

2. RESIDENTIAL USE INCENTIVES - LDR AND COMPREHENSIVE PLAN AMENDMENTS

Applicable Area:

R5 Z RESIDENTIAL USE INCENTIVES - LDR AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," TO ESTABLISH SECTION 7.1.10, ENTITLED "RESIDENTIAL USE INCENTIVES," TO CREATE REQUIREMENTS FOR DEVELOPMENTS ELIGIBLE FOR RESIDENTIAL USE INCENTIVES; BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO ESTABLISH SUBSECTION 7.2.5.5 ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2)," TO PROVIDE FLOOR AREA RATIO (FAR) AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-2 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," TO ESTABLISH SUBSECTION 7.2.6.4, ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-3)" TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-3 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," SUBSECTION 7.2.15.2, ENTITLED "RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS," TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED R-PS4; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," SECTION 7.3.3, ENTITLED "WEST AVENUE BAYFRONT OVERLAY," AT SUBSECTION 7.3.3.4, ENTITLED "LEGAL NONCONFORMING AND OTHER TRANSIENT USES (WEST AVENUE BAYFRONT OVERLAY)," TO PROVIDE FAR, HEIGHT AND USE INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-1 AND RM-2 THAT ARE LOCATED WITHIN THE WEST AVENUE BAY FRONT OVERLAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: July 24, 2024 First Reading

TITLE: RESIDENTIAL USE INCENTIVES – LDR AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” TO ESTABLISH SECTION 7.1.10, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO CREATE REQUIREMENTS FOR DEVELOPMENTS ELIGIBLE FOR RESIDENTIAL USE INCENTIVES; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” AT SECTION 7.2.5, ENTITLED “RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY,” TO ESTABLISH SUBSECTION 7.2.5.5 ENTITLED “MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2),” TO PROVIDE FLOOR AREA RATIO (FAR) AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-2 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.6, ENTITLED “RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY,” TO ESTABLISH SUBSECTION 7.2.6.4, ENTITLED “MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-3)” TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-3 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.15, ENTITLED “PERFORMANCE STANDARD DISTRICT (PS),” SUBSECTION 7.2.15.2, ENTITLED “RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS,” TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED R-PS4; BY AMENDING ARTICLE III, “OVERLAY DISTRICTS,” SECTION 7.3.3, ENTITLED “WEST AVENUE BAYFRONT OVERLAY,” AT SUBSECTION 7.3.3.4, ENTITLED “LEGAL NONCONFORMING AND OTHER TRANSIENT USES (WEST AVENUE BAYFRONT OVERLAY),” TO PROVIDE FAR, HEIGHT AND USE INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-1 AND RM-2 THAT ARE LOCATED WITHIN THE WEST AVENUE BAY FRONT OVERLAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

BACKGROUND/HISTORY

On July 26, 2023, at the request of Commissioner Laura Dominguez, the Mayor and City Commission referred a discussion item (Item C4 E), pertaining to incentives for residential development and the conversion of transient uses to long term residential uses, to the Land Use and Sustainability Committee (LUSC). On September 27, 2023, the LUSC discussed the item and continued it to the October 11, 2023 LUSC meeting. On October 11, 2023, the LUSC recommended that the City Commission refer an ordinance amending the Land Development Regulations of the City Code (LDRs) to the Planning Board, based on the criteria discussed at the October 11, 2023 LUSC meeting.

On October 18, 2023, the City Commission referred the proposed ordinance, as well as a companion amendment to the comprehensive plan, to the Planning Board (Item C4 J). On January 30, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (4-1) and subject to the following additional recommendations:

1. Describe how the City determined the affected districts and areas for the proposed incentives.
2. Detail if the proposed incentives are sufficient to achieve the ordinance's intended goals.
3. Mandate that a significant portion of developments utilizing the incentives be dedicated to workforce or affordable housing.
4. Analyze the impacts of the proposed increases in FAR on surrounding areas.
5. Remove the proposed accessory use incentives from the RM-2 in the West Avenue Overlay.
6. Reach out to existing hotels and transient uses to determine what incentives would encourage them to forgo these uses.

On January 31, 2024, the City Commission adopted Ordinance No. 2024-4582, which established a process for LDR amendments that increase floor area ratio (FAR). Since the proposed ordinance includes an increase in FAR, it was determined that it must go back to the Planning Board for a new review pursuant to the requirements of Ordinance No. 2024-4582.

BACKGROUND

Transient uses, which include hotel, suite hotel, apartment hotel, hostel, and the short-term rental of apartment units, are generally permitted in most commercial zoning districts, as well as in the RM-2, RM-3, R-PS3 and R-PS4 districts. In the West Avenue and Palm View areas of the city, hotel uses are prohibited in the RM-2 and RM-3 districts, but the short-term rental of apartment units is allowed.

The LUSC discussed and considered potential zoning incentives for developing new residential apartment uses and converting existing transient uses to residential apartments, including the following:

1. An increase in maximum allowable floor area ratio (FAR).
2. An increase in maximum allowable building height.
3. Modifications to minimum parking requirements.
4. Expansion of allowable accessory uses in medium intensity residential districts.

On October 11, 2023, the LUSC recommended that an ordinance amending the LDRs be referred to the Planning Board, based on incentives for residential development in the following areas of the City:

1. The conversion of existing transient uses in the West Avenue overlay, which established a hotel prohibition in 2013.
2. The conversion to or development of residential (non-transient) uses on Collins Avenue from 47th Street to 63rd Street (RM-3 zoning), which consists primarily of residential uses. Additionally, the area up to 71st Street should be explored.
3. The conversion to or development of residential (non-transient) uses in the R-PS4 areas on Ocean Drive from First to Fifth Streets.

ANALYSIS

The City of Miami Beach has experienced a drop in permanent residential population over the last decade. The 2010 US Census indicated that the City had a population of 87,779 while the 2020 Census indicated that the City had a population of 82,890, representing a loss of 4,889 residents. Furthermore, the July 2022 Census American Community Survey estimates that the City has a population of 80,017, reflecting a further loss of 2,873 residents in two years.

The loss may be due to residential homes being used as second or third homes for individuals, their use as a short-term rental, or a conversion to another type of transient use. The conversion of permanent residences to short-term rentals or other type of transient use, such as a hotel or apartment-hotel, has had negative impacts on the quality of life of residents in some areas of the city. Transient uses impact traffic congestion due to a reduced residential supply and an increase in employees commuting longer distances to employment centers within the City. Additionally, guests at short-term rentals and hotels can create nuisances for permanent residents, as they may be partaking in activities that prevent the quiet enjoyment of residences.

Section 509.032, Florida Statutes provides that “*A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011*”. As a result of this statute, the City cannot prohibit the short-term rental of residential units in areas where they were not prohibited prior to June 1, 2011. Consequently, the City has been seeking to create incentives to encourage property owners to voluntarily prohibit transient uses on their properties and in turn provide housing for permanent residents.

The attached ordinance provides floor area ratio (FAR) and height incentives in three areas (see attached map) of the City to encourage property owners to voluntarily provide permanent residential uses instead of temporary lodging or other transient uses, including short-term rentals. The ordinance does not impact the maximum allowable residential density; as such it is likely that the additional FAR would be utilized to provide for larger residential units, additional amenities, or permitted accessory uses.

INCENTIVE REQUIREMENTS

The proposed ordinance creates uniform regulations that applicants must follow in order to utilize the incentives. The uniform requirements are created in section 7.1.10 of the Resiliency Code and entail the following to ensure that a site contains no transient uses:

- a. ***Eligible Development.*** *Where authorized in the underlying zoning district or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, residential developments consisting solely of non-transient residential units and*

allowable accessory uses shall be eligible for applicable incentives set forth in such zoning district or overlay district, subject to the following conditions:

1. **Lodging Use Conversion and Prohibition.** *In order to be eligible for the residential use incentives, the property shall be required to fully vacate any and all existing transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house. Such transient uses shall be prohibited in perpetuity in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district.*
2. **Short Term Rental Conversion and Prohibition.** *In order to be eligible for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to vacate any and all existing approvals for the short-term rental of any apartment units on the property.*
3. **Covenant.** *As a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no **transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house, shall be permitted on the property.***
4. **Certificate of Appropriateness.** *If the property is located within a local historic district or site, as a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall be required to retain, preserve and restore all contributing structures on the site, as may be required by the Historic Preservation Board and subject to certificate of appropriateness approval in accordance with chapter 2, article VIII of the Land Development Regulations of the City Code.*

b. *There shall be no variances from the requirements of this section for eligible developments.*

INCENTIVE AREAS

Mid Beach RM-2/RM-3 Area

The proposed ordinance establishes a “Mid Beach Residential Incentive Area” within the RM-2 and RM-3 districts. The incentive areas cover the RM-2 and RM-3 properties that front Collins Avenue between 47th Street on the south and 63rd Street on the north. Portions of this incentive area would fall within the Morris Lapidus/Mid-20th Century Historic District, North Beach Resort Historic District, and The Bath Club Historic Site.

