

R5 AG SCHOOL 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 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES”, ARTICLE V ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS”, SECTION 2.5.3 ENTITLED “DESIGN REVIEW”, SUBSECTION 2.5.3.3 ENTITLED “ADMINISTRATIVE DESIGN REVIEW”; CHAPTER 2 ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES”, AND BY AMENDING ARTICLE XIII ENTITLED “HISTORIC PRESERVATION”, SECTION 2.13.7 ENTITLED “ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/ CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION”, SUBSECTION C ENTITLED “REVIEW PROCEDURE” TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR SCHOOL DEVELOPMENT; BY AMENDING CHAPTER 2 ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES”, ARTICLE VII ENTITLED “COMMISSION WARRANT” TO SECTION 2.7.1 ENTITLED “REVIEW PROCEDURE” TO ALLOW FAR WARRANT REQUESTS FOR SCHOOL DEVELOPMENT; 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 TO ELIMINATE THE PARKING REQUIREMENT FOR SCHOOL USE; BY CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” BY CREATING SECTION 7.1.12, ENTITLED “SCHOOL USE INCENTIVES,” TO ESTABLISH NEW ZONING INCENTIVES (INCLUDING, WITHOUT LIMITATION, FLOOR AREA RATIO) SPECIFIC TO PROPERTIES PROPOSED TO BE DEVELOPED WITH A SCHOOL USE, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” BY AMENDING SECTION 7.2.4, ENTITLED “RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY,” AT SUBSECTION 7.2.4.2, ENTITLED “USES (RM-1),” AND BY AMENDING SECTION 7.2.5, ENTITLED “RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY,” AT SUBSECTION 7.2.5.2, ENTITLED “USES (RM-2),” AND BY AMENDING SECTION 7.2.6, ENTITLED “RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY,” AT SUBSECTION 7.2.6.2, ENTITLED “USES (RM-3),” AND BY AMENDING SECTION 7.2.10, ENTITLED “CD-1 COMMERCIAL, LOW INTENSITY DISTRICT,” AT SUBSECTION 7.2.10.2, ENTITLED “USES (CD-1),” AND BY AMENDING SECTION 7.2.11, ENTITLED “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT,” AT SUBSECTION 7.2.11.2, ENTITLED “USES (CD-2),” AND BY AMENDING SECTION 7.2.12, ENTITLED “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT,” AT SUBSECTION 7.2.12.2, ENTITLED “USES (CD-3),” AND BY AMENDING SECTION 7.2.14, ENTITLED “NORTH BEACH TOWN CENTER-CORE DISTRICT (TC),” AT SUBSECTION 7.2.14.2, ENTITLED “USES (TC-1, TC-2),” AND BY AMENDING SUBSECTION 7.2.14.3, ENTITLED “USES (TC-3),” AND BY AMENDING SUBSECTION 7.2.14.6, ENTITLED “TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT,” AND BY AMENDING SECTION 7.2.15, ENTITLED “PERFORMANCE STANDARD DISTRICT (PS),” AT SUBSECTION 7.2.15.2, ENTITLED “RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS (R-PS),” AND BY AMENDING SUBSECTION 7.2.15.3, ENTITLED “COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS),” AND BY AMENDING SECTION 7.2.18, ENTITLED “SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT,” AT SUBSECTION 7.2.18.2, ENTITLED “USES (SPE)” BY REFERENCING THE SCHOOL USE INCENTIVES ESTABLISHED UNDER SECTION 7.1.12, AND CONFORMING THE

REGULATIONS FOR EACH RESPECTIVE ZONING DISTRICT TO REFLECT THE INCENTIVES AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025

