

C6 C REPORT OF THE JUNE 10, 2024, LAND USE AND SUSTAINABILITY COMMITTEE
MEETING.

MIAMI BEACH

COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Rickelle Williams, Interim City Manager
DATE:	June 26, 2024
TITLE:	REPORT OF THE JUNE 10, 2024, LAND USE AND SUSTAINABILITY COMMITTEE MEETING.

RECOMMENDATION

See attached report.

BACKGROUND/HISTORY

See attached report.

ANALYSIS

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

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)

MIAMIBEACH

The Honorable Mayor Steven Meiner and Members of the City Commission

Rickelle Williams, Interim City Manager

June 26, 2024

Report of the June 10, 2024, Land Use and Sustainability Committee (LUSC) Meeting.

A Land Use and Sustainability Committee (LUSC) meeting was held on June 10, 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 Gomez, Hernan Cardeno, Francisco Garcia, Ian Robinson, Manny Marquez, Amy Knowles, 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 4:05 p.m.

PRIORITY ITEMS

1. PROPOSED AMENDMENTS TO THE LDRs TO INCENTIVIZE NON-TRANSIENT RESIDENTIAL USES ALONG WASHINGTON AVENUE FROM 5TH TO 17TH STREETS (Dual Referral to Planning Board).

Commissioner David Suarez
Planning
May 15, 2024 C4 AA

Motion – TB/DS (4-0): Move the proposed ordinance to the Planning Board with a favorable recommendation, inclusive of the following amendments:

1. Incorporate adequate setbacks.
2. Provide minimum parking for service workers and building staff.
3. Limit the total amount of floor area that can be exempt for micro-mobility areas.
4. Limit the sunset provision to no more than 5 years.

Additionally, Commissioner Tanya K. Bhatt and Joseph Magazine were added as co-sponsors of the proposal.

2. 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 July 9, 2024, LUSC meeting for additional updates.

3. REVIEW ZONING DISTRICTS WHERE ENTERTAINMENT (WHICH INCLUDES NIGHTCLUBS) IS A PERMITTED OR CONDITIONAL USE AND CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS TO LIST ENTERTAINMENT AS A CONDITIONAL OR PROHIBITED USE IN SPECIFIED ZONING DISTRICTS, AS WELL AS INCENTIVIZE SUPPER CLUB RESTAURANTS OFFERING INDOOR PERFORMANCES WITHIN DISTRICTS THAT PERMIT ENTERTAINMENT (Dual Referral to the Planning Board).

Commissioner David Suarez
Planning
April 3, 2024 C4 C and C4 D

Motion – DS/AF (4-0): Move the proposed ordinance to the Planning Board with a recommendation to allow stand-alone entertainment establishments within fully enclosed hotels.

4. DISCUSS CURRENT INCENTIVES FOR AVERAGE UNIT SIZE REQUIREMENTS IN RESIDENTIAL APARTMENT UNITS.

Commissioner Alex Fernandez
Planning
April 3, 2024 C4 E

Motion – By Acclamation: Conclude the item with no further action.

5. 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

Motion – By Acclamation: Continue the item to the October 15, 2024, LUSC meeting.

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

Commissioner Alex Fernandez, and Commissioners Tanya K. Bhatt, Joseph Magazine,
and David Suarez
Planning
December 13, 2023 C4 O, C4 S and R9 G and March 5, 2024 LUSC

Motion – By Acclamation: Continue the item to the July 9, 2024, LUSC meeting with direction to draft an ordinance in accordance with the following:

1. City Commission review should occur at the beginning of the approval process.
 2. City Commission approval would apply to non-oceanfront and non-waterfront hotel projects, with option 2 in the LUSC memo used as a framework.
 3. Commission review criteria should include impacts on residential uses.
7. REVIEW AND CONSIDER REPEALING THE 0.5 FAR INCENTIVE FOR HOTEL DEVELOPMENT IN THE CD-2, COMMERCIAL MEDIUM INTENSITY DISTRICT ON

WASHINGTON AVENUE.

Commissioner Alex Fernandez, and Commissioners Tanya K. Bhatt, Joseph Magazine
and David Suarez
Planning
December 13, 2023 C4 N

Motion – TB/DS (3-1): Move the proposal to the City Commission with a recommendation to refer an ordinance amending the Land Development Regulations of the City Code (LDR's) to the Planning Board.

8. REVIEW THE CITY'S CURRENT MAXIMUM DEVELOPMENT CAPACITY FOR WATER, SEWER, ELECTRICAL AND OTHER UTILITIES AND PUBLIC FACILITIES, AND HOW TO BETTER USE UPDATED MODELING AND DATA FOR PROJECTED FUTURE DEMAND TO INFORM CITY'S PLANNING AND LEGISLATIVE EFFORTS RELATING TO DEVELOPMENT.

Mayor Steven Meiner and Commissioner Tanya K. Bhatt
Planning
December 13, 2023 C4 R

Motion – TB/DS (4-0): Conclude the item with a recommendation to support the Public Works Department water capacity studies.

REGULAR ITEMS

9. DISCUSS AUTHORIZING LIMITED DIRECTIONAL SIGNAGE ON LINCOLN ROAD, SUBJECT TO STRICT SIZE AND DESIGN CRITERIA, TO INFORM PEDESTRIANS ON LINCOLN ROAD REGARDING RETAIL AND RESTAURANT BUSINESSES LOCATED ON SIDE STREETS, IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT AND BUSINESS RETENTION IN PARTS OF THE LINCOLN ROAD RETAIL DISTRICT THAT RECEIVE LESS PEDESTRIAN TRAFFIC

Commissioner David Suarez
Planning
May 15, 2024 C4 AL

Motion – By Acclamation: Recommend that the City Commission authorize up to a six (6) month pilot for directional signage on Lincoln Road.

