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MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 29, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS MB for TRM

SUBJECT: **PB24-0695. Washington Avenue Residential Plan – Comprehensive Plan Amendment.**

PB24-0696. Washington Avenue Residential Plan – LDR Amendments.

RECOMMENDATION

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDR), and continue the applications to the November 26, 2024, Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a community outreach meeting.

HISTORY

On May 15, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred a proposal for establishing incentives for non-transient residential uses on Washington Avenue (C4 AA) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024, the LUSC discussed the item, and recommended that the Planning Board approve the proposed ordinances, inclusive of the following amendments:

1. Incorporate adequate setbacks.

2. Provide minimum parking for service workers and building staff.

3. Limit the total amount of floor area that can be exempt for micro-mobility areas.

4. Limit the sunset provision to no more than 5 years.

Additionally, Commissioner Tanya K. Bhatt and Joseph Magazine were added as co-sponsors of the proposal.

On July 30, 2024, the Planning Board reviewed the proposed ordinances and continued each to the September 24, 2024, Planning Board meeting. On September 10, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On September 24, 2024, the ordinances were continued to a date certain of October 29, 2024, at

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the request of the Commission sponsor, to consider modifications to the proposed incentives. Since an increase in the maximum floor area ratio (FAR) is being proposed, the process must restart at step 1.

PLANNING BOARD AND CITY COMMMISSION REVIEW REQUIREMENTS

The application submitted herein is in accordance with Section 7.1.10.2(a) of the LDR's, which requires the following 3-step process, prior to the review by the City Commission:

a. Step One – Planning Board Preliminary Review.

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed ordinance. Notice of the Planning Board preliminary review hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for the preliminary Planning Board review shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

Prior to the Planning Board's preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, 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.

For private applications, the applicant shall be required to provide all data and exhibits related to the above noted impact analysis as part of the application submission. The findings of this impact analysis shall be presented to the Planning Board at the preliminary review stage.

b. Step Two – Community Outreach Meeting:

Subsequent to the Planning Board's preliminary review meeting, the City shall facilitate a public meeting for all affected stakeholders, in order to solicit additional input and feedback, as well as for City staff to address any outstanding issues or questions. A reasonable effort shall be made to ensure that such public meeting is held no later than 45 days from the date of the preliminary review by the Planning Board. Courtesy notice of the meeting shall be given by the applicable City department, in coordination with the Planning Department, in a manner consistent with the City's courtesy notices for other community meetings, workshops, or presentations.

c. Step Three – Planning Board Transmittal:

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At a second duly noticed public hearing, which is separate and apart from the preliminary review hearing, the Planning Board shall consider and transmit the proposed ordinance to the City Commission with a recommendation. Notice of this transmittal hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

After transmittal to the City Commission, the review requires a similar 3-step process:

a. Step One – First Reading Public Hearing:
After transmittal of the ordinance by the planning board, the City Commission shall hold a first reading public hearing. Notice of the first reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for first reading shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

b. Step Two – Community Workshop:
Subsequent to the approval of the ordinance at first reading, and prior to second reading, at least one additional community workshop, which is separate and apart from the first reading public hearing, shall be held. This additional community workshop shall be considered a courtesy meeting, and open to participation by all affected stakeholders, including residents, property owners, or businesses in the surrounding area that may be affected by the proposed floor area or FAR increase, as determined by the City Commission. Such community workshops may be held in a virtual, in-person or hybrid formats, at the discretion of the City Commission, and shall be noticed in a manner to be determined by the City Commission.

c. Step Three – Second Reading / Adoption Public Hearing:
After the community workshop described above, the City Commission shall hold a second reading public hearing to consider final adoption of the proposed ordinance. Notice of the second reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

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.

Partially Consistent – The proposed LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

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

Consistent – The proposed amendment does not create isolated districts.

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

Consistent - The proposed ordinance amendment does allow for an increase in the scale of development for residential uses. The benefits to the neighborhood would outweigh the potential modest impacts of the additional height and intensity.

