

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 9:35 a.m. First Reading Public Hearing\*

TITLE: WASHINGTON AVENUE RESIDENTIAL PLAN - 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 CONFORM TABLE RLU 1.1 WITH THE AMENDED FLOOR AREA RATIO (FAR) REGULATIONS FOR EACH RESPECTIVE FUTURE LAND USE CATEGORY; BY AMENDING POLICY RLU 1.1.6, ENTITLED "MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)," POLICY RLU 1.1.9, ENTITLED "MEDIUM INTENSITY COMMERCIAL (CD-2)," POLICY RLU 1.1.10, ENTITLED "HIGH INTENSITY COMMERCIAL (CD-3)," AND POLICY RLU 1.1.28, ENTITLED "GENERAL MIXED USE COMMERCIAL PERFORMANCE STANDARD (C-PS2)," TO PROVIDE FAR AND DENSITY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF NON-TRANSIENT RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO NON-TRANSIENT RESIDENTIAL USES FOR APPLICABLE PROPERTIES LOCATED ON WASHINGTON AVENUE; BY AMENDING OBJECTIVE RLU 1.2, ENTITLED "LAND USE REGULATION," TO AMEND POLICY 1.2.8, ENTITLED "RESIDENTIAL USE INCENTIVES," TO AMEND THE MINIMUM STANDARDS FOR OBTAINING THE FAR AND DENSITY 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) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

### **BACKGROUND/HISTORY**

On May 15, 2024, at the request of Commissioner David Suarez, the City Commission referred a proposal for establishing incentives for non-transient residential uses on Washington Avenue (C4 AA) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024, the LUSC discussed the item, and recommended that the Planning Board approve the proposed ordinances amending the Land Development Regulations of the City Code (LDRs) and the Comprehensive Plan, inclusive of the following amendments:

1. Incorporate adequate setbacks.
2. Provide minimum parking for service workers and building staff.

3. Limit the total amount of floor area that can be exempt for micro-mobility areas.
4. Limit the sunset provision to no more than 5 years.

Additionally, Commissioner Tanya K. Bhatt and Joseph Magazine were added as co-sponsors of the proposal.

On July 30, 2024, the Planning Board reviewed the proposed ordinances and continued each to the September 24, 2024, Planning Board meeting. On September 10, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On September 24, 2024, the ordinances were continued to a date certain of October 29, 2024, at the request of the item sponsor, to consider modifications to the proposed incentives. Since an increase in the maximum floor area ratio (FAR) is being proposed, the process was required to restart at step 1.

On October 29, 2024, the Planning Board reviewed the proposed ordinances and continued each to a date certain of November 26, 2024.

On November 5, 2024, the LUSC discussed the proposed ordinances and recommended the following:

1. Remove the maximum unit size requirement of 1,200 square feet.
2. The Planning Board discuss and provide a recommendation regarding the potential incorporation of a Transfer of Development Rights (TDR) program.
3. The Planning Board discuss and provide a recommendation regarding the potential inclusion of an attainable housing requirement for a certain percentage of the increased floor area.

Additionally, Commissioner Alex Fernandez became a co-sponsor of the item.

On November 7, 2024, an additional required public workshop after the October 29, 2024, review of the Planning Board was held, and additional input was received. On November 26, 2024, the Planning Board reviewed and transmitted the proposed ordinances to the City Commission.

## **ANALYSIS**

The proposed amendments to the LDRs and the Comprehensive Plan create tangible incentives for non-transient residential uses on Washington Avenue, from 5<sup>th</sup> to 17<sup>th</sup> Street. The proposed incentives are predicated on the following:

- Non-transient, residential apartment units only.
- A minimum micro-mobility component within the interior of the structure, accessible by all residential units.
- The minimum lot size for an eligible project shall not be less than 13,000 square feet.

