

R5 D NORTH BEACH OCEANFRONT OVERLAY - 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 SMALL SCALE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY 1.1.7: HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3), CREATING THE NORTH BEACH OCEANFRONT OVERLAY LAND USE OVERLAY CATEGORY PROVIDING AUTHORITY TO ESTABLISH FLOOR AREA INCENTIVES FOR PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS; AND DESIGNATING THE NORTH BEACH OCEANFRONT OVERLAY DISTRICT ON THE 2040 FUTURE LAND USE MAP; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; 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: April 23, 2025 9:20 a.m. Second Reading Public Hearing**

TITLE: NORTH BEACH OCEANFRONT OVERLAY - 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 SMALL SCALE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY 1.1.7: HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3), CREATING THE NORTH BEACH OCEANFRONT OVERLAY LAND USE OVERLAY CATEGORY PROVIDING AUTHORITY TO ESTABLISH FLOOR AREA INCENTIVES FOR PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS; AND DESIGNATING THE NORTH BEACH OCEANFRONT OVERLAY DISTRICT ON THE 2040 FUTURE LAND USE MAP; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

Second Reading of this Ordinance will be opened and continued to May 21, 2025.

BACKGROUND/HISTORY

The subject application was submitted on August 6, 2024 by TMG 67 Communities LLC with respect to the property located at 6701 Collins Avenue. This is a private application submitted pursuant to Sections 2.4.1 and 7.1.10 of the Resiliency Code. The applicant is proposing to create the North Beach Oceanfront Overlay within the City's Future Land Use Map, the text of the City's 2040 Comprehensive Plan, and the City's Resiliency Code.

ANALYSIS

The applicant is proposing to create a new overlay, entitled the North Beach Oceanfront Overlay district, as well as amend the RM-3 development regulations specific to 6701 Collins Avenue, the site of the former Deauville Hotel. The proposal includes amendments to the Comprehensive Plan, as more specifically noted in the attached ordinance.

The proposed amendments to the Comprehensive Plan and the Land Development Regulations of the City Code (LDRs) would enable the construction of an apartment hotel development that includes up to 416,250 square feet of bonus floor area, which would equate to an overall FAR of 5.5 for the property. The maximum zoned FAR for the property would remain at 3.0. Additionally, the applicant is proposing up to 180 feet of bonus building height, which will result in new towers constructed with a total height of 380 feet. The maximum zoned building height for the property would remain at 200 feet.

The applicant is also proposing to modify the minimum setback requirements in a manner specific

to the property. Other proposed amendments include modifications to the allowable encroachments, as identified in the attached ordinance, resulting in a zero-foot side setback for certain structures, as well as modification to the rear setback requirements. In addition, a reduction in the minimum off-street parking requirements is proposed, along with the allowance for subterranean parking and mechanical parking without the review of the Planning Board. Lastly, substantial exemption from the requirements of the long frontage standards is also proposed.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The proposal requires an amendment to the Comprehensive Plan for the proposed changes to the maximum intensity requirements for the property. In this regard, the following revision is proposed in the attached comprehensive plan amendment:

Policy RLU1.1.7 High Intensity Multi-family (RM-3) is proposed to be amended as follows:

Density Limits: 150 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 the following:

- *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;*
- *Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that provide intensity bonuses in the following RM-3 land use category overlays:*

A. North Beach Oceanfront Overlay: Lots within the North Beach Resort Historic District, which, as of January 1, 2025, are oceanfront lots with a lot area greater than 140,000 square feet and a minimum lot width of 450 feet, and are proposed to be developed with the partial reconstruction of a previously existing contributing building, as determined by the Historic Preservation Board, are eligible for the following intensity bonuses:

- i. The maximum base floor area in the overlay shall be 3.0.*
- ii. New construction limiting density to a maximum of 75 units per acre shall receive a floor area ratio bonus of 0.25.*
- iii. New construction limiting hotel unit count to a maximum of 200 units shall receive a floor area ratio bonus of 0.25.*
- iv. A property that elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, that no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.50.*
- v. A property that provides pedestrian pathways from Collins Avenue to the beach walk on the north and south sides of the property for public beach access in perpetuity shall receive a floor area bonus of 0.50.*

- vi. Notwithstanding the foregoing, the City Commission may adopt land development regulations that allow additional floor area for the sole purpose of partial reconstruction of the pedestal of a contributing structures, with the extent of reconstruction to be approved by the Historic Preservation Board, up to a maximum of 166,500 square feet of additional floor area, provided that density and intensity of development at the property where the reconstruction occurs is limited as provided below.
- vii. Accessory Uses: the enclosed portions of accessory uses shall not exceed 35% of the square footage of the reconstructed contributing building square footage of the historic structure.

