

19. DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS

Applicable Area:

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE-FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments and recommend that the Mayor and City Commission (City Commission) refer draft ordinances to the Planning Board.

BACKGROUND/HISTORY

On May 15, 2024, at the request of Mayor Steven Meiner, the City Commission referred a discussion (C4 AS) regarding potential amendments to the 40th Street overlay to the LUSC. On June 10, 2024, the LUSC discussed and continued the item to the September 5, 2024, LUSC meeting with direction for staff to meet with the project architect and for a draft ordinance to be prepared, subject to the approval of the item sponsor.

On September 5, 2024, the item was deferred to the October 10, 2024 LUSC meeting, with no discussion. The October 10, 2024 LUSC meeting was rescheduled to October 14, 2024, where the item was deferred to the November 25, 2024 LUSC meeting, with no discussion. Additionally, to ensure adequate public outreach, a community workshop with affected residents and homeowner organizations took place on November 19, 2024, at which time area residents were able to further discuss the proposed ordinance. On November 25, 2024, the item was deferred to a future date, with no discussion.

ANALYSIS

Background

The 40th Street overlay, which was established in 2010, applies to religious institutions in the Residential Single Family (RS) district that is located on the south side of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east. The overlay allows pedestrian-friendly religious institutional uses, through the conditional use permit process, at eligible properties. The intent of the overlay has been to serve the surrounding residential uses and any future expansion of the district is only permitted by amending the overlay regulations.

As noted in the attached referral memorandum, the owner of several single-family properties within the overlay boundaries, which are currently used as a religious institution, has proposed an expansion of the overlay regulations to accommodate increasing demand, as well as add additional types of related uses, only applicable to religious institutions within the overlay boundaries. The property owner has requested the opportunity to present his proposal to the LUSC and obtain recommendations for the City Commission to consider.

Proposed Ordinance

The owner of the single-family properties located within the 40th Street Overlay has prepared the attached draft ordinance, which proposes to amend the Land Development Regulations of the City Code (LDRs) pertaining to the 40th Street Overlay. The following is a summary of the modifications proposed for the overlay:

- The introduction of dormitory and standalone school as a main use. The total number of dormitories would not exceed four (4) dormitory units per platted lot.
- A requirement for Design Review Board (DRB) approval for sites containing 2 or more platted lots.
- The maximum unit size has been increased from 50% to 100%.
- The maximum lot coverage for a home exceeding 2 stories has been increased from 30% to 50%.
- Covered stairs and walkways would be exempt from unit size and lot coverage calculations.
- The minimum front setback has been reduced from 30 feet to 20 feet.
- The minimum street side setback has been reduced from 10 feet to 5 feet.
- The maximum number of stories has been increased from 2 stories to 3 stories.
- The maximum building height has been increased for flat roof structures from 24 feet to 36 feet and for sloped roof structures from 27 feet to 39 feet.
- The open space and extended setback requirements for homes exceeding 2 stories would not apply to projects in the 40th Street Overlay.
- The limitation of two (2) contiguous lots has been expanded to allow up to three (3) contiguous lots to be aggregated 40th Street overlay.

The provisions pertaining to dormitory use, as well as the increase in allowable intensity (unit size) will require a separate, companion amendment to the Comprehensive Plan. Any amendments to the LDRs and the Comprehensive Plan would need a separate referral to the Planning Board by the City Commission. Alternatively, a private application for such amendments could be filed by the property owner.

Summary

The proposal herein would allow for the expansion of existing homes located within the overlay, both in terms of permitted uses, as well as the height and intensity of the structures. The subject overlay is a transitional area from the more intense commercial properties to the north of 40th Street, and the established single-family homes immediately south of the overlay boundaries.

Similar transition areas in the city typically have either Residential Office (RO) or Low Intensity Multi-Family (RM-1) zoning as an interface between single family districts and more intense commercial districts. In this regard, the increased height and intensity proposed in the attached draft ordinance would not be inconsistent with the regulations in the RM-1 district. Additionally, both DRB and Planning Board approval would be required for new developments.

The RS development regulations applicable to the existing transitional overlay, which have been in place since 2010, are sensitive to and compatible with the established single-family homes to the immediate south. Although transient uses are generally not permitted in the RM-1 and RO districts, the limited number of dormitories proposed is not expected to adversely impact the surrounding area, as they would need to be connected to religious institution uses in the overlay.

FISCAL IMPACT STATEMENT

No Fiscal Impact

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

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends that the LUSC endorse the proposed amendments and recommend that the City Commission refer a draft ordinance to the Planning Board.

Applicable Area

Middle 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? Yes

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

Department

Planning

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Condensed Title

Discussion Of Potential Amendments To The Land Development Regulations Of The City Code (LDR's) And The City Comprehensive Plan Regarding Allowable Uses And Development Regulations Within The 40th Street Residential Single-Family Overlay Only Applicable To Religious Institutions

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Mayor Steven Meiner
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE (LUSC) - DISCUSSION OF POTENTIAL AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR'S) AND THE CITY COMPREHENSIVE PLAN REGARDING ALLOWABLE USES AND DEVELOPMENT REGULATIONS WITHIN THE 40TH STREET RESIDENTIAL SINGLE FAMILY OVERLAY ONLY APPLICABLE TO RELIGIOUS INSTITUTIONS.

BACKGROUND/HISTORY

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes

If so, specify name of lobbyist(s) and principal(s): Rabbi Shlomo Stilerman

The 40th Street overlay, which was established in 2010, applies to religious institutions in the Residential Single Family (RS) district that are located on the south side of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east. The overlay allows pedestrian-friendly religious institutional uses, through the conditional use permit process, at eligible properties. The intent of the overlay has been to serve the surrounding residential uses and any future expansion of the district is only permitted by amending the overlay regulations.

ANALYSIS

An owner of single family properties within the overlay boundaries, which are currently used as a religious institution, has proposed an expansion of the overlay regulations to accommodate increasing demand, as well as add additional types of related uses, only applicable to religious institutions within the overlay boundaries.

The property owner has requested the opportunity to present its proposal at LUSC. Based upon the recommendations of the LUSC, a referral to the Planning Board for amendments to the LDR's and the Comprehensive Plan may be considered by the full City Commission at a future date.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Applicable Area

Middle Beach

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

Strategic Connection

Non-Applicable

Legislative Tracking

Mayor Steven Meiner

40th Street Religious Overlay Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS, ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE FAMILY RESIDENTIAL DISTRICTS," AT SUBSECTION 7.2.2.6, ENTITLED "40TH STREET OVERLAY (RS)", TO AMEND THE REGULATIONS FOR RELIGIOUS INSTITUTIONAL USES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS,

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

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

SECTION 1. Chapter 7 of the Resiliency coded, entitled "Zoning Districts And Regulations", Article II, entitled "District Regulations," Section 7.2.2, entitled "RS-1, RS-2, RS-3, RS-4 single family residential districts," at Sub-Section 7.2.2.6, entitled "40th Street Overlay (RS)," is hereby amended as follows:

7.2.2.6 40TH Street Overlay (RS)

a. **Location and Purpose (40th Street Overlay – RS)**

The overlay regulations of this division shall apply to the properties, as they are configured as of January 1, 2010, with lot lines adjacent to the south right-of-way line of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east (MAP EXHIBIT-1). The purpose of this overlay district is to provide pedestrian-friendly religious institutional uses through the conditional use permit process at the properties to serve the surrounding residential uses. Expansion of the district shall only be permitted by amendment to these regulations.

b. **Compliance with Regulations (40th Street Overlay – RS)**

The following overlay regulations shall apply within the 40th Street Overlay District. All development regulations in the underlying zoning district shall apply, except as follows:

DEVELOPMENT REGULATIONS TABLE (For Development Consisting of 2 or More Platted Lots in the 40 th Street Overlay)	
Maximum Unit Size (% of Lot Area)	100%.
Maximum Lot Coverage (% of lot area)	50%
BUILDING SETBACKS	

<u>Front Setback</u>	<u>20 feet</u>
<u>Side, facing a street Setback</u>	<u>5 feet</u>
<u>Side, Interior Setback</u>	<u>10 feet</u>
<u>BUILDING HEIGHT</u>	
<u>Maximum Height (stories)</u>	<u>3 stories</u>
<u>Maximum Height (feet)</u>	<u>36 ft – flat roofs</u> <u>39 ft – sloped roofs</u>

1. Religious institutions, dormitories associated with religious institutions and standalone schools, in existing rehabilitated structures or new construction, shall be conditional uses, subject to the regulations in section 2.5.2, conditional use procedure. The number of individual dormitories shall not exceed an aggregate of 4 dormitory units per platted lot.
 2. All new construction or additions to existing structures shall be compatible with the scale of the surrounding residential neighborhood and shall be designed to maintain a residential character, as determined by the planning director or designee, or the design review board, as applicable.
 3. Permits for new construction, alterations or additions to existing structures shall be subject to design review by the planning director or designee. For those sites consisting two or more platted lots, the review and approval of the design review board shall be required
 4. Covered stairs and walkways shall be exempt from unit size and lot coverage calculations.
 5. The overlay district shall be exempt from the following regulations in the underlying zoning district:
 - a) Section 7.2.2.3(b)(2): Two Story Houses Standards.
 - b) Section 7.2.2.3(b)(3): Nonconforming yards, for developments consisting of two or more platted lots.
 - c) 7.2.2.3(b)(4): Limitation on contiguous lots, not to exceed three platted lots.
 - d) 7.2.2.3(b)(7)A: The general statement shall not apply to the 40th Street Overlay District.
- c. **Off-street Parking Regulations (40th Street Overlay – RS)**
For religious institutions in the 40th Street Overlay District (MAP EXHIBIT-1), the following off-street parking regulations shall apply:
1. For adaptive reuse of existing buildings, including expansions or additions thereto less than 50 percent (50%) of the size of the existing structure, there shall be no parking requirement provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property. Existing required parking spaces on site shall remain or be replaced on-site.

2. For new construction, and expansions or additions of more than 50 percent (50%) of the size of an existing structure, the parking requirement shall be the same as for a single-family detached dwelling pursuant to chapter 5 of the Land Development Regulations, entitled off-street parking, article II; requirements, provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property.
3. Existing parking spaces on a property may be discontinued, provided that there is one or more public parking lot(s) and/or garage(s) within 500 feet of the subject property. In the event that a religious institution converts back to a single family residence, the previously discontinued parking spaces shall be re-activated.

SECTION 2. 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 3. 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 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. 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: _____, 2025

Second Reading: _____, 2025

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