

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 2:30 p.m. First Reading Public Hearing

TITLE: SCHOOL USE INCENTIVES – COMPREHENSIVE PLAN AMENDMENT  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE “RESILIENT LAND USE & DEVELOPMENT ELEMENT,” GOAL RLU 1, ENTITLED “LAND USE,” OBJECTIVE RLU 1.1, ENTITLED “ESTABLISHMENT OF FUTURE LAND USE CATEGORIES,” AT TABLE RLU 1.1 TO PROVIDE FLOOR AREA RATIO (F.A.R.) INCENTIVES THROUGH THE CITY COMMISSION WARRANT REVIEW PROCESS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.

### **BACKGROUND/HISTORY**

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to incentives for school and educational facilities (C4 F) to the Land Use and Sustainability Committee (LUSC). On May 1, 2024, the item was deferred to the June 10, 2024, LUSC meeting, with no discussion. On June 10, 2024, the item was deferred to the July 9, 2024, LUSC meeting, with no discussion. On July 9, 2024, the item was deferred to a future LUSC meeting date, with no discussion.

On October 14, 2024, the LUSC discussed and continued the item to the November 25, 2024 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. Additionally, Commissioner David Suarez became a co-sponsor of the proposal.

On November 25, 2024, the item was deferred to the January 16, 2025, LUSC meeting, with no discussion. On January 16, 2025, the LUSC recommended that the City Commission refer an amendment to the Land Development Regulation of the City Code (LDRs) to the Planning Board, in accordance with the recommendations in the LUSC memorandum.

On March 19, 2025, at the request of Commissioners Alex Fernandez and David Suarez, the City Commission referred the attached ordinance to the Planning Board (C4 G).

### **ANALYSIS**

Currently, schools and education uses are permitted as a conditional use in all multi-family and commercial districts within the city. In response to the recommendation of the LUSC, amendments

to the Land Development Regulations of the City Code (LDRs) and the Comprehensive Plan are proposed, which create tangible land use incentives for educational uses. The following is a general summary of the proposed incentives:

1. New construction of eligible educational facilities would be subject to staff level review up to the following maximum thresholds for intensity and height:
  - a. New construction may not exceed 25,000 square feet of new floor area or the maximum allowable floor area within the underlying zoning or overlay district, whichever is less.
  - b. The maximum building height may not exceed 50'-0" in height or the maximum allowable height within the underlying zoning or overlay district, whichever is less.

Any facility exceeding this threshold would require Historic Preservation Board (HPB) or Design Review Board (DRB) approval, as applicable.

NOTE: A certificate of appropriateness from the HPB will still be required for the demolition of any building located within a local historic district.

2. Eligible educational facilities may request a Commission Warrant for an increase in allowable intensity (FAR) by up to 10 percent, not to exceed a total of 5,000 additional square feet.

NOTE: This threshold is consistent with the exemption's standard in the FAR increase process requirements set forth in Section 7.1.10 of the LDRs.

3. Eligible educational facilities may request a Commission Warrant for up to a 50% reduction in minimum setbacks, open space, and lot coverage.
4. In commercial and high intensity zoning districts, conditional use approval would not be required for eligible educational facilities that do not exceed 50,000 square feet.
5. Eligible education facilities will have no minimum off-street parking requirement. This would not prohibit schools from providing off-street parking, if so desired.

The proposed ordinances introduce targeted land use incentives to support the development of educational facilities by streamlining approvals, increasing flexibility, and reducing regulatory barriers. They are designed to encourage investment in education and facilitate the timely development of schools in appropriate urban locations, while preserving essential oversight and compatibility with surrounding neighborhoods.

### **COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS**

The proposal requires an amendment to the Comprehensive Plan for the incentives that include an increase in intensity. In this regard, the following text is proposed as part of Table RLU 1.1:

*NOTE: Pursuant to the warrant procedures set forth in the Land Development Regulations, the City Commission may increase the maximum intensity in all of the districts above by up to 10%, not to exceed a total of 5,000 additional square feet.*

Under Section 163.3184(2), Florida Statutes, the attached amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

### **PLANNING BOARD REVIEW**

On May 6, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Planning Board also recommended that the warrant incentives for increased intensity proposed in the Comprehensive Plan amendment be limited to educational facilities.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(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**

Not Applicable

### **CONCLUSION**

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.

### **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)**

Commissioner Alex Fernandez

### **Co-sponsor(s)**

Commissioner David Suarez

### **Condensed Title**

2:30 p.m. 1st Rdg PH, School Use Incentives-Comprehensive Plan Amendment. (AF/DS) PL

**Previous Action (For City Clerk Use Only)**