

R5 E 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.

Applicable Area:

# 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

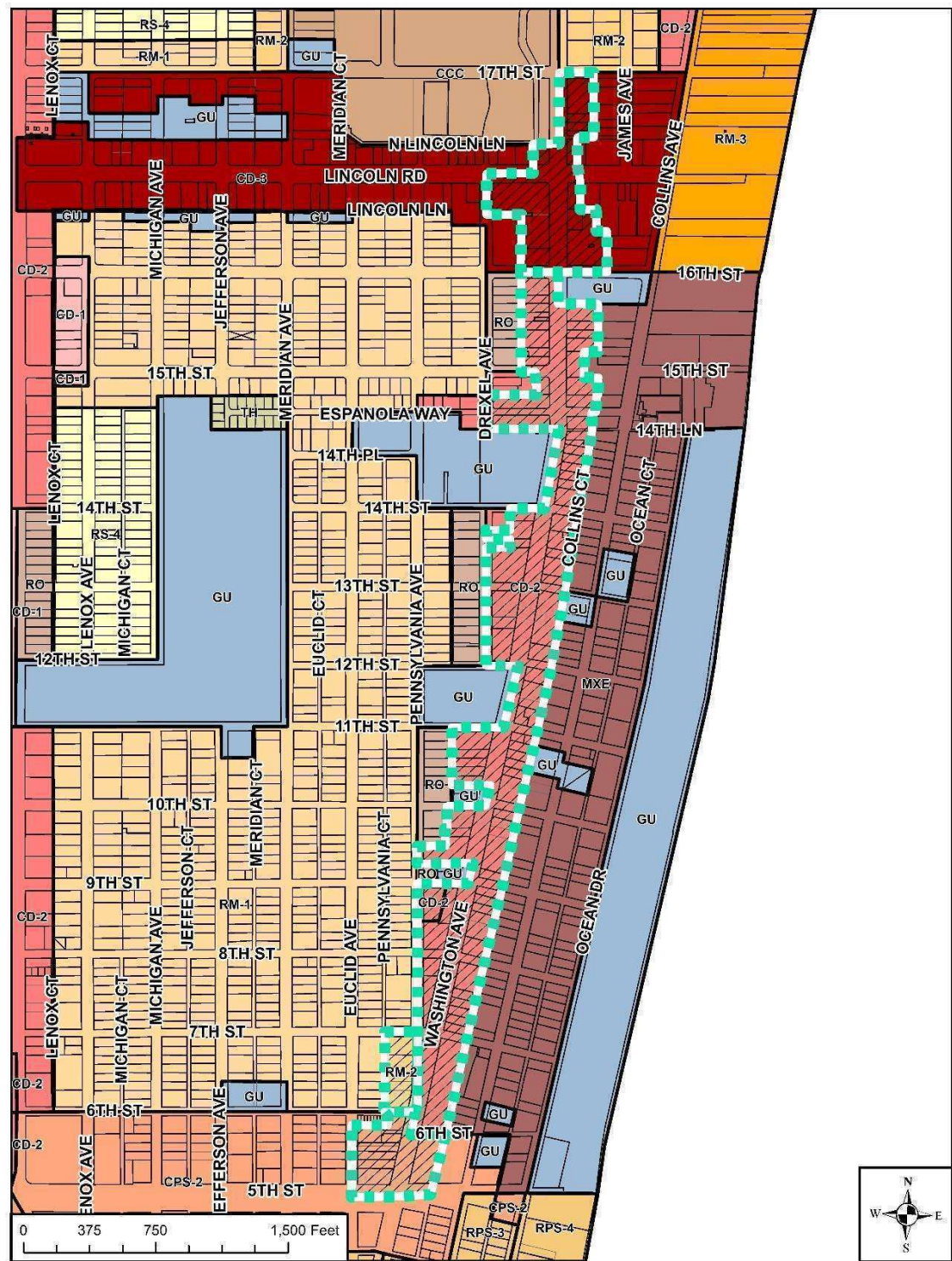
