

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: November 25, 2024

TITLE: EXPLORE ZONING INCENTIVES AND IDENTIFY APPROPRIATE ZONING DISTRICTS TO ENCOURAGE THE DEVELOPMENT OF SCHOOLS AND OTHER EDUCATIONAL FACILITIES.

### **RECOMMENDATION**

The Administration endorses the proposal to provide additional incentives for schools and educational facilities and recommends that the Land Use and Sustainability Committee (LUSC) provide a favorable recommendation to the Mayor and City Commission (City Commission).

### **BACKGROUND/HISTORY**

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the subject discussion item (C4 F) to 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 meeting date, with no discussion.

On October 14, 2024, the LUSC discussed and continued the item to the November 25, 2024, LUSC 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.

### **ANALYSIS**

As noted in the attached referral memorandum, the item sponsor would like the LUSC to consider potential zoning incentives to encourage the development of schools and other educational facilities. As part of this discussion, the sponsor has requested that the Planning Department provide recommendations on possible incentives and appropriate zoning districts where educational facilities would be beneficial and compatible with existing neighborhoods.

Currently, schools and education uses are permitted as a conditional use in all multi-family and commercial districts within the City. As such, at this point, there does not appear to be a need to modify the zoning regulations in terms of permitted locations for schools and education uses, as the approval is discretionary.

The following are previously identified potential land use and zoning incentives for new schools and education uses:

- A streamlined review process for building permit.
- A reduction in city application and impact fees.

- Modifying minimum off-street parking requirements to better reflect the operation and program of a school or education use.
- Allowing the Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable, to grant limited waivers for building height, setbacks, and minimum open space requirements, for school and education uses.
- Reducing fees for the conversion of on-street parking spaces to loading and drop off areas during specified times of the day.

In addition to the above, additional incentives that could be explored include the following:

- Discounted employee parking and free student parking in city lots and garages.
- The use of city recreation and field space, including an opportunity to provide for free or heavily discounted access to city park facilities.

#### **UPDATE – November 25, 2024 LUSC**

In response to the direction of the LUSC at the October 14, 2024 meeting, the Administration has developed a revised list of potential zoning and land use incentives for educational uses, as follows:

1. Removal of mandatory Design Review Board (DRB) approval for education facilities up to a certain height and intensity threshold, and the transfer of site plan and design review to staff.
2. Eligible educational facilities may request a Commission Warrant for an increase in allowable intensity (FAR) and building height.
3. Eligible educational facilities may request a Commission Warrant for reductions in setbacks, open space, lot coverage, and similar development regulations.
4. In commercial and high intensity zoning districts, conditional use approval would not be required for eligible educational facilities.
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.

For applications located within local historic districts, the transfer of review authority for new construction and additions from the Historic Preservation Board (HPB) to staff may conflict with the following provision of the City Charter:

***Sec. 1.06. - Public vote required prior to enacting reduced powers and duties for Historic Preservation Board, or less stringent historic preservation standards or regulations.***

*Any change to City Code Chapter 118, Article II, Division 4, "Historic Preservation Board," or City Code Chapter 118, Article X, Divisions 1—4, "Historic Preservation," which, whether through amendment, exemption, repeal, or otherwise, reduces the powers and duties of the City's Historic Preservation Board, or creates less stringent historic preservation standards or regulations, shall, before becoming effective be approved by a majority of the voters in a Citywide referendum.*

This will require additional research and evaluation in coordination with the City Attorney's office.

The above noted incentives would be applicable to the following types of educational facilities, as more specifically defined for each in State Statutes:

1. College.

2. Elementary school.
3. High school.
4. Kindergarten school.
5. Middle school.
6. Nursery school.
7. Pre-school.
8. School.
9. University.

The Administration is generally supportive of the incentives outlined above. However, there should be an intensity limit on projects that could be approved administratively.

These incentives will require amendments to the Land Development Regulations of the City Code (LDRs). If there is consensus on these, or other incentives, a separate referral by the City Commission to the Planning Board will be required.

#### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** No  
(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**

Not Applicable

#### **CONCLUSION**

The Administration endorses the proposal to provide additional incentives for schools and educational facilities and recommends that the Land Use and Sustainability Committee (LUSC) provide a favorable recommendation to the City Commission.

#### **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?**

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

**Department**

Planning

**Sponsor(s)**

Commissioner Alex Fernandez  
Commissioner David Suarez

**Co-sponsor(s)**

**Condensed Title**

Explore Zoning Incentives and Identify Appropriate Zoning Districts to Encourage the Development of Schools and Other Educational Facilities.