

School Use Incentives – LDR Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS," SECTION 2.5.3 ENTITLED "DESIGN REVIEW," SUBSECTION 2.5.3.3, ENTITLED "ADMINISTRATIVE DESIGN REVIEW," TO EXTEND THE PLANNING DIRECTOR'S AUTHORITY TO REVIEW ELIGIBLE EDUCATIONAL FACILITIES; AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XIII, ENTITLED "HISTORIC PRESERVATION," SECTION 2.13.7, ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," SUBSECTION C, ENTITLED "REVIEW PROCEDURE," TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR SCHOOL DEVELOPMENT; AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VII, ENTITLED "COMMISSION WARRANT," SECTION 2.7.1, ENTITLED "REVIEW PROCEDURE," TO ALLOW FAR WARRANT REQUESTS FOR SCHOOL DEVELOPMENT; AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," SECTION 5.2.4, ENTITLED "VEHICLE OFF-STREET PARKING REQUIREMENTS," TO ELIMINATE THE PARKING REQUIREMENT FOR SCHOOL USES IN PARKING TIER 1; AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.12, ENTITLED "SCHOOL USE INCENTIVES," TO ESTABLISH NEW ZONING INCENTIVES (INCLUDING, WITHOUT LIMITATION, FLOOR AREA RATIO) SPECIFIC TO PROPERTIES PROPOSED TO BE DEVELOPED WITH A SCHOOL USE; AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.4, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SUBSECTION 7.2.4.2, ENTITLED "USES (RM-1)," AND BY AMENDING SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SUBSECTION 7.2.5.2, ENTITLED "USES (RM-2)," AND BY AMENDING SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SUBSECTION 7.2.6.2, ENTITLED "USES (RM-3)," AND BY AMENDING SECTION 7.2.10, ENTITLED "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SUBSECTION 7.2.10.2, ENTITLED "USES (CD-1)," AND BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.2, ENTITLED "USES (CD-2)," AND BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SUBSECTION 7.2.12.2, ENTITLED "USES (CD-3)," AND BY AMENDING SECTION 7.2.14, ENTITLED "NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)," AT SUBSECTION 7.2.14.2, ENTITLED "USES (TC-1, TC-2)," AND BY AMENDING SUBSECTION 7.2.14.3, ENTITLED "USES (TC-3)," AND BY AMENDING SUBSECTION 7.2.14.6, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," AND BY AMENDING SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," AT SUBSECTION 7.2.15.2, ENTITLED

“RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS (R-PS),” AND BY AMENDING SUBSECTION 7.2.15.3, ENTITLED “COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS),” AND BY AMENDING SECTION 7.2.18, ENTITLED “SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT,” AT SUBSECTION 7.2.18.2, ENTITLED “USES (SPE),” TO REFERENCE THE SCHOOL USE INCENTIVES ESTABLISHED UNDER SECTION 7.1.12 AND CONFORM THE REGULATIONS FOR EACH RESPECTIVE ZONING DISTRICT TO REFLECT THE INCENTIVES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, schools and educational facilities are currently permitted as conditional uses in all multi-family and commercial zoning districts within the City; and

WHEREAS, in response to recommendations from the Land Use and Sustainability Committee (LUSC), land use incentives aimed at encouraging and facilitating the development of educational facilities have been developed; and

WHEREAS, the proposed ordinance streamlines the approval process for new educational facilities by allowing staff-level review for projects up to specified thresholds for floor area and height, while preserving review authority for larger developments through the Historic Preservation Board or Design Review Board as applicable; and

WHEREAS, the proposed ordinance provides eligible educational facilities with the opportunity to request a Commission Warrant for modest increases in floor area, reductions in setbacks and open space requirements, and exemption from minimum off-street parking standards, thus increasing flexibility and reducing barriers to educational development; and

WHEREAS, the City Commission finds that these land use incentives will promote access to educational opportunities, improve the efficiency of the development process, and align with the City’s planning and sustainability goals.

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

SECTION 1. Chapter 2, entitled “Administration and Review Procedures,” Article V, entitled “Rezoning and Development Approvals,” Section 2.5.3, entitled “Design Review,” is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE V. Rezoning and Development Approvals

* * *

2.5.3 Design Review

* * *

2.5.3.3 Administrative design review

* * *

- a. The planning director shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:

* * *

12. New construction of eligible educational facilities pursuant to section 7.2.12 that do not exceed 25,000 square feet of floor area and do not exceed 50'-0" in height.

SECTION 2. Chapter 2, entitled "Administration and Review Procedures," Article XIII, entitled "Historic Preservation," Section 2.13.7, entitled "Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition," is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE XIII. Historic Preservation

* * *

2.13.7 Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition

* * *

(c) Review procedure

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4. Notwithstanding subsections 2.13.7(c)(1) through (3) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this paragraph, the application requirement of certificate of appropriateness review shall be satisfied by the submission of a corresponding building permit application, or such other permit application form required by the planning department. Such minor repairs, alterations and improvements include the following:

* * *

- G. New construction of eligible educational facilities pursuant to section 7.2.12 that does not exceed 25,000 square feet of floor area and does not exceed 50'-0" in height.

SECTION 3. Chapter 2, entitled "Administration and Review Procedures," Article VII, entitled "Commission Warrant," is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

ARTICLE VII. Commission Warrant

2.7.1 Procedures.

The city commission may grant a warrant from the application of these land development regulations to a specific development project, where the warrant improves the design of the project but does not (i) increase its floor area ratio or density from that allowed by these land development regulations, except as provided for in Section 2.7.1(c); (ii) allow a use not otherwise allowed by these land development regulations; or (iii) modify by more than 25 percent the building bulk requirements of the land development regulations, except as provided for in Section 2.7.1(c).

c. Eligible educational facilities pursuant to section 7.1.12 may request a commission warrant in accordance with 2.7.1(a) and (b), for the following:

1. To exceed the maximum allowable FAR within the underlying zoning district or overlay district by up to 10 percent, not to exceed a total of 5,000 additional square feet.

