

10. Land Use Incentives for Schools and Educational Facilities – Ordinance.

DISCUSSION ITEMS 1

MIAMIBEACH

Land Use Boards

Historic Preservation Board

TO: Historic Preservation Board
FROM: Thomas Mooney, Director
DATE: May 13, 2025
TITLE: LAND USE INCENTIVES FOR SCHOOLS AND EDUCATIONAL FACILITIES –
ORDINANCE.

PROPERTY

Land Use Incentives for Schools and Educational Facilities – Ordinance.

FILE NO.

Land Use Incentives for Schools and Educational Facilities – Ordinance.

APPLICANT

Land Use Incentives for Schools and Educational Facilities – Ordinance.

IN RE:

Land Use Incentives for Schools and Educational Facilities – Ordinance.

PRIOR ORDER NUMBER:

Applicable Area

N/A

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

Yes

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

No

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 6, 2025

FROM: Thomas R. Mooney, AICP  For TRM
Planning Director

SUBJECT: **PB24-0752. School Use Incentives – LDR Amendment.**

PB25-0761. Comprehensive Plan Floor Area Ratio Incentives.

RECOMMENDATION

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) and transmit them to the City Commission with favorable recommendations.

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 Commissioner Kristen Rosen Gonzalez, the City Commission referred the ordinance to the Planning Board (C4 G).

PLANNING BOARD AND CITY COMMISSION REVIEW REQUIREMENTS

FAR PROCEDURES

Since the attached ordinances include provisions to increase maximum allowable floor area, final approval by the City Commission would require a 6/7 affirmative vote. In accordance with Section 7.1.10.5 of the LDRs, 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 ordinances does not exceed the threshold for the exception in Section 7.1.10.5.a above.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Partially Consistent – The proposed LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not create isolated districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment does allow for an increase in the scale of development for educational uses. The benefits to the neighborhood would outweigh the potential modest impacts of the additional intensity.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Partially Consistent – The proposed amendment could result in development that increases the load on public facilities and infrastructure due to the proposed change in floor area ratio (FAR).

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable – District boundaries are not proposed to change.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The desire to promote access to educational opportunities, improve the efficiency of the development process, and align with the City’s planning and sustainability goals, makes the passage of the proposed changes necessary

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment should not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change should not excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change should not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Applicable

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Consistent – The proposal will increase the resiliency of the City with respect to sea level rise with new development that will comply with the City’s resiliency requirements.

(3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

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 ordinances 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 LDR’s.

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, promote equitable access, and facilitate the timely development of schools in appropriate urban locations while preserving essential oversight and compatibility with surrounding neighborhoods.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The proposal requires an amendment to the Comprehensive Plan for the proposed increase in Intensity.

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.

RECOMMENDATION

Staff recommends that the Planning Board review the proposed ordinances amending the Comprehensive Plan and LDRs and transmit them to the City Commission with favorable recommendations.

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”; 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.

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), the City has drafted ordinances to establish clear land use incentives aimed at encouraging and facilitating the development of educational facilities; 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 ordinances also provides eligible educational facilities with the opportunity to request Commission Warrants 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:
 1. Ground level additions to existing structures, not to exceed 30 feet in height, which are not substantially visible from the public right-of-way, any waterfront or public park. For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 10,000 square feet.
 2. Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
 3. Façade and building alterations, renovations and restorations which are minor in nature.
 4. Modifications to storefronts or façade alterations in commercial zoning districts that support indoor/outdoor uses, which are compatible with the architecture of the building, except for vehicular drive-through facilities. Such modifications may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Applications submitted pursuant to this subsection (4) shall comply with the following regulations:
 - A. The property shall not be located within 300 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's zoning district map; and
 - B. The extent of demolition and alterations to the façade of the building shall not permanently alter the character of the building's architecture by removing original architectural features that cannot be easily replaced, or by compromising the integrity of the architectural design.

Should the proposed storefront modification not comply with any of the above regulations, the proposed modifications to storefronts or facade alterations shall require design review board review and approval.
 5. 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

* * *

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:

- A. Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.
- B. Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
- C. Facade and building restorations, recommended by staff, which are consistent with historic documentation, 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.
- D. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, 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.

