

20. DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

Applicable Area:

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: April 15, 2025

TITLE: DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) discuss and conclude the item with no further action. Although the Administration supports creative ways to expand non-transient residential housing at all income levels, it does not recommend modifying the Land Development Regulations of the City Code (LDRs) to address potential future impacts of Live Local Act projects at this time until we further determine the viability of these projects.

### **BACKGROUND/HISTORY**

On March 13, 2024, at the request of Commissioner Joseph Magazine, the Mayor and City Commission (City Commission) referred a discussion regarding potential alternatives to the Live Local Act approval process, pursuant to item R9 AR, 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 meeting date, with no discussion.

### **ANALYSIS**

As noted in the attached memorandum from the March 13, 2024 City Commission meeting (item R9 AR), the sponsor would like to discuss possible parameters for property owners to present creative development proposals to the City, as an alternative to invoking the preemptions in the Live Local Act. The purpose would be to encourage long-term, non-transient residential development (including workforce housing) that is more compatible with the surrounding neighborhood than what would otherwise be available under the Live Local Act.

Due to State preemptions associated with the Live Local Act, the City is somewhat limited in terms of controlling eligible projects. Regarding potential options that could be a tangible alternative to utilizing the provisions of the Live Local Act, the following can be considered:

1. Establish a City Commission waiver provision to exceed maximum building height limits, up to a certain maximum overall height. To obtain such a waiver, in lieu of utilizing the provisions of the Live Local Act, a developer would have to agree to voluntarily design a project in a manner consistent with the established scale, character and context of the surrounding area.

2. The City Commission could create a separate warrant process for floor area ratio (FAR) bonuses that would be applicable to non-transient residential housing. This would allow the City Commission to approve FAR bonuses on a specific, case by case basis, without having to increase FAR within a district.

Both options, as well as others the LUSC may discuss, would not be bound by the minimum thresholds for workforce and affordable housing under the provisions of the Live Local Act.

At this time, the Administration does not recommend modifying the Land Development Regulations of the City Code (LDRs) to address potential future impacts of Live Local Act projects. In this regard, no Live Local Act projects have been approved in the City, to date, and it is not clear to what extent such projects will even be developed on Miami Beach. Further, amending the LDRs to increase development rights, for the purpose of circumventing Live Local projects, could encourage more property owners to file unrealistic Live Local Act applications, with the sole purpose of increasing development rights.

Should a developer or property owner want to submit a proposal for increases in building height or intensity, in lieu of a potential Live Local Act project, they are currently able to do so as a private applicant. Also, there are currently proposals pending before the Planning Board and City Commission that would incentivize non-transient residential uses and the Administration recommends that these incentives, as well as those for affordable, workforce and attainable housing, continue to be explored.

Finally, should the LUSC recommend a code amendment, a separate referral to the Planning Board, by the City Commission, to amend the LDRs would be required.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

### **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-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the LUSC discuss and conclude the item with no further action.

### **Applicable Area**

Citywide

**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?** No

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

**Department**

Planning

**Sponsor(s)**

Commissioner Joseph Magazine

**Co-sponsor(s)**

**Condensed Title**

Discuss Setting Parameters For Property Owners To Present Creative Development Proposals To The City Administration And City Commission, As An Alternative To Invoking The Preemptions In The Live Local Act, To Encourage Long-Term Non-Transient Residential Development (Including Workforce Housing) That Is More Compatible With The Surrounding Neighborhood.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Joseph Magazine  
DATE: March 13, 2024

SUBJECT: DISCUSS/TAKE ACTION – DISCUSS SETTING PARAMETERS FOR PROPERTY OWNERS TO PRESENT CREATIVE DEVELOPMENT PROPOSALS TO THE CITY ADMINISTRATION AND CITY COMMISSION, AS AN ALTERNATIVE TO INVOKING THE PREEMPTIONS IN THE LIVE LOCAL ACT, TO ENCOURAGE LONG-TERM NON-TRANSIENT RESIDENTIAL DEVELOPMENT (INCLUDING WORKFORCE HOUSING) THAT IS MORE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

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### **BACKGROUND/HISTORY**

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 name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place the above discussion item on the March 13, 2024 City Commission meeting agenda. The Live Local Act preempts the City in many respects, including as to maximum height and floor area ratio ("FAR"), for qualifying projects. I would like the City Commission to discuss possible parameters for property owners to present creative development proposals to the City, as an alternative to invoking the preemptions in the Live Local Act. The purpose would be to encourage long-term, non-transient residential development (including workforce housing) that is more compatible with the surrounding neighborhood than what would otherwise be available under the Live Local Act.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Legislative Tracking**

Commissioner Joseph Magazine