2. To reduce the required setbacks, open space and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.

SECTION 3. 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

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

5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS

5.2.4.1 Parking Tier 1

a. Off-street parking requirements for parking tier 1

EDUCATIONAL	
College	One space per every five seats in the main auditorium or one space per every three seats per classroom, whichever is greater. <u>None</u>

<i>High school</i>	One space per every 12 seats in the main auditorium or one space per every six seats in a classroom, whichever is greater. <u>None</u>
<i>Junior high, elementary, nursery school, pre-school or daycare</i>	One space per 15 seats in main assembly room, plus one space per classroom. <u>None</u>

SECTION 4. Chapter 7, entitled “Zoning Districts and Regulations,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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7.1.12 SCHOOL USE INCENTIVES

Where authorized in the underlying zoning district or overlay district, the following incentives shall be applicable to school developments, including colleges, elementary schools, high schools, kindergarten schools, middle schools, pre-schools, or universities, that are public schools or are designated by the Internal Revenue Service as tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code.

- a. Eligible educational facilities shall have no minimum off-street parking requirement. Such facilities may, however, provide off-street parking without such parking counting as allowable floor area.
- b. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to exceed the maximum allowable FAR within the underlying zoning district or overlay district by up to 10 percent, not to exceed a total of 5,000 additional square feet.
- c. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to reduce the required setbacks, open space, and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.
- d. Eligible educational facilities located within commercial and high intensity zoning districts shall not require a conditional use permit.
- e. The following shall apply to eligible educational facilities that do not exceed 25,000 square feet of floor area or the maximum allowable floor area within the underlying zoning or overlay district, whichever is less, and do not exceed 50'-0" in height or the maximum allowable height within the underlying zoning or overlay district, whichever is less:
 1. For properties not located within a local historic district, mandatory Design Review Board approval for the design of eligible educational facilities shall not be required.

2. For properties located within a local historic district, mandatory Historic Preservation Board approval for the design of eligible educational facilities shall not be required. This provision shall not apply to any proposed demolition associated with the development of an eligible educational facility.

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.4 RM-1 RESIDENTIAL MULTIFAMILY, LOW INTENSITY

* * *

7.2.4.2 Uses (RM-1)

* * *

b. Supplemental Conditional Uses Regulations (RM-1)

* * *

4. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.5 RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

* * *

7.2.5.2 Uses (RM-2)

* * *

b. Supplemental Conditional Uses Regulations (RM-2)

* * *

6. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

7.2.6.2 Uses (RM-3)

EDUCATIONAL	
Day Care Facility	C
Schools	C P*
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted uses Regulations (RM-3)

* * *

2. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.10 CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

* * *

7.2.10.2 Uses (CD-1)

EDUCATIONAL	
Schools	C <u>P</u> *
Day Care Facility	C
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted Uses Regulations (CD-1)

* * *

4. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.2 Uses (CD-2)

EDUCATIONAL	
Schools	C <u>P</u> *
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted uses Regulations (CD-2)

* * *

5. Qualifying educational facilities shall be eligible for the School Use Incentives as identified

in section 7.2.12 of these land development regulations.

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

EDUCATIONAL	
Schools	C <u>P</u> *
Major Cultural Dormitory Facilities	C*
Family Day Care	A*

* * *

a. Supplemental Main Permitted Uses Regulations (CD-3)

* * *

7. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.14 NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)

* * *

7.2.14.2 Uses (TC-1, TC-2)

EDUCATIONAL	
Schools	C <u>P</u> *
Major Cultural Dormitory Facilities	C*

* * *

a. Supplemental Main Permitted Uses Regulations (TC-1, TC-2)

* * *

5. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.14.3 Uses (TC-3)

<u>EDUCATIONAL</u>	
Day Care Facility	C
Schools	C <u>P</u> *

* * *

a. Supplemental main permitted uses Regulations (TC-3)

~~None~~ 1. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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7.2.14.6 Town Center-Central Core (TC-C) District

* * *

b. Uses (TC-C)

1. The main permitted, accessory, conditional and prohibited uses are as follows:

<u>EDUCATIONAL</u>	
Day Care Facility	C
Schools	C <u>P</u> *

* * *

2. Supplemental Use Regulations (TC-C)

A. The following supplemental regulations shall apply to specific uses in the TC-C district:

* * *

X. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.15 Performance Standard District (PS)

* * *

7.2.15.2 Residential Performance Standards Districts (R-PS)

* * *

b. Uses (R-PS)

Uses permitted by right, uses permitted by conditional use permit and uses not permitted.

* * *

EDUCATIONAL	
<u>Schools</u>	<u>C</u>

c. Supplemental Use Regulations (R-PS)

* * *

10. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.15.3 Commercial Performance Standards Districts (C-PS)

* * *

b. Uses (C-PS)

Uses permitted by right, uses permitted by conditional use permit and uses not permitted.

* * *

EDUCATIONAL	
<u>Schools</u>	<u>C P*</u>

c. Supplemental Use Regulations (R-PS)

* * *

10. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.18 SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT

* * *

7.2.18.2 Uses (SPE)

* * *

a. Supplemental Main Permitted Use Regulations (SPE)

* * *

2. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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 _____, 2025.

ATTEST:

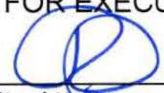
Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: May 21, 2025
Second Reading: July 23, 2025

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION


City Attorney NK Date 5/18/2025

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