

18. PB24-0733. Housing Impact Statement Requirement for Development Applications – LDR Amendment.

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER PB24-0733		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY N/A			
FOLIO NUMBER(S)			
Property Owner Information			
PROPERTY OWNER NAME N/A			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
Applicant Information (if different than owner)			
APPLICANT NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
BUSINESS PHONE 3056737550		CELL PHONE	EMAIL ADDRESS N/A
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT			

Project Information			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.	
Party responsible for project design			
NAME		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Authorized Representative(s) Information (if applicable)			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and 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).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property ☒ Authorized representative



SIGNATURE

David Martinez

PRINT NAME

12/12/24

DATE SIGNED

AFFIDAVIT

I, David Martinez, being duly sworn, depose and say that I am the Assistant City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

PB24-0733. Housing Impact Statement Requirement for Development Applications – LDR
Amendment. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “MIAMI BEACH RESILIENCY CODE,” BY AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II, ENTITLED “DEFINITIONS,” SECTION 1.2.2, ENTITLED “USE DEFINITIONS,” AT SUBSECTION 1.2.2.1, ENTITLED “RESIDENTIAL,” BY CREATING A DEFINITION FOR HOUSING IMPACT STATEMENT; AND BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS,” BY AMENDING THE APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR PLANNING BOARD AND DESIGN REVIEW BOARD APPLICATIONS TO INCLUDE A HOUSING IMPACT STATEMENT, BY AMENDING ARTICLE VIII, ENTITLED “VARIANCES,” BY AMENDING THE APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR BOARD OF ADJUSTMENT APPLICATIONS TO INCLUDE A HOUSING IMPACT STATEMENT, AND BY AMENDING ARTICLE XIII, ENTITLED “HISTORIC PRESERVATION,” BY AMENDING THE APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR HISTORIC PRESERVATION BOARD APPLICATIONS TO INCLUDE A HOUSING IMPACT STATEMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.



NAIMA DE PINEDO
Notary Public
State of Florida
Comm# HH284392
Expires 9/26/2026

ASSISTANT CITY MANAGER'S SIGNATURE

STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 13th day of December, 2024. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires:

Naina Dhan

NOTARY PUBLIC
STATE OF FLORIDA
(Type, print or stamp name)

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 7, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}


for TRM

SUBJECT: **PB24-0735. Housing Impact Statement Requirements – Comprehensive Plan Amendment**
PB24-0733. Housing Impact Statement Requirements – LDR Amendment

RECOMMENDATION

Transmit the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) to the City Commission with a favorable recommendation.

HISTORY/BACKGROUND

On September 11, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an item (C4 U) to the Land Use and Sustainability Committee (LUSC) pertaining to notice requirements for tenants of residential buildings. On October 14, 2024, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.

On November 20, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the ordinance (C4 N) to the Planning Board. The item is co-sponsored by Commissioner Joseph Magazine.

REVIEW CRITERIA

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

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

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

Not applicable – The proposed amendment does not modify district boundaries.

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

Not applicable – The proposed Ordinance does not affect the overall scale of development.

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

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The proposed change is necessary in order to assess and track the loss/conversion of residential housing in the city.

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

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

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

Consistent – The proposed change will not affect traffic congestion.

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

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

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

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

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

Not applicable

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

Not applicable –

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

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

ANALYSIS

Attached are ordinances amending the Comprehensive Plan, as well as the Land Development Regulations of the City Code (LDRs). In this regard, the housing element of the Comprehensive Plan is proposed to be amended to create a new policy (HE 1.1.13) specific to a housing impact statement:

POLICY HE 1.1.13

The City shall create a definition for a housing impact statement in the Land Development Regulations and shall include a review of such statement for applicable projects as part of the development review process for all land use boards.

Chapter 1 of the LDR's is proposed be amended to create a definition for a housing impact statement:

Housing impact statement shall be defined as a written analysis provided by an applicant seeking approval from a city land use board, which outlines how a development project will impact existing and proposed residential units within the property that is the subject of the application and how such impacts will be mitigated. At a minimum, this document shall contain the following:

- a. A detailed analysis of the impact of the proposed development comparing current housing availability on the affected property before execution of the development with future housing availability after the development is completed.
- b. A full disclosure as to whether any residents currently or within the past year occupied the property, specifying how many of those households were affordable, Section 8, or workforce housing units.
- c. Identify any voluntary mitigation measures offered by the developer to assist affected residents with relocation or identifying alternate housing.

Additionally, Chapter 2 of the LDRs will be amended to create a requirement for a housing impact statement in the application requirements and review criteria for all land use boards.