Under Section 163.3187(1), Florida Statutes, this amendment qualifies as a small-scale amendment as the proposed North Beach Oceanfront Overlay is approximately 3.82 acres. This process requires a public hearing by the local planning agency (Planning Board) and a final adoption public hearing before the City Commission. The ordinance shall take effect 31 days after adoption if no challenge is filed.

PLANNING BOARD REVIEW

On November 26, 2024, the Planning Board held a public hearing, reviewed the proposed ordinance and continued it to the January 7, 2025, meeting. On December 17, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On January 7, 2025, the Planning Board continued the proposed ordinance to a date certain of February 4, 2025, at the request of the applicant, with no substantive discussion. On February 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

UPDATE

On March 19, 2025 the subject ordinance was approved at First Reading, with no changes. However, for consistency with the proposed modifications to the companion LDR amendment, a slightly revised version of the ordinance is included for adoption at Second Reading.

Also, the proposed amendments to the LDRs and the Comprehensive Plan are tethered to a separate development agreement which, if approved by the City Commission at First Reading on April 23, 2025, would be considered for adoption by the City Commission on May 21, 2025. For all three of these components to be considered for adoption together, the applicant has requested that the City Commission Second Reading of the Comprehensive Plan amendment to May 21, 2025.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 3/24/2025
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 open and continue Second Reading of the ordinance to May 21, 2025.

Applicable Area

North 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)

Private Applicant

Co-sponsor(s)

Condensed Title

9:20 a.m. 2nd Rdg, North Beach Oceanfront Overlay - Comp Plan Amendment. (Priv Appl) PL

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 3/19/2025 - R5 P

**North Beach Oceanfront Overlay District - Comprehensive Plan Amendment
(Amended for Second Reading)**

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 SMALL SCALE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, BY AMENDING GOAL RLU 1, "LAND USE," OBJECTIVE RLU 1.1, "ESTABLISHMENT OF FUTURE LAND USE CATEGORIES," POLICY 1.1.7, "HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)," TO CREATE THE NORTH BEACH OCEANFRONT OVERLAY LAND USE CATEGORY, PROVIDING AUTHORITY TO ESTABLISH FLOOR AREA INCENTIVES FOR PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS; AND DESIGNATING THE NORTH BEACH OCEANFRONT OVERLAY DISTRICT ON THE 2040 FUTURE LAND USE MAP; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Lot 44, Block 1 of the Amended Second Oceanfront Subdivision is one of the largest single oceanfront properties in the City (the "Overlay Area"); and

WHEREAS, the City seeks to create regulations for the development of the Overlay Area that promote the public health, safety, and general welfare of the public; and

WHEREAS, due to the unique size and location of the Overlay Area, any future development must be carefully planned to ensure appropriate massing, promote neighborhood character, and ensure compatibility with the surrounding historic district; and

WHEREAS, the Overlay Area was previously developed with a hotel known as the Deauville Beach Resort that was classified by the City as a contributing building within the North Beach Resort Historic District; and

WHEREAS, the City seeks to incentivize the partial reconstruction of the Deauville Beach Resort in accordance with the City's Certificate of Appropriateness Criteria, while balancing the need for resilient design and pedestrian friendly streetscapes; and

WHEREAS, taking into account the size of the Overlay Area, the City seeks to appropriately limit residential density and hotel unit counts; and

WHEREAS, the City seeks to encourage development of cohesive residential and mixed-use communities with low density long-term residential uses; and

WHEREAS, the proposed North Beach Oceanfront Overlay is approximately 3.82 acres and qualifies as a small-scale amendment; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives; and

WHEREAS, these regulations will promote the public health, safety and welfare.

