

## **Lincoln Road West Residential Use Incentives – LDR Amendments**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 5, ENTITLED “OFF-STREET PARKING,” ARTICLE II, ENTITLED “VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS,” AT SECTION 5.2.4, ENTITLED “VEHICLE OFF-STREET PARKING REQUIREMENTS,” BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 3, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” BY CREATING SECTION 7.1.10, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES IN APPLICABLE UNDERLYING ZONING DISTRICTS AND PROPERTIES FRONTING LINCOLN ROAD FROM ALTON ROAD TO DREXEL AVENUE; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.12 ENTITLED “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT,” TO REPLACE SECTION 7.2.12.4, ENTITLED “ADDITIONAL REGULATIONS (CD-3)” WITH SECTION 7.2.12.4 ENTITLED “LINCOLN ROAD RESIDENTIAL USE INCENTIVE AREAS (CD-3),” TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES FRONTING LINCOLN ROAD FROM ALTON ROAD TO DREXEL AVENUE AND PROPERTIES LOCATED BETWEEN 17<sup>TH</sup> STREET AND LINCOLN LANE NORTH; BY AMENDING ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” BY AMENDING SECTION 7.5.2. 1 ENTITLED “HEIGHT REGULATION EXCEPTIONS AND ROOFTOP ADDITIONS,” TO ALLOW FOR MULTI-STORY ROOFTOP ADDITIONS FOR PROJECTS THAT QUALIFY FOR THE LINCOLN ROAD RESIDENTIAL USE INCENTIVES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the proliferation of transient uses may exacerbate housing affordability issues by reducing the availability of traditional rental housing options for families and individuals, as well as the city’s workforce; and

**WHEREAS**, creating incentives for non-transient residential uses along the Lincoln Road corridor would enable the implementation of more equitable and comprehensive housing policies that prioritize the well-being and stability of all residents; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

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

**SECTION 1.** Chapter 5, entitled “Off Street Parking,” Article II, entitled “Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements,” is hereby amended as follows:

### **CHAPTER 5 OFF STREET PARKING**

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## ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS

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### 5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS

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#### 5.2.4.3 Parking Tier 3

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 3, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows.

##### Tier 3 a, b and c

a. Off-street parking requirements for Tier 3 areas a, b and c.

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5. Supplemental off-street parking regulations for Tier 3 areas a, b and c

A. Supplemental off-street parking requirements specific to districts

<u>CD-3</u>	<u>Non-Transient residential units built in accordance with Section 7.1.10</u>	<u>No parking requirement</u>
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**SECTION 2.** Chapter 7, entitled “Zoning District Regulations,” Article I, entitled “General to All Zoning Districts,” is hereby amended as follows:

## CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

### ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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#### 7.1.10 RESIDENTIAL USE INCENTIVES

a. Eligible Development. These provisions are hereby adopted as voluntary zoning incentives for non-transient residential development. Where authorized in the underlying zoning district or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, residential developments consisting solely of non-transient residential units and allowable accessory uses shall be eligible for applicable incentives set

forth in such zoning district or overlay district, subject to the property owner's agreement to be bound by the following conditions:

1. Lodging Use Conversion and Prohibition. In order to be eligible for the residential use incentives, the property shall be required to fully vacate any and all existing transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house. Such transient uses shall be prohibited throughout the development and at all times, in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district.
2. Short Term Rental Conversion and Prohibition. In order to be eligible for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to vacate any and all existing approvals for the short-term rental of any apartment units on the property.
3. Nonconforming Entertainment Establishment. In order to be eligible for the voluntary residential use incentives, the property shall be required to fully vacate any and all existing nonconforming entertainment establishments. Such entertainment establishment uses shall be prohibited throughout the development and at all times, in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district
4. Covenant. As a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that throughout the building and at all times, no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house, shall be permitted on the property.
5. Certificate of Appropriateness. If the property is located within a local historic district or site, as a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall be required to retain, preserve and restore all contributing structures on the site, as may be required by the historic preservation board and subject to certificate of appropriateness approval in accordance with chapter 2, article VIII of the land development regulations of the city code.

b. Lincoln Road North between Alton Road and Drexel Avenue. For properties with a lot line on the north side of Lincoln Road, between the east side of Alton Road and the west side of Drexel Avenue, that comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed 3.0, regardless of lot size, subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Multi-story rooftop additions may be permitted subject to the review and approval of the Historic Preservation Board.
3. Portions of new construction including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road and 25 feet from any adjacent side street.