The housing impact statement would be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a conditional use application.

COMPREHENSIVE PLAN AMENDMENT AND 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.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board Transmit the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) to the City Commission with a favorable recommendation.

**Housing Impact Statement Requirement for Development Applications – 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 HOUSING ELEMENT AT GOAL HE 1, ENTITLED “EQUITABLE COMMUNITY,” OBJECTIVE HE 1.1, ENTITLED “CREATION AND/OR PRESERVATION OF WORKFORCE AND AFFORDABLE HOUSING.” BY CREATING POLICY HE 1.1.13 PERTAINING TO A HOUSING IMPACT STATEMENT; 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 City has the authority to enact laws that promote the public health, safety, and general welfare of its citizens; and

WHEREAS, a housing impact statement is necessary to analyze the impacts of improvements and modifications to existing residential housing in the city; and

WHEREAS, the review of a housing impact statement is an important component of the development review process; and

WHEREAS, a requirement for a housing impact statement as part of the review of applicable projects by the City’s land use boards promotes the general health, safety and welfare of the residents of the city; 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 amendment to the City's 2040 Housing Element is hereby adopted:

HOUSING ELEMENT

* * *

GOAL HE 1: EQUITABLE COMMUNITY

* * *

OBJECTIVE HE 1.1: CREATION AND/OR PRESERVATION OF WORKFORCE AND AFFORDABLE HOUSING

* * *

POLICY HE 1.1.13

The City shall create a definition for a housing impact statement in the Land Development Regulations and shall include a review of such statement for applicable projects as part of the development review process for all land use boards.

SECTION 2. CODIFICATION.

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan of the City of Miami Beach, FL, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional, and county agencies as required by applicable law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect until 31 days after the state land planning agency notifies the City that the plan amendment package is complete following adoption, pursuant to Section 163.3184(3), Florida Statutes.

PASSED and **ADOPTED** this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: February ____, 2025

Second Reading: April ____, 2025

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

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**Housing Impact Statement Requirement for Development Applications – LDR
Amendment**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “MIAMI BEACH RESILIENCY CODE,” BY AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II, ENTITLED “DEFINITIONS,” SECTION 1.2.2, ENTITLED “USE DEFINITIONS,” AT SUBSECTION 1.2.2.1, ENTITLED “RESIDENTIAL,” BY CREATING A DEFINITION FOR HOUSING IMPACT STATEMENT; AND BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS, “ BY ESTABLISHING PLANNING BOARD AND DESIGN REVIEW BOARD APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT, BY AMENDING ARTICLE VIII, ENTITLED “VARIANCES,” BY CESTABLISHING BOARD OF ADJUSTMENT APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT, AND BY AMENDING ARTICLE XIII, ENTITLED HISTORIC PRESERVATION,” BY ESTABLISHING HISTORIC PRESERVATION BOARD APPLICATION REQUIREMENTS AND REVIEW CRITERIA FOR A HOUSING IMPACT STATEMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Regulations of the City Code to create a definition for Housing Impact Statement; and

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the City Code pertaining to application requirements and review criteria for land use board applications; and

WHEREAS, a housing impact statement is necessary to analyze the impacts of improvements and modifications to existing residential housing in the city; and

WHEREAS, the review of a housing impact statement is an important component of the development review process; and

WHEREAS, a requirement for a housing impact statement as part of the review of applicable projects by the City’s land use boards promotes the general health, safety and welfare of the residents of the city; 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 1 of the Miami Beach Resiliency Code, entitled “General Provisions,” Article II, entitled “Definitions,” is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

* * *

ARTICLE II. DEFINITIONS

* * *

SECTION 1.2.2. USE DEFINITIONS

* * *

1.2.2.1 Residential

* * *

Housing impact statement shall be defined as a written analysis provided by an applicant seeking approval from a city land use board, which outlines how a development project will impact existing and proposed residential units within the property that is the subject of the application and how such impacts will be mitigated. At a minimum, this document shall contain the following:

- a. A detailed analysis of the impact of the proposed development comparing current housing availability on the affected property before execution of the development with future housing availability after the development is completed.
- b. A full disclosure as to whether any residents currently or within the past year occupied the property, specifying how many of those households were affordable, Section 8, or workforce housing units.
- c. Identify any voluntary mitigation measures offered by the developer to assist affected residents with relocation or identifying alternate housing.