- 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 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

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ARTICLE VII. Commission Warrant

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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:

5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS

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5.3.4.1 Parking Tier 1

a. Off-street parking requirements for parking tier 1

* * *

| EDUCATIONAL | |
|---|---|
| <i>College</i> | 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**

ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

* * *

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 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, 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 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 eligible educational facilities shall not be required. This provision shall not apply to proposed demolition.

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ARTICLE II: DISTRICT REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.4 RM-1 RESIDENTIAL MULTIFAMILY, LOW INTENSITY

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7.2.4.2 Uses (RM-1)

* * *

b. Supplemental Conditional Uses Regulations (RM-3)

* * *

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

* * *

7.2.5.2 Uses (RM-2)

* * *

b. Supplemental Conditional Uses Regulations (RM-2)

* * *

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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7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

7.2.6.2 Uses (RM-3)

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

* * *

c. Supplemental main permitted uses Regulations (RM-3)

* * *

5. 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 P* |
| Day Care Facility | C |
| Family Day Care Facility | A* |

* * *

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.2 Uses (CD-2)

| | |
|--------------------------|------|
| EDUCATIONAL | |
| Schools | C P* |
| 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.

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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.

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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.

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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

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

**COMPREHENSIVE PLAN AMENDMENT
School Use Incentives**

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 PROVIDE FLOOR AREA RATIO (F.A.R.) INCENTIVES THROUGH THE CITY COMMISSION WARRANT REVIEW PROCESS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the City’s Land Development Regulations establish maximum intensity standards (Floor Area Ratio, or FAR) for development within each zoning district to ensure compatible and sustainable growth; and

WHEREAS, there are certain circumstances in which a modest increase in intensity may be appropriate and beneficial, particularly when it advances public policy goals such as expanding access to education, promoting adaptive reuse, or supporting community-serving uses; and

WHEREAS, the City Commission seeks to provide a flexible but controlled mechanism by which eligible projects may request a limited increase in allowable FAR of up to ten percent (10%), not to exceed 5,000 square feet, through a Commission Warrant process; and

WHEREAS, the Commission Warrant process ensures case-by-case review, public transparency, and the ability to impose conditions as necessary to ensure compatibility and mitigate potential impacts; and

WHEREAS, the City Commission finds that enabling a limited FAR increase through a Commission Warrant process will promote thoughtful development, provide appropriate flexibility, and support community-serving projects while preserving the overall character and capacity of zoning districts;

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

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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.

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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 #) |
|--|------------------------------------|---|-------------------------|
| Single Family Residential (RS) | 7 units per acre | * | RLU 1.1.1 |
| Townhouse Residential (TH) | 30 units per acre | 0.7 | RLU 1.1.2 |
| Fisher Island Low Density Planned Residential (RM-PRD) | 25 units per acre | 1.6 | RLU 1.1.3 |
| Allison Island Low Density Planned Residential Category (RM-PRD-2) | 25 units per acre | 1.45 | RLU 1.1.4 |
| Low Density Multi Family Residential (RM-1) | 60 units per acre | 1.25* | RLU 1.1.5 |
| Medium Density Multi Family Residential (RM-2) | 100 units per acre | 2.0* | RLU 1.1.6 |
| High Density Multi Family Residential (RM-3) | 150 units per acre | 2.25* | RLU 1.1.7 |
| Medium-Low Density Residential Performance Standard (R-PS-1) | 57 units per acre | 1.25 | RLU 1.1.22 |
| Medium Density Residential Performance Standard (R-PS-2) | 70 units per acre | 1.5 | RLU 1.1.23 |
| Medium-High Density Residential Performance Standard (R-PS-3) | 85 units per acre | 1.75 | RLU 1.1.24 |
| High Density Residential Performance Standard (R-PS-4) | 102 units per acre | 2.0* | RLU 1.1.25 |
| Low Intensity Commercial (CD-1) | 60 units per acre | 1.0* | RLU 1.1.8 |
| Medium Intensity Commercial (CD-2) | 100 units per acre | 1.5* | RLU 1.1.9 |
| High Intensity Commercial (CD-3) | 150 units per acre | 2.0* | RLU 1.1.10 |
| Urban Light Industrial (I-1) | N/A | 1.0 | RLU 1.1.21 |

NOTE: Pursuant to the warrant procedures set forth in the Land Development Regulations, the City Commission may increase the maximum intensity in all of the districts above by up to 10%, not to exceed a total of 5,000 additional square feet.

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 this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

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