4. No residential unit shall exceed 1,200 square feet in size.
5. A micro-mobility station that is accessible by all residents of the building shall be required within the interior of the first level of structure. The micro mobility station may be accessed from the Lincoln Lane North.
6. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
7. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
8. A maximum building height of up to 100 feet may be permitted, subject to the following:
  - a. Off-street parking shall be prohibited.
  - b. The property shall be part of a micro mobility network that is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property.
9. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.
10. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.
11. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

c. Lincoln Road South between Alton Road and Drexel Avenue. For properties with a lot line on the south side of Lincoln Road, between the east side of Alton Road and the west side of Drexel Avenue, and that comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed 2.75, regardless of lot size, subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Portions of new construction including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road, 20 feet from Lincoln Lane South and 25 feet from any adjacent side street.
3. No residential unit shall exceed 1,200 square feet in size.
4. A micro-mobility station that is accessible by all residents of the building shall be required within the interior of the first level of structure. The micro mobility station may be accessed from the Lincoln Lane South.
5. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.

6. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
7. A maximum building height of up to 75 feet may be permitted, subject to the following:
  - a. Off-street parking shall be prohibited.
  - b. The property shall be part of a micro mobility network which is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property.
8. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.
9. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.
10. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

d. 17<sup>th</sup> Street between Alton Road and Drexel Avenue. For properties located between 17<sup>th</sup> Street and Lincoln Lane North, from the east side of Alton Road to the west side of Drexel Avenue, and that comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed 3.0 for lots less than 45,000 square feet and 3.5 for lots greater than 45,000 square feet, subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. No residential unit shall exceed 1,200 square feet in size.
3. A micro-mobility station shall be required within the interior of the first level of structure and shall be accessible by all residents of the building. The micro-mobility station shall constitute not less than 50% of the first level of the structure.
4. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
5. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
6. A maximum building height of up to 150 feet may be permitted, subject to the following:
  - a. Off-street parking shall be prohibited.
  - b. The micro-mobility station shall constitute not less than 75% of the first level of the structure.
  - c. The property shall be part of a micro mobility network which is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property.
7. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.

8. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.
9. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

e. There shall be no variances from the requirements of this section for eligible developments.

**SECTION 3.** Chapter 7, entitled “Zoning District Regulations,” Article II, entitled “District Regulations,” Section 7.2.12, entitled “CD-3 Commercial, High Intensity District,” is hereby amended as follows:

## CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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### ARTICLE II: DISTRICT REGULATIONS

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#### 7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

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#### 7.2.12.3 Development Regulations (CD-3)

- a. The development regulations for the CD-3 commercial, high intensity district are as follows:
  1. The tower setback shall not be less than the pedestal setback.
  2. Parking lots and garages: If located on the same lot as the main structure the following setbacks shall apply. If primary use the setbacks are listed in section 7.5.3.2.n.

DEVELOPMENT REGULATIONS TABLE (CD-3)	
Maximum FAR	
Lot area equal to or less than 45,000 SF	2.25
Lot area greater than 45,000 SF	2.75
Lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street (MAP EXHIBIT-5)	2.75
Residential <del>and hotel</del> development within the architectural district, <u>regardless of lot size.</u>	2.5 <u>(8)</u>
Maximum Density (Dwelling Units per Acre)	150 DUA (80% bonus for workforce or affordable units)

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BUILDING HEIGHT	
Maximum Height ⑤	75 feet (3)
<del>Lots on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with a minimum lot area of 30,000 square feet, and which contain a contributing building and an attached addition providing a minimum of 100 hotel units, where the addition is set back at least 75 feet from the Lincoln Road property line, and has a street side setback of no less than 25 feet</del>	<del>75 feet (2) (3)</del>
Lots within the architectural district. ( <a href="#">MAP EXHIBIT-6</a> )	50 feet (3)

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1. Rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear and side interior, pedestal setbacks.
2. Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the north and Lincoln Road to the south (MAP EXHIBIT-11), the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 2, article XIII of these Land Development Regulations, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 50 feet in height.
3. An additional 5 feet of height is allowed if the nonresidential first habitable level is at least 14 feet in height, as measured from DFE, to the top of the second floor slab.
4. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.
5. The number of units may not exceed the maximum density set forth in the comprehensive plan.

6. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:
  - Density. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.
  - Minimum Unit Size. This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.
  - Covenant. In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.
7. See section 7.1.5.2 for eligibility for average unit size exception.
8. Hotel development within the architectural district, on properties west of Drexel Avenue, shall have a maximum FAR of 2.5, regardless of lot size.

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#### **7.2.12.4 Additional Regulations (CD-3)**

##### **~~a. Lincoln Road hotel incentives and public benefits program.~~**

~~In order for a hotel on Lincoln Road to be constructed with a minimum unit size of 200 square feet (as applicable to hotels on the north side of Lincoln Road) or a minimum average unit size of 250 square feet (as applicable to hotels on the south side of Lincoln Road), and in order to construct a hotel on Lincoln Road that is taller than 50 feet, the portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to the review and approval of the public works department. Additionally, for a hotel to be eligible for the unit size and height incentives set forth herein, participation in a public benefits program, as further set forth below, shall be required:~~

- ~~1. *Provide ground-floor public benefit space.* On-site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view ("public benefit space"). Any required land use board approvals associated with a public benefit space approved pursuant to this paragraph shall be the responsibility of the non-profit entity or artisan, respectively.~~
- ~~2. *Contribution to Art in Public Places fund.* In addition to providing an on-site public benefit space pursuant to section 7.2.12.4.a.1, a hotel shall provide a contribution to the city's Art in Public Places fund, the amount of which shall be equal to 0.5 percent (0.5%) of the total of all construction costs associated with the proposed hotel project, regardless of the number of permits associated with the project or whether the applicant intends to construct~~



the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.

3. ~~Final approval.~~ Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the city, in a form approved by the city attorney and city manager, which covenant shall, at a minimum, identify the location of the public benefit space, and require a hotel owner and/or operator to maintain the public benefit space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the city commission.
4. ~~Limitation.~~ There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this section 7.2.12.4.a.

**SECTION 4.** Chapter 7, entitled “Zoning District Regulations,” Article V, entitled “Supplementary District Regulations,” Section 7.5.2, entitled “Height Regulation Exceptions,” is hereby amended as follows:

## CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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### ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS

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#### 7.5.2 HEIGHT REGULATIONS EXCEPTIONS (SUPPLEMENTARY DISTRICT REGULATIONS)

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##### 7.5.2.1 Height regulation exceptions and rooftop additions.

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###### d. Rooftop additions.

1. ~~Lincoln Road hotel residential additions.~~ Notwithstanding the foregoing, For properties that front Lincoln Road between Alton Road and Collins Avenue and that comply with the requirements in section 7.1.10.a, and at the discretion of the historic preservation board, a multistory rooftop addition, for hotel non-transient residential uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue and Lenox Avenue, in accordance with the following provisions:
  - A. ~~For properties on the north side of Lincoln Road, a~~ Any multistory rooftop addition shall be set back at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. Additionally, the multistory addition may be cantilevered over a contributing building consistent with the scale and massing of the existing structure.
  - B. ~~For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be set back at least 65 feet from Lincoln Road~~ All contributing buildings shall be retained and restored in accordance with the Secretary of Interior’s Standards for Rehabilitation, as determined by the historic preservation board.
  - C. ~~The portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to~~

- ~~the review and approval of the public works department.~~
- ~~D. Participation in the public benefits program, pursuant to section 7.2.12.4.a, shall be required in order for a hotel project to avail itself of a multistory rooftop addition.~~
- ~~E. There shall be a limit of 500 hotel units for hotel projects including a multistory rooftop addition that are constructed between Pennsylvania Avenue and Lenox Avenue.~~

**SECTION 5. 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 6. 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 7. SEVERABILITY.**

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

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director