For the RM-2 district, the following incentives are provided:

<i>DEVELOPMENT REGULATIONS TABLE:</i>	
<i>Maximum FAR</i>	<i>2.3</i>
<i>BUILDING HEIGHT (Feet)</i>	
<i>Maximum Height</i>	<i>75'</i>
<i>Historic District</i>	<i>65'</i>
<i>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses</i>	<i>80'</i>

For reference, the current maximum FAR in the RM-2 district is 2.0, and the maximum height

limits are:

- 60 feet outside of an historic district.
- 50 feet within an historic district.
- 65 feet for properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses.

The FAR incentive represents an increase of 15 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 16,168 square feet of floor area (see attached Data Tables). This scenario is not likely given the number of existing non-conforming properties that exceed the incentive FAR. The height increase would generally allow for one additional floor.

For the RM-3 district, the following incentives are provided:

<i>DEVELOPMENT REGULATIONS TABLE:</i>	
<i>Maximum FAR</i>	
<i>Lot area equal to or less than 45,000 square feet</i>	<i>2.6</i>
<i>Lot area greater than 45,000 square feet</i>	<i>3.2</i>
<i>Oceanfront lots with lot area greater than 45,000 square feet</i>	<i>3.5</i>
<i>BUILDING HEIGHT (feet)</i>	
<i>Maximum Height for Non-Oceanfront Lots</i>	<i>170'</i>
<i>Oceanfront Lots</i>	<i>220'</i>
<i>Ground floor additions (whether attached or detached) to existing structures on oceanfront lots</i>	<i>60'</i>

For reference, the current maximum FAR limits in the RM-3 district are:

- 2.25 for lot area equal to or less than 45,000 square feet.
- 2.75 for lot area greater than 45,000 square feet.
- 3.0 for oceanfront lots with lot area greater than 45,000 square feet.

The maximum height limits in the RM-3 district are:

- 150 feet for non-oceanfront lots.
- 200 feet for oceanfront lots.
- 50 feet for ground floor additions to existing structures on oceanfront lots.

The FAR incentive represents an increase of 16 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 147,630 square feet of floor area (see attached Data Tables). The height increase would generally allow for one or two additional floors.

South Beach R-PS4 District

The proposed ordinance establishes incentives for properties with R-PS4 zoning; these parcels are generally located along Ocean Drive between 5th Street and South Pointe Park and portions of this area are in the Ocean Beach Historic District. Recently, the City Commission adopted ordinance 2023-4555, which created incentives for existing hotels that exceed the current maximum FAR of 2.0 to convert to permanent residential by permitting qualifying properties to utilize a maximum FAR of up to 2.75. However, this ordinance is very limited in application.

The proposed ordinance applies to all properties in the R-PS4 district to incentivize the removal of short-term rentals and hotels. The incentive in the proposed ordinance allows for an increase in FAR from the current maximum of 2.0 to a maximum of 2.25. The ordinance also provides for a height limit to increase to 115 feet from the current maximum of 100 feet.

The FAR incentive represents an increase of approximately 13 percent. In the unlikely scenario that all properties within the affected area utilized the incentive, there would be a potential increase of approximately 38,511 square feet of floor area (see attached Data Tables). The height increase would generally allow for one additional floor.

West Avenue Bayfront Overlay

The proposed ordinance provides incentives for existing legally nonconforming hotels, apartment hotels, suite hotels, and hostels within the RM-1 and RM-2 districts that are located within the West Avenue Bayfront Overlay to convert to residential uses. This contrasts with the incentives for the other areas that apply to all properties within the affected area. The primary reason for the difference is that many transient uses were already prohibited in the area. A windshield survey of the area indicates that there are currently approximately six such establishments.

In the RM-1 district, the proposed incentive allows for an increase in the maximum FAR from 1.25 to 1.6. The maximum building height limit would increase from 50 feet to 65 feet, allowing for approximately one additional floor for eligible properties.

The RM-1 FAR incentive represents an increase of approximately 28%. If all affected parcels were to utilize the incentives in the RM-1 district, there would be a potential increase of 12,272 square feet of floor area (see attached Data Tables).

In the RM-2 district, the proposed incentive allows for an increase in the maximum FAR from 2.0 to 2.5. The maximum building height would increase as follows:

- 75 feet from the current 60 feet for non-oceanfront lots.
- 125 feet from the current 100 feet for lots fronting Biscayne Bay that are less than 45,000 square feet.
- 165 feet from the current 140 feet for lots fronting Biscayne Bay that are over 45,000 square feet.

The above noted height increases would result in approximately one to two additional floors for eligible properties:

The RM-2 FAR incentive represents an increase of approximately 25%. If all affected parcels were to utilize the incentives in the RM-2 district, there would be a potential increase of 12,581 square feet of floor area (see attached Data Tables).

The combined FAR incentive for the RM-1 and RM-2 districts would represent an increase of 24,861 square feet, if all properties were to take advantage of the incentives.

COMPREHENSIVE PLAN AMENDMENT

The proposed LDR amendments require a separate, companion amendment to the Comprehensive Plan to authorize the FAR increases within the RM-1, RM-2, RM-3, and R-PS4 future land use categories. The Comprehensive Plan amendment also provides that the incentives are only available by voluntarily agreeing to the requirements of the Residential Use Incentives through a new policy 1.2.8. This Comprehensive Plan amendment is scheduled for the same meeting as the LDR amendment.

FAR INCREASE PROCESS

Per section 7.1.10 of the LDRs, amendments that increase the allowable floor area and FAR must undergo the following review process:

- Step 1 – Planning Board Preliminary Review
- Step 2 – Community Outreach Meeting
- Step 3 – Planning Board Transmittal
- Step 4 – City Commission First Reading Public Hearing
- Step 5 – Community Workshop
- Step 6 – City Commission Second Reading/Adoption Public Hearing

INFRASTRUCTURE IMPACTS

Per section 7.1.10.3 of the LDRs, prior to the Planning Board Preliminary Review, the Administration will perform an impact analysis of the proposed FAR increase, and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/ mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

To this end, the proposed FAR increases are modest and intended to incentivize the replacement of or prevent transient uses within various parts of the City. The proposed amendment does not modify the maximum density limits for each of the affected areas; therefore, the proposal technically does not allow for additional units from what could be built today. However, the increase in FAR does make it possible for sites that could previously not achieve their maximum density due to the requirements for minimum and average unit sizes to achieve the maximum density.

Given that this amendment is not being proposed because of specific development proposals, it is difficult to predict the exact impacts of the FAR increase. For the purposes of this analysis, the difference in the maximum number of units that could be achieved for the affected area was compared to the maximum number of units that can be achieved if the proposed amendment is adopted. The impacts to infrastructure due to the potential increase was then quantified with the assumption that there are 2.5 people per residential unit. The Concurrency Analysis for each of the affected areas is summarized hereto:

Mid Beach RM-2/RM-3 Area

- Potential increase of 174 residential units.
- Potential population increase of 435 people.
- Potential increase of 115 peak hour vehicle trips.
- Potential increase of 67,874 gallons of potable water consumption per day.
- Potential increase of 60,912 gallons of sanitary sewer transmission per day.
- Potential increase of 555 tons of solid waste collection per year.

South Beach R-PS4 District

- Potential increase of 34 residential units.
- Potential population increase of 84 people.
- Potential increase of 26 vehicle trips.
- Potential increase of 13,125 gallons of potable water consumption per day.

- Potential increase of 11,779 gallons of sanitary sewer transmission per day.
- Potential increase of 107 tons of solid waste collection per year.

West Avenue Bayfront Overlay

- Potential increase of 155 residential units.
- Potential reduction in 165 transient units.
- Potential population increase of 306 people.
- Potential increase of 0 peak hour vehicle trips.
- Potential increase of 48,195 gallons of potable water consumption per day.
- Potential increase of 42,808 gallons of sanitary sewer transmission per day.
- Potential increase of 390 tons of solid waste collection per year.

Summary of Impacts

- Potential increase of 363 residential units.
- Potential population increase of 825 people.
- Potential increase of 141 peak hour vehicle trips.
- Potential increase of 129,194 gallons of potable water consumption per day.
- Potential increase of 115,499 gallons of sanitary sewer transmission per day.
- Potential increase of 1,052 tons of solid waste collection per year.

The traffic impacts are expected to be de minimis, as the incentives would result in units for permanent residents. The incentives could, potentially assist in reducing traffic by providing housing for the City's workforce.

With regard to parks levels of service, there is a deficiency in basketball courts and tennis/pickleball courts. As a result of these deficiencies, each development will be required to pay a proportionate fair-share mitigation fee to assist the City in providing these facilities, if they are not built prior. Alternatively, a developer could provide the necessary facilities.