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

Partially Consistent – The proposed amendment could result in development that increases the load on public facilities and infrastructure due to the proposed change in floor area ratio (FAR). It is expected that the ordinance would result in a reduction in traffic as more people would be able to live and work in the City, as opposed to commuting from suburbs.

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

Satisfied – The boundaries of the overlay district are not illogically drawn.

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

Consistent – The loss of permanent residents and the desire to incentivize residential development makes passage of the proposed change necessary

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

Consistent – The proposed ordinance amendment should 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.

Partially Consistent – The proposed change could allow for development that generates additional traffic from what is currently permitted, as the FAR is being increased. However, given that the City has seen a major increase in traffic due to workers commuting to job centers within the City from suburbs in single occupancy vehicles, the amendment has the potential to reduce traffic by allowing more residents to live in close proximity to their place of employment, as well as utilize alternative modes of transportation.

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

Partially Consistent – The proposed change should not seriously reduce light and air to adjacent areas.

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

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area.

Consistent – The proposed change should 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.

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

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

Partially Consistent – While the property can be used in accordance with existing zoning, the proposed amendments will incentivize more residential units.

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.

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

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

Consistent – The proposal will increase the resiliency of the City with respect to sea level rise with new development that will comply with the City's resiliency requirements.

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

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The proposed amendments to the Land Development Regulations of the City Code (LDR's) and the Comprehensive Plan create tangible incentives for non-transient residential uses on Washington Avenue, from 5th to 16th Street. All such incentives would be predicated on the following:

- Non-transient, residential apartment units only.

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- No residential unit shall exceed 1200 square feet in size.
- A minimum micro-mobility component within the interior of the structure, accessible by all residential units.
- The minimum lot size for an eligible project shall not be less than 13,000 square feet.

The proposed incentives include the following **(Note ~~strikethrough~~ and underlining denote changes from the previously proposed ordinance):**

1. Parking Tier 2.c would be amended to eliminate the minimum off-street parking requirement for non-transient, residential projects. Additionally, a cap on the number of off-street parking spaces that may be provided within an eligible project shall not exceed 20% of the number of off-street parking spaces required under parking tier 1. **This limitation shall not apply to CD-3 zoned properties that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024**.

2. The maximum FAR shall be increased from 2.0 to ~~3.0~~ **4.0 for C-PS2, RM-2 and CD-2 zoned properties and 3.25 for CD-3 zoned properties,** for non-transient residential projects.

3. The interior portions of a project dedicated to micro-mobility shall be exempt from the definition of floor area.

4. The maximum building height for non-transient residential buildings shall be increased from 50 feet to 75 feet and the current maximum height for hotels and transient residential shall be decreased from 75 feet to 50. Up to an additional 25 feet in building height may be permitted, not to exceed 100 feet, **for C-PS2, RM-2 and CD-2 zoned properties and up to an additional 75 feet in building height may be permitted, not to exceed 150 feet, for CD-3 zoned properties,** subject to the following:

    a. Off-street parking shall be prohibited, **except for projects located within the CD-3 district that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024**.

    b. The project shall exceed minimum micro-mobility requirements, as well as participate in a public micro mobility network.

    c. An ~~reduction o~~r elimination of the mobility fee, **for projects that have obtained a full building permit by September 1, 2032**.

    d. A sunset provision for these incentives for projects that have obtained a full building permit by September 1, ~~2030~~ **2032.**

    e. An enhanced and expedited process for the permitting of the project.

5. Maximum density increased **from (100-106 units per acre) to 175 units per acre**.

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The above noted incentives seek to take advantage of the transit network on Washington Avenue, as well as promote and expand opportunities for micro-mobility options by future residents. It should be noted that a decrease or elimination of the existing parking requirement combined with an increase in FAR and/or height could potentially have the effect of increasing parking demand in the area as some residents may desire to utilize a vehicle despite the intended focus on micro-mobility.