10. 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

Deferred to the July 9, 2024, LUSC meeting with no discussion.

11. COLLINS CANAL HISTORIC DESIGNATION.

Historic Preservation Board
Planning
April 3, 2024 R5 O

Motion – By Acclamation: Recommend that the City Commission adopt the ordinance designating Collins Canal as an Historic Site.

12. DISCUSS AN INITIATIVE TO PILOT A DECIBEL SYSTEM FOR NOISE ENFORCEMENT, INCLUDING THE INSTALLATION OF NOISE METERS, IN THE ENTERTAINMENT DISTRICT.

Commissioner Alex Fernandez
Planning
March 13, 2024 C4 L

Motion – By Acclamation: Recommend that the City Commission fund the proposed pilot program outlined in the Arpeggio proposal from March 2023, including an expansion of the scope of the proposal to include a draft noise ordinance based on decibel levels.

13. 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 and Capital Improvement Projects
March 13, 2024 C4 I

Deferred to the July 9, 2024, LUSC meeting with no discussion.

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

Commissioner Alex Fernandez
Planning
March 13, 2024 C4 M

Deferred to the July 9, 2024, LUSC meeting with no discussion.

15. 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

Deferred to the July 9, 2024, LUSC meeting with no discussion.

16. CONSIDER ADOPTING A BUILDING ENERGY BENCHMARKING ORDINANCE FOR GREENHOUSE GAS EMISSIONS.

Commissioner Laura Dominguez
Environment and Sustainability
February 21, 2024 C4 I

Motion – By Acclamation: Conclude the item and recommend that the City Commission consider a separate referral to the Finance and Economic Resiliency Committee (FERC) regarding overall cost implications.

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

Deferred to the July 9, 2024, LUSC meeting with no discussion.

18. DISCUSS RECOMMENDATIONS FOR A POTENTIAL COMPOSTING PROGRAM.

Mayor Steven Meiner
Environment and Sustainability
February 21, 2024 C4 L

Motion – By Acclamation: Conclude the item with no further action.

19. DISCUSS THE NEW SHORT-TERM RENTAL LAW PASSED IN NEW YORK CITY, KNOWN AS 'LOCAL LAW 18.'

Commissioner Alex Fernandez
City Attorney
September 13, 2023 C4 Q

Motion – By Acclamation: Conclude the item with no further action.

20. AMEND CERTAIN LANDSCAPING REQUIREMENTS IN CHAPTER 126 OF THE CITY CODE RELATING TO PALM TREES, TO PERMIT PALMS TO COUNT TOWARD THE MINIMUM NUMBER OF STREET TREES (Dual Referral to Planning Board).

Mayor Steven Meiner
Planning
February 1, 2023 C4 C

Motion – By Acclamation: Move the proposed ordinance to the Planning Board with a recommendation to modify the palm to canopy tree ratio to two (2) palms for every one (1) required canopy tree.

21. DISCUSSION PERTAINING TO PROPOSED AMENDMENTS TO CHAPTER 46 OF THE CITY CODE PERTAINING TO HERITAGE TREE DESIGNATION.

Mayor Steven Meiner
Environment and Sustainability
December 8, 2021 R5 N

Motion – By Acclamation: Conclude the item with no recommendation.

22. 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

Motion – By Acclamation: Continue the item to the July 9, 2024, LUSC meeting with direction for staff to meet with the project architect and for a draft ordinance to be prepared, subject to the approval of the item sponsor.

23. DISCUSS/CONSIDER THE POTENTIAL REZONING AND RECLASSIFICATION ON THE FUTURE LAND USE MAP OF CANOPY PARK, AT 701 WEST AVENUE, TO REFLECT THE CITY'S OWNERSHIP AND USE OF THE PROPERTY AS A PARK (Dual Referral to Planning Board).

Commissioner Tanya K. Bhatt
Planning
May 15, 2024 C4 AC

Motion – By Acclamation: Transmit a draft ordinance to the Planning Board in accordance with the recommendations set forth in the LUSC memo, including a new future land use designation of Recreation Open Space (ROS).

24. 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

Deferred to the July 9, 2024, LUSC meeting with no discussion.

DEFERRED ITEMS

The following items were deferred to the July 9, 2024, LUSC meeting, with no discussion:

25. DISCUSSION REGARDING FACILITATING POP-UPS FOR LOCAL CULTURAL INSTITUTIONS AND LOCAL START-UPS IN VACANT RETAIL COMMERCIAL SPACES.

Commissioner Alex Fernandez
Tourism and Culture
May 15, 2024 C4 AG

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

Commissioner Alex Fernandez
CIP
May 15, 2024 C4 AK

27. DISCUSS PROPOSED 6TH STREET OVERLAY

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

28. DISCUSS PROPOSED ORDINANCE ESTABLISHING THE CENTURY AND FARREY

LANE OVERLAY ON BELLE ISLE.

Commissioner Alex Fernandez
Planning
October 18, 2023 R5 A

FUTURE ITEMS

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

29. 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

30. 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

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

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

32. DISCUSSION REGARDING I-95/MACARTHUR CAUSEWAY.

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

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

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

34. 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

35. 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

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

Commissioner Alex Fernandez
CIP

May 15, 2024 C4 AN

37. MASSAGE THERAPY CENTERS – NORTH BEACH USE REGUALTIONS.

Commissioner Alex Fernandez
Planning

May 15, 2024 R5 G

38. NORTH BEACH COMPREHENSIVE USE REGUALTIONS.

Commissioner Alex Fernandez
Planning

May 15, 2024 R5 H

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

Commissioner Alex Fernandez
Planning

April 28, 2023 C4 D

The meeting adjourned at 7:57 p.m.