With regards to potable water consumption, on January 20, 2022, the City Commission adopted the City of Miami Beach 10-year Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan. This plan was created in coordination with the South Florida Water Management District and Miami-Dade County Water and Sewer Department. The plan projects that water will be available for projected population increases. The population increases projected in the plan and water demand projections are as follows:

Table 3: Population Projections

	2015	2016	2020	2025	2030	2035	2040
Total	92,472	93,490	97,563	102,654	107,745	112,836	117,927

Source: 2015 TAZ Population Projections Update, County draft 2020 WSP

Table 4: City Water Demand Projections

	2020	2025	2030	2035	2040	2045
Projected Population – Total residential + transient	196,486	211,913	224,180	236,636	249,294	262,172
Populations Equivalents Served	158,885	171,760	181,474	191,377	201,483	211,809
Water Demand (MGD) - Total (Annual Average Demand)	24.7	26.7	28.2	29.8	31.4	33.0

Source: CMB 2019 Water Master Plan

Per the most recent US Census, the City's population is below the projections utilized for the water supply plan. Therefore, it can be estimated that there is sufficient water supply to accommodate the potential increase in residents that may result from the proposed amendment.

Regarding the impacts to potable water and sanitary sewer transmission infrastructure, it is likely that upgrades will be needed to for future development projects. The specific upgrades are determined on a case-by-case basis as new developments are proposed due to the level of development details needed to make these determinations. The Public Works Department is currently evaluating the capacity and future needs of water and sewer systems throughout the entire city.

Regarding solid waste collection, as the proposal would result in new multifamily developments, the solid waste collection would be handled by private providers. It would be the responsibility of each development to coordinate with the private provider and to ensure that the project's needs are met.

PLANNING BOARD REVIEW

On March 26, 2024, the Board held a preliminary review of the proposed ordinance and continued the item to the May 28, 2024 meeting. Following this preliminary review meeting City staff held a public meeting on May 8, 2024 via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: <https://youtu.be/5VXsHLEqd3w>.

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). By separate motion (6-0) the Planning Board also recommended the following:

1. The City Commission consider extending the proposed incentives to other applicable areas of the City.
2. The City Commission continue to explore and develop additional incentives for non-transient residential uses.

SUMMARY

The proposed amendments to the LDRs and comprehensive plan contain incentives that could reduce the number of transient uses and facilitate permanent residents to move into the City. This could also reduce nuisances to existing residents related to excessive tourism in predominantly residential areas, resulting in an improved quality of life by reducing traffic impacts by incentivizing long term residential uses. For these reasons, the Administration is supportive of the proposed LDR amendments, and the companion amendments to the Comprehensive Plan.

If the subject ordinance is approved at First Reading, the Administration will schedule a second public workshop, prior to Second Reading of the ordinance. Like the public meeting held prior to Planning Board transmittal of the ordinance, this meeting will be held via Zoom, and will include affected stakeholders to solicit additional input and feedback.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.

2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).

3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

UPDATE

The subject ordinance was placed on the June 26, 2024 City Commission agenda, but the item was not reached.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Click or tap here to enter text.

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Is this item related to a G.O. Bond Project?

Yes

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

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

Department

Planning

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Commissioner David Suarez
Commissioner Joseph Magazine

Residential 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 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," TO ESTABLISH SECTION 7.1.10, ENTITLED "RESIDENTIAL USE INCENTIVES," TO CREATE REQUIREMENTS FOR DEVELOPMENTS ELIGIBLE FOR RESIDENTIAL USE INCENTIVES; BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO ESTABLISH SUBSECTION 7.2.5.5 ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2)," TO PROVIDE FLOOR AREA RATIO (FAR) AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-2 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," TO ESTABLISH SUBSECTION 7.2.6.4, ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-3)" TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-3 THAT FRONT COLLINS AVENUE BETWEEN 47TH STREET ON THE SOUTH AND 63RD STREET ON THE NORTH; BY AMENDING SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," SUBSECTION 7.2.15.2, ENTITLED "RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS," TO PROVIDE FAR AND HEIGHT INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED R-PS4; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," SECTION 7.3.3, ENTITLED "WEST AVENUE BAYFRONT OVERLAY," AT SUBSECTION 7.3.3.4, ENTITLED "LEGAL NONCONFORMING AND OTHER TRANSIENT USES (WEST AVENUE BAYFRONT OVERLAY)," TO PROVIDE FAR, HEIGHT AND USE INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES ZONED RM-1 AND RM-2 THAT ARE LOCATED WITHIN THE WEST AVENUE BAY FRONT OVERLAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the 2010 US Census indicated that the City of Miami Beach had a population of 87,779; and

WHEREAS, the 2020 US Census indicated that the City of Miami Beach had a population of 82,890; and

WHEREAS, between 2010 and 2020, the City of Miami Beach lost a net total of 4,889 residents; and

WHEREAS, the July 2022 Census American Community Survey estimates that the City of Miami Beach has a population of 80,017, reflecting a further loss of 2,873 residents since the 2020 Census; and

WHEREAS, the City finds the loss of permanent residents may have had a negative impact on the quality of life of remaining residents, by encouraging more traffic congestion due to the need for employees to commute longer distances to employment centers within the City; and

WHEREAS, the loss of residents is partially due to the conversion of residential units to short-term rentals or other transient units; and

WHEREAS, the introduction of transient units in predominantly residential areas has created nuisances for residents and often prevents the quiet enjoyment of their residences; and

WHEREAS, Section 509.032, Florida Statutes provides that “A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011”; and

WHEREAS, per Section 509.032, Florida Statutes, the City of Miami Beach cannot prohibit short-term rental of residential units in areas where they were not prohibited prior to June 1, 2011; and

WHEREAS, the City seeks to establish incentives in order to encourage residential development that will not be used for short-term rentals or other transient uses in order to encourage the growth of the permanent resident population; and

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. Chapter 7, entitled “Zoning Districts and Regulations,” Article I, entitled “General to All Zoning Districts,” is hereby amended to establish section 7.1.10, entitled “Residential Use Incentives” as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

* * *

7.1.10 RESIDENTIAL USE INCENTIVES

- a. **Eligible Development.** These provisions are hereby adopted as voluntary zoning incentives for non-transient residential development. Where authorized in the underlying zoning district

or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, residential developments consisting solely of non-transient residential units and allowable accessory uses shall be eligible for applicable incentives set forth in such zoning district or overlay district, subject to the property owner's agreement to be bound by the following conditions:

1. **Lodging Use Conversion and Prohibition.** In order to be eligible for the residential use incentives, the property shall be required to fully vacate any and all existing transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house. Such transient uses shall be prohibited in perpetuity in order to maintain the residential use incentives authorized for the applicable zoning district or overlay district.
2. **Short Term Rental Conversion and Prohibition.** In order to be eligible for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to vacate any and all existing approvals for the short-term rental of any apartment units on the property.
3. **Covenant.** As a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall first be required to execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house, shall be permitted on the property.
4. **Certificate of Appropriateness.** If the property is located within a local historic district or site, as a condition of eligibility for the voluntary residential use incentives authorized for the applicable zoning district or overlay district, the property owner(s) shall be required to retain, preserve and restore all contributing structures on the site, as may be required by the historic preservation board and subject to certificate of appropriateness approval in accordance with chapter 2, article VIII of the land development regulations of the city code.

b. There shall be no variances from the requirements of this section for eligible developments.

SECTION 2. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," at Section 7.2.5, entitled "RM-2 Residential Multifamily Medium Intensity" is hereby amended as follows:

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.5 RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

* * *

7.2.5.5 MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2)

a. Location and Purpose (Mid Beach Residential Incentive Area – RM-2)

The following regulations shall apply to properties that front Collins Avenue between 47th

Street on the south and 63rd Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

b. Development Regulations (Mid Beach Residential Use Incentive Area (RM-2))

For developments that comply with the requirements for “Residential Use Incentives” in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

<u>DEVELOPMENT REGULATIONS TABLE:</u>	
<u>Maximum FAR</u>	<u>2.3</u>
<u>BUILDING HEIGHT</u>	
<u>Maximum Height</u>	<u>75</u>
<u>Historic District</u>	<u>65</u>
<u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses</u>	<u>80</u>

SECTION 3. Chapter 7, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” at Section 7.2.6, entitled “RM-3 Residential Multifamily High Intensity” is hereby amended as follows:

7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

7.2.6.4 MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-3)

a. Location and Purpose (Mid Beach Residential Incentive Area – RM-3)

The following regulations shall apply to properties that front Collins Avenue between 47th Street on the south and 63rd Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

b. Development Regulations (Mid Beach Residential Incentive Area (RM-3))

For developments that comply with the requirements for “Residential Use Incentives” in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