As zoning in progress would initiate upon a favorable recommendation by the Planning Board, the proposed ordinance includes the following applicability section:

The 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 no later than July 1, 2024.

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 intended to incentivize the replacement of transient uses as well as the development of new residential units to serve permanent residents along Washington Avenue. The proposed ordinances now contemplate an increase in FAR up to 4.0 and an increase in the residential density up to 175 units per acre; these intensity and density increases are considered in the analysis.

The analysis assumes that a minimum of 0.5 of the allowable FAR will be for ground floor commercial uses, that 15% of the FAR is for back of house uses, and that the number of units is maximized with the remaining FAR up to the allowable density. Any additional floor area that cannot be allocated to residential uses because of the FAR increase was allocated to commercial uses; specifically, 1/3 for retail and 2/3 for office uses.

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.

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The concurrency analysis included herein provides detailed information for each of the affected areas and is summarized hereto:

Summary of Impacts (Note that the strikethrough numbers below indicate the potential increase with the previously proposed FAR increase to 3.0 and the underlined numbers indicate the potential increases with a 4.0 FAR.

- Potential increase of ~~1,604~~ **2,462** residential units;
- Potential population increase of ~~4,010~~ **6,155** people;
- Potential increase of ~~938~~ **1,702** peak hour vehicle trips;
- Potential increase of ~~625,560~~ **987,216** gallons of potable water consumption per day;
- Potential increase of ~~561,400~~ **861,700** gallons of sanitary sewer transmission per day; and
- Potential increase of ~~5,113~~ **7,848** tons of solid waste collection per year.

The traffic impacts are analyzed utilizing data and assumptions from the Florida Department of Transportation (FDOT) Traffic Information tool. While an increase in peak hour vehicle trips is expected, the level of service should not be severely impacted. These impacts could potentially be offset by providing housing for the City's workforce, minimizing the need for long distance commuting and encouraging alternative modes of transportation.

Additionally, the standard Institute of Traffic Engineers (ITE) rate was used for the analysis, including reductions of 15% for transit use and 10% for mixed-use projects. However, there are no current rate reductions or rate ratios identified by ITE for residential projects that provide reduced off-street parking on site, or no off-street parking. Since these incentives are intended for users that either do not have a vehicle or can store their vehicle remotely and use micromobility for daily commutes, the Administration is researching additional trip reduction formulas that take into consideration reduced off-street parking.

Finally, projects will be required to pay mobility fees which can be used to make improvements to the transportation network.

With regards to parks levels of service, there is a deficiency in *basketball courts* and *tennis/pickleball courts*. As more units are built, there would potentially be a deficiency in *activity buildings for multiple uses*. 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. The level of service for recreation and open space acreage would continue to be met.

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 with 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 below:

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Table 3: Population Projections

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

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

Table 4: City Water Demand Projections

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

Source: CMB 2019 Water Master Plan

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

Regarding the impacts to potable water and sanitary sewer transmission infrastructure, it is likely that upgrades will be needed in proximity to future development sites. The specific upgrades are determined on a case-by-case basis as new developments are proposed due to the significant amount development details that are required to make these determinations. The Public Works Department is currently studying the water and sewer systems throughout the 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.

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Washington Avenue Residential Use Incentive Area Property Calculations