**Condensed Title**

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)**

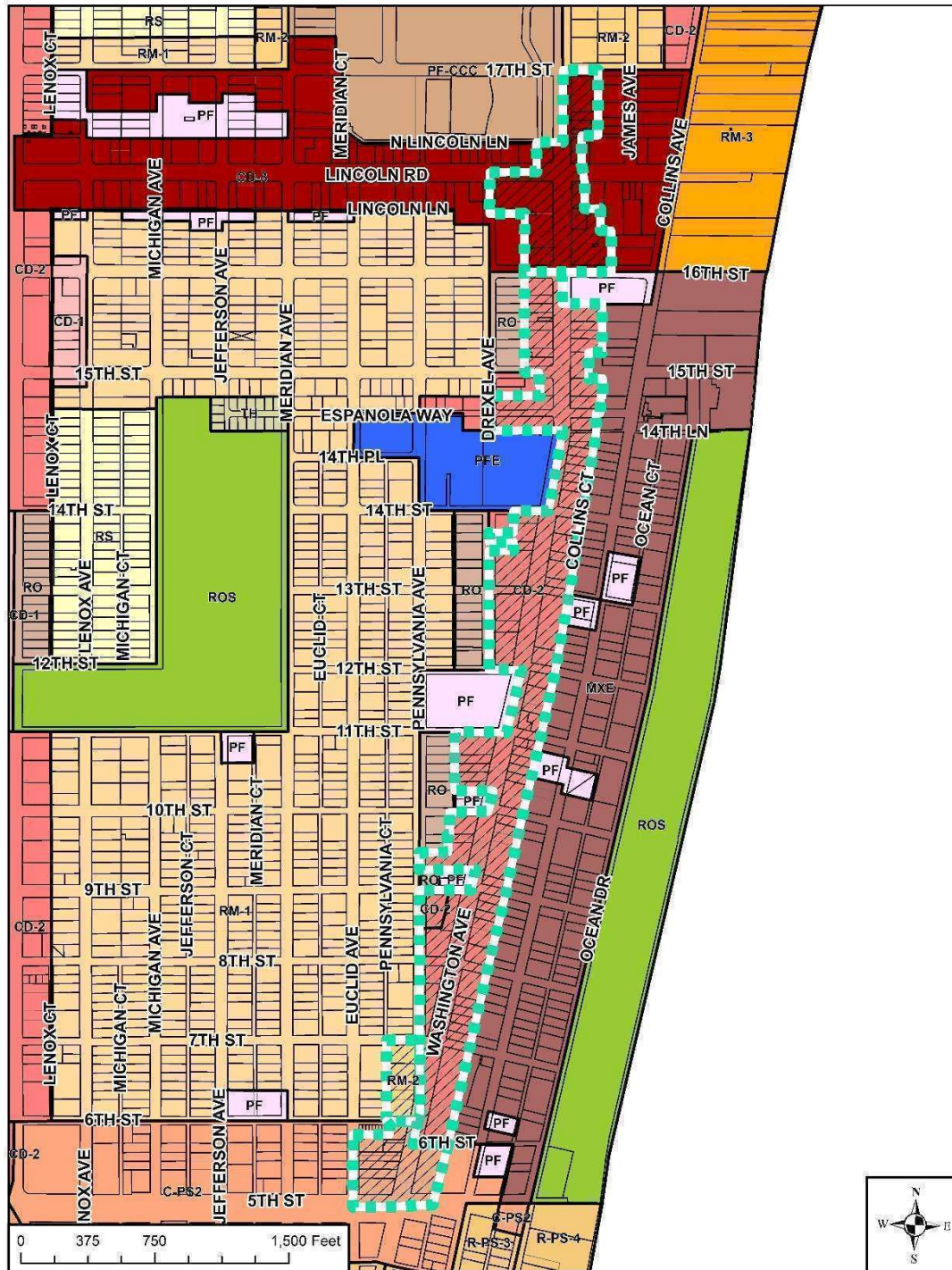
Continued from 2/3/2025 - R5 T

Zoning Map:



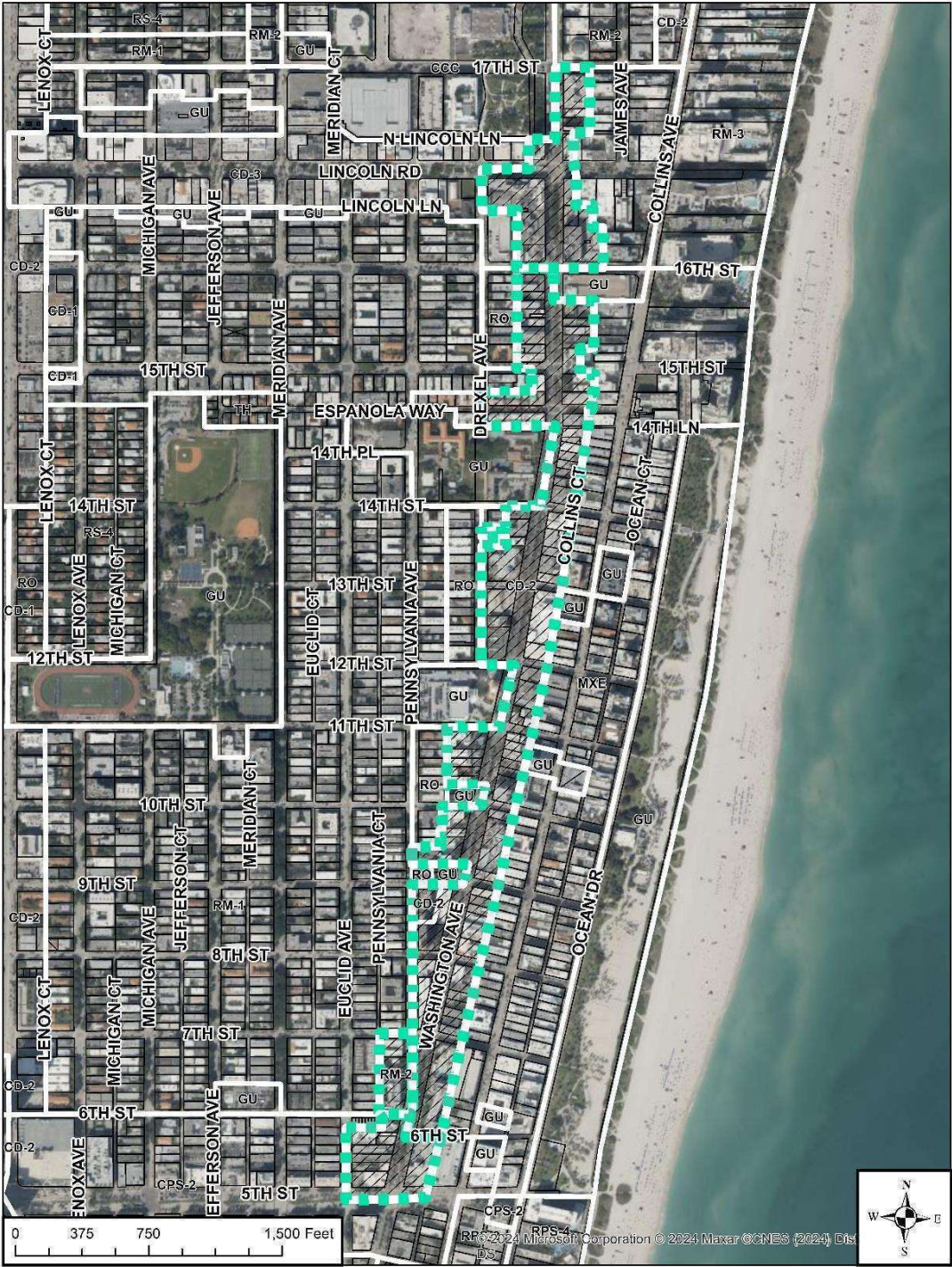


Future Land Use Map:





Aerial Map:





**Washington Avenue Residential Plan - Comprehensive Plan Amendment**

**ORDINANCE NO. \_\_\_\_\_**

**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.**

**WHEREAS**, the 2010 US Census indicated that the City of Miami Beach had a population of 87,779; and

**WHEREAS**, the 2020 US Census indicated that the City of Miami Beach had a population of 82,890; and

**WHEREAS**, between 2010 and 2020, the City of Miami Beach lost a net total of 4,889 residents; and

**WHEREAS**, the July 2022 US Census American Community Survey estimates that the City of Miami Beach has a population of 80,017, reflecting a further loss of 2,873 residents since the 2020 Census; and

**WHEREAS**, the City finds the loss of permanent residents may have had a negative impact on the quality of life of remaining residents, by encouraging more traffic congestion due to the need for employees to commute longer distances to employment centers within the City; and

**WHEREAS**, the loss of residents is partially due to the conversion of residential units to short-term rentals or other transient units; and

**WHEREAS**, the introduction of transient units in predominantly residential areas has created nuisances for residents and often prevents the quiet enjoyment of their residences; and

**WHEREAS**, Section 509.032, Florida Statutes provides that *"A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011"*; and

**WHEREAS**, pursuant to Section 509.032, Florida Statutes, the City of Miami Beach cannot prohibit the short-term rental of residential units in areas where they were not prohibited prior to June 1, 2011; and

**WHEREAS**, the City seeks to establish incentives in order to encourage residential development that will not be used for short-term rentals or other transient uses in order to encourage the growth of the permanent resident population; and

**WHEREAS**, the City has the authority to enact laws that promote the public health, safety, and general welfare of its citizens; 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.** The following amendments to the City's 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

## **RESILIENT LAND USE & DEVELOPMENT ELEMENT**

\* \* \*

### **GOAL RLU 1: LAND USE**

\* \* \*

#### **OBJECTIVE RLU 1.1 Establishment of Future Land Use Categories**

The City hereby adopts future land use map categories to provide for an efficient distribution and compatible pattern of land uses, and to maintain and enhance the character of the community.

\* \* \*

#### **Table RLU 1.1**

The following table is a reference guide that depicts the policy number, and maximum densities and intensities for each future land use map (FLUM) category.

(\* = Refer to policy for limits)



FLUM Category	Density Limits (Units Per Acre)	Intensity Limits (Floor Area Ratio)	Reference (Policy #)
*	*	*	*
Medium Density Multi Family Residential (RM-2)	<del>400</del> 175* units per acre	<del>2.0</del> 4.0*	RLU 1.1.6
*	*	*	*
Medium Intensity Commercial (CD- 2)	<del>400</del> 175* units per acre	<del>1.5</del> 4.0*	RLU 1.1.9
High Intensity Commercial (CD-3)	<del>450</del> 175 units per acre	<del>2.0</del> 4.0*	RLU 1.1.10
*	*	*	*
General Mixed Use Commercial Performance Standard (C-PS2)	<del>406</del> 175* units per acre	<del>2.0</del> 4.0*	RLU 1.1.28

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#### **POLICY RLU 1.1.6 MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)**

*Purpose:* To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium density multi-family residential areas.

*Uses which may be permitted:* Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels. Residential office uses are permitted in RM-2 only in the West Avenue Bay-Front Overlay District, as described in the Land Development Regulations. Places of assembly, restaurant, retail, and general office uses are main permitted uses in the Faena District Overlay as set forth in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

*Density Limits:* 100 dwelling units per acre, except as follows:

- For developments located on Washington Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the ~~maximum density~~ development shall ~~not exceed~~ be eligible for a density bonus up to a total of 175 dwelling units per acre.

*Intensity Limits:* Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.0-, except as follows:

- For developments located on Washington Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the development shall be eligible for a floor area ratio ~~shall not exceed~~ bonus up to a total of 4.0.

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### **POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)**

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre, except as follows:

- For developments located on Washington Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the ~~maximum density~~ development shall ~~not exceed~~ be eligible for a density bonus up to a total of 175 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use-, except as follows:

- For developments located on Washington Avenue between 6<sup>th</sup> Street and 16<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the development shall be eligible for a floor area ratio ~~shall not exceed~~ bonus up to a total of 4.0.

