

R5 Q ELIMINATE 0.5 FAR BONUS FOR HOTELS LOCATED WITHIN CD-2 DISTRICTS  
IN SOUTH BEACH

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024 5:02 p.m. Second Reading Public Hearing

TITLE: ELIMINATE 0.5 FAR BONUS FOR HOTELS LOCATED WITHIN CD-2 DISTRICTS IN SOUTH BEACH  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission ("City Commission") adopt the ordinance.

### **BACKGROUND/HISTORY**

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion (item C4 N) pertaining to the 0.5 floor area ratio (FAR) bonus available to hotel uses in the CD-2 zoning district to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez were co-sponsors of the item.

On March 5, 2024, the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board to repeal the 0.5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the CD-2 districts in North Beach. The LUSC continued the discussion pertaining to the 0.5 FAR bonus for hotels located in the CD-2 district along Washington Avenue and Collins Avenue in South Beach, to the June 10, 2024 LUSC meeting.

On April 3, 2024, the City Commission referred the ordinance to repeal the 0.5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the CD-2 districts in North Beach, to the Planning Board. On May 28, 2024, the Planning Board transmitted the ordinance to the City Commission with a favorable recommendation. The City Commission approved this ordinance at First Reading on June 26, 2024 and adopted the ordinance at Second Reading on July 24, 2024.

On June 10, 2024, the LUSC recommended that the City Commission refer an ordinance amendment to the Planning Board to repeal the 0.5 FAR bonus for hotels in the CD-2 districts along Washington Avenue and Collins Avenue in South Beach. On June 26, 2024, the City Commission referred this ordinance to the Planning Board. Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez were co-sponsors.

## **ANALYSIS**

Pursuant to Section 7.2.11.3 of the Land Development Regulations of the City Code (LDRs), the maximum floor area ratio in the CD-2, commercial medium intensity, zoning district is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0.

At the direction of the LUSC on March 5, 2024, the Administration made presentations to the Planning Board and Washington Avenue Business Improvement District (BID), to obtain feedback on the proposed elimination of the 0.5 FAR bonus for hotel uses in the CD-2 districts along Collins and Washington Avenues in South Beach. The following is a summary of the feedback received from these bodies:

### **Planning Board**

On March 26, 2024, city staff presented the proposal to the Planning Board; the Board discussed the proposal and requested additional information, such as input from the Washington Avenue BID. Some members of the Board indicated support for the proposal, and there was no opposition, but the Planning Board concluded more information would be needed before a formal recommendation could be provided.

### **Washington Avenue BID**

On April 11, 2024, city staff presented the proposal to the Washington Avenue BID. The members of the BID were not supportive of a roll back of the 0.5 FAR bonus for hotels in the CD-2 district along Washington Avenue. However, the BID members were all supportive of incentives for increasing and promoting residential development along Washington Avenue.

As noted herein, the City Commission adopted an ordinance at Second Reading on July 24, 2024, which removed the 0.5 FAR bonus for a site containing a hotel unit, suite hotel unit or hostel in the CD-2 districts along Alton Road, as well as in North Beach. This ordinance excluded the CD-2 districts on Washington and Collins Avenues in South Beach.

The attached ordinance proposes to remove the 0.5 FAR bonus for a site containing a hotel unit, suite hotel unit or hostel in all CD-2 districts, including the CD-2 districts on Washington Avenue and Collins Avenue in South Beach. Essentially, the proposed ordinance expands the provisions of the ordinance adopted on July 24, 2024 to all CD-2 districts in the City, as recommended by the LUSC.

## **PLANNING BOARD REVIEW**

On July 24, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (5-1).

## **UPDATE**

The subject ordinance was approved at First Reading on September 11, 2024, with no changes.

## **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

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

**If applicable, the Business Impact Estimate (BIE) was published on: 8/14/2024.**

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

## **FINANCIAL INFORMATION**

N/A

## **CONCLUSION**

The Administration recommends that the City Commission adopt the ordinance.

## **Applicable Area**

South Beach

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

Yes

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

No

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

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

## **Department**

Planning

## **Sponsor(s)**

Commissioner Alex Fernandez

## **Co-sponsor(s)**

Commissioner Tanya K. Bhatt  
Commissioner Joseph Magazine  
Commissioner David Suarez

## **Condensed Title**

5:02 p.m. 2nd Rdg, Eliminate 0.5 FAR Bonus for Hotels in CD-2 Districts-SB. (AF/TB/JM/DS) PL  
5/7

**Eliminate .5 FAR Bonus for Hotels Located Within CD-2 Districts in South Beach**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the CD-2 commercial, medium intensity district provides for commercial development including businesses, services, offices, and related uses which serve the entire City; and

**WHEREAS**, the Land Development Regulations incentivize mixed-use development in certain neighborhoods, in order to promote residential living with access to unique, diverse, and complementary businesses; and

**WHEREAS**, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 7.2.11.3 of the City Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, the increased floor area ratio applicable to mixed use buildings may be utilized; and

**WHEREAS**, the Mayor and City Commission desire to modify the current FAR bonus in certain CD-2 zoning districts as to projects that include hotel units.

