

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 47<sup>th</sup> Street to 63<sup>rd</sup> Street (RM-3 zoning), which consists primarily of residential uses. Additionally, the area up to 71<sup>st</sup> 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 47<sup>th</sup> Street on the south and 63<sup>rd</sup> Street on the north. Portions of this incentive area would fall within the Morris Lapidus/Mid-20<sup>th</sup> 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>  | 2.3 |
| <i>BUILDING HEIGHT (Feet)</i>   |     |
| <i>Maximum Height</i>   | 75' |
| <i>Historic District</i>  | 65' |
| <i>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses</i> | 80' |

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 5<sup>th</sup> 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    |
|--------------|--------|--------|--------|---------|---------|---------|---------|
| <b>Total</b> | 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    |
|---|---------|---------|---------|---------|---------|---------|
| <b>Projected Population – Total residential + transient</b> | 196,486 | 211,913 | 224,180 | 236,636 | 249,294 | 262,172 |
| <b>Populations Equivalents Served</b>                       | 158,885 | 171,760 | 181,474 | 191,377 | 201,483 | 211,809 |
| <b>Water Demand (MGD) - Total (Annual Average Demand)</b>   | 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 47<sup>TH</sup> STREET ON THE SOUTH AND 63<sup>RD</sup> 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 47<sup>TH</sup> STREET ON THE SOUTH AND 63<sup>RD</sup> 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 47<sup>th</sup>

Street on the south and 63<sup>rd</sup> 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 47<sup>th</sup> Street on the south and 63<sup>rd</sup> 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:

| <b>DEVELOPMENT REGULATIONS TABLE (R-PS)</b> |  |  |  |   |
|---|--|--|--|---|
|   | 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) |

\* \* \*

| <b>BUILDING HEIGHT</b>    | R-PS1  | R-PS2 | R-PS3 | R-PS4   |
|---------------------------|--|-------|-------|---|
| Maximum Height (feet) (E) | 45 feet (5)<br>40 feet - Lots 50 feet wide or less (5) |       |       | 80 feet – Nonooceanfront Lots (5)<br>100 feet – Oceanfront Lots (5)(9)<br>40 feet – Lots 50 feet wide or less (5) |



- (1) All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and pedestal side yard facing a street setback which shall be considered as both minimum and maximum requirements.
- \* \* \*
- (8) For developments that comply with the requirements for “Residential Use Incentives” in section 7.1.10 of the Resiliency Code, the maximum FAR shall be 2.25.
- (9) For developments that comply with the requirements for “Residential Use Incentives” in section 7.1.10 of the Resiliency Code, the maximum height shall be 115 feet.