The following is a summary of the key amendments associated with the proposed incentives:

1. Parking Tier 2.c is proposed to be modified to eliminate the minimum off-street parking requirement for non-transient, residential projects. Additionally, a cap on the number of off-street parking spaces that may be provided within an eligible project shall not exceed 20% of

the number of off-street parking spaces required under parking tier 1. This limitation shall not apply to CD-3 zoned properties that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024.

2. The maximum FAR shall be increased from 2.0 to 4.0 for C-PS2, RM-2 and CD-2 zoned properties and 3.25 for CD-3 zoned properties. This proposed increase in FAR is only applicable to projects meeting the requirements for non-transient residential projects.
3. The interior portions of a project dedicated to micro-mobility shall be exempt from the definition of floor area.
4. The maximum building height for non-transient residential buildings shall be increased from 50 feet to 75 feet and the current maximum height for hotels and transient residential shall be decreased from 75 feet to 50 feet. Up to an additional 25 feet in building height may be permitted, not to exceed 100 feet, for C-PS2, RM-2 and CD-2 zoned properties and up to an additional 75 feet in building height may be permitted, not to exceed 150 feet, for CD-3 zoned properties, subject to the following:
  - a. Off-street parking shall be prohibited, except for projects located within the CD-3 district that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024.
  - b. The project shall exceed minimum micro-mobility requirements, as well as participate in a public micro-mobility network.
  - c. An elimination of the mobility fee, for projects that have obtained a full building permit by September 1, 2032.
  - d. A sunset provision has been included, which requires that any project eligible for these incentives obtain a full building permit by September 1, 2032.
  - e. An enhanced and expedited process for the permitting of the project.
5. Maximum density increased from 100 -106 units per acre to 175 units per acre.
6. The Historic Preservation Board (HPB) may consider a waiver of the minimum front and street side setback requirements.

The attached ordinance is a companion to the corresponding LDR amendment and modifies the comprehensive plan to allow for an increase in allowable intensity (FAR) of up to 4.0 and an increase in maximum density of up to 175 dwelling units per acre of land. These increases are applicable only to the RM-2, CD-2, CD-3 and C-PS2 districts for developments located on Washington Avenue between 5th Street and 17th Street, provided such developments comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8. Attached are maps showing the specific areas applicable to the proposed ordinance.

### **COMPREHENSIVE PLAN AMENDMENT AND 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 November 26, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance, as well as the companion ordinance amending the LDRs, to the City Commission with a favorable recommendation (7-0). The Planning Board also made the following additional recommendations, each by separate vote:

1. Establish a maximum unit size of 1300 square feet (4-3).
2. Reduce the 50% micro-mobility requirement at the first level (7-0).
3. Establish a minimum percentage of housing units that must be below market rates (7-0).
4. The inclusion of a Transfer of Development Rights (TDR) program (7-0).
5. Recommended that the larger Washington Avenue area be reviewed regarding maximum allowable FAR and height (4-3).

### **PROPOSAL SUMMARY**

The Administration is supportive of the proposed amendments to the Comprehensive Plan, as well as the companion amendment to the LDRs, as they provide tangible incentives for the development of non-transient residential uses on the Washington Avenue corridor. The proposed increase in intensity and density is intended to jump start residential development along Washington Avenue, and the timeframe to utilize the incentives is limited.

Although residential use has been permitted on Washington Avenue for decades, including an existing 0.5 FAR bonus for residential uses, there has been little interest among private developers, to date, in pursuing non-transient residential projects. The goal of the proposed incentives is to create opportunities for aggregating enough parcels to make residential projects feasible.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(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-notices/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

### **Applicable Area**

South 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?** No

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

**Department**

Planning

**Sponsor(s)**

Commissioner David Suarez

**Co-sponsor(s)**

Commissioners Tanya K. Bhatt  
Commissioner Alex Fernandez  
Commissioner Joseph Magazine

**Condensed Title**

9:35 a.m. 1st Rdg PH, Washington Ave Residential Plan-Comp Plan Amendment.  
(DS/TB/AF/JM)

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

Continued from 2/3/2025 - R5 T