

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments and recommend that the Mayor and City Commission (City Commission) refer draft ordinances to the Planning Board.

BACKGROUND/HISTORY

On May 15, 2024, at the request of Mayor Steven Meiner, the City Commission referred a discussion (C4 AS) regarding potential amendments to the 40th Street overlay to the LUSC. On June 10, 2024, the LUSC discussed and continued the item to the September 5, 2024, LUSC meeting with direction for staff to meet with the project architect and for a draft ordinance to be prepared, subject to the approval of the item sponsor.

On September 5, 2024, the item was deferred to the October 10, 2024 LUSC meeting, with no discussion. The October 10, 2024 LUSC meeting was rescheduled to October 14, 2024, where the item was deferred to the November 25, 2024 LUSC meeting, with no discussion. Additionally, to ensure adequate public outreach, a community workshop with affected residents and homeowner organizations took place on November 19, 2024, at which time area residents were able to further discuss the proposed ordinance. On November 25, 2024, the item was deferred to a future date, with no discussion.

ANALYSIS

Background

The 40th Street overlay, which was established in 2010, applies to religious institutions in the Residential Single Family (RS) district that is located on the south side of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east. The overlay allows pedestrian-friendly religious institutional uses, through the conditional use permit process, at eligible properties. The intent of the overlay has been to serve the surrounding residential uses and any future expansion of the district is only permitted by amending the overlay regulations.

As noted in the attached referral memorandum, the owner of several single-family properties within the overlay boundaries, which are currently used as a religious institution, has proposed an expansion of the overlay regulations to accommodate increasing demand, as well as add additional types of related uses, only applicable to religious institutions within the overlay boundaries. The property owner has requested the opportunity to present his proposal to the LUSC and obtain recommendations for the City Commission to consider.

Proposed Ordinance

The owner of the single-family properties located within the 40th Street Overlay has prepared the attached draft ordinance, which proposes to amend the Land Development Regulations of the City Code (LDRs) pertaining to the 40th Street Overlay. The following is a summary of the modifications proposed for the overlay:

- The introduction of dormitory and standalone school as a main use. The total number of dormitories would not exceed four (4) dormitory units per platted lot.
- A requirement for Design Review Board (DRB) approval for sites containing 2 or more platted lots.
- The maximum unit size has been increased from 50% to 100%.
- The maximum lot coverage for a home exceeding 2 stories has been increased from 30% to 50%.
- Covered stairs and walkways would be exempt from unit size and lot coverage calculations.
- The minimum front setback has been reduced from 30 feet to 20 feet.
- The minimum street side setback has been reduced from 10 feet to 5 feet.
- The maximum number of stories has been increased from 2 stories to 3 stories.
- The maximum building height has been increased for flat roof structures from 24 feet to 36 feet and for sloped roof structures from 27 feet to 39 feet.
- The open space and extended setback requirements for homes exceeding 2 stories would not apply to projects in the 40th Street Overlay.
- The limitation of two (2) contiguous lots has been expanded to allow up to three (3) contiguous lots to be aggregated 40th Street overlay.

The provisions pertaining to dormitory use, as well as the increase in allowable intensity (unit size) will require a separate, companion amendment to the Comprehensive Plan. Any amendments to the LDRs and the Comprehensive Plan would need a separate referral to the Planning Board by the City Commission. Alternatively, a private application for such amendments could be filed by the property owner.

Summary

The proposal herein would allow for the expansion of existing homes located within the overlay, both in terms of permitted uses, as well as the height and intensity of the structures. The subject overlay is a transitional area from the more intense commercial properties to the north of 40th Street, and the established single-family homes immediately south of the overlay boundaries.

Similar transition areas in the city typically have either Residential Office (RO) or Low Intensity Multi-Family (RM-1) zoning as an interface between single family districts and more intense commercial districts. In this regard, the increased height and intensity proposed in the attached draft ordinance would not be inconsistent with the regulations in the RM-1 district. Additionally, both DRB and Planning Board approval would be required for new developments.

The RS development regulations applicable to the existing transitional overlay, which have been in place since 2010, are sensitive to and compatible with the established single-family homes to the immediate south. Although transient uses are generally not permitted in the RM-1 and RO districts, the limited number of dormitories proposed is not expected to adversely impact the surrounding area, as they would need to be connected to religious institution uses in the overlay.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? (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

N/A

CONCLUSION

The Administration recommends that the LUSC endorse the proposed amendments and recommend that the City Commission refer a draft ordinance to the Planning Board.

Applicable Area

Middle Beach

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? Yes

If so, specify the name of lobbyist(s) and principal(s): Rabbi Shlomo Stilerman

Department

Planning

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Condensed Title

Discussion Of Potential Amendments To The Land Development Regulations Of The City Code (LDR's) And The City Comprehensive Plan Regarding Allowable Uses And Development Regulations Within The 40th Street Residential Single-Family Overlay Only Applicable To Religious Institutions