

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: December 11, 2024  
TITLE: REFERRAL TO THE PLANNING BOARD – LINCOLN ROAD EAST RESIDENTIAL USE INCENTIVES.

### **RECOMMENDATION**

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

### **BACKGROUND/HISTORY**

On June 26, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the item (C4 AD) to the Land Use and Sustainability Committee (LUSC). Commissioner Joseph Magazine also co-sponsored the item. On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, meeting with direction to the Administration to develop a draft ordinance incentivizing non-transient residential uses. Additionally, Commissioner David Suarez became a co-sponsor of the item.

On September 5, 2024, the LUSC took the following action:

1. Discussed and continued the item to a future LUSC meeting.
2. A special meeting of the LUSC was scheduled for September 24, 2024, to discuss all related legislation involving Floor Area Ratio (FAR) incentives for non-transient residential uses.
3. Direction was given to amend the applicable FAR incentive ordinances to include a provision for a 6/7 vote to reverse required covenants pertaining to non-transient residential uses.

The September 24, 2024, LUSC meeting was postponed and moved to a special meeting of the LUSC on November 5, 2024. On November 5, 2024, the LUSC discussed the proposal and recommended the following:

1. The City Commission refer ordinance amendments to the Planning Board in accordance with the recommendations in the LUSC memorandum.
2. The Planning Board discuss and provide a recommendation regarding the potential of including a lesser as of right FAR and the remainder of the allowable FAR to be purchased by private property owners as part of a Transfer of Development Rights (TDR) program.

### **ANALYSIS**

The CD-3 district bounded by Drexel Avenue on the west, Collins Avenue on the east, 17th Street on the north, and 16th Street on the south allows for greater intensity than the area of Lincoln Road west of Drexel Avenue. Within these boundaries, the current maximum allowable FAR is 2.75, regardless of lot size. Also, while the existing maximum permitted height for properties on

Lincoln Road is 50 feet, the current maximum permitted height for properties east of Drexel Avenue, between 16th Street and the south lot line of Lincoln Road is 100 feet.

The attached draft ordinance amends the Land Development Regulations of the City Code (LDRs) for properties fronting Lincoln Road between Drexel Avenue and Collins Avenue, as well as certain properties located north of Lincoln Road and south of 17th Street (see attached map).

The proposed incentives identified in the draft LDR amendment are predicated on the following:

- Any and all existing transient uses shall be fully vacated and prohibited.
- Only non-transient, residential units would be permitted above the first floor.
- Discontinuance of any nonconforming entertainment establishment.
- All contributing structures shall be retained and restored, as may be required by the historic preservation board.

Additionally, certain minimum public benefits would be required, including at least one of the following:

- A covered transit shelter shall be provided within 1,500 feet of the development site.
- A contribution to the South Beach public benefits fund.
- A full building permit for the development shall be issued within 24 months of the effective date of the ordinance.

The following is an initial list of incentives included in the draft ordinance:

1. Parking Tier 1, 2.c and 3.a would be amended to eliminate the minimum off-street parking requirement for non-transient, residential projects.
2. The maximum FAR would be increased from 2.75 to 3.5.
3. The maximum height for properties fronting the south side of Lincoln Road shall be increased from 100 feet up to 150 feet, with additional setbacks for portions located above 50 feet in height.
4. The maximum height for properties fronting the north side of Lincoln Road and for properties that do not contain a contributing building located between Lincoln Road and 17th Street shall be increased from 50 feet up to 125 feet, with additional setbacks for portions located above 50 feet in height.
5. Multi-story rooftop additions may be permitted to facilitate the retention and restoration of contributing buildings at the discretion of the Historic Preservation Board.
6. A reduction or elimination of the mobility fee.

Additionally, the previous incentives for hotel uses on Lincoln Road are proposed to be removed.

Finally, a draft ordinance amending the corresponding sections of the comprehensive plan is attached.

## **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**

Not Applicable

### **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-notices/>**

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission refer the attached draft ordinances to the Planning Board, with specific direction to the Board to discuss and provide a recommendation regarding the potential of including a lesser as of right FAR and the remainder of the allowable FAR to be purchased by private property owners as part of a Transfer of Development Rights (TDR) program.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

**Is this item related to a G.O. Bond Project?**

Yes

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): Peter Kanavos, Sobe Sky Development

**Department**

Planning

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Ref: PB – Lincoln Road East Residential Use Incentives. (Fernandez) PL