

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: September 5, 2024

TITLE: **DISCUSS A PROPOSAL TO REVITALIZE THE 200-300 BLOCKS OF LINCOLN ROAD (BETWEEN WASHINGTON AVENUE AND COLLINS AVENUE), INCLUDING PEDESTRIANIZATION OF THE CORRIDOR, OTHER STREETScape IMPROVEMENTS, AND AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS**

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the item and provide a recommendation to the Mayor and City Commission (City Commission) to refer the item 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 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 LUSC, 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.

### **ANALYSIS**

As indicated in the attached referral memorandum, the item sponsor requested the following:

1. The LUSC discuss pedestrianizing and making streetscape, landscaping, and lighting improvements to the 200-300 blocks of Lincoln Road, which could include the creation of a special assessment district to contribute toward the improvements. This proposal would supplement plans to revitalize the 100 block of Lincoln Road, which is currently in the permitting process.
2. The LUSC discuss possible amendments to the Land Development Regulations of the City Code (LDRs) for this area, including a new overlay district encompassing the 200-300 blocks of Lincoln Road. The overlay could include design and use incentives for compatible, pedestrian-friendly development, including long-term residential dwelling units, such as apartments or condominiums, to strengthen the residential base around Lincoln Road, as well as retail and office space.

The proposal to pedestrianize the 200–300 block of Lincoln Road was discussed previously and will impact the current Miami-Dade County bus and City trolley routes in the area; in particular, the existing bus stops on Lincoln Road located between Collins and Washington Avenues would be affected. The City previously requested that a transit mitigation plan be submitted and the traffic engineering consultant for the developer proposing the pedestrianization of the 200-300 blocks of Lincoln Road (Developer), as well as City Transportation and Mobility Department staff

and County staff, have met several times to discuss the findings and recommendations of the draft traffic impact study.

On June 19, 2024, the Developer's traffic engineering consultant re-submitted a revised traffic impact study to the County based on the comments received related to the revamp of the bus routes as a result of the Better Bus Network. The revised traffic study is currently being reviewed by the Transportation and Mobility Department as well as the County.

**UPDATE (September 5, 2024 LUSC)**

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 western portion of Lincoln Road. 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.

At the direction of the LUSC on July 9, 2024, the attached draft ordinance has been developed 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). All of the proposed incentives would be 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 draft incentives:

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.

These incentives are intended to promote and expand opportunities for non-transient residential projects. If there is consensus on the attached draft ordinance, or other options, a separate referral by the City Commission to the Planning Board would be required.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**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-notices/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Administration recommends that the Land Use and Sustainability Committee endorse the item and provide a recommendation to the City Commission to refer the item to the Planning Board.

### **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?** 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)**

Commissioner Joseph Magazine  
Commissioner David Suarez

**Condensed Title**

Discuss A Proposal To Revitalize The 200-300 Blocks Of Lincoln Road (Between Washington Avenue And Collins Avenue), Including Pedestrianization Of The Corridor, Other Streetscape Improvements, And Amendments To The Land Development Regulations

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: June 26, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE – DISCUSS PROPOSAL TO REVITALIZE THE 200-300 BLOCKS OF LINCOLN ROAD (BETWEEN WASHINGTON AVENUE AND COLLINS AVENUE), INCLUDING PEDESTRIANIZATION OF THE CORRIDOR, OTHER STREETScape IMPROVEMENTS, AND AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS.

### **RECOMMENDATION**

Please place on the June 26, 2024 City Commission agenda a referral to the July 9, 2024 meeting of the Land Use and Sustainability Committee (“LUSC”) to discuss the possibility of pedestrianizing and revitalizing the 200 and 300 blocks of Lincoln Road.

The City of Miami Beach has expressed a desire to pedestrianize and revitalize the Lincoln Road corridor east of Washington Avenue. On December 12, 2023, the Historic Preservation Board approved a Certificate of Appropriateness for pedestrian improvements to Lincoln Road between Collins Avenue and the Beachwalk (the 100 block).

As part of this referral, I would like the LUSC to consider pedestrianizing and making streetscape, landscaping, and lighting improvements to the 200-300 blocks. This could include the creation of a special assessment district to contribute toward the improvements. This proposal would supplement plans to revitalize the 100 block of Lincoln Road, which is currently in the permitting process.