Zoning	Lot Size (SF)	Lot Size (AC)	Current FAR	Current Max Floor Area (SF)	Proposed FAR	Proposed Max Floor Area (SF)	Proposed Floor Area Increase (SF)	Current Density (Units/AC)	Current Max Units per Density	Current Max Units per FAR and Density	Proposed Density (Units/AC)	Proposed Max Units	Proposed Max Units per FAR and Density	Proposed Max Unit Increase per Density	Proposed Max Unit Increase per FAR and Density	Current Extimated Commercial	Proposed Estimated Max Commercial	Potential Commercial Increase
CD-2	1,530	0.04	2.0	3,060	4.0	6,120	3,060	100	3	3	175	6	6	3	3	1,530	1,902	372
CD-2	1,560	0.04	2.0	3,120	4.0	6,240	3,120	100	3	3	175	6	6	3	3	1,560	2,004	444
CD-2	1,620	0.04	2.0	3,240	4.0	6,480	3,240	100	3	4	175	6	6	3	2	1,620	2,208	588
CD-2	2,500	0.06	2.0	5,000	4.0	10,000	5,000	100	5	5	175	10	10	5	5	2,500	3,000	500
CD-2	4,000	0.09	2.0	8,000	4.0	16,000	8,000	100	9	9	175	16	16	7	7	4,000	4,800	800
CD-2	4,322	0.10	2.0	8,644	4.0	17,288	8,644	100	9	9	175	17	17	8	8	4,322	5,345	1,023
CD-2	5,865	0.13	2.0	11,730	4.0	23,460	11,730	100	13	13	175	23	23	10	10	5,865	7,291	1,426
CD-2	6,465	0.15	2.0	12,930	4.0	25,860	12,930	100	14	14	175	25	25	11	11	6,465	8,231	1,766
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,500	0.15	2.0	13,000	4.0	26,000	13,000	100	14	14	175	26	26	12	12	6,500	7,800	1,300
CD-2	6,520	0.15	2.0	13,040	4.0	26,080	13,040	100	14	14	175	26	26	12	12	6,520	7,868	1,348
CD-2	6,535	0.15	2.0	13,070	4.0	26,140	13,070	100	15	14	175	26	26	11	12	6,535	7,919	1,384
CD-2	7,089	0.16	2.0	14,178	4.0	28,356	14,178	100	16	15	175	28	28	12	13	7,089	8,703	1,614
CD-2	7,354	0.17	2.0	14,708	4.0	29,416	14,708	100	16	16	175	29	29	13	13	7,354	9,054	1,700
CD-2	7,550	0.17	2.0	15,100	4.0	30,200	15,100	100	17	16	175	30	30	13	14	7,550	9,170	1,620
CD-2	7,756	0.18	2.0	15,512	4.0	31,024	15,512	100	17	17	175	31	31	14	14	7,756	9,320	1,564
CD-2	8,050	0.18	2.0	16,100	4.0	32,200	16,100	100	18	18	175	32	32	14	14	8,050	9,770	1,720
CD-2	8,050	0.18	2.0	16,100	4.0	32,200	16,100	100	18	18	175	32	32	14	14	8,050	9,770	1,720
CD-2	8,100	0.19	2.0	16,200	4.0	32,400	16,200	100	18	18	175	32	32	14	14	8,100	9,940	1,840
CD-2	8,100	0.19	2.0	16,200	4.0	32,400	16,200	100	18	18	175	32	32	14	14	8,100	9,940	1,840
CD-2	8,400	0.19	2.0	16,800	4.0	33,600	16,800	100	19	18	175	33	33	14	15	8,400	10,410	2,010
CD-2	8,750	0.20	2.0	17,500	4.0	35,000	17,500	100	20	19	175	35	35	15	16	8,750	10,500	1,750
CD-2	8,750	0.20	2.0	17,500	4.0	35,000	17,500	100	20	19	175	35	35	15	16	8,750	10,500	1,750
CD-2	8,950	0.21	2.0	17,900	4.0	35,800	17,900	100	20	20	175	35	35	15	15	8,950	11,180	2,230
CD-2	9,500	0.22	2.0	19,000	4.0	38,000	19,000	100	21	21	175	38	38	17	17	9,500	11,400	1,900
