

Eliminate .5 FAR Bonus for Hotels in CD-2 Districts
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the CD-2 commercial, medium intensity district provides for commercial activities, services, offices, and related activities which serve the entire City; and

WHEREAS, the Land Development Regulations incentivize diverse combinations of residential lifestyles and unique commercial services in mixed-use development, in certain neighborhoods; and

WHEREAS, as a general rule, the maximum floor area ratio (FAR) in the CD-2 district is 1.5; and

WHEREAS, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 7.2.11.3 of the Resiliency Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, a bonus of 0.5 FAR may be utilized, for a total FAR of 2.0; and

WHEREAS, the City Commission wishes to encourage more residential development (to address the City's housing needs); and

WHEREAS, the City Commission also wishes to preserve the character of CD-2 neighborhoods by limiting the number of hotels that are built; and

WHEREAS, based on the foregoing, the Mayor and City Commission desire to remove the current FAR bonus for hotel uses (while retaining the FAR bonus for residential development) in certain CD-2 zoning districts.

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

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations, Article II, entitled "District Regulations," at Section 7.2.11, "CD-2 Commercial, Medium 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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7.2.11. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.3 Development Regulations (CD-2).

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

| DEVELOPMENT REGULATIONS TABLE (CD-2) | |
|--|---|
| Maximum FAR | 1.5 (5) |
| <u>Maximum FAR for Mixed Use Buildings</u> (When more than 25 percent (25%) of the total area of a building is used for residential, residential office, or hotel units) | 2.0 (5) (9)(10) |
| Maximum Density (Dwelling Units Per Acre) | 100 DUA (80% bonus for workforce or affordable units) |

* * *

1. Except as provided in Section 7.5.2.
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum ceiling height of 14 feet above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.

4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
6. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being 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 shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, 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. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.
7. The number of units may not exceed the maximum density set forth in the comprehensive plan.
8. 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.
9. Notwithstanding the above regulations, new development or redevelopment of residential office units may only be eligible for the floor area ratio applicable to mixed use buildings in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.
10. The 0.5 floor area ratio (FAR) bonus (for a total FAR of 2.0) for Mixed Use Buildings (as defined in the table) shall only apply to properties located on Washington Avenue and Collins Avenue south of 63rd Street. For all other CD-2 properties, the maximum FAR for a site containing a hotel unit, suite hotel unit or hostel, shall be 1.5 and the FAR provision for a mixed-use building on this table shall not apply to a site containing a hotel unit, suite hotel unit or hostel.

SECTION 2. REPEALER.

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

SECTION 3. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. 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
& FOR EXECUTION

City Attorney

NK

Date

6/17/2024

First Reading: June 26, 2024

Second Reading: July 24, 2024

Verified By: _____

Thomas R. Mooney, AICP
Planning Director