

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: June 26, 2024 First Reading

TITLE: RESIDENTIAL USE INCENTIVES – LDR AMENDMENT  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” TO ESTABLISH SECTION 7.1.10, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO CREATE REQUIREMENTS FOR DEVELOPMENTS ELIGIBLE FOR RESIDENTIAL USE INCENTIVES; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” AT SECTION 7.2.5, ENTITLED “RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY,” TO ESTABLISH SUBSECTION 7.2.5.5 ENTITLED “MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2),” TO PROVIDE FLOOR AREA RATIO (FAR) AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-2 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.6, ENTITLED “RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY,” TO ESTABLISH SUBSECTION 7.2.6.4, ENTITLED “MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-3)” TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-3 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.15, ENTITLED “PERFORMANCE STANDARD DISTRICT (PS),” SUBSECTION 7.2.15.2, ENTITLED “RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS,” TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED R-PS4; BY AMENDING ARTICLE III, “OVERLAY DISTRICTS,” SECTION 7.3.3, ENTITLED “WEST AVENUE BAYFRONT OVERLAY,” AT SUBSECTION 7.3.3.4, ENTITLED “LEGAL NONCONFORMING AND OTHER TRANSIENT USES (WEST AVENUE BAYFRONT OVERLAY),” TO PROVIDE FAR, HEIGHT AND USE INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-1 AND RM-2 THAT ARE LOCATED WITHIN THE WEST AVENUE BAY FRONT OVERLAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

## **BACKGROUND/HISTORY**

On July 26, 2023, at the request of Commissioner Laura Dominguez, the Mayor and City Commission referred a discussion item (Item C4 E), pertaining to incentives for residential development and the conversion of transient uses to long term residential uses, to the Land Use and Sustainability Committee (LUSC). On September 27, 2023, the LUSC discussed the item and continued it to the October 11, 2023 LUSC meeting. On October 11, 2023, the LUSC recommended that the City Commission refer an ordinance amending the Land Development Regulations of the City Code (LDRs) to the Planning Board, based on the criteria discussed at the October 11, 2023 LUSC meeting.

On October 18, 2023, the City Commission referred the proposed ordinance, as well as a companion amendment to the comprehensive plan, to the Planning Board (Item C4 J). On January 30, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (4-1) and subject to the following additional recommendations:

1. Describe how the City determined the affected districts and areas for the proposed incentives.
2. Detail if the proposed incentives are sufficient to achieve the ordinance's intended goals.
3. Mandate that a significant portion of developments utilizing the incentives be dedicated to workforce or affordable housing.
4. Analyze the impacts of the proposed increases in FAR on surrounding areas.
5. Remove the proposed accessory use incentives from the RM-2 in the West Avenue Overlay.
6. Reach out to existing hotels and transient uses to determine what incentives would encourage them to forgo these uses.

On January 31, 2024, the City Commission adopted Ordinance No. 2024-4582, which established a process for LDR amendments that increase floor area ratio (FAR). Since the proposed ordinance includes an increase in FAR, it was determined that it must go back to the Planning Board for a new review pursuant to the requirements of Ordinance No. 2024-4582.

## **BACKGROUND**

Transient uses, which include hotel, suite hotel, apartment hotel, hostel, and the short-term rental of apartment units, are generally permitted in most commercial zoning districts, as well as in the RM-2, RM-3, R-PS3 and R-PS4 districts. In the West Avenue and Palm View areas of the city, hotel uses are prohibited in the RM-2 and RM-3 districts, but the short-term rental of apartment units is allowed.

The LUSC discussed and considered potential zoning incentives for developing new residential apartment uses and converting existing transient uses to residential apartments, including the following:

1. An increase in maximum allowable floor area ratio (FAR).
2. An increase in maximum allowable building height.
3. Modifications to minimum parking requirements.
4. Expansion of allowable accessory uses in medium intensity residential districts.

On October 11, 2023, the LUSC recommended that an ordinance amending the LDRs be referred to the Planning Board, based on incentives for residential development in the following areas of the City:

1. The conversion of existing transient uses in the West Avenue overlay, which established a hotel prohibition in 2013.
2. The conversion to or development of residential (non-transient) uses on Collins Avenue from 47<sup>th</sup> Street to 63<sup>rd</sup> Street (RM-3 zoning), which consists primarily of residential uses. Additionally, the area up to 71<sup>st</sup> Street should be explored.
3. The conversion to or development of residential (non-transient) uses in the R-PS4 areas on Ocean Drive from First to Fifth Streets.

## **ANALYSIS**

The City of Miami Beach has experienced a drop in permanent residential population over the last decade. The 2010 US Census indicated that the City had a population of 87,779 while the 2020 Census indicated that the City had a population of 82,890, representing a loss of 4,889 residents. Furthermore, the July 2022 Census American Community Survey estimates that the City has a population of 80,017, reflecting a further loss of 2,873 residents in two years.