CD-2	10,050	0.23	2.0	20,100	4.0	40,200	20,100	100	23	22	175	40	40	17	18	10,050	12,170	2,120
CD-2	10,275	0.24	2.0	20,550	4.0	41,100	20,550	100	23	22	175	41	41	18	19	10,275	12,385	2,110
CD-2	10,400	0.24	2.0	20,800	4.0	41,600	20,800	100	23	23	175	41	41	18	18	10,400	12,810	2,410
CD-2	10,773	0.25	2.0	21,546	4.0	43,092	21,546	100	24	24	175	43	43	19	19	10,773	12,978	2,205
CD-2	11,440	0.26	2.0	22,880	4.0	45,760	22,880	100	26	25	175	45	45	19	20	11,440	14,146	2,706
CD-2	11,700	0.27	2.0	23,400	4.0	46,800	23,400	100	26	26	175	47	47	21	21	11,700	13,930	2,230
CD-2	11,890	0.27	2.0	23,780	4.0	47,560	23,780	100	27	26	175	47	47	20	21	11,890	14,576	2,686
CD-2	12,300	0.28	2.0	24,600	4.0	49,200	24,600	100	28	27	175	49	49	21	22	12,300	14,870	2,570
CD-2	13,000	0.30	2.0	26,000	4.0	52,000	26,000	100	29	28	175	52	52	23	24	13,000	15,600	2,600
CD-2	13,000	0.30	2.0	26,000	4.0	52,000	26,000	100	29	28	175	52	52	23	24	13,000	15,600	2,600
CD-2	13,000	0.30	2.0	26,000	4.0	52,000	26,000	100	29	28	175	52	52	23	24	13,000	15,600	2,600
CD-2	13,000	0.30	2.0	26,000	4.0	52,000	26,000	100	29	28	175	52	52	23	24	13,000	15,600	2,600
CD-2	13,125	0.30	2.0	26,250	4.0	52,500	26,250	100	30	29	175	52	52	22	23	13,125	16,025	2,900
CD-2	14,500	0.33	2.0	29,000	4.0	58,000	29,000	100	33	32	175	58	58	25	26	14,500	17,400	2,900
CD-2	14,900	0.34	2.0	29,800	4.0	59,600	29,800	100	34	33	175	59	59	25	26	14,900	18,210	3,310
CD-2	16,100	0.37	2.0	32,200	4.0	64,400	32,200	100	36	35	175	64	64	28	29	16,100	19,540	3,440
CD-2	16,200	0.37	2.0	32,400	4.0	64,800	32,400	100	37	35	175	65	65	28	30	16,200	19,330	3,130
CD-2	17,500	0.40	2.0	35,000	4.0	70,000	35,000	100	40	38	175	70	70	30	32	17,500	21,000	3,500
CD-2	17,700	0.41	2.0	35,400	4.0	70,800	35,400	100	40	39	175	71	71	31	32	17,700	21,130	3,430
CD-2	19,250	0.44	2.0	38,500	4.0	77,000	38,500	100	44	42	175	77	77	33	35	19,250	23,100	3,850
CD-2	19,500	0.45	2.0	39,000	4.0	78,000	39,000	100	44	43	175	78	78	34	35	19,500	23,400	3,900
CD-2	19,500	0.45	2.0	39,000	4.0	78,000	39,000	100	44	43	175	78	78	34	35	19,500	23,400	3,900
CD-2	19,500	0.45	2.0	39,000	4.0	78,000	39,000	100	44	43	175	78	78	34	35	19,500	23,400	3,900
CD-2	19,500	0.45	2.0	39,000	4.0	78,000	39,000	100	44	43	175	78	78	34	35	19,500	23,400	3,900
CD-2	20,581	0.47	2.0	41,162	4.0	82,324	41,162	100	47	45	175	82	82	35	37	20,581	24,875	4,294
CD-2	20,873	0.48	2.0	41,746	4.0	83,492	41,746	100	47	46	175	83	83	36	37	20,873	25,318	4,445
CD-2	21,800	0.50	2.0	43,600	4.0	87,200	43,600	100	50	48	175	87	87	37	39	21,800	26,270	4,470
CD-2	25,272	0.58	2.0	50,544	4.0	101,088	50,544	100	58	55	175	101	101	43	46	25,272	30,375	5,103