2:31 p.m. First Reading Public Hearing

TITLE: SCHOOL 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 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE V ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS", SECTION 2.5.3 ENTITLED "DESIGN REVIEW", SUBSECTION 2.5.3.3 ENTITLED "ADMINISTRATIVE DESIGN REVIEW"; CHAPTER 2 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", AND BY AMENDING ARTICLE XIII ENTITLED "HISTORIC PRESERVATION", SECTION 2.13.7 ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/ CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION", SUBSECTION C ENTITLED "REVIEW PROCEDURE" TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR SCHOOL DEVELOPMENT; BY AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE VII ENTITLED "COMMISSION WARRANT" TO SECTION 2.7.1 ENTITLED "REVIEW PROCEDURE" TO ALLOW FAR WARRANT REQUESTS FOR SCHOOL DEVELOPMENT; 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 TO ELIMINATE THE PARKING REQUIREMENT FOR SCHOOL USE; BY CHAPTER 7, ENTITLED "ZONING DISTRICT REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.12, ENTITLED "SCHOOL USE INCENTIVES," TO ESTABLISH NEW ZONING INCENTIVES (INCLUDING, WITHOUT LIMITATION, FLOOR AREA RATIO) SPECIFIC TO PROPERTIES PROPOSED TO BE DEVELOPED WITH A SCHOOL USE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.4, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SUBSECTION 7.2.4.2, ENTITLED "USES (RM-1)," AND BY AMENDING SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SUBSECTION 7.2.5.2, ENTITLED "USES (RM-2)," AND BY AMENDING SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SUBSECTION 7.2.6.2, ENTITLED "USES (RM-3)," AND BY AMENDING SECTION 7.2.10, ENTITLED "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SUBSECTION 7.2.10.2, ENTITLED "USES (CD-1)," AND BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.2, ENTITLED "USES (CD-2)," AND BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SUBSECTION 7.2.12.2, ENTITLED "USES (CD-3)," AND BY AMENDING SECTION 7.2.14, ENTITLED "NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)," AT SUBSECTION 7.2.14.2, ENTITLED "USES (TC-1, TC-2)," AND BY AMENDING SUBSECTION 7.2.14.3, ENTITLED "USES (TC-3)," AND BY AMENDING SUBSECTION 7.2.14.6, ENTITLED "TOWN CENTER-

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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 July 23, 2025.

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.

On March 19, 2025, at the request of Commissioners Alex Fernandez and David Suarez, the City Commission referred the attached ordinance to the Planning Board (C4 G).

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, amendments to the Land Development Regulations of the City Code (LDRs) and the Comprehensive Plan are proposed, which create 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 exemption's 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.

The proposed ordinances introduce targeted land use incentives to support the development of educational facilities by streamlining approvals, increasing flexibility, and reducing regulatory barriers. They are designed to encourage investment in education and facilitate the timely development of schools in appropriate urban locations while preserving essential oversight and compatibility with surrounding neighborhoods.

FAR PROCEDURES

Since the attached ordinance includes provisions to increase maximum allowable floor area, final approval by the City Commission requires a 6/7 affirmative vote. Additionally, in accordance with Section 7.1.10.5 of the LDRs, as part of the referral of the ordinance to the Planning Board on March 19, 2025, the City Commission waived the requirement for an expanded FAR review process, 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.

The proposal requires an amendment to the Comprehensive Plan for the proposed increase in Intensity. A separate companion ordinance amending the Comprehensive Plan is also proposed.

PLANNING BOARD REVIEW

On May 6, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Planning Board

also recommended that the current process for the conditional use approval of educational facilities remain in all zoning districts.

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-notice/>

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 July 23, 2025.

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

Co-sponsor(s)

Commissioner David Suarez

Condensed Title

2:31 p.m. 1st Rdg PH, School Use Incentives - LDR Amendments. (Fernandez/Suarez) PL

Previous Action (For City Clerk Use Only)