The loss may be due to residential homes being used as second or third homes for individuals, their use as a short-term rental, or a conversion to another type of transient use. The conversion of permanent residences to short-term rentals or other type of transient use, such as a hotel or apartment-hotel, has had negative impacts on the quality of life of residents in some areas of the city. Transient uses impact traffic congestion due to a reduced residential supply and an increase in employees commuting longer distances to employment centers within the City. Additionally, guests at short-term rentals and hotels can create nuisances for permanent residents, as they may be partaking in activities that prevent the quiet enjoyment of residences.

Section 509.032, Florida Statutes provides that “*A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011*”. As a result of this statute, the City cannot prohibit the short-term rental of residential units in areas where they were not prohibited prior to June 1, 2011. Consequently, the City has been seeking to create incentives to encourage property owners to voluntarily prohibit transient uses on their properties and in turn provide housing for permanent residents.

The attached ordinance provides floor area ratio (FAR) and height incentives in three areas (see attached map) of the City to encourage property owners to voluntarily provide permanent residential uses instead of temporary lodging or other transient uses, including short-term rentals. The ordinance does not impact the maximum allowable residential density; as such it is likely that the additional FAR would be utilized to provide for larger residential units, additional amenities, or permitted accessory uses.

## **INCENTIVE REQUIREMENTS**

The proposed ordinance creates uniform regulations that applicants must follow in order to utilize the incentives. The uniform requirements are created in section 7.1.10 of the Resiliency Code and entail the following to ensure that a site contains no transient uses:

- a. ***Eligible 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 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 in perpetuity 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. **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 in perpetuity 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.***
4. **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. There shall be no variances from the requirements of this section for eligible developments.

## INCENTIVE AREAS

### Mid Beach RM-2/RM-3 Area

The proposed ordinance establishes a "Mid Beach Residential Incentive Area" within the RM-2 and RM-3 districts. The incentive areas cover the RM-2 and RM-3 properties that front Collins Avenue between 47<sup>th</sup> Street on the south and 63<sup>rd</sup> Street on the north. Portions of this incentive area would fall within the Morris Lapidus/Mid-20<sup>th</sup> Century Historic District, North Beach Resort Historic District, and The Bath Club Historic Site.

For the RM-2 district, the following incentives are provided:

DEVELOPMENT REGULATIONS TABLE:	
Maximum FAR	2.3
BUILDING HEIGHT (Feet)	
Maximum Height	75'
Historic District	65'
For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses	80'

For reference, the current maximum FAR in the RM-2 district is 2.0, and the maximum height

limits are:

- 60 feet outside of an historic district.
- 50 feet within an historic district.
- 65 feet for properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses.

The FAR incentive represents an increase of 15 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 16,168 square feet of floor area (see attached Data Tables). This scenario is not likely given the number of existing non-conforming properties that exceed the incentive FAR. The height increase would generally allow for one additional floor.

For the RM-3 district, the following incentives are provided:

<i>DEVELOPMENT REGULATIONS TABLE:</i>	
<i>Maximum FAR</i>	
<i>Lot area equal to or less than 45,000 square feet</i>	<i>2.6</i>
<i>Lot area greater than 45,000 square feet</i>	<i>3.2</i>
<i>Oceanfront lots with lot area greater than 45,000 square feet</i>	<i>3.5</i>
<i>BUILDING HEIGHT (feet)</i>	
<i>Maximum Height for Non-Oceanfront Lots</i>	<i>170'</i>
<i>Oceanfront Lots</i>	<i>220'</i>
<i>Ground floor additions (whether attached or detached) to existing structures on oceanfront lots</i>	<i>60'</i>

For reference, the current maximum FAR limits in the RM-3 district are:

- 2.25 for lot area equal to or less than 45,000 square feet.
- 2.75 for lot area greater than 45,000 square feet.
- 3.0 for oceanfront lots with lot area greater than 45,000 square feet.

The maximum height limits in the RM-3 district are:

- 150 feet for non-oceanfront lots.
- 200 feet for oceanfront lots.
- 50 feet for ground floor additions to existing structures on oceanfront lots.

The FAR incentive represents an increase of 16 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 147,630 square feet of floor area (see attached Data Tables). The height increase would generally allow for one or two additional floors.

### **South Beach R-PS4 District**

The proposed ordinance establishes incentives for properties with R-PS4 zoning; these parcels are generally located along Ocean Drive between 5<sup>th</sup> Street and South Pointe Park and portions of this area are in the Ocean Beach Historic District. Recently, the City Commission adopted ordinance 2023-4555, which created incentives for existing hotels that exceed the current maximum FAR of 2.0 to convert to permanent residential by permitting qualifying properties to utilize a maximum FAR of up to 2.75. However, this ordinance is very limited in application.

The proposed ordinance applies to all properties in the R-PS4 district to incentivize the removal of short-term rentals and hotels. The incentive in the proposed ordinance allows for an increase in FAR from the current maximum of 2.0 to a maximum of 2.25. The ordinance also provides for a height limit to increase to 115 feet from the current maximum of 100 feet.

The FAR incentive represents an increase of approximately 13 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 38,511 square feet of floor area (see attached Data Tables). The height increase would generally allow for one additional floor.

### **West Avenue Bayfront Overlay**

The proposed ordinance provides incentives for existing legally nonconforming hotels, apartment hotels, suite hotels, and hostels within the RM-1 and RM-2 districts that are located within the West Avenue Bayfront Overlay to convert to residential uses. This contrasts with the incentives for the other areas that apply to all properties within the affected area. The primary reason for the difference is that many transient uses were already prohibited in the area. A windshield survey of the area indicates that there are currently approximately six such establishments.

In the RM-1 district, the proposed incentive allows for an increase in the maximum FAR from 1.25 to 1.6. The maximum building height limit would increase from 50 feet to 65 feet, allowing for approximately one additional floor for eligible properties.

The RM-1 FAR incentive represents an increase of approximately 28%. If all affected parcels were to utilize the incentives in the RM-1 district, there would be a potential increase of 12,272 square feet of floor area (see attached Data Tables).

In the RM-2 district, the proposed incentive allows for an increase in the maximum FAR from 2.0 to 2.5. The maximum building height would increase as follows:

- 75 feet from the current 60 feet for non-oceanfront lots.
- 125 feet from the current 100 feet for lots fronting Biscayne Bay that are less than 45,000 square feet.
- 165 feet from the current 140 feet for lots fronting Biscayne Bay that are over 45,000 square feet.

The above noted height increases would result in approximately one to two additional floors for eligible properties:

The RM-2 FAR incentive represents an increase of approximately 25%. If all affected parcels were to utilize the incentives in the RM-2 district, there would be a potential increase of 12,581 square feet of floor area (see attached Data Tables).

The combined FAR incentive for the RM-1 and RM-2 districts would represent an increase of 24,861 square feet, if all properties were to take advantage of the incentives.

### **COMPREHENSIVE PLAN AMENDMENT**

The proposed LDR amendments require a separate, companion amendment to the Comprehensive Plan to authorize the FAR increases within the RM-1, RM-2, RM-3, and R-PS4 future land use categories. The Comprehensive Plan amendment also provides that the incentives are only available by voluntarily agreeing to the requirements of the Residential Use Incentives through a new policy 1.2.8. This Comprehensive Plan amendment is scheduled for the same meeting as the LDR amendment.

### **FAR INCREASE PROCESS**

Per section 7.1.10 of the LDRs, amendments that increase the allowable floor area and FAR must undergo the following review process:

- Step 1 – Planning Board Preliminary Review
- Step 2 – Community Outreach Meeting
- Step 3 – Planning Board Transmittal
- Step 4 – City Commission First Reading Public Hearing
- Step 5 – Community Workshop
- Step 6 – City Commission Second Reading/Adoption Public Hearing

### **INFRASTRUCTURE IMPACTS**

Per section 7.1.10.3 of the LDRs, prior to the Planning Board Preliminary Review, the Administration will perform an impact analysis of the proposed FAR increase, and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/ mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

To this end, the proposed FAR increases are modest and intended to incentivize the replacement of or prevent transient uses within various parts of the City. The proposed amendment does not modify the maximum density limits for each of the affected areas; therefore, the proposal technically does not allow for additional units from what could be built today. However, the increase in FAR does make it possible for sites that could previously not achieve their maximum density due to the requirements for minimum and average unit sizes to achieve the maximum density.

Given that this amendment is not being proposed because of specific development proposals, it is difficult to predict the exact impacts of the FAR increase. For the purposes of this analysis, the difference in the maximum number of units that could be achieved for the affected area was compared to the maximum number of units that can be achieved if the proposed amendment is adopted. The impacts to infrastructure due to the potential increase was then quantified with the assumption that there are 2.5 people per residential unit. The Concurrency Analysis for each of the affected areas is summarized hereto:

#### **Mid Beach RM-2/RM-3 Area**

- Potential increase of 174 residential units.
- Potential population increase of 435 people.
- Potential increase of 115 peak hour vehicle trips.
- Potential increase of 67,874 gallons of potable water consumption per day.
- Potential increase of 60,912 gallons of sanitary sewer transmission per day.
- Potential increase of 555 tons of solid waste collection per year.

#### **South Beach R-PS4 District**

- Potential increase of 34 residential units.
- Potential population increase of 84 people.
- Potential increase of 26 vehicle trips.
- Potential increase of 13,125 gallons of potable water consumption per day.

- Potential increase of 11,779 gallons of sanitary sewer transmission per day.
- Potential increase of 107 tons of solid waste collection per year.

#### **West Avenue Bayfront Overlay**

- Potential increase of 155 residential units.
- Potential reduction in 165 transient units.
- Potential population increase of 306 people.
- Potential increase of 0 peak hour vehicle trips.
- Potential increase of 48,195 gallons of potable water consumption per day.
- Potential increase of 42,808 gallons of sanitary sewer transmission per day.
- Potential increase of 390 tons of solid waste collection per year.

#### **Summary of Impacts**

- Potential increase of 363 residential units.
- Potential population increase of 825 people.
- Potential increase of 141 peak hour vehicle trips.
- Potential increase of 129,194 gallons of potable water consumption per day.
- Potential increase of 115,499 gallons of sanitary sewer transmission per day.
- Potential increase of 1,052 tons of solid waste collection per year.

The traffic impacts are expected to be de minimis, as the incentives would result in units for permanent residents. The incentives could, potentially assist in reducing traffic by providing housing for the City's workforce.

With regard to parks levels of service, there is a deficiency in basketball courts and tennis/pickleball courts. As a result of these deficiencies, each development will be required to pay a proportionate fair-share mitigation fee to assist the City in providing these facilities, if they are not built prior. Alternatively, a developer could provide the necessary facilities.

With regards to potable water consumption, on January 20, 2022, the City Commission adopted the City of Miami Beach 10-year Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan. This plan was created in coordination with the South Florida Water Management District and Miami-Dade County Water and Sewer Department. The plan projects that water will be available for projected population increases. The population increases projected in the plan and water demand projections are as follows:

**Table 3: Population Projections**

	<b>2015</b>	<b>2016</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>
<b>Total</b>	92,472	93,490	97,563	102,654	107,745	112,836	117,927

*Source: 2015 TAZ Population Projections Update, County draft 2020 WSP*

**Table 4: City Water Demand Projections**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
<b>Projected Population – Total residential + transient</b>	196,486	211,913	224,180	236,636	249,294	262,172
<b>Populations Equivalents Served</b>	158,885	171,760	181,474	191,377	201,483	211,809
<b>Water Demand (MGD) - Total (Annual Average Demand)</b>	24.7	26.7	28.2	29.8	31.4	33.0

*Source: CMB 2019 Water Master Plan*



Per the most recent US Census, the City's population is below the projections utilized for the water supply plan. Therefore, it can be estimated that there is sufficient water supply to accommodate the potential increase in residents that may result from the proposed amendment.

Regarding the impacts to potable water and sanitary sewer transmission infrastructure, it is likely that upgrades will be needed to for future development projects. The specific upgrades are determined on a case-by-case basis as new developments are proposed due to the level of development details needed to make these determinations. The Public Works Department is currently evaluating the capacity and future needs of water and sewer systems throughout the entire city.

Regarding solid waste collection, as the proposal would result in new multifamily developments, the solid waste collection would be handled by private providers. It would be the responsibility of each development to coordinate with the private provider and to ensure that the project's needs are met.

### **PLANNING BOARD REVIEW**

On March 26, 2024, the Board held a preliminary review of the proposed ordinance and continued the item to the May 28, 2024 meeting. Following this preliminary review meeting City staff held a public meeting on May 8, 2024 via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: <https://youtu.be/5VXsHLEqd3w>.

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). By separate motion (6-0) the Planning Board also recommended the following:

1. The City Commission consider extending the proposed incentives to other applicable areas of the City.
2. The City Commission continue to explore and develop additional incentives for non-transient residential uses.

### **SUMMARY**

The proposed amendments to the LDRs and comprehensive plan contain incentives that could reduce the number of transient uses and facilitate permanent residents to move into the City. This could also reduce nuisances to existing residents related to excessive tourism in predominantly residential areas, resulting in an improved quality of life by reducing traffic impacts by incentivizing long term residential uses. For these reasons, the Administration is supportive of the proposed LDR amendments, and the companion amendments to the Comprehensive Plan.

If the subject ordinance is approved at First Reading, the Administration will schedule a second public workshop, prior to Second Reading of the ordinance. Like the public meeting held prior to Planning Board transmittal of the ordinance, this meeting will be held via Zoom, and will include affected stakeholders to solicit additional input and feedback.

### **APPLICATION FEE WAIVER**

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **BUSINESS IMPACT ESTIMATE**

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. A Business Impact Estimate is not required for the subject ordinance as it implements an amendment to the Land Development Regulations.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

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### **CONCLUSION**

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **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 Laura Dominguez

**Co-sponsor(s)**

Commissioner David Suarez