

C4 G REFERRAL TO THE PLANNING BOARD – LAND USE INCENTIVES FOR  
SCHOOL AND EDUCATION FACILITIES.

Applicable Area:



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 26, 2025  
TITLE: REFERRAL TO THE PLANNING BOARD – LAND USE INCENTIVES FOR SCHOOL AND EDUCATION FACILITIES.

**RECOMMENDATION**

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

**BACKGROUND/HISTORY**

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to incentives for school and educational facilities (C4 F) to the Land Use and Sustainability Committee (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 LUSC meeting date, with no discussion.

On October 14, 2024, the LUSC discussed and continued the item to the November 25, 2024, 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. Additionally, Commissioner David Suarez became a co-sponsor of the proposal.

On November 25, 2024, the item was deferred to the January 16, 2025, LUSC meeting, with no discussion. On January 16, 2025, the LUSC recommended that the City Commission refer an amendment to the Land Development Regulation of the City Code (LDRs) to the Planning Board, in accordance with the recommendations in the LUSC memorandum.

**ANALYSIS**

Currently, schools and education uses are permitted as a conditional use in all multi-family and commercial districts within the city. In response to the recommendation of the LUSC, the attached ordinance has been drafted, which creates tangible land use incentives for educational uses. The following is a general summary of the proposed incentives:

1. New construction of eligible educational facilities would be subject to staff level review up to the following maximum thresholds for intensity and height:
  - a. New construction may not exceed 25,000 square feet of new floor area or the maximum allowable floor area within the underlying zoning or overlay district, whichever is less.
  - b. The maximum building height may not exceed 50'-0" in height or the maximum allowable height within the underlying zoning or overlay district, whichever is less.

Any facility exceeding this threshold would require Historic Preservation Board (HPB) or Design Review Board (DRB) approval, as applicable.

NOTE: A certificate of appropriateness from the HPB will still be required for the demolition of any building located within a local historic district.

2. Eligible educational facilities may request a Commission Warrant for an increase in allowable intensity (FAR) by up to 10 percent, not to exceed a total of 5,000 additional square feet.  
NOTE: This threshold is consistent with the exemptions standard in the FAR increase process requirements set forth in Section 7.1.10 of the LDRs.

3. Eligible educational facilities may request a Commission Warrant for up to a 50% reduction in minimum setbacks, open space, and lot coverage.
4. In commercial and high intensity zoning districts, conditional use approval would not be required for eligible educational facilities that do not exceed 50,000 square feet.
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.

### **FAR PROCEDURES**

Since the attached ordinance includes a provision to increase maximum allowable floor area, final approval by the City Commission would require a 6/7 affirmative vote. In accordance with Section 7.1.10 of the LDRs, the proposed ordinance is subject to the expanded review process for increasing allowable floor area, and a 5/7 affirmative vote of the City Commission is required to refer the ordinance to the Planning Board.

However, the City Commission may waive the requirement for the expanded FAR review process, in accordance with Section 7.1.10.5 of the LDRs, as more specifically described hereto:

#### **7.1.10.5 Exceptions**

*The City Commission, by an affirmative five-sevenths vote, may waive the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 for the following types of amendments:*

- a. *An FAR increase or modification to a floor area exception resulting in an increase in floor area that is no more than 10% of the allowable floor area for an individual property or site. not to exceed a total of 5,000 additional square feet of floor area per property or site.*
- b. *A modification to a floor area exception that applies citywide and would not result in a substantial increase in allowable floor area, as determined by the City Commission at the City Commission's sole discretion.*

*If the city commission waives the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 the amendment shall otherwise be subject to the applicable notice and amendment provisions in chapter 2, article IV of the Land Development Regulations.*

The proposed increase in FAR in the draft ordinance does not exceed the threshold for the exception in Section 7.1.10.5.a above. Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission include a waiver of the applicable provisions as part of this referral.

### **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**

No Fiscal Impact Expected

### **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-notice/>

### **FINANCIAL INFORMATION**

No Fiscal Impact

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the LDRs, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.
3. In accordance with section 7.1.10.5.a of the LDRs, the City Commission waive the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 of the LDR's and the amendment shall be subject to the applicable notice and amendment provisions in chapter 2, article IV of the LDR's.

### **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?** No

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

**Department**

Planning

**Sponsor(s)**

Commissioner Alex Fernandez  
Commissioner David Suarez

**Co-sponsor(s)**

Commissioner Joseph Magazine

**Condensed Title**

Ref: PB - Land Use Incentives for School and Education Facilities.  
(Fernandez/Suarez/Magazine) PL

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

- E. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- F. Accessory Dwelling Units (ADU) within single family zoning districts; provided the proposed ADU does not require the demolition or alteration of architecturally significant portions of a building or structure.
- G. New construction, including attached or detached additions, of eligible educational facilities pursuant to section 7.2.12 that do not exceed 25,000 square feet of floor area and do not exceed 50'-0" in height.

**SECTION 3.** Chapter 2, entitled "Administration and Review Procedures", Article VII, entitled "Commission Warrant", is hereby amended as follows:

## CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

\* \* \*

### ARTICLE VII. Commission Warrant

\* \* \*

#### 2.7.1 Procedures.

The city commission may grant a warrant from the application of these land development regulations to a specific development project, where the warrant improves the design of the project but does not (i) increase its floor area ratio or density from that allowed by these land development regulations, except as provided for in Section 2.7.1(c); (ii) allow a use not otherwise allowed by these land development regulations; or (iii) modify by more than 25 percent the building bulk requirements of the land development regulations, except as provided for in Section 2.7.1(c).

\* \* \*

c. Eligible educational facilities pursuant to section 7.1.12 , may request a commission warrant in accordance with 2.7.1(a) and (b) to exceed the maximum allowable FAR within the underlying zoning district or overlay district by 10percent, not to exceed a total of 5,000 additional square feet and to reduce the minimum required setbacks, open space and lot coverage requirements within the underlying zoning distrid or overlay district by 50 percent.

**SECTION 4.** Chapter 7, entitled "Zoning Districts and 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

\* \* \*

#### **7.1.12 SCHOOL USE INCENTIVES**

Where authorized in the underlying zoning district or overlay district, the below voluntary incentives shall be applicable to school developments including college, elementary school, high school, kindergarten school, middle school, pre-school, or university that are public schools or designated by the Internal Revenue Service as tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code.

- a. Eligible educational facilities shall have no minimum off-street parking requirement. Such facilities 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.
- b. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to exceed the maximum allowable FAR within the underlying zoning district or overlay district by 10 percent, not to exceed a total of 5, 000 additional square feet.
- c. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to reduce the required setbacks, open space and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.
- d. Eligible educational facilities located within commercial and high intensity zoning districts that do not exceed 50,000 square feet of gross floor area shall not require a conditional use permit.
- e. The following shall apply to eligible educational facilities that do not exceed 25,000 square feet of new floor area or the maximum allowable floor area within the underlying zoning or overlay district, whichever is less, and do not exceed 50'-0" in height or the maximum allowable height within the underlying zoning or overlay district, whichever is less:
  1. For properties not located within any local historic district, mandatory Design Review Board approval for the design of eligible educational facilities shall not be required.
  2. For properties located within a local historic district, mandatory Historic Preservation Board approval for the design of the new construction of eligible educational facilities shall not be required. This provision shall not apply to the proposed demolition of an existing structure.

#### **SECTION 5. REPEALER.**

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

#### **SECTION 6. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

#### **SECTION 7. SEVERABILITY.**

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

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025

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

ATTEST:

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:

Second Reading:

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

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