CD-2	25,272	0.58	2.0	50,544	4.0	101,088	50,544	100	58	55	175	101	101	43	46	25,272	30,375	5,103
CD-2	30,050	0.69	2.0	60,100	4.0	120,200	60,100	100	68	66	175	120	120	52	54	30,050	36,170	6,120
CD-2	38,800	0.89	2.0	77,600	4.0	155,200	77,600	100	89	85	175	155	155	66	70	38,800	46,670	7,870
CD-2	39,000	0.90	2.0	78,000	4.0	156,000	78,000	100	89	85	175	156	156	67	71	39,000	46,800	7,800
CD-2	39,000	0.90	2.0	78,000	4.0	156,000	78,000	100	89	85	175	156	156	67	71	39,000	46,800	7,800
CD-2	60,445	1.39	2.0	120,890	4.0	241,780	120,890	100	138	132	175	242	242	104	110	60,445	72,413	11,968
CD-2	60,445	1.39	2.0	120,890	4.0	241,780	120,890	100	138	132	175	242	242	104	110	60,445	72,413	11,968
CD-2	69,439	1.59	2.0	138,878	4.0	277,756	138,878	100	159	152	175	278	278	119	126	69,439	83,193	13,754
CD-3	4,500	0.10	2.25	10,125	4.0	18,000	7,875	150	15	12	175	18	18	3	6	5,063	5,400	338
CD-3	7,500	0.17	2.25	16,875	4.0	30,000	13,125	150	25	19	175	30	30	5	11	8,438	9,000	563
CD-3	7,500	0.17	2.25	16,875	4.0	30,000	13,125	150	25	19	175	30	30	5	11	8,438	9,000	563
CD-3	8,325	0.19	2.25	18,731	4.0	33,300	14,569	150	28	21	175	33	33	5	12	9,366	10,155	789
CD-3	9,950	0.23	2.25	22,388	4.0	39,800	17,413	150	34	26	175	39	39	5	13	11,194	12,380	1,186
CD-3	11,250	0.26	2.25	25,313	4.0	45,000	19,688	150	38	29	175	45	45	7	16	12,656	13,500	844
CD-3	16,200	0.37	2.25	36,450	4.0	64,800	28,350	150	55	42	175	65	65	10	23	18,225	19,330	1,105
CD-3	30,000	0.69	2.25	67,500	4.0	120,000	52,500	150	103	77	175	120	120	17	43	33,750	36,000	2,250
CD-3	64,740	1.49	2.75	178,035	4.0	258,960	80,925	150	222	216	175	260	260	38	44	89,018	77,116	(11,902)
CD-3	84,411	1.94	2.75	232,130	4.0	337,644	105,514	150	290	282	175	339	339	49	57	116,065	100,547	(15,518)
CPS-2	5,276	0.12	2.0	10,552	4.0	21,104	10,552	106	12	12	175	21	21	9	9	5,276	6,388	1,112
CPS-2	8,175	0.19	2.0	16,350	4.0	32,700	16,350	106	19	18	175	32	32	13	14	8,175	10,195	2,020
CPS-2	10,400	0.24	2.0	20,800	4.0	41,600	20,800	106	25	23	175	41	41	16	18	10,400	12,810	2,410
CPS-2	11,500	0.26	2.0	23,000	4.0	46,000	23,000	106	27	25	175	46	46	19	21	11,500	13,800	2,300
CPS-2	13,586	0.31	2.0	27,172	4.0	54,344	27,172	106	33	30	175	54	54	21	24	13,586	16,492	2,906
CPS-2	17,577	0.40	2.0	35,154	4.0	70,308	35,154	106	42	38	175	70	70	28	32	17,577	21,262	3,685
CPS-2	39,911	0.92	2.0	79,822	4.0	159,644	79,822	106	97	87	175	160	160	63	73	39,911	47,697	7,786
RM-2	41,473	0.95	2.0	82,946	4.0	165,892	82,946	100	95	90	175	166	166	71	76	41,473	49,708	8,235
Total	***1,475,170***	***33.87***		***3,086,010***		***5,900,680***	***2,814,671***		***3,621***	***3,428***		***5,890***	***5,890***	***2,269***	***2,462***	***1,543,005***	***1,776,078***	***233,073***