SECTION 2. Chapter 2 of the Miami Beach Resiliency Code, entitled “Administration and Review Procedures,” Article II, entitled “General Development Application and Hearing Procedures,” is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES**

* * *

ARTICLE V – Rezoning and Development Approvals

* * *

2.5.2 Conditional Use

* * *

2.5.2.2 Standards for approval

A conditional use may be approved if planning board finds that it meets the following general and supplemental standards for approval:

- a. General standards. The following general standards shall be met by all conditional uses.
 1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.
 2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.
 3. Structures and uses associated with the request shall be consistent with these land development regulations.
 4. The public health, safety, morals, and general welfare shall not be adversely affected.
 5. Adequate off-street parking facilities will be provided.
 6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.
 7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.
 8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
 9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.
 10. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for planning board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a conditional use application.

2.5.2.3 Application and review

Applications for conditional uses shall follow the applicable procedures set forth in article II. Each application shall be accompanied by a site plan meeting the requirements of subsection 2.2.3.3, and such other information as may be required for a determination of the nature of the proposed use and its effect on the comprehensive plan, the neighborhood and surrounding properties. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

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2.5.3 Design Review

2.5.3.1 Design review criteria

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
- r. In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- t. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for design review board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of an application for design review.

* * *

2.5.3.4 Application for design review

* * *

- c. In addition to the application requirements of article II, the application shall include such information and attached exhibits as the board and the planning director determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:
 - a. Written description of proposed action with details of application request.
 - b. Survey (original signed and sealed) dated less than six months old at the time of application (lot area shall be provided by surveyor), identifying grade (if not sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate.
 - c. All applicable zoning information.
 - d. Complete site plan.
 - e. Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
 - f. Preliminary plans showing new construction in cases of demolition.
 - g. All available data and historic documentation regarding the building, site or features, if required.
 - h. For a commercial and mixed-use projects over 5,000 new gross square feet and multi-family projects with more than four new units or 15,000 new gross square feet, and those applications that propose an increase in floor area to such commercial, mixed use and multi-family projects, the application shall include a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed

and registered in the State of Florida. The analysis and plan shall at a minimum provide the following:

- i. Details on the impact of projected traffic on the adjacent corridors, intersections, and areas to be determined by the city.
 - ii. Strategies to mitigate the impact of the proposed development on the adjacent transportation network, to the maximum extent feasible, in a manner consistent with the adopted transportation master plan and adopted mode share goals.
 - iii. Whenever possible, driveways shall be minimized and use common access points to reduce potential turn movements and conflict points with pedestrians.
 - iv. Applicable treatments may include, without limitation, transportation demand management strategies included in the transportation element of the comprehensive plan.
- i. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

* * *

ARTICLE VIII – Variances

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2.8.3 Variance Criteria

- a. Hardship criteria. Unless permitted as listed in subsection 2.8.3(b) as a practical difficulty variance, the following findings must be made by the land use board in order to authorize any variance from the terms of these land development regulations and section 6-4 and 6-41(a) and (b) of the General Ordinances:
 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
 2. The special conditions and circumstances do not result from the action of the applicant;
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
 4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
 8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
 9. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for board of adjustment review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking

purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a variance application.

- b. Practical difficulty variance. *Reserved*

2.8.4 Application and Hearing

- a. An application for a variance and the board hearing shall follow the procedures of article II. The planning director may require applicants to submit documentation to support the finding that the variance criteria are met prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request. Additionally, for applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.
- b. In granting a variance, the board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations.

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ARTICLE XIII – Historic Preservation

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2.13.7 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

* * *

a. Application

- 1. An application for a certificate of appropriateness may be filed with the historic preservation board at the same time or in advance of the submission of an application for a building permit. Copies of all filed applications shall be made available for inspection by the general public.
- 2. All applications for historic preservation board review involving demolition, new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with section 2.13.9, or located within an historic district shall be on a form provided by the planning department and shall include such information and attached exhibits as the board and the planning department determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:

* * *

J. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

* * *

- d. Decisions on certificates of appropriateness.
1. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in subsection 2.2.3.5. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.
 2. A decision on an application for a certificate of appropriateness shall be based upon the following:

* * *

C. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

- I. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- II. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
- III. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.13.1(c).
- IV. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
- V. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
- VI. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
- VII. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.
- VIII. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

- IX. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- X. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- XI. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
- XII. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- XIII. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- XIV. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
- XV. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
- XVI. In addition to the foregoing criteria, subsection 104-6 (t) and the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
- XVII. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- XVIII. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for historic preservation board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a certificate of appropriateness application.

SECTION 3. REPEALER.

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

SECTION 4. 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 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect sixty (60) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: February __, 2025

Second Reading: April __, 2025

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

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