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 Future Land Use Element are hereby adopted:

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

* * *

GOAL RLU 1: LAND USE

* * *

POLICY RLU 1.1.7 HIGH INTENSITY MULTI-FAMILY (RM-3)

* * *

Density Limits: 150 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 the following:

- 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;
- Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that provide intensity bonuses in the following RM-3 land use category overlays:

A. North Beach Oceanfront Overlay: Lots within the North Beach Resort Historic District, which, as of January 1, 2025, are oceanfront lots with a lot area greater than 140,000 square feet and a minimum lot width of 450 feet, and are proposed to be developed with the partial reconstruction of a previously existing contributing building, as determined by the Historic Preservation Board, are eligible for the following intensity bonuses:

- i. The base maximum floor area in the overlay shall be 3.0.
- ii. New construction limiting density to a maximum of 75 units per acre shall receive a floor area ratio bonus of 0.25.
- iii. New construction limiting hotel unit count to a maximum of ~~280~~ 200 units shall receive a floor area ratio bonus of 0.25.
- iv. A property owner that elects, at the owner's sole discretion, to voluntarily execute and record a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, throughout the property and at all times, no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.50.
- v. A property that provides pedestrian pathways from Collins Avenue to the beach walk on the north and south sides of the property for public beach access in perpetuity shall receive a floor area bonus of 0.50.
- vi. The City Commission may adopt land development regulations that allow additional floor area for the sole purpose of partial reconstruction of the pedestal of a contributing structures, with the extent of reconstruction to be approved by the Historic Preservation Board, up to a maximum of 166,500 square feet of additional floor area, provided that density and intensity of development at the property where the reconstruction occurs is limited as provided in this Policy and as further provided in the land development regulations.
- vii. Accessory Uses: the enclosed portions of accessory uses shall not exceed 35% of the square footage of the reconstructed contributing building.

SECTION 2. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

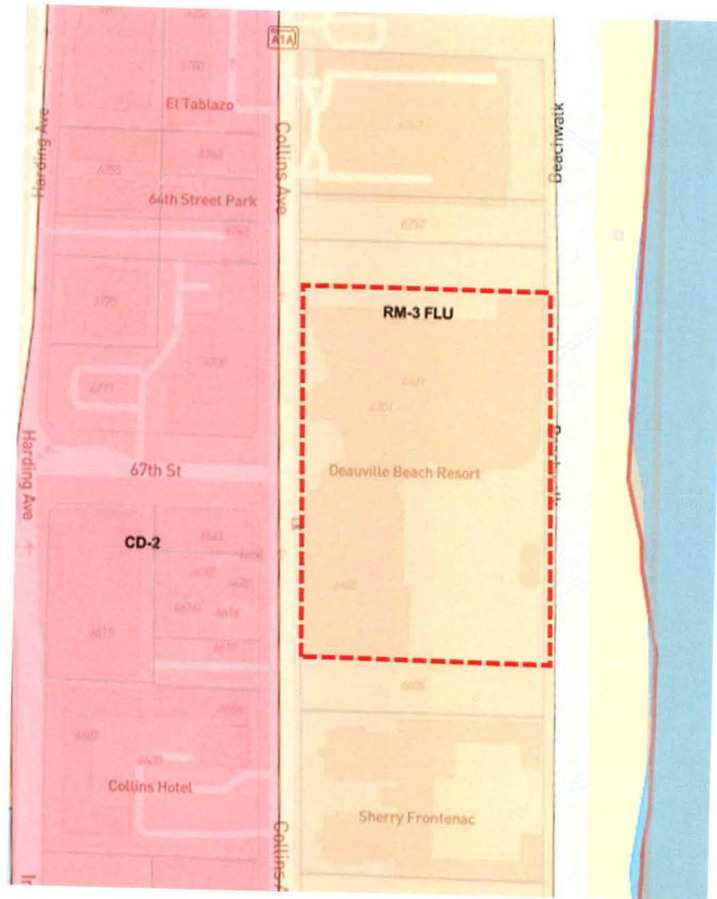
The following amendment to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map:

MAPS SERIES

* * *

2040 FUTURE LAND USE MAP

The 2040 Future Land Use Map shall be amended to include the "North Beach Oceanfront Overlay District." The overlay regulations of this section shall apply to the following property, further identified and outlined in the excerpt of the 2040 Future Land Use Map below:



SECTION 3. 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 4. REPEALER

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

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE.

The ordinance shall take effect 31 days after adoption if no challenge is filed, pursuant to Section 163.3187(1), Florida Statutes.

PASSED and ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney *OK* 4/14/2025
Date

First Reading: March 19, 2025
Second Reading: May 21, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Parking Modern attendees can park at the City Hall Garage, 1755 Madison Avenue, Miami Beach. Tickets \$31.30.

RWolf E. Grenada, City Clerk
 City of Miami Beach
 CityClerk@miamicityclerk.com
 305-673.7411
AD: 04232025-12