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MIAMIBEACH
PLANNING DEPARTMENT

Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared:	10/2/2024	**Concurrency Management Area:**	**South Beach**
Name of Project:	**Washington Avenue Residential Use Incentives**	**Square Feet in the Amendment:**	**1,475,170**
Address of Site:	**Washington Avenue between 5th Street & 17th Street**	**Acreage in the Amendment:**	**33.87**

Proposed FLUM Designation

Designation:
CD-2, CD-3, C-PS2, & RM-2

Maximum Density		Maximum FAR
175		4.0

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
	5,890		592,026	1,184,052		
Peak Hour Trips Generated*	4,594	N/A	892	1,764	N/A	7,250
Residential Demand	14,725	0				14,725

*Peak Hour Trips Calculated with ITE 9th Editon Trip Genration Manual Weekday PM Peak Hour factors

Note: See "Washington Avenue Residential Use Incentive Area Property Calculations" table for assumptions

Existing FLUM Designation

Designation:
CD-2, CD-3, C-PS2, & RM-2

Maximum Density		Maximum FAR
150/106/ 100		2.0/2.25/ 2.75

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
	3,428		514,335	1,028,670		
Peak Hour Trips Generated*	2,674	N/A	775	1,533	N/A	4,981
Residential Demand	8,570	0				8,570

*Peak Hour Trips Calculated with ITE 9th Editon Trip Genration Manual Weekday PM Peak Hour factors

Transportation Analysis

New Trips Generated: 2,268.88 Trips

Trip Allowances:
- Transit 15%
- Pass-by 30% applied to retail
- \+ Mixed-use 10%
- Total 25%

The City is a Transportation Concurrency Exception Area

Alton Road/Washington Avenue Sub Area

Capacity:	6,250	Trips
Existing Trips:	4,221	Trips
Net New Trips Generated:	1,702	Trips
Concurrent:	**YES**	

Parks and Recreation Concurrency

Net New Residential Demand: 6,155 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	NO
Tennis or Pickelball 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	NO

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Max Demand:	2,503,125	Gallons Per Day
Existing Max Demand:	1,515,909	Gallons Per Day
New Max Demand:	987,216	Gallons

Concurrency to be determined at Building Permit Application

Sanitary Sewer Transmission Capacity

Proposed Max Demand:	2,061,500	Gallons Per Day
Existing Max Demand:	1,199,800	Gallons Per Day
New Max Demand:	861,700	Gallons

Concurrency to be determined at Building Permit Application

Solid Waste Collection Capacity

Proposed Max Demand:	18,774	Tons Per Year
Existing Max Demand:	10,927	Tons Per Year
New Max Demand:	7,848	Tons Per Year

Concurrency to be determined at Building Permit Application

Storm Sewer capacity

Required LOS: One-in-five-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.

MASSING STUDIES

In accordance with 7.1.10.3(a)(3) above, updated massing studies, prepared by Arquitectonica, are attached. These updated studies include site plans, sections and perspectives, with views

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along Washington Avenue showing potential development at a maximum height of 75 feet and 100 feet, as well as FAR options up to 4.0. The following properties were used for this study:

- 705–739 Washington Avenue
- 1260 Washington Avenue
- 1261 Washington Avenue
- 1359 Washington Avenue
- 930 Washington Avenue

NOTE: No development projects have been submitted for any of these sites, and they were used solely to illustrate the potential impact of the increase in building height and intensity, as proposed in the draft ordinances.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The proposal requires an amendment to the Comprehensive Plan for the proposed increase in Density.