<u>DEVELOPMENT REGULATIONS TABLE:</u>	
<u>Maximum FAR</u>	
<u>Lot area equal to or less than 45,000 square feet</u>	<u>2.6</u>
<u>Lot area greater than 45,000 square feet</u>	<u>3.2</u>
<u>Oceanfront lots with lot area greater than 45,000 square feet</u>	<u>3.5</u>
<u>BUILDING HEIGHT</u>	
<u>Maximum Height</u>	<u>170</u>
<u>Oceanfront Lots</u>	<u>220</u>
<u>Ground floor additions (whether attached or detached) to existing structures on oceanfront lots</u>	<u>60</u>

SECTION 4. Chapter 7, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” at Section 7.2.15, entitled “Performance Standard District (PS)” is hereby amended as follows:

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

* * *

7.2.15.2 Residential Performance Standards Districts

* * *

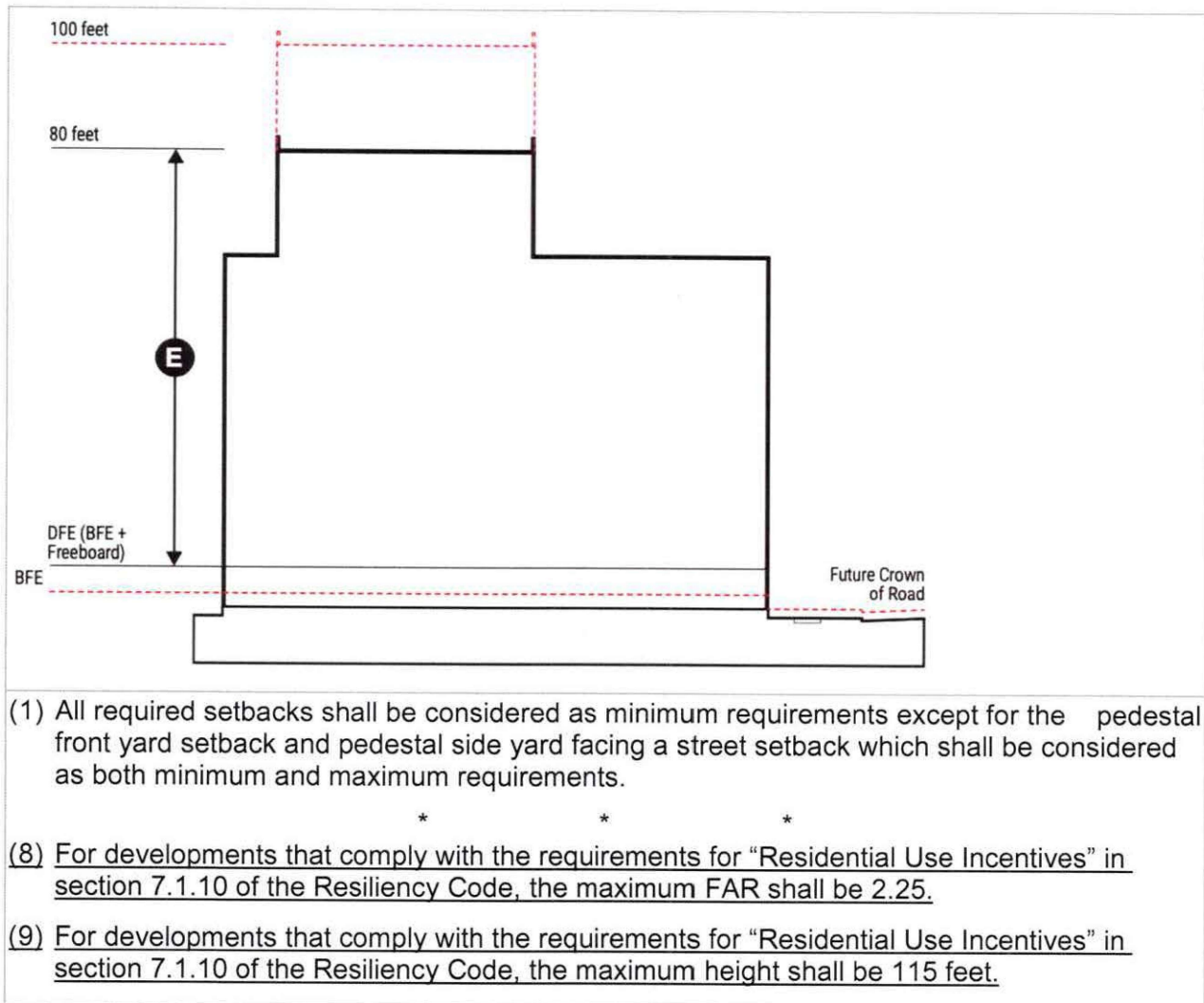
f. Residential Performance Standard Area Requirements (R-PS).

The development standards for residential performance standard districts are as follows:

DEVELOPMENT REGULATIONS TABLE (R-PS)				
	R-PS1	R-PS2	R-PS3	R-PS4
Maximum FAR	1.25	1.50	1.75	2.0 (8)
Maximum Density (Dwelling Units per Acre)	57 DUA (80% bonus for workforce or affordable units)	70 DUA (80% bonus for workforce or affordable units)	85 DUA (80% bonus for workforce or affordable units)	102 DUA (80% bonus for workforce or affordable units)

* * *

BUILDING HEIGHT	R-PS1	R-PS2	R-PS3	R-PS4
Maximum Height (feet) ⑤	45 feet (5) 40 feet - Lots 50 feet wide or less (5)			80 feet – Nonooceanfront Lots (5) 100 feet – Oceanfront Lots (5)(9) 40 feet – Lots 50 feet wide or less (5)



SECTION 5. Chapter 7, entitled “Zoning Districts and Regulations,” Article III, entitled “Overlay Districts,” at Section 7.3.3, entitled “West Avenue Bayfront Overlay” is hereby amended as follows:

ARTICLE III: OVERLAY DISTRICTS

* * *

7.3.3 WEST AVENUE BAYFRONT OVERLAY

* * *

7.3.3.4 Legal nonconforming and other transient uses (West Avenue Bayfront Overlay).

- a. Bed and breakfast inns, hotels, apartment hotels, suite hotels and hostels shall be prohibited in the subject overlay area.

* * *

- d. The following regulations shall apply to the conversion of a legally established, conforming or non-conforming, bed and breakfast inn, hotel, apartment hotel, suite hotel, or hostel located in the RM-1 or RM-2 district, to a conforming residential apartment use, notwithstanding the underlying district regulations in section 7.2.4.3 and 7.2.5.3.
1. For those properties located in the RM-1 district, the maximum floor area ratio (FAR) shall not exceed 1.6 and the maximum building height shall be 65 feet.
 2. For those properties located in the RM-2 district, the maximum floor area ratio (FAR) shall not exceed 2.5 and the maximum building height shall be as follows:
 - A. Non-oceanfront lots – 75 feet.
 - B. Lots fronting Biscayne Bay less than 45,000 square feet – 125 feet.
 - C. Lots fronting Biscayne Bay over 45,000 square feet – 165 feet.
 3. In addition to the regulations in section 7.5.4.13, for those properties located in the RM-2 district, the following accessory uses may be permitted for apartment buildings:
 - A. Office, neighborhood-specific retail or neighborhood-specific personal service establishment, with access from the main lobby or from the street. Tattoo studios and massage therapy centers shall be prohibited.
 4. The development shall comply with the requirements for “Residential Use Incentives” in section 7.1.10 of the Resiliency Code.

SECTION 6. 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 7. 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 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