School Use Incentives – LDR Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS," SECTION 2.5.3 ENTITLED "DESIGN REVIEW," SUBSECTION 2.5.3.3, ENTITLED "ADMINISTRATIVE DESIGN REVIEW," TO EXTEND THE PLANNING DIRECTOR'S AUTHORITY TO REVIEW ELIGIBLE EDUCATIONAL FACILITIES; AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XIII, ENTITLED "HISTORIC PRESERVATION," SECTION 2.13.7, ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," SUBSECTION C, ENTITLED "REVIEW PROCEDURE," TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR SCHOOL DEVELOPMENT; AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VII, ENTITLED "COMMISSION WARRANT," SECTION 2.7.1, ENTITLED "REVIEW PROCEDURE," TO ALLOW FAR WARRANT REQUESTS FOR SCHOOL DEVELOPMENT; AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," SECTION 5.2.4, ENTITLED "VEHICLE OFF-STREET PARKING REQUIREMENTS," TO ELIMINATE THE PARKING REQUIREMENT FOR SCHOOL USES IN PARKING TIER 1; AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.12, ENTITLED "SCHOOL USE INCENTIVES," TO ESTABLISH NEW ZONING INCENTIVES (INCLUDING, WITHOUT LIMITATION, FLOOR AREA RATIO) SPECIFIC TO PROPERTIES PROPOSED TO BE DEVELOPED WITH A SCHOOL USE; AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.4, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SUBSECTION 7.2.4.2, ENTITLED "USES (RM-1)," AND BY AMENDING SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SUBSECTION 7.2.5.2, ENTITLED "USES (RM-2)," AND BY AMENDING SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SUBSECTION 7.2.6.2, ENTITLED "USES (RM-3)," AND BY AMENDING SECTION 7.2.10, ENTITLED "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SUBSECTION 7.2.10.2, ENTITLED "USES (CD-1)," AND BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.2, ENTITLED "USES (CD-2)," AND BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SUBSECTION 7.2.12.2, ENTITLED "USES (CD-3)," AND BY AMENDING SECTION 7.2.14, ENTITLED "NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)," AT SUBSECTION 7.2.14.2, ENTITLED "USES (TC-1, TC-2)," AND BY AMENDING SUBSECTION 7.2.14.3, ENTITLED "USES (TC-3)," AND BY AMENDING SUBSECTION 7.2.14.6, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," AND BY AMENDING SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," AT SUBSECTION 7.2.15.2, ENTITLED

“RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS (R-PS),” AND BY AMENDING SUBSECTION 7.2.15.3, ENTITLED “COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS),” AND BY AMENDING SECTION 7.2.18, ENTITLED “SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT,” AT SUBSECTION 7.2.18.2, ENTITLED “USES (SPE),” TO REFERENCE THE SCHOOL USE INCENTIVES ESTABLISHED UNDER SECTION 7.1.12 AND CONFORM THE REGULATIONS FOR EACH RESPECTIVE ZONING DISTRICT TO REFLECT THE INCENTIVES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, schools and educational facilities are currently permitted as conditional uses in all multi-family and commercial zoning districts within the City; and

WHEREAS, in response to recommendations from the Land Use and Sustainability Committee (LUSC), land use incentives aimed at encouraging and facilitating the development of educational facilities have been developed; and

WHEREAS, the proposed ordinance streamlines the approval process for new educational facilities by allowing staff-level review for projects up to specified thresholds for floor area and height, while preserving review authority for larger developments through the Historic Preservation Board or Design Review Board as applicable; and

WHEREAS, the proposed ordinance provides eligible educational facilities with the opportunity to request a Commission Warrant for modest increases in floor area, reductions in setbacks and open space requirements, and exemption from minimum off-street parking standards, thus increasing flexibility and reducing barriers to educational development; and

WHEREAS, the City Commission finds that these land use incentives will promote access to educational opportunities, improve the efficiency of the development process, and align with the City’s planning and sustainability goals.

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

SECTION 1. Chapter 2, entitled “Administration and Review Procedures,” Article V, entitled “Rezoning and Development Approvals,” Section 2.5.3, entitled “Design Review,” is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE V. Rezoning and Development Approvals

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2.5.3 Design Review

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2.5.3.3 Administrative design review

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- a. The planning director shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:

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12. New construction 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 2. Chapter 2, entitled "Administration and Review Procedures," Article XIII, entitled "Historic Preservation," Section 2.13.7, entitled "Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition," is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE XIII. Historic Preservation

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2.13.7 Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition

* * *

(c) Review procedure

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4. Notwithstanding subsections 2.13.7(c)(1) through (3) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this paragraph, the application requirement of certificate of appropriateness review shall be satisfied by the submission of a corresponding building permit application, or such other permit application form required by the planning department. Such minor repairs, alterations and improvements include the following:

* * *

- G. New construction of eligible educational facilities pursuant to section 7.2.12 that does not exceed 25,000 square feet of floor area and does 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), for the following:

1. To exceed the maximum allowable FAR within the underlying zoning district or overlay district by up to 10 percent, not to exceed a total of 5,000 additional square feet.