To complement public improvements to the corridor, I would also like the LUSC to discuss possible amendments to the Land Development Regulations for this area. This would include a new overlay district encompassing the 200-300 blocks of Lincoln Road. The overlay could include design and use incentives for compatible, pedestrian-friendly development. Long-term residential dwelling units, such as apartments or condominiums, are central to this proposal to strengthen the residential base around Lincoln Road. In addition, revitalization of these blocks could also include retail and office space.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

### **FISCAL IMPACT STATEMENT**

NA

**Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:

<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**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): Peter Kanavos, Sobe Sky Development LLC

**Department**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Lincoln Road East Residential Use Incentives – LDR Amendments**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 5, ENTITLED “OFF-STREET PARKING,” ARTICLE II, ENTITLED “VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS,” AT SECTION 5.2.4, ENTITLED “VEHICLE OFF-STREET PARKING REQUIREMENTS,” BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 1, BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 2; BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 3, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” BY CREATING SECTION 7.1.10, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES IN APPLICABLE UNDERLYING ZONING DISTRICTS AND PROPERTIES FRONTING LINCOLN ROAD FROM DREXEL AVENUE TO COLLINS AVENUE; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.12 ENTITLED “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT,” TO REPLACE SECTION 7.2.12.4, ENTITLED “ADDITIONAL REGULATIONS (CD-3)” WITH SECTION 7.2.12.4 ENTITLED “LINCOLN ROAD RESIDENTIAL USE INCENTIVE AREAS (CD-3),” TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES FRONTING LINCOLN ROAD FROM DREXEL AVENUE TO COLLINS AVENUE; BY AMENDING ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” BY AMENDING SECTION 7.5.2. 1 ENTITLED “HEIGHT REGULATION EXCEPTIONS AND ROOFTOP ADDITIONS,” TO ALLOW FOR MULTI-STORY ROOFTOP ADDITIONS FOR PROJECTS THAT QUALIFY FOR THE LINCOLN ROAD RESIDENTIAL USE INCENTIVES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the proliferation of transient uses may exacerbate housing affordability issues by reducing the availability of traditional rental housing options for families and individuals, as well as the city’s workforce; and

**WHEREAS**, creating incentives for non-transient residential uses along the Lincoln Road corridor would enable the implementation of more equitable and comprehensive housing policies that prioritize the well-being and stability of all residents; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 5, entitled “Off Street Parking,” Article II, entitled “Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements,” is hereby amended as follows:

**CHAPTER 5  
OFF STREET PARKING**

\* \* \*

**ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS**

\* \* \*

**5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS**

\* \* \*

**5.2.4.1 Parking Tier 1**

\* \* \*

b. Supplemental off-street parking requirements for parking tier 1

1. Supplemental off-street parking requirements specific to districts

<u>CD-3</u>	<u>Non-Transient residential units built in accordance with Section 7.1.10</u>	<u>No parking requirement</u>
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**5.2.4.2 Parking Tier 2**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking tier 1.

\* \* \*

**Tier 2c**

c. Off-street parking requirements for Tier 2 area c.

\* \* \*

2. The following off-street parking requirements apply to properties located within Tier 2 area c.

<b>OFF-STREET PARKING REQUIREMENT</b>	
<b>RESIDENTIAL</b>	
<u>Co-living Non-Transient residential units built in accordance with Section 7.1.10</u>	No parking requirement.
<b>LODGING</b>	
<i>Hotel and hostel</i>	No parking requirement. For accessory uses to a hotel or hostel, the minimum parking

		is as set forth in parking tier. 1.
<b>OFFICE</b>		
	<i>Office</i>	No parking requirement
<b>COMMERCIAL</b>		
	<i>Café, outdoor</i>	No parking requirement
<i>Retail</i>	Retail existing as of the date of adoption of previous parking district no. 7 (now Tier 2 area c)	No parking requirement.
	New retail construction	One space per 300 square feet of floor area
	Notwithstanding the above, there shall be no parking requirement for retail uses, provided that a parking garage with publicly accessible parking spaces is located within 500 feet.	
	<i>Quality restaurants</i>	No parking requirement.
<b>OTHER</b>		
	<i>Approved parklets</i>	No parking requirement

1. With the exception of non-transient residential projects, built in accordance with Section 7.1.10, the parking requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2027.
2. Any building or structure erected in Tier 2 area c may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 1 of these land development regulations.