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.

PUBLIC OUTREACH SUMMARY

Following the Planning Board's preliminary review meeting on July 30, 2024, a public meeting was held on September 10, 2024, via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: https://youtu.be/wzk0viU1NUE

The meeting was well attended, and approximately (11) speakers had comments and questions regarding the proposal. The following is a general summary of the comments, questions and feedback received:

- **Impact on Residents and Crime**: Increasing the number of full-time residents in the Entertainment District could reduce crime and support local businesses, as areas with more residents tend to have fewer police calls and better local business support.

- **Micromobility and Business Viability**: Concerns were expressed that requiring 50% of ground-floor space to be dedicated to micromobility might negatively impact existing businesses and the overall vibrancy of Washington Avenue and that its impact on current and potential businesses needs further review.

- **Property Ownership and Development**: Questions were raised about whether property owners will need to sell or partner with developers to add residential units, especially if they

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are financially strained. Concerns were also expressed regarding how existing businesses will be affected during redevelopment.

- **Tree Preservation and Building Design**: The preservation of existing trees and careful planning regarding building placement was discussed, as well as the desire to avoid tall structures that could overshadow the neighborhood. Aerodynamic and temperature studies were suggested to ensure redevelopment supports pedestrian and environmental goals.

- **Building Height and Lot Size**: There was discussion regarding tall buildings on small lots, with suggestions to maintain design guidelines to avoid overwhelming the street. Additionally, there were some proposals to increase height limits to attract developers, but caution to balance redevelopment with existing entertainment venues.

- **Unit Size and Parking**: Concerns were expressed regarding the proposal to limit unit sizes to 1,200 square feet and reduce parking requirements. Some participants contended that these measures may not address housing affordability effectively and might discourage potential residents, while others supported the approach as it promotes middle-income housing and reduces the need for parking.

- **Traffic and Transportation**: Concerns were raised about how adding residential units might impact traffic, even with incentives for micromobility. However, it is noted that measures to encourage alternative transportation could mitigate these concerns.

- **Ground Floor Usage**: Support was expressed for ground floor spaces to be used for various purposes, including retail and restaurants, but upper floors must be exclusively residential.

- **Historical Context and Planning**: There was a request for more detailed planning, including visualizations and stakeholder input, to ensure that the redevelopment aligns with the historic context and addresses past concerns effectively.

- **Support for Food and Beverage Businesses**: Support was expressed for food and beverage businesses and improving the permitting process to foster a vibrant street life.

Another community outreach meeting will be scheduled prior to the second meeting of the Planning Board. It is anticipated that this meeting will take place the first week of November. Following the second hearing before the Planning Board (transmittal hearing), which is anticipated to take place on November 26, 2024, the ordinances will be set for First Reading at the City Commission.

PROPOSAL SUMMARY

Staff is supportive of the proposed amendments to the Comprehensive Plan and the LDR's, as they provide tangible incentives for the development of non-transient residential uses on the Washington Avenue corridor. As shown on the attached massing illustrations, potential future development is not expected to be out of scale with the established context of the neighborhood. Additionally, there are minimum setback requirements set forth in the LDR's, and all new proposals will require a rigorous certificate of appropriateness review from the historic preservation board.

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The additional increase in FAR is intended to jump start residential development along Washington Avenue, and the timeframe to utilize the incentives is limited. Although residential use has been permitted on Washington Avenue for decades, including an existing .5 FAR bonus for residential uses, there has been little interest among private developers, to date, in pursuing non-transient residential projects. The goal of the proposed incentives is to create opportunities for aggregating enough parcels to make a residential project feasible.

RECOMMENDATION

Staff recommends the Planning Board review the proposed ordinances amending the Comprehensive Plan and LDR's and continue the review of the ordinances to the November 26, 2024, Planning Board meeting. Transmittal of the applications to the City Commission may only occur at a duly noticed second public hearing, after the conclusion of a new community outreach meeting.

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