2. To reduce the required setbacks, open space and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.

SECTION 3. 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

a. Off-street parking requirements for parking tier 1

EDUCATIONAL	
College	One space per every five seats in the main auditorium or one space per every three seats per classroom, whichever is greater. <u>None</u>

<i>High school</i>	One space per every 12 seats in the main auditorium or one space per every six seats in a classroom, whichever is greater. <u>None</u>
<i>Junior high, elementary, nursery school, pre-school or daycare</i>	One space per 15 seats in main assembly room, plus one space per classroom. <u>None</u>

SECTION 4. Chapter 7, entitled “Zoning Districts and Regulations,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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7.1.12 SCHOOL USE INCENTIVES

Where authorized in the underlying zoning district or overlay district, the following incentives shall be applicable to school developments, including colleges, elementary schools, high schools, kindergarten schools, middle schools, pre-schools, or universities, that are public schools or are 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, however, provide off-street parking without such parking counting as allowable floor area.
- 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 up to 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 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 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 a 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 eligible educational facilities shall not be required. This provision shall not apply to any proposed demolition associated with the development of an eligible educational facility.

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ARTICLE II: DISTRICT REGULATIONS

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7.2.4 RM-1 RESIDENTIAL MULTIFAMILY, LOW INTENSITY

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7.2.4.2 Uses (RM-1)

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b. Supplemental Conditional Uses Regulations (RM-1)

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4. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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7.2.5 RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

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7.2.5.2 Uses (RM-2)

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b. Supplemental Conditional Uses Regulations (RM-2)

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6. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

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7.2.6.2 Uses (RM-3)

EDUCATIONAL	
Day Care Facility	C
Schools	C P*
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted uses Regulations (RM-3)

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2. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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7.2.10 CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

* * *

7.2.10.2 Uses (CD-1)

EDUCATIONAL	
Schools	C <u>P</u> *
Day Care Facility	C
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted Uses Regulations (CD-1)

* * *

4. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.2 Uses (CD-2)

EDUCATIONAL	
Schools	C <u>P</u> *
Family Day Care Facility	A*

* * *

- a. Supplemental Main Permitted uses Regulations (CD-2)

* * *

5. Qualifying educational facilities shall be eligible for the School Use Incentives as identified

in section 7.2.12 of these land development regulations.

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

EDUCATIONAL	
Schools	C <u>P</u> *
Major Cultural Dormitory Facilities	C*
Family Day Care	A*

* * *

a. Supplemental Main Permitted Uses Regulations (CD-3)

* * *

7. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.14 NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)

* * *

7.2.14.2 Uses (TC-1, TC-2)

EDUCATIONAL	
Schools	C <u>P</u> *
Major Cultural Dormitory Facilities	C*

* * *

a. Supplemental Main Permitted Uses Regulations (TC-1, TC-2)

* * *

5. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.14.3 Uses (TC-3)

<u>EDUCATIONAL</u>	
Day Care Facility	C
Schools	C <u>P</u> *

* * *

a. Supplemental main permitted uses Regulations (TC-3)

~~None~~ 1. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.14.6 Town Center-Central Core (TC-C) District

* * *

b. Uses (TC-C)

1. The main permitted, accessory, conditional and prohibited uses are as follows:

<u>EDUCATIONAL</u>	
Day Care Facility	C
Schools	C <u>P</u> *

* * *

2. Supplemental Use Regulations (TC-C)

A. The following supplemental regulations shall apply to specific uses in the TC-C district:

* * *

X. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.15 Performance Standard District (PS)

* * *

7.2.15.2 Residential Performance Standards Districts (R-PS)

* * *

b. Uses (R-PS)

Uses permitted by right, uses permitted by conditional use permit and uses not permitted.

* * *

EDUCATIONAL	
<u>Schools</u>	<u>C</u>

c. Supplemental Use Regulations (R-PS)

* * *

10. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.15.3 Commercial Performance Standards Districts (C-PS)

* * *

b. Uses (C-PS)

Uses permitted by right, uses permitted by conditional use permit and uses not permitted.

* * *

EDUCATIONAL	
<u>Schools</u>	<u>C P*</u>

c. Supplemental Use Regulations (R-PS)

* * *

10. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

* * *

7.2.18 SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT

* * *

7.2.18.2 Uses (SPE)

* * *

a. Supplemental Main Permitted Use Regulations (SPE)

* * *

2. Qualifying educational facilities shall be eligible for the School Use Incentives as identified in section 7.2.12 of these land development regulations.

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.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: May 21, 2025
Second Reading: July 23, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION


City Attorney NK Date 5/18/2025

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