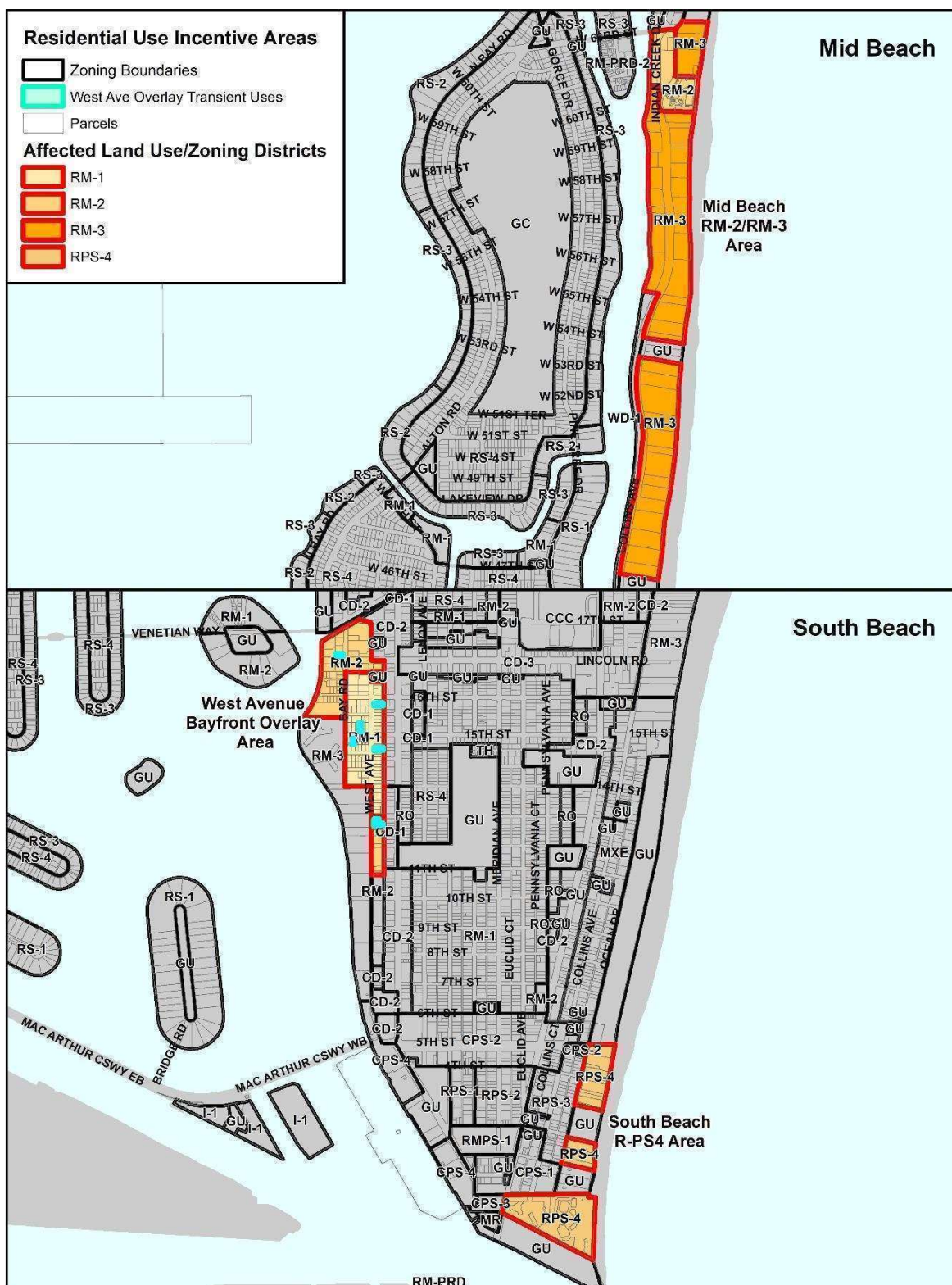
City Attorney NK

6/5/2024
Date

First Reading: June 26, 2024
Second Reading: October 30, 2024

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

Incentive Areas Map



Residential Incentive Areas Data

Total Potential Floor Area Increase	227,170
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West Avenue Overlay Residential Use Incentives for Transient Uses							
Zoning	Lot Area (SF)	Current FAR	Incentive FAR	% Increase	Current Max Floor Area (SF)	Incentive Max Floor Area (SF)	Potential Floor Area Increase (SF)
RM-1	9,392	1.25	1.6	28%	11,740	15,027	3,287
RM-1	6,938	1.25	1.6	28%	8,672	11,100	2,428
RM-1	9,364	1.25	1.6	28%	11,705	14,983	3,277
RM-1	9,372	1.25	1.6	28%	11,715	14,995	3,280
RM-2	6,804	2.0	2.5	25%	13,607	17,009	3,402
RM-2	9,551	2.0	2.5	25%	19,102	23,878	4,776
RM-2	8,822	2.0	2.5	25%	17,644	22,055	4,411
West Avenue Overlay Sub-Total							24,861

Mid Beach RM-2 Residential Use Incentive Areas							
Zoning	Lot Area (SF)	Current FAR	Incentive FAR	% Increase	Current Max Floor Area (SF)	Incentive Max Floor Area (SF)	Potential Floor Area Increase (SF)
RM-2	3,415	2.0	2.3	15%	6,829	7,854	1,024
RM-2	3,224	2.0	2.3	15%	6,448	7,415	967
RM-2	11,443	2.0	2.3	15%	22,886	26,319	3,433
RM-2	3,163	2.0	2.3	15%	6,326	7,274	949
RM-2	2,098	2.0	2.3	15%	4,196	4,825	629
RM-2	3,700	2.0	2.3	15%	7,400	8,510	1,110
RM-2	16	2.0	2.3	15%	32	37	5
RM-2	23	2.0	2.3	15%	47	54	7
RM-2	66	2.0	2.3	15%	132	151	20
RM-2	158	2.0	2.3	15%	316	363	47
RM-2	85	2.0	2.3	15%	169	195	25
RM-2	106	2.0	2.3	15%	212	243	32
RM-2	6,266	2.0	2.3	15%	12,532	14,412	1,880
RM-2	2,145	2.0	2.3	15%	4,291	4,935	644
RM-2	291	2.0	2.3	15%	582	669	87
RM-2	30	2.0	2.3	15%	60	69	9
RM-2	48	2.0	2.3	15%	95	109	14
RM-2	558	2.0	2.3	15%	1,115	1,283	167
RM-2	16	2.0	2.3	15%	32	36	5
RM-2	7	2.0	2.3	15%	14	17	2
RM-2	9	2.0	2.3	15%	18	21	3
RM-2	26	2.0	2.3	15%	52	60	8
RM-2	39	2.0	2.3	15%	78	89	12
RM-2	60	2.0	2.3	15%	120	138	18
RM-2	14	2.0	2.3	15%	29	33	4
RM-2	146	2.0	2.3	15%	292	336	44
RM-2	56	2.0	2.3	15%	111	128	17
RM-2	234	2.0	2.3	15%	468	538	70
RM-2	201	2.0	2.3	15%	402	463	60
RM-2	388	2.0	2.3	15%	775	892	116
RM-2	358	2.0	2.3	15%	716	823	107
RM-2	2,505	2.0	2.3	15%	5,010	5,762	752
RM-2	6,806	2.0	2.3	15%	13,611	15,653	2,042
RM-2	3,195	2.0	2.3	15%	6,390	7,348	958
RM-2	108	2.0	2.3	15%	216	248	32
RM-2	2,891	2.0	2.3	15%	5,783	6,650	867
RM-2 Sub-Total							16,168

Mid Beach RM-3 Residential Use Incentive Areas							
Zoning	Lot Area (SF)	Current FAR	Incentive FAR	% Increase	Current Max Floor Area (SF)	Incentive Max Floor Area (SF)	Potential Floor Area Increase (SF)
RM-3	4,216	2.25	2.6	16%	9,485	10,960	1,475
RM-3	2,697	2.25	2.6	16%	6,069	7,013	944
RM-3	13,330	2.25	2.6	16%	29,992	34,658	4,665
RM-3	1,163	2.25	2.6	16%	2,616	3,023	407
RM-3	6,972	2.25	2.6	16%	15,686	18,126	2,440
RM-3	36	2.25	2.6	16%	80	92	12
RM-3	8,252	2.25	2.6	16%	18,566	21,454	2,888
RM-3	5,436	2.25	2.6	16%	12,230	14,133	1,902
RM-3	2,443	2.25	2.6	16%	5,496	6,351	855
RM-3	3,259	2.25	2.6	16%	7,332	8,473	1,141
RM-3	4,472	2.25	2.6	16%	10,062	11,627	1,565
RM-3	5,363	2.25	2.6	16%	12,067	13,945	1,877
RM-3	3,483	2.25	2.6	16%	7,838	9,057	1,219
RM-3	14,195	2.25	2.6	16%	31,939	36,907	4,968
RM-3	10,410	2.25	2.6	16%	23,421	27,065	3,643
RM-3	15,497	2.25	2.6	16%	34,867	40,291	5,424
RM-3	6,342	2.25	2.6	16%	14,270	16,490	2,220
RM-3	14,343	2.25	2.6	16%	32,272	37,292	5,020
RM-3	16,273	2.25	2.6	16%	36,615	42,310	5,696
RM-3	7,104	2.25	2.6	16%	15,984	18,471	2,486
RM-3	13,126	2.25	2.6	16%	29,534	34,129	4,594
RM-3	3,894	2.25	2.6	16%	8,761	10,123	1,363
RM-3	11,338	2.25	2.6	16%	25,510	29,478	3,968
RM-3	15,318	2.25	2.6	16%	34,467	39,828	5,361
RM-3	19,989	2.25	2.6	16%	44,975	51,971	6,996
RM-3	14,775	2.25	2.6	16%	33,243	38,414	5,171
RM-3	5,448	2.25	2.6	16%	12,258	14,165	1,907
RM-3	25,541	2.25	2.6	16%	57,468	66,407	8,939
RM-3	12,736	2.25	2.6	16%	28,657	33,114	4,458
RM-3	11,915	2.25	2.6	16%	26,810	30,980	4,170
RM-3	8,251	2.25	2.6	16%	18,565	21,453	2,888
RM-3	7,765	2.25	2.6	16%	17,472	20,190	2,718
RM-3	13,563	2.25	2.6	16%	30,517	35,264	4,747
RM-3	9,140	2.25	2.6	16%	20,564	23,763	3,199
RM-3	14,955	2.25	2.6	16%	33,649	38,883	5,234
RM-3	7,764	2.25	2.6	16%	17,470	20,187	2,717
RM-3	7,450	2.25	2.6	16%	16,762	19,370	2,607
RM-3	8,631	2.25	2.6	16%	19,419	22,440	3,021
RM-3	9,467	2.25	2.6	16%	21,300	24,613	3,313
RM-3	11,766	2.25	2.6	16%	26,473	30,591	4,118
RM-3	16,976	2.25	2.6	16%	38,197	44,139	5,942
RM-3	7,436	2.25	2.6	16%	16,731	19,333	2,603
RM-3	4,998	2.25	2.6	16%	11,247	12,996	1,749
RM-3	14,274	2.25	2.6	16%	32,116	37,112	4,996
RM-3 Sub-Total							147,630