**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 II, entitled "District Regulations," at Section 7.2.11, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. DISTRICT REGULATIONS**

\* \* \*

**7.2.11. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT**

\* \* \*

### 7.2.11.3 Development Regulations (CD-2).

a. The development regulations in the CD-2 commercial, medium intensity district are as follows:

- i. The tower setback shall not be less than the pedestal setback.
- ii. Parking lots and garages: If located on the same lot as the main structure the setbacks below shall apply. If primary use the setbacks are listed in Section 7.5.3.2.n.

DEVELOPMENT REGULATIONS TABLE (CD-2)	
Maximum FAR	1.5 (5)
Mixed Use Buildings (When more than 25 percent (25%) of the total area of a building is used for residential, <u>or</u> residential office, <u>or</u> hotel units)	2.0 (5) (9)(10)
Maximum Density (Dwelling Units Per Acre)	100 DUA (80% bonus for workforce or affordable units)

\* \* \*

1. Except as provided in Section 7.5.2.
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum ceiling height of 14 feet above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.
4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
6. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above-described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.
7. The number of units may not exceed the maximum density set forth in the comprehensive plan.

8. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:
- Density. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.
  - Minimum Unit Size. This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.
  - Covenant. In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily 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.
9. Notwithstanding the above regulations, new development or redevelopment of residential office units may only be eligible for the floor area ratio applicable to mixed use buildings in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.
- ~~10. The 0.5 floor area ratio (FAR) bonus (for a total FAR of 2.0) for Mixed Use Buildings (as defined in the table) shall only apply to properties located on Washington Avenue and Collins Avenue south of 63rd Street. For all other CD-2 properties, the maximum FAR for a site containing a hotel unit, suite hotel unit or hostel, shall be 1.5 and the FAR provision for a mixed-use building on this table shall not apply to a site containing a hotel unit, suite hotel unit or hostel.~~
10. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for a site containing a hotel unit, suite hotel unit, or hostel shall be 1.5.

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

## **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## **SECTION 4. SEVERABILITY.**

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

**SECTION 5. APPLICABILITY**

This Ordinance shall not apply to properties fronting Washington Avenue that have an active land use board application with a hearing file number and where a notice to proceed to public hearing has been issued by the City prior to July 1, 2024.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION



City Attorney

NK

8/7/2024  
Date

First Reading: September 11, 2024  
Second Reading: October 30, 2024

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

**CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARING**

**NORTH BEACH COMPREHENSIVE USE REGULATIONS**

**ORDINANCE AMENDING THE RESILIENCY CODE ENTITLED "OVERLAY DISTRICTS" AT SECTION 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT" TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY AND BY ESTABLISHING SECTION 7.3.10 ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY"**

**OCTOBER 30, 2024  
CITY COMMISSION MEETING**

NOTICE IS HEREBY GIVEN that on **October 30, 2024**, at 5:04 p.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing** on the proposed Ordinance.

**NORTH BEACH COMPREHENSIVE USE REGULATIONS**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 3, ENTITLED "OVERLAY DISTRICTS," AT SECTION 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY; AND BY ESTABLISHING SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY" (1) TO INCORPORATE THE PRE-EXISTING REGULATIONS FROM THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY THAT ARE APPLICABLE TO THE "OCEAN TERRACE/HARDING TOWNSITE AREA," (2) TO PROVIDE LIMITS ON THE NUMBER OF PACKAGE LIQUOR STORES, CHECK CASHING STORES, CONVENIENCE STORES, AND TATTOO STUDIOS LOCATED NORTH OF 63RD STREET, AND (3) TO PROHIBIT TOBACCO AND VAPE DEALERS, OCCULT SCIENCE ESTABLISHMENTS, VITAMIN STORES, PAWN SHOPS, SOUVENIR AND T-SHIRT SHOPS, AND RELATED NUISANCE USES NORTH OF 63RD STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

During the **October 30, 2024**, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.**

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl.gov/zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) with the Agenda Item Number in the subject line. Comments received, in either format, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish; then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Breezeline Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

**Parking**

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139.

**MIAMIBEACH**

AD: 10302024-09

Rafael E. Granado, City Clerk  
City of Miami Beach  
[CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov)  
305.673.7411

**CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARING  
ELIMINATE 0.5 FAR BONUS FOR HOTELS LOCATED  
WITHIN CD-2 DISTRICTS IN SOUTH BEACH**

**ORDINANCE AMENDING THE RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT**

**OCTOBER 30, 2024  
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**MIAMIBEACH**

AD: 10302024-07

Rafael E. Granado, City Clerk  
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