**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

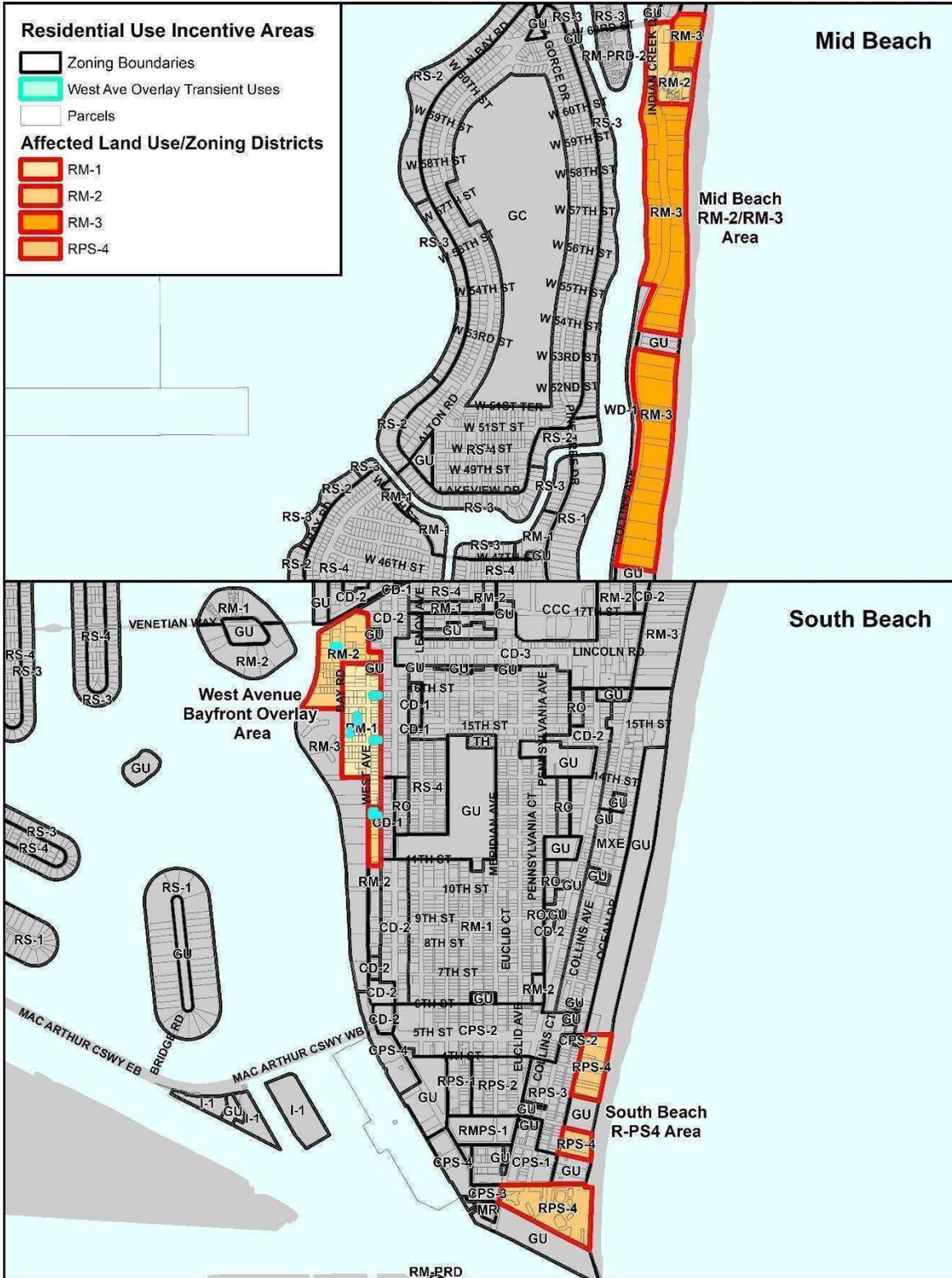
  
\_\_\_\_\_  
City Attorney NK

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**

|  |                |
|--|----------------|
| <b>Total Potential Floor Area Increase</b> | <b>227,170</b> |
|--|----------------|

| <b>West Avenue Overlay Residential Use Incentives for Transient Uses</b> |                      |                    |                      |                   |                                    |                                      |   |
|--|----------------------|--------------------|----------------------|-------------------|------------------------------------|--------------------------------------|---|
| <b>Zoning</b>  | <b>Lot Area (SF)</b> | <b>Current FAR</b> | <b>Incentive FAR</b> | <b>% Increase</b> | <b>Current Max Floor Area (SF)</b> | <b>Incentive Max Floor Area (SF)</b> | <b>Potential Floor Area Increase (SF)</b> |
| 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                                     |
| <b>West Avenue Overlay Sub-Total</b>                                     |                      |                    |                      |                   |                                    |                                      | <b>24,861</b>                             |

| 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                                |
| <b>RM-2 Sub-Total</b>                          |               |             |               |            |                             |                               | <b>16,168</b>                      |



| 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                             |
| <b>RPS-4 Sub-Total</b>                |               |             |               |            |                             |                               | <b>38,511</b>                      |

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     |
| 1,220,834 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 13% 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 |                 |                  | Indian Creek Road        |             |
|-----------------------|-----------------|------------------|--------------------------|-------------|
| New Trips Generated   | Trip Allowances | Transit 15%      | Capacity:                | 3,800 Trips |
| 136 Trips             |                 | Pass-by          | Existing Trips:          | 3,510 Trips |
|                       |                 | Mixed-use        | Net New Trips Generated: | 115 Trips   |
|                       |                 | <b>Total 15%</b> | 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        |
| 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: | 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:      | 355 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: 3/9/2014  
 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 (SqF) | Office (SqF) | Industrial (SqF) | 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 (SqF) | Office (SqF) | Industrial (SqF) | Existing Total |
|----------------------------|---------------------|---------------|--------------|--------------|------------------|----------------|
| Peak Hour Trips Generated* | 235                 | N/A           | N/A          | N/A          | N/A              | 235            |
| 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        |
| 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: | 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: | 126,330 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 Transient 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    |
| 120,641 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% |

|                          |                  |
|--------------------------|------------------|
| <b>Alton Road</b>        |                  |
| Capacity:                | 3,150 Trips      |
| Existing Trips:          | 3,150 Trips      |
| Net New Trips Generated: | 0 Trips          |
| Overcapacity:            | Deminimis 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: | 54,358 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:

# 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 - 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 47<sup>th</sup> Street to 63<sup>rd</sup> Street (RM-3 zoning), which consists primarily of residential uses. Additionally, the area up to 71<sup>st</sup> 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?**

**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 - 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<br>(Units Per Acre) | Intensity Limits<br>(Floor Area<br>Ratio) | Reference<br>(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 73<sup>rd</sup> 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, fFor 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