



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: February 26, 2025
TITLE: REFERRAL TO THE PLANNING BOARD – LAND USE INCENTIVES FOR SCHOOL AND EDUCATION FACILITIES.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

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.

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, the attached ordinance has been drafted, which creates 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 appropriates 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 exemptions 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.

FAR PROCEDURES

Since the attached ordinance includes a provision to increase maximum allowable floor area, final approval by the City Commission would require a 6/7 affirmative vote. In accordance with Section 7.1.10 of the LDRs, the proposed ordinance is subject to the expanded review process for increasing allowable floor area, and a 5/7 affirmative vote of the City Commission is required to refer the ordinance to the Planning Board.

However, the City Commission may waive the requirement for the expanded FAR review process, in accordance with Section 7.1.10.5 of the LDRs, as more specifically described hereto:

7.1.10.5 Exceptions

The City Commission, by an affirmative five-sevenths vote, may waive the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 for the following types of amendments:

- a. An FAR increase or modification to a floor area exception resulting in an increase in floor area that is no more than 10% of the allowable floor area for an individual property or site. not to exceed a total of 5,000 additional square feet of floor area per property or site.*
- b. A modification to a floor area exception that applies citywide and would not result in a substantial increase in allowable floor area, as determined by the City Commission at the City Commission's sole discretion.*

If the city commission waives the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 the amendment shall otherwise be subject to the applicable notice and amendment provisions in chapter 2, article IV of the Land Development Regulations.

The proposed increase in FAR in the draft ordinance does not exceed the threshold for the exception in Section 7.1.10.5.a above. Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission include a waiver of the applicable provisions as part of this referral.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive 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.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? (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-notice/>

FINANCIAL INFORMATION

No Fiscal Impact

CONCLUSION

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the LDRs, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.
3. In accordance with section 7.1.10.5.a of the LDRs, the City Commission waive the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 of the LDR's and the amendment shall be subject to the applicable notice and amendment provisions in chapter 2, article IV of the LDR's.

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
Commissioner David Suarez

Co-sponsor(s)

Commissioner Joseph Magazine

Condensed Title

Ref: PB - Land Use Incentives for School and Education Facilities.
(Fernandez/Suarez/Magazine) PL

Previous Action (For City Clerk Use Only)