATIONS, TO INCLUDE MITIGATION MEASURES, AND MODIFY REVIEW CRITERIA TO CONSIDER HOUSING IMPACTS.

Commissioner Alex Fernandez  
Planning  
September 11, 2024 C4 T

**Motion – By Acclamation:**

1. **Recommend that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.**
2. **A registry shall be established of projects approved by the Design Review and Historic Preservation Boards that include the conversion of non-transient residential uses to transient uses.**
9. DISCUSSION ON AMENDING NOTICE REQUIREMENTS IN THE MIAMI BEACH RESILIENCY CODE TO REQUIRE COURTESY NOTICE TO RESIDENTIAL TENANTS OF A PROPERTY SUBJECT TO A LAND USE BOARD APPLICATION, WHERE APPLICABLE.

Commissioner Alex Fernandez  
Planning  
September 11, 2024 C4 U

**Motion – By Acclamation: Recommend that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.**

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

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

**Motion – By Acclamation: Conclude the item and recommend that the City Commission approve the recommendation identified in the LUSC memo.**

11. 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 a future meeting with no discussion.**

12. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO EXPLORE FEASIBLE STRATEGIES FOR CREATING AND EXPANDING "GREEN ROOFS", AS WELL AS INCORPORATING GREENERY AND LANDSCAPING ON CITY BUILDINGS, AND PRESENT ITS FINDINGS TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE WITHIN 90 DAYS OF THE ADOPTION OF THIS RESOLUTION.

Commissioner Joseph Magazine and Commissioner David Suarez  
**Facilities and Fleet Management**  
May 15, 2024 C7 BH

**Motion – By Acclamation: Conclude the item and endorse the recommendation for a pilot as identified in the LUSC memo.**

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

Commissioner Alex Fernandez and Commissioner David Suarez  
Planning  
April 3, 2024 C4 F

**Motion – By Acclamation: Continue the item to the November 25, 2024, LUSC meeting with direction to staff to explore more robust zoning incentives, including administrative level review of future education uses, as well as potential increases in building height and intensity.**

14. 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

**Motion – By Acclamation: Continue the item to a future LUSC meeting with direction to staff to explore potential incentives for the conversion of smaller office buildings to residential, as well as provide updates, if any, on potential initiatives at the state level to incentivize conversions from office to residential.**

15. 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: Conclude the item with no further action.**

16. 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

**Motion – By Acclamation: Recommend that the Planning Board transmit an LDR amendment to the City Commission in accordance with the following:**

1. Increase the minimum hotel unit size from 300 square feet to 335 square feet.
2. Remove the current allowance of micro-hotel units, with a minimum unit size of 175 square feet, in the TC-C district.

#### **FUTURE ITEMS**

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

17. 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

18. DISCUSS THE REGULATION OF THE USE OF GENERATORS, SOUND SYSTEMS, AUDIOVISUAL EQUIPMENT, AND STAGES AT PRIVATE RESIDENCES USED AS PARTY HOUSES.

Commissioner Alex Fernandez  
**Code Compliance**  
September 11, 2024 C4 R

19. DISCUSS FUTURE PROGRAMMING FOR WEST LOTS.

Commissioner David Suarez  
**Economic Development**  
September 11, 2024 C4 M

20. DISCUSS INCENTIVES FOR PROPERTY OWNERS TO RESTORE/ REHABILITATE HISTORIC RESIDENTIAL APARTMENT BUILDINGS IN THE FLAMINGO PARK



NEIGHBORHOOD.

Commissioner Laura Dominguez  
Planning  
September 11, 2024 C4 Q

21. DISCUSS INCENTIVES FOR PROPERTY OWNERS TO RESTORE/REHABILITATE HISTORIC RESIDENTIAL APARTMENT BUILDINGS IN NORTH BEACH.

Commissioner Tanya K. Bhatt and Commissioner Laura Dominguez  
Planning  
September 11, 2024 C4 S

22. 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

23. 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

24. 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 W

25. DISCUSS DEDICATED BUS LANES ON WASHINGTON AVE.

Commissioner Alex Fernandez  
**Transportation and Mobility**  
June 26, 2024 C4 R

26. 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

27. 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

28. DISCUSSION REGARDING I-395/MACARTHUR CAUSEWAY.

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

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

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

30. 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

31. 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

32. 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

33. 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

34. DISCUSS POTENTIAL INCENTIVES TO CONVERT CO-LIVING AND TRANSIENT UNITS TO APARTMENTS IN THE NORTH BEACH TCC DISTRICT.

Commissioner Alex Fernandez and Commissioner Tanya K. Bhatt  
Planning  
March 13, 2024 C4 K

35. 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

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

City Attorney  
**CAO**  
January 31, 2024 C4 AF

37. DISCUSS LDR INCENTIVES TO RETAIN AND REHABILITATE HISTORIC BUILDINGS (Dual Referral to Planning Board).

Commissioner Alex Fernandez  
Planning  
April 28, 2023 C4 D

38. DISCUSS POTENTIAL UPGRADES FOR ALTON ALLEY COURT FROM 8TH TO 17TH STREET.

Commissioner Alex Fernandez  
**Public Works**  
September 11, 2024 C4 N

39. 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

#### **WITHDRAWN ITEMS**

The following item was withdrawn:

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

Commissioner Alex Fernandez  
Planning  
October 18, 2023 R5 A

#### **SPECIAL LAND USE AND SUSTAINABILITY COMMITTEE ITEMS**

The following items will be discussed at the November 5, 2024 special LUSC meeting:

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

Commissioner Alex Fernandez  
Planning  
June 26, 2024 C4 Y

2. 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

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

4. DISCUSS RESIDENTIAL USE INCENTIVES FOR WASHINGTON AVENUE.

Commissioner David Suarez  
Planning  
September 24, 2024 LUSC

5. DISCUSS AND CONSIDER ADOPTING A "LIVE BETTER" PROGRAM, INCLUDING ZONING AND OTHER INCENTIVES, TO PROMOTE ATTAINABLE HOUSING SOLUTIONS IN MIAMI BEACH FOR MIDDLE-INCOME INDIVIDUALS AND FAMILIES.

Commissioner Alex Fernandez  
Planning  
September 11, 2024 C4 V

6. DISCUSS POSSIBLE AGREEMENT FOR DEVELOPMENT AND CONVEYANCE TO CITY OF PUBLIC PARKING GARAGE AT 1247-1255 WEST AVE FOR CITY GARAGE (Dual Referral to the Finance and Economic Resiliency Committee).

Commissioner Laura Dominguez  
Planning  
September 11, 2024 C4 L

**The meeting adjourned at 2:17 p.m.**