### **POLICY RLU 1.1.10 HIGH INTENSITY COMMERCIAL (CD-3)**

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which primarily serve the entire City.

Uses which may be permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category,



as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 150 dwelling units per acre.

Intensity Limits:

- a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft.;
- a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.;
- a floor area ratio 3.0 on oceanfront lots with lot area greater than 45,000 sq. ft.;
- a floor area ratio of 2.0 on oceanfront lots in architectural district;
- a floor area ratio of 3.0 for lots which, as of November 14, 1998, are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, however, the lesser of an additional floor area ratio of 0.15 or 20,000 sq. ft. for the purpose of providing hotel amenities may be available;
- for developments located on Washington Avenue between 16<sup>th</sup> Street and 17<sup>th</sup> street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the development shall be eligible for a floor area ratio ~~shall not exceed~~ bonus up to a total of 4.0.

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#### **POLICY RLU 1.1.28 GENERAL MIXED USE COMMERCIAL PERFORMANCE STANDARD (C-PS-2)**

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels, and commercial uses.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 106 dwelling units per acre, except as follows:

- For developments located on Washington Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the ~~maximum density~~ development shall ~~not exceed~~ be eligible for a density bonus up to a total of 175 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.0-, except as follows:

- For developments located on Washington Avenue between 5<sup>th</sup> Street and 6<sup>th</sup> Street, as described in the Land Development Regulations, that comply with the requirements for



Residential Use Incentives in Policy RLU 1.2.8, the development shall be eligible for a floor area ratio shall not exceed bonus up to a total of 4.0.

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## **OBJECTIVE RLU 1.2: LAND USE REGULATION**

Future growth and development, redevelopment and rehabilitation will be managed through the preparation, adoption, implementation, and enforcement of land development regulations (LDR) consistent with the Comprehensive Plan and with s.163.3202, F.S.

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## **POLICY 1.2.8 RESIDENTIAL USE INCENTIVES**

These provisions are hereby adopted to provide voluntary zoning incentives for non-transient residential development. Where authorized in the underlying future land use category, and in accordance with all applicable regulations set forth in the Comprehensive Plan and Land Development Regulations, residential developments consisting solely of non-transient residential units and allowable accessory uses shall be eligible for applicable incentives set forth in such future land use category, subject to 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 future land use category.
2. **Short Term Rental Conversion and Prohibition.** In order to be eligible for the voluntary residential use incentives authorized for the applicable future land use category, 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. **Covenant.** As a condition of eligibility for the voluntary residential use incentives authorized for the applicable future land use category, 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. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the City Commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed.
4. **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.

**SECTION 2. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan of the City of Miami Beach, FL, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional, and county agencies as required by applicable law.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect until 31 days after the state land planning agency notifies the City that the plan amendment package is complete following adoption, pursuant to Section 163.3184(3), Florida Statutes.


**PASSED and ADOPTED** \_\_\_\_\_.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney      NK      1/23/2025  
Date

First Reading: February 3, 2025  
Second Reading: April 23, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

### WASHINGTON AVENUE RESIDENTIAL PLAN - COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, TO PROVIDE FLOOR AREA RATIO (F.A.R.) 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 AND TO EXPAND THE MINIMUM STANDARDS FOR OBTAINING THE F.A.R. AND DENSITY INCENTIVES SET FORTH IN THIS ORDINANCE

FEBRUARY 26, 2025

#### CITY COMMISSION MEETING

NOTICE IS HEREBY GIVEN that on February 26, 2025, at 9:35 a.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a First Reading/Public Hearing on the following proposed Ordinance:

#### 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. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

During the **February 26, 2025**, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139**.

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) with the Agenda Item Number in the subject line. Comments received, in either format, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent from the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, a sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Breezeline Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>. To access additional advertisements and notices, visit Miami-Dade County's designated website at <http://legalads.miamidade.gov/> and filter by municipality.

#### Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139.

Rafael E. Granado, City Clerk  
City of Miami Beach  
[CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov)  
305.673.7411

AD: 02262025-05

MIAMI BEACH