

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 26, 2025 9:20 a.m. Second Reading Public Hearing  
TITLE: RESIDENTIAL USE INCENTIVES – READOPTION OF COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE “RESILIENT LAND USE & DEVELOPMENT ELEMENT,” GOAL RLU 1, ENTITLED “LAND USE,” OBJECTIVE RLU 1.1, ENTITLED “ESTABLISHMENT OF FUTURE LAND USE CATEGORIES” AT TABLE RLU 1.1 TO PROVIDE CONSISTENCY WITH FLOOR AREA RATIO (F.A.R.) REGULATIONS; AT POLICY RLU 1.1.5, ENTITLED “LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1),” TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE “WEST AVENUE BAYFRONT OVERLAY”; BY AMENDING POLICY RLU 1.1.6 ENTITLED “MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2),” TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE “MID BEACH RESIDENTIAL USE INCENTIVE AREA,” AND TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE “WEST AVENUE BAYFRONT OVERLAY”; BY AMENDING POLICY RLU 1.1.7 ENTITLED “HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3),” TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE “MID BEACH RESIDENTIAL USE INCENTIVE AREA”; BY AMENDING POLICY 1.1.25, ENTITLED “HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4),” TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES; BY AMENDING OBJECTIVE 1.2, ENTITLED “LAND USE REGULATION,” TO ESTABLISH POLICY 1.2.8, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO PROVIDE MINIMUM STANDARDS FOR OBTAINING THE FAR INCENTIVES SET FORTH IN THIS ORDINANCE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) re-adopt the ordinance.

### **BACKGROUND/HISTORY**

The proposed amendment to the Comprehensive Plan was approved at First Reading by the City Commission on June 26, 2024. Although the ordinance was adopted at Second Reading on

November 20, 2024, there was a delay in transmitting the amendment to the State. Apparently, the State is now enforcing deadlines for the transmittal of large-scale comprehensive plan amendments, and is requiring that the City Commission re-adopt the ordinance.

## **ANALYSIS**

The attached Comprehensive Plan amendment is a companion ordinance to a separate amendment to the Land Development Regulations of the City Code (LDRs), which was also adopted by the City Commission on November 20, 2024. The Comprehensive Plan amendment authorizes intensity (FAR) increases within the RM-1, RM-2, RM-3, and R-PS4 future land use categories. The amendment also provides that the incentives established in the LDR amendment to permit increased FAR are only available by voluntarily agreeing to the requirements of the Residential Use Incentives through a new policy 1.2.8.

The purpose of the proposal is to encourage property owners to voluntarily provide permanent residential uses instead of temporary lodging or other transient uses, including short-term rentals. The proposal 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.

## **COMPREHENSIVE PLAN AMENDMENT REVIEW PROCESS**

Under Section 163.3184(2), Florida Statutes, this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

## **PLANNING BOARD REVIEW**

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.

## **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 9/27/2024 & 2/11/2025  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

## **FINANCIAL INFORMATION**

Not Applicable

## **CONCLUSION**

The Administration recommends that the City Commission re-adopt the ordinance.

**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 Joseph Magazine  
Commissioner David Suarez

**Condensed Title**

9:20 a.m. 2nd Rdg PH, Residential Use Incentives-Readoption of Comp Plan Amendment.  
(LD/JM/DS)

**Previous Action (For City Clerk Use Only)**

Second Reading Public Hearing on 11/20/2024 - R5 M (Adopted Ordinance No. 2024-4664)