\* \* \*

### 5.2.4.3 Parking Tier 3

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 3, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows.

#### Tier 3 a, b and c

- a. Off-street parking requirements for Tier 3 areas a, b and c.

\* \* \*

5. Supplemental off-street parking regulations for Tier 3 areas a, b and c
  - A. Supplemental off-street parking requirements specific to districts

<u>CD-3</u>	<u>Non-Transient residential units built in accordance with Section 7.1.10</u>	<u>No parking requirement</u>
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**SECTION 2.** Chapter 7, entitled “Zoning District Regulations,” Article I, entitled “General to All Zoning Districts,” is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

**ARTICLE I. GENERAL TO ALL ZONING DISTRICTS**

\* \* \*

**7.1.10 RESIDENTIAL USE INCENTIVES**

a. **Eligible Development.** These provisions are hereby adopted as voluntary zoning incentives for non-transient residential development. Where authorized in the underlying zoning district or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, residential developments consisting solely of non-transient residential units and allowable accessory uses shall be eligible for applicable incentives set forth in such zoning district or overlay district, subject to the property owner’s agreement to be bound by the following conditions:

1. Lodging Use Conversion and Prohibition. In order to be eligible for the residential use incentives, the property shall be required to fully vacate any and all existing transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house. Such transient uses shall be prohibited throughout the development and at all times, in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district.
2. Short Term Rental Conversion and Prohibition. In order to be eligible for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to vacate any and all existing approvals for the short-term rental of any apartment units on the property.
3. Nonconforming Entertainment Establishment. In order to be eligible for the voluntary residential use incentives, the property shall be required to fully vacate any and all existing nonconforming entertainment establishments. Such entertainment establishment uses shall be prohibited throughout the development and at all times, in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district
4. Covenant. As a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that throughout the building and at all times, no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house, shall be permitted on the property.
5. Certificate of Appropriateness. If the property is located within a local historic district or

site, as a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall be required to retain, preserve and restore all contributing structures on the site, as may be required by the historic preservation board and subject to certificate of appropriateness approval in accordance with chapter 2, article VIII of the land development regulations of the city code.

**b. Lincoln Road North between Drexel Avenue and Collins Avenue.** For properties with a lot line on the north side of Lincoln Road, between the east side of Drexel Avenue and the west side of Collins Avenue, as well as properties that do not contain a building classified as contributing as of January 1, 2024 that are located south of 17<sup>th</sup> Street and north of Lincoln Road between the east side of Washington Avenue and the west side of Collins Avenue, and that comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed 3.5, regardless of the zoning district and subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Portions of new construction, including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road, 20 feet from BA Caputo Way and 25 feet from any adjacent side street.
3. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
4. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
5. A maximum building height of up to 125 feet may be permitted, provided the project includes at least one of the following public benefits:
  - a. A covered transit shelter shall be provided by the property owner, which meets all minimum standards and requirements set forth by the Transportation Department and is located within 1500 feet of the development site.
  - b. The property shall provide a micro mobility station at the first level and be part of a micro mobility network that is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property.
  - c. A contribution to the South Beach public benefits fund, in the amount identified in appendix A, shall be required for each square foot of floor area. The payment shall be made prior to the development obtaining a building permit and shall be non-refundable upon issuance of the building permit.
  - d. A full building permit for the development project shall be issued within 24 months of the effective date of the ordinance creating this section. This 24-month period shall not be eligible for any extension of time and cannot be tolled by extensions or modifications of board orders or state extension of development orders. If a full building permit is not obtained within 24 months, at least one of the above noted options shall be required in order to achieve the additional maximum building height.
6. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.

7. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.
8. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

d. Lincoln Road South between Drexel Avenue and Collins Avenue. For properties with a lot line on the south side of Lincoln Road, between the east side of Drexel Avenue and the west side of Collins Avenue, and that comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed 3.5, regardless of the zoning district and subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Portions of new construction, including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road, 20 feet from BA Caputo Way and 25 feet from any adjacent side street.
3. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
4. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
5. A maximum building height of up to 150 feet may be permitted, provided the project includes at least one of the following public benefits:
  - a. A covered transit shelter shall be provided by the property owner, which meets all minimum standards and requirements set forth by the Transportation Department and is located within 1500 feet of the development site.
  - b. The property shall provide a micro mobility station at the first level and be part of a micro mobility network that is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property.
  - c. A contribution to the South Beach public benefits fund, in the amount identified in appendix A, shall be required for each square foot of floor area. The payment shall be made prior to the development obtaining a building permit and shall be non-refundable upon issuance of the building permit.
  - d. A full building permit for the development project shall be issued within 24 months of the effective date of the ordinance creating this section. This 24-month period shall not be eligible for any extension of time and cannot be tolled by extensions or modifications of board orders or state extension of development orders. If a full building permit is not obtained within 24 months, at least one of the above noted options shall be required in order to achieve the additional maximum building height.
6. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.
7. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.

8. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

e. There shall be no variances from the requirements of this section for eligible developments.

**SECTION 3.** Chapter 7, entitled “Zoning District Regulations,” Article II, entitled “District Regulations,” Section 7.2.12, entitled “CD-3 Commercial, High Intensity District,” is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II: DISTRICT REGULATIONS**

\* \* \*

**7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT**

\* \* \*

**7.2.12.4 Additional Regulations (CD-3)**

**~~a. Lincoln Road hotel incentives and public benefits program.~~**

~~In order for a hotel on Lincoln Road to be constructed with a minimum unit size of 200 square feet (as applicable to hotels on the north side of Lincoln Road) or a minimum average unit size of 250 square feet (as applicable to hotels on the south side of Lincoln Road), and in order to construct a hotel on Lincoln Road that is taller than 50 feet, the portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to the review and approval of the public works department. Additionally, for a hotel to be eligible for the unit size and height incentives set forth herein, participation in a public benefits program, as further set forth below, shall be required:~~

- ~~1. *Provide ground floor public benefit space.* On-site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view ("public benefit space"). Any required land use board approvals associated with a public benefit space approved pursuant to this paragraph shall be the responsibility of the non-profit entity or artisan, respectively.~~
- ~~2. *Contribution to Art in Public Places fund.* In addition to providing an on-site public benefit space pursuant to section 7.2.12.4.a.1, a hotel shall provide a contribution to the city's Art in Public Places fund, the amount of which shall be equal to 0.5 percent (0.5%) of the total of all construction costs associated with the proposed hotel project, regardless of the~~

number of permits associated with the project or whether the applicant intends to construct the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.

~~3. *Final approval.* Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the city, in a form approved by the city attorney and city manager, which covenant shall, at a minimum, identify the location of the public benefit space, and require a hotel owner and/or operator to maintain the public benefit space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the city commission.~~

~~4. *Limitation.* There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this section 7.2.12.4.a.~~

**SECTION 4.** Chapter 7, entitled “Zoning District Regulations,” Article V, entitled “Supplementary District Regulations,” Section 7.5.2, entitled “Height Regulation Exceptions,” is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**7.5.2 HEIGHT REGULATIONS EXCEPTIONS (SUPPLEMENTARY DISTRICT REGULATIONS)**

\* \* \*

**7.5.2.1 Height regulation exceptions and rooftop additions.**

\* \* \*

d. Rooftop additions.

1. ~~Lincoln Road hotel residential additions.~~ Notwithstanding the foregoing, For properties that front Lincoln Road between Drexel Avenue and Collins Avenue, and that comply with the requirements in section 7.1.10.a, and at the discretion of the historic preservation board, a multistory rooftop addition, for hotel non-transient residential uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue Drexel Avenue and Lenox Avenue Collins Avenue, in accordance with the following provisions:

- A. ~~For properties on the north side of Lincoln Road, a~~ Any multistory rooftop addition shall be set back at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. Additionally, the multistory addition may be cantilevered over a contributing building consistent with the scale and massing of the existing structure.
- B. ~~For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be set back at least 65 feet from Lincoln Road~~ All contributing buildings shall be



**WASHINGTON AVENUE**

**17TH STREET**

For properties that do not contain a building classified as contributing as of January 1, 2024:

FAR: Current 2.75; Incentive 3.5  
Height: Current 50 feet, fronting 17th St 80 feet; Incentive 125 feet

**DREXEL AVENUE**

FAR: Current 2.75; Incentive 3.5  
Height: Current 50 feet; Incentive 125 feet

**LINCOLN ROAD**

FAR: Current 2.75; Incentive 3.5  
Height: Current 50 feet; Incentive 150 feet

**COLLINS AVENUE**

**16TH STREET**