RPS-4 Residential Use Incentive Areas							
Zoning	Lot Area (SF)	Current FAR	Incentive FAR	% Increase	Current Max Floor Area (SF)	Incentive Max Floor Area (SF)	Potential Floor Area Increase (SF)
RPS-4	7,708	2.0	2.25	13%	15,415	17,342	1,927
RPS-4	153	2.0	2.25	13%	306	345	38
RPS-4	13	2.0	2.25	13%	25	28	3
RPS-4	2,753	2.0	2.25	13%	5,506	6,195	688
RPS-4	1,803	2.0	2.25	13%	3,606	4,057	451
RPS-4	1,993	2.0	2.25	13%	3,986	4,484	498
RPS-4	7,502	2.0	2.25	13%	15,004	16,879	1,875
RPS-4	1,078	2.0	2.25	13%	2,157	2,426	270
RPS-4	4,825	2.0	2.25	13%	9,650	10,856	1,206
RPS-4	2,129	2.0	2.25	13%	4,259	4,791	532
RPS-4	537	2.0	2.25	13%	1,073	1,207	134
RPS-4	1,919	2.0	2.25	13%	3,838	4,318	480
RPS-4	681	2.0	2.25	13%	1,361	1,532	170
RPS-4	6,329	2.0	2.25	13%	12,658	14,240	1,582
RPS-4	7,573	2.0	2.25	13%	15,145	17,038	1,893
RPS-4	3,040	2.0	2.25	13%	6,080	6,840	760
RPS-4	1,957	2.0	2.25	13%	3,915	4,404	489
RPS-4	6,472	2.0	2.25	13%	12,945	14,563	1,618
RPS-4	1,954	2.0	2.25	13%	3,908	4,397	489
RPS-4	2,400	2.0	2.25	13%	4,799	5,399	600
RPS-4	987	2.0	2.25	13%	1,974	2,221	247
RPS-4	7,122	2.0	2.25	13%	14,244	16,025	1,781
RPS-4	1,049	2.0	2.25	13%	2,098	2,360	262
RPS-4	1,439	2.0	2.25	13%	2,879	3,238	360
RPS-4	9	2.0	2.25	13%	17	19	2
RPS-4	2,534	2.0	2.25	13%	5,068	5,702	634
RPS-4	822	2.0	2.25	13%	1,644	1,850	206
RPS-4	4,857	2.0	2.25	13%	9,714	10,928	1,214
RPS-4	19,613	2.0	2.25	13%	39,225	44,128	4,903
RPS-4	2,088	2.0	2.25	13%	4,176	4,698	522
RPS-4	50,707	2.0	2.25	13%	101,413	114,090	12,677
RPS-4 Sub-Total							38,511

Date Prepared: 3/5/2014

Name of Project: Mid Beach RM-3/RM-2 Residential Use Incentive

Address of Site: Area Between 47th Street and 63rd Street

Concurrency Management Area: Mid Beach

Square Feet in the Amendment: 475,698

Acreage in the Amendment: 10.92

Proposed FLUM Designation

Designation:

RM-3/RM-2

Maximum Density	Maximum FAR
150/100	2.6/2.3
1,220,634 SF	

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
Peak Hour Trips Generated*	1,012	N/A	N/A	N/A	N/A	1,012
Residential Demand	3,242	0				3,242

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Note: Unit estimate assumes 800 SF per residential unit and 15% for BOH

Existing FLUM Designation

Designation:

RM-3/RM-2

Maximum Density	Maximum FAR
150/100	2.15/2.0
1,056,836 SF	

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
Peak Hour Trips Generated*	876	N/A	N/A	N/A	N/A	876
Residential Demand	2,807	0				2,807

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Transportation Impact

New Trips Generated: 136 Trips

Trip Allowances

 Transit 15%
 Pass-by
 Mixed-use
 Total 15%

Indian Creek Road

 Capacity: 3,800 Trips
 Existing Trips: 3,510 Trips
 Net New Trips Generated: 115 Trips
 Overcapacity: NO

Parks and Recreation Concurrency

Net New Residential Demand: 435 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	NO
Tennis or Pickleball Court	NO
Multiple-Use Facility (park, picnic, sports)	YES
Designated Field Area (baseball, softball, soccer, etc.)	YES
Tot Lots or Playground	YES
Vista Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	YES

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

 Proposed Demand: 505,800 Gallons Per Day
 Existing Demand: 437,927 Gallons Per Day
 New Demand: 67,874 Gallons

Concurrency to be determined at Building Permit Application

Sanitary Sewer Transmission Capacity

 Proposed Demand: 433,923 Gallons Per Day
 Existing Demand: 393,011 Gallons Per Day
 New Demand: 60,912 Gallons

Concurrency to be determined at Building Permit Application

Solid Waste Collection Capacity

 Proposed Demand: 4,134 Tons Per Year
 Existing Demand: 3,379 Tons Per Year
 New Demand: 555 Tons Per Year

Concurrency to be determined at Building Permit Application

Storm Sewer capacity

 Required LOS: One-in-ten-year storm event
 Concurrency to be determined at Building Permit Application

Note:

This represents a comparative analysis of concurrency with maximum development potential of the site between the existing and proposed Future Land Use designations. Actual concurrency demands, required mitigation, and required capacity reservation will be determined at the time of Building Permit Application.

Date Prepared: 3/5/2014
 Name of Project: RPS-4 Residential Incentives
 Address of Site: South of Fifth

Concurrency Management Area: South Beach
 Square Feet in the Amendment: 154,045
 Acreage in the Amendment: 3.54

Proposed FLUM Designation

Designation:
RPS-4

Maximum Density	Maximum FAR
102	2.25
346,601 SF	

	Residential (Units)	Hotel (Rooms)	Retail (Sq)	Office (Sq)	Industrial (Sq)	Proposed Total
Peak Hour Trips Generated*	282	N/A	N/A	N/A	N/A	282
Residential Demand	903	0				903

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Note: Unit estimate assumes 800 SF per residential unit and 15% for BOH or Max Density

Existing FLUM Designation

Designation:
RPS-4

Maximum Density	Maximum FAR
102	2
308,090 SF	

	Residential (Units)	Hotel (Rooms)	Retail (Sq)	Office (Sq)	Industrial (Sq)	Existing Total
Peak Hour Trips Generated*	233	N/A	N/A	N/A	N/A	233
Residential Demand	818	0				818

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Transportation Impact

New Trips Generated	Trip Allowances	Transit	15%
26 Trips		Pass-by	
		Mixed-use	
		Total	15%

Washington Avenue

Capacity:	3,100 Trips
Existing Trips:	2,070 Trips
Net New Trips Generated:	22 Trips
Overcapacity:	NO

Parks and Recreation Concurrency

Net New Residential Demand: 84 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	NO
Tennis or Pickleball Court	NO
Multiple-Use Facility (park, picnic, sports)	YES
Designated Field Area (baseball, softball, soccer, etc.)	YES
Tot Lots or Playground	YES
Vista Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	YES

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Demand:	140,790 Gallons Per Day
Existing Demand:	127,665 Gallons Per Day
New Demand:	13,125 Gallons
Concurrency to be determined at Building Permit Application	

Sanitary Sewer Transmission Capacity

Proposed Demand:	126,350 Gallons Per Day
Existing Demand:	114,571 Gallons Per Day
New Demand:	11,779 Gallons
Concurrency to be determined at Building Permit Application	

Solid Waste Collection Capacity

Proposed Demand:	1,131 Tons Per Year
Existing Demand:	1,043 Tons Per Year
New Demand:	107 Tons Per Year
Concurrency to be determined at Building Permit Application	

Storm Sewer capacity

Required LOS: One-in-ten-year storm event
Concurrency to be determined at Building Permit Application

Note:

This represents a comparative analysis of concurrency with maximum development potential of the site between the existing and proposed Future Land Use designations. Actual concurrency demands, required mitigation, and required capacity reservation will be determined at the time of Building Permit Application.

