

**Housing Impact Statement Requirement for Development Applications – LDR
Amendment**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “MIAMI BEACH RESILIENCY CODE,” BY AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II, ENTITLED “DEFINITIONS,” SECTION 1.2.2, ENTITLED “USE DEFINITIONS,” AT SUBSECTION 1.2.2.1, ENTITLED “RESIDENTIAL,” BY CREATING A DEFINITION FOR HOUSING IMPACT STATEMENT; AND BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS, “ BY ESTABLISHING PLANNING BOARD AND DESIGN REVIEW BOARD APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT, BY AMENDING ARTICLE VIII, ENTITLED “VARIANCES,” BY CESTABLISHING BOARD OF ADJUSTMENT APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT, AND BY AMENDING ARTICLE XIII, ENTITLED HISTORIC PRESERVATION,” BY ESTABLISHING HISTORIC PRESERVATION BOARD APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Regulations of the City Code to create a definition for Housing Impact Statement; and

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the City Code pertaining to application requirements and review criteria for land use board applications; and

WHEREAS, a housing impact statement is necessary to analyze the impacts of improvements and modifications to existing residential housing in the city; and

WHEREAS, the review of a housing impact statement is an important component of the development review process; and

WHEREAS, a requirement for a housing impact statement as part of the review of applicable projects by the City’s land use boards promotes the general health, safety and welfare of the residents of the city; 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 1 of the Miami Beach Resiliency Code, entitled “General Provisions,” Article II, entitled “Definitions,” is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

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ARTICLE II. DEFINITIONS

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SECTION 1.2.2. USE DEFINITIONS

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1.2.2.1 Residential

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Housing impact statement shall be defined as a written analysis provided by an applicant seeking approval from a city land use board, which outlines how a development project will impact existing and proposed residential units within the property that is the subject of the application and how such impacts will be mitigated. At a minimum, this document shall contain the following:

- a. A detailed analysis of the impact of the proposed development comparing current housing availability on the affected property before execution of the development with future housing availability after the development is completed.
- b. A full disclosure as to whether any residents currently or within the past year occupied the property, specifying how many of those households were affordable, Section 8, or workforce housing units.
- c. Identify any voluntary mitigation measures offered by the developer to assist affected residents with relocation or identifying alternate housing.

SECTION 2. Chapter 2 of the Miami Beach Resiliency Code, entitled “Administration and Review Procedures,” Article II, entitled “General Development Application and Hearing Procedures,” is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES**

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ARTICLE V – Rezoning and Development Approvals

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2.5.2 Conditional Use

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2.5.2.2 Standards for approval

A conditional use may be approved if planning board finds that it meets the following general and supplemental standards for approval:

- a. General standards. The following general standards shall be met by all conditional uses.
 1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.
 2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.
 3. Structures and uses associated with the request shall be consistent with these land development regulations.
 4. The public health, safety, morals, and general welfare shall not be adversely affected.
 5. Adequate off-street parking facilities will be provided.
 6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.
 7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.
 8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
 9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.
 10. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for planning board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a conditional use application.

2.5.2.3 Application and review

Applications for conditional uses shall follow the applicable procedures set forth in article II. Each application shall be accompanied by a site plan meeting the requirements of subsection 2.2.3.3, and such other information as may be required for a determination of the nature of the proposed use and its effect on the comprehensive plan, the neighborhood and surrounding properties. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

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2.5.3 Design Review

2.5.3.1 Design review criteria

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
- r. In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- t. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for design review board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of an application for design review.

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2.5.3.4 Application for design review

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- c. In addition to the application requirements of article II, the application shall include such information and attached exhibits as the board and the planning director determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:
 - a. Written description of proposed action with details of application request.
 - b. Survey (original signed and sealed) dated less than six months old at the time of application (lot area shall be provided by surveyor), identifying grade (if not sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate.
 - c. All applicable zoning information.
 - d. Complete site plan.
 - e. Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
 - f. Preliminary plans showing new construction in cases of demolition.
 - g. All available data and historic documentation regarding the building, site or features, if required.
 - h. For a commercial and mixed-use projects over 5,000 new gross square feet and multi-family projects with more than four new units or 15,000 new gross square feet, and those applications that propose an increase in floor area to such commercial, mixed use and multi-family projects, the application shall include a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed

and registered in the State of Florida. The analysis and plan shall at a minimum provide the following:

- i. Details on the impact of projected traffic on the adjacent corridors, intersections, and areas to be determined by the city.
 - ii. Strategies to mitigate the impact of the proposed development on the adjacent transportation network, to the maximum extent feasible, in a manner consistent with the adopted transportation master plan and adopted mode share goals.
 - iii. Whenever possible, driveways shall be minimized and use common access points to reduce potential turn movements and conflict points with pedestrians.
 - iv. Applicable treatments may include, without limitation, transportation demand management strategies included in the transportation element of the comprehensive plan.
- i. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

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ARTICLE VIII – Variances

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2.8.3 Variance Criteria

- a. Hardship criteria. Unless permitted as listed in subsection 2.8.3(b) as a practical difficulty variance, the following findings must be made by the land use board in order to authorize any variance from the terms of these land development regulations and section 6-4 and 6-41(a) and (b) of the General Ordinances:
 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
 2. The special conditions and circumstances do not result from the action of the applicant;
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
 4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
 8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
 9. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for board of adjustment review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking

purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a variance application.

- b. Practical difficulty variance. *Reserved*

2.8.4 Application and Hearing

- a. An application for a variance and the board hearing shall follow the procedures of article II. The planning director may require applicants to submit documentation to support the finding that the variance criteria are met prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request. Additionally, for applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.
- b. In granting a variance, the board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations.

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ARTICLE XIII – Historic Preservation

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2.13.7 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

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a. Application

1. An application for a certificate of appropriateness may be filed with the historic preservation board at the same time or in advance of the submission of an application for a building permit. Copies of all filed applications shall be made available for inspection by the general public.
2. All applications for historic preservation board review involving demolition, new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with section 2.13.9, or located within an historic district shall be on a form provided by the planning department and shall include such information and attached exhibits as the board and the planning department determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:

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J. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

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- d. Decisions on certificates of appropriateness.
1. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in subsection 2.2.3.5. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.
 2. A decision on an application for a certificate of appropriateness shall be based upon the following:

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C. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

- I. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- II. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
- III. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.13.1(c).
- IV. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
- V. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
- VI. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
- VII. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.
- VIII. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

- IX. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- X. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- XI. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
- XII. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- XIII. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- XIV. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
- XV. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
- XVI. In addition to the foregoing criteria, subsection 104-6 (t) and the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
- XVII. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- XVIII. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for historic preservation board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a certificate of appropriateness application.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. 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 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect sixty (60) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: February __, 2025

Second Reading: April __, 2025

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