Date Prepared: 3/3/2014
 Name of Project: West Ave Transit Use RM-3/RM-2 Residential Use Incentive
 Address of Site: West Ave Between Dade Canal and 11th Street

Concurrency Management Area: Mid Beach
 Square Feet in the Amendment: 60,243
 Acreage in the Amendment: 1.38

Proposed FLUM Designation

Designation:
 RM-3/RM-2

Maximum Density	Maximum FAR
100/60	2.5/1.6
173,405 SF	

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
Peak Hour Trips Generated*	121	N/A	N/A	N/A	N/A	121
Residential Demand	388	0				388

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Note: Residential Unit estimate assumes 800 SF per residential unit and 15% for BOH or Max Density. Hotel Unit Estimate assumes 330 SF per Room and 15% for BOH

Existing FLUM Designation

Designation:
 RM-3/RM-2

Maximum Density	Maximum FAR
100/60	2.0/1.25
120,541 SF	

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
Peak Hour Trips Generated*	N/A	122	N/A	N/A	N/A	122
Residential Demand	0	83				83

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Transportation Impact

New Trips Generated	Trip Allowances	Transit	15%
0 Trips		Pass-by	
		Mixed-use	
		Total	15%

Alton Road

Capacity:	3,150 Trips
Existing Trips:	3,150 Trips
Net New Trips Generated:	0 Trips
Overcapacity:	De minimis Impact

Parks and Recreation Concurrency

Net New Residential Demand: 306 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	NO
Tennis or Pickleball Court	NO
Multiple-Use Facility (park, picnic, sports)	YES
Designated Field Area (baseball, softball, soccer, etc.)	YES
Tot Lots or Playground	YES
Vita Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	YES

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Demand:	60,370 Gallons Per Day
Existing Demand:	12,375 Gallons Per Day
New Demand:	48,195 Gallons
Concurrency to be determined at Building Permit Application	

Sanitary Sewer Transmission Capacity

Proposed Demand:	34,358 Gallons Per Day
Existing Demand:	11,530 Gallons Per Day
New Demand:	42,808 Gallons
Concurrency to be determined at Building Permit Application	

Solid Waste Collection Capacity

Proposed Demand:	495 Tons Per Year
Existing Demand:	105 Tons Per Year
New Demand:	390 Tons Per Year
Concurrency to be determined at Building Permit Application	

Storm Sewer capacity

Required LOS: One-in-ten-year storm event	
Concurrency to be determined at Building Permit Application	

Note:

This represents a comparative analysis of concurrency with maximum development potential of the site between the existing and proposed Future Land Use designations. Actual concurrency demands, required mitigation, and required capacity reservation will be determined at the time of Building Permit Application.

R5 Y RESIDENTIAL USE INCENTIVES - 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 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 CONSISTENCY WITH FLOOR AREA RATIO (F.A .R.) REGULATIONS; AT POLICY RLU 1.1.5, ENTITLED " LOW DENSITY MULTI FAMILY RESIDENTIAL (RM - 1)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1.6 ENTITLED " MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (RM-2)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE " MID BEACH RESIDENTIAL USE INCENTIVE AREA, " AND TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1 .7 ENTITLED " HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE " MID BEACH RESIDENTIAL USE INCENTIVE AREA"; BY AMENDING POLICY 1.1.25, ENTITLED " HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4) ," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES; BY AMENDING OBJECTIVE 1.2, EN TITLED " LAND USE REGULATION ," TO ESTABLISH POLICY 1.2.8 , ENTITLED " RESIDENTIAL USE INCENTIVES," TO PROVIDE MINIMUM STANDARDS FOR OBTAINING THE FAR INCENTIVES SET FORTH IN THIS ORDINANCE; AND PROVIDING FOR CODIFICATION , REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.
Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: July 24, 2024 First Reading

TITLE: RESIDENTIAL USE INCENTIVES - 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 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 CONSISTENCY WITH FLOOR AREA RATIO (F.A.R.) REGULATIONS; AT POLICY RLU 1.1.5, ENTITLED "LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1.6 ENTITLED "MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE "MID BEACH RESIDENTIAL USE INCENTIVE AREA," AND TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1.7 ENTITLED "HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE "MID BEACH RESIDENTIAL USE INCENTIVE AREA"; BY AMENDING POLICY 1.1.25, ENTITLED "HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES; BY AMENDING OBJECTIVE 1.2, ENTITLED "LAND USE REGULATION," TO ESTABLISH POLICY 1.2.8, ENTITLED "RESIDENTIAL USE INCENTIVES," TO PROVIDE MINIMUM STANDARDS FOR OBTAINING THE FAR INCENTIVES SET FORTH IN THIS ORDINANCE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

BACKGROUND/HISTORY

HISTORY

On July 26, 2023, at the request of Commissioner Laura Dominguez, the City Commission referred a discussion item (Item C4 E), pertaining to incentives for residential development and

the conversion of transient uses to long term residential uses, to the Land Use and Sustainability Committee (LUSC). On September 27, 2023, the LUSC discussed the item and continued it to the October 11, 2023, LUSC meeting. On October 11, 2023, the LUSC recommended that the City Commission refer an ordinance amending the Land Development Regulations of the City Code (LDRs) to the Planning Board, based on the criteria discussed at the October 11, 2023, LUSC meeting.

On October 18, 2023, the City Commission referred the proposed ordinance to the Planning Board (Item C4 J). On January 30, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance, as well as a companion amendment to the LDR's, to the City Commission with a favorable recommendation (4-1) and subject to the following additional recommendations:

1. Describe how the City determined the affected districts and areas for the proposed incentives.
2. Detail if the proposed incentives are sufficient to achieve the ordinance's intended goals.
3. Mandate that a significant portion of developments utilizing the incentives be dedicated to workforce or affordable housing.
4. Analyze the impacts of the proposed increases in FAR on surrounding areas.
5. Remove the proposed accessory use incentives from the RM-2 in the West Avenue Overlay.
6. Reach out to existing hotels and transient uses to determine what incentives would encourage them to forgo these uses.

On January 31, 2024, the City Commission adopted Ordinance No. 2024-4582, which established a process for LDR amendments that increase floor area ratio (FAR). Since the proposed ordinance includes an increase in FAR, it was determined that it must go back to the Planning Board for a new review pursuant to the requirements of Ordinance No. 2024-4582.

BACKGROUND

Transient uses, which include hotel, suite hotel, apartment hotel, hostel, and the short-term rental of apartment units, are generally permitted in most commercial zoning districts, as well as in the RM-2, RM-3, R-PS3 and R-PS4 districts. In the West Avenue and Palm View areas of the city, hotel uses are prohibited in the RM-2 and RM-3 districts, but the short-term rental of apartment units is allowed.

The LUSC discussed and considered potential zoning incentives for developing new residential apartment uses and converting existing transient uses to residential apartments, including the following:

7. An increase in maximum allowable floor area ratio (FAR).
8. An increase in maximum allowable building height.
9. Modifications to minimum parking requirements.
10. Expansion of allowable accessory uses in medium intensity residential districts.

On October 11, 2023, the LUSC recommended that an ordinance amending the LDRs be referred to the Planning Board, based on incentives for residential development in the following areas of the City:

1. The conversion of existing transient uses in the West Avenue overlay, which established a hotel prohibition in 2013.
2. The conversion to or development of residential (non-transient) uses on Collins Avenue from 47th Street to 63rd Street (RM-3 zoning), which consists primarily of residential uses. Additionally, the area up to 71st Street should be explored.
3. The conversion to or development of residential (non-transient) uses in the R-PS4 areas on Ocean Drive from First to Fifth Streets.

ANALYSIS

The attached Comprehensive Plan amendment is a companion ordinance to a separate LDR amendment, and authorizes FAR increases within the RM-1, RM-2, RM-3, and R-PS4 future land use categories. The amendment also provides that the incentives established in the LDR amendment to permit increased FAR are only available by voluntarily agreeing to the requirements of the Residential Use Incentives through a new policy 1.2.8.

The purpose of the proposal is to encourage property owners to voluntarily provide permanent residential uses instead of temporary lodging or other transient uses, including short-term rentals. The proposal does not impact the maximum allowable residential density; as such it is likely that the additional FAR would be utilized to provide for larger residential units, additional amenities, or permitted accessory uses.

COMPREHENSIVE PLAN AMENDMENT REVIEW PROCESS

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.

FAR INCREASE PROCESS

Per section 7.1.10 of the LDRs, amendments that increase the allowable floor area and FAR must undergo the following review process:

- Step 1 – Planning Board Preliminary Review
- Step 2 – Community Outreach Meeting
- Step 3 – Planning Board Transmittal
- Step 4 – City Commission First Reading Public Hearing
- Step 5 – Community Workshop
- Step 6 – City Commission Second Reading/Adoption Public Hearing

PLANNING BOARD REVIEW

On March 26, 2024, the Board held a preliminary review of the proposed ordinance and continued the item to the May 28, 2024, meeting. Following this preliminary review meeting City staff held a public meeting on May 8, 2024, via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: <https://youtu.be/5VXsHLEqd3w>.

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). By separate motion (6-0) the Planning Board also recommended the following:

1. The City Commission consider extending the proposed incentives to other applicable areas of the City.

2. The City Commission continue to explore and develop additional incentives for non-transient residential uses.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

UPDATE

The subject ordinance was placed on the June 26, 2024 City Commission agenda, but the item was not reached.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? No
(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

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

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 Laura Dominguez

Co-sponsor(s)

Commissioner David Suarez
Commissioner Joseph Magazine

Residential Use Incentives - Comprehensive Plan Amendment

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 CONSISTENCY WITH FLOOR AREA RATIO (F.A.R.) REGULATIONS; AT POLICY RLU 1.1.5, ENTITLED "LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1.6 ENTITLED "MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE "MID BEACH RESIDENTIAL USE INCENTIVE AREA," AND TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE CONVERSION OF LEGALLY ESTABLISHED TRANSIENT USES TO RESIDENTIAL USES IN THE "WEST AVENUE BAYFRONT OVERLAY"; BY AMENDING POLICY RLU 1.1.7 ENTITLED "HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES FOR PROPERTIES LOCATED IN THE "MID BEACH RESIDENTIAL USE INCENTIVE AREA"; BY AMENDING POLICY 1.1.25, ENTITLED "HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4)," TO PROVIDE FAR INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO RESIDENTIAL USES; BY AMENDING OBJECTIVE 1.2, ENTITLED "LAND USE REGULATION," TO ESTABLISH POLICY 1.2.8, ENTITLED "RESIDENTIAL USE INCENTIVES," TO PROVIDE MINIMUM STANDARDS FOR OBTAINING THE FAR INCENTIVES SET FORTH IN THIS ORDINANCE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the 2010 US Census indicated that the City of Miami Beach had a population of 87,779; and

WHEREAS, the 2020 US Census indicated that the City of Miami Beach had a population of 82,890; and

WHEREAS, between 2010 and 2020, the City of Miami Beach lost a net total of 4,889 residents; and

WHEREAS, the July 2022 Census American Community Survey estimates that the City of Miami Beach has a population of 80,017, reflecting a further loss of 2,873 residents since the 2020 Census; and

WHEREAS, the City finds the loss of permanent residents may have had a negative impact on the quality of life of remaining residents, by encouraging more traffic congestion due to the need for employees to commute longer distances to employment centers within the City; and

WHEREAS, the loss of residents is partially due to the conversion of residential units to short-term rentals or other transient units; and

WHEREAS, the introduction of transient units in predominantly residential areas has created nuisances for residents and often prevents the quiet enjoyment of their residences; and

WHEREAS, Section 509.032, Florida Statutes provides that *"A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011"*; and

WHEREAS, per Section 509.032, Florida Statutes, the City of Miami Beach cannot prohibit the short-term rental of residential units in areas where they were not prohibited prior to June 1, 2011; and

WHEREAS, the City seeks to establish incentives in order to encourage residential development that will not be used for short-term rentals or other transient uses in order to encourage the growth of the permanent resident population; and

WHEREAS, the City has the authority to enact laws that promote the public health, safety, and general welfare of its citizens; and

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

* * *

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.

* * *

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

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POLICY RLU 1.1.5 LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium density multi-family residential areas.

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.

Non-conforming buildings containing non-conforming hotel uses, located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50% of the floor

area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including but not limited to, the number of hotel units and accessory food and beverage uses, the non-conformity of the building is lessened, and required parking for the surrounding neighborhoods with a minimum reduction of 50% of the daily trips on adjacent, two lane, arterial roadways, and improving the resiliency of the building.

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay-Front Overlay District, both of which are described in the Land Development Regulations. Within the RM-1 future land use category, and only in the Flamingo Park Historic District, apartment hotels, hotels, and suite hotels are permitted for properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only. Hotels, apartment hotels, and suite hotels are permitted on properties located north of Normandy Drive, having a lot area greater than 30,000 square feet, which are individually designated as an historic site, as described in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 60 dwellings 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 a floor area ratio of 1.25, except for the following:

- the west side of Collins Avenue between 76th and 79th Streets shall not exceed a floor area ratio of 1.4; and
- Public and private institutions on a lot area equal to or less than 15,000 sq. ft shall not exceed a floor area ratio of 1.25, or for a lot area greater than 15,000 sq. ft. the floor area ratio shall not exceed 1.4.
- For a legally established, conforming or non-conforming, bed and breakfast inn, hotel, apartment hotel, suite hotel, or hostel located in the West Avenue Bayfront Overlay District that is converted to a conforming residential apartment use, and in compliance with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the floor area ratio shall not exceed 1.6.

POLICY RLU 1.1.6 MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium density multi-family residential areas.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels. Residential office uses are permitted in RM-2 only in the West Avenue Bay-Front Overlay District, as described in

the Land Development Regulations. Places of assembly, restaurant, retail, and general office uses are main permitted uses in the Faena District Overlay as set forth in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 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 a floor area ratio of 2.0, except as follows:

- For a legally established, conforming or non-conforming, bed and breakfast inn, hotel, apartment hotel, suite hotel, or hostel located in the West Avenue Bayfront Overlay District that is converted to a conforming residential apartment use, and in compliance with the Residential Use Incentive requirements in Policy RLU 1.2.8, the floor area ratio shall not exceed 2.5.
- For developments located in the Mid Beach Residential Use Incentive Area, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the floor area ratio shall not exceed 2.3.

POLICY RLU 1.1.7 HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new high density multi-family residential and hotel areas.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

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.
- For developments located in the Mid Beach Residential Use Incentive Area, as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the floor area ratio shall not exceed the following:
 - a floor area ratio of 2.6 on lots with a lot area equal to or less than 45,000 sq. ft.;
 - a floor area ratio of 3.2 on lots with a lot area greater than 45,000 sq. ft.;
 - a floor area ratio 3.5 on oceanfront lots with lot area greater than 45,000 sq. ft.;

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POLICY RLU 1.1.25 HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and institutional uses.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 102 dwelling units per acre.

Intensity Floor Area Ratio Limits: 2.0, except as follows:

- For developments that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the floor area ratio shall not exceed 2.25.
- ~~Notwithstanding the foregoing FAR limitations,~~ For properties with a main use of hotel as of January 1, 2022 within the R-PS-4 land use category, the City Commission may adopt Land Development Regulations to increase the maximum FAR to 2.75 as a voluntary development incentive, subject to the property owner's voluntary agreement to strictly comply with the following conditions:

1. The main use on the property shall be converted to residential and shall remain residential in perpetuity; hostel, hotel, apartment-hotel, and suite-hotel use shall be prohibited.
2. A new structure, consisting solely of main-use residential and allowable accessory uses, may be constructed, in accordance with all applicable development regulations with a maximum FAR of 2.75. Alternatively, the entire existing building may be converted to main-use residential and allowable accessory uses, including any repairs, alterations and modifications that may exceed the 50% rule in the Land Development Regulations, provided any alterations and modifications do not result in the building exceeding an FAR of 2.75.
3. A property shall only be eligible for the FAR incentive set forth in this section, not to exceed a total FAR of 2.75, if the property owner 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, none of the residential units on the property shall be leased or rented for a period of less than six months and one day.

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OBJECTIVE RLU 1.2: LAND USE REGULATION

Future growth and development, redevelopment and rehabilitation will be managed through the preparation, adoption, implementation, and enforcement of land development regulations (LDR) consistent with the Comprehensive Plan and with s.163.3202, F.S.

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POLICY 1.2.8 RESIDENTIAL USE INCENTIVES

These provisions are hereby adopted to provide voluntary zoning incentives for non-transient residential development. Where authorized in the underlying future land use category, and in accordance with all applicable regulations set forth in the Comprehensive Plan and Land Development Regulations, residential developments consisting solely of non-transient residential units and allowable accessory uses shall be eligible for applicable incentives set forth in such future land use category, subject to the following conditions:

1. **Lodging Use Conversion and Prohibition.** In order to be eligible for the residential use incentives, the property shall be required to fully vacate any and all existing transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel, or rooming house. Such transient uses shall be prohibited throughout the development and at all times, in order to maintain the residential use incentives authorized for the applicable future land use category.
2. **Short Term Rental Conversion and Prohibition.** In order to be eligible for the voluntary residential use incentives authorized for the applicable future land use category, the property owner(s) shall first be required to vacate any and all existing approvals for the short-term rental of any apartment units on the property.
3. **Covenant.** As a condition of eligibility for the voluntary residential use incentives authorized for the applicable future land use category, the property owner(s) shall first be required to execute a restrictive covenant running with the land, in a form approved by the

city attorney, affirming that throughout the building and at all times, no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel or rooming house, shall be permitted on the property.

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 _____, 2024.


Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: June 26, 2024
Second Reading: October 30, 2024

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 6/17/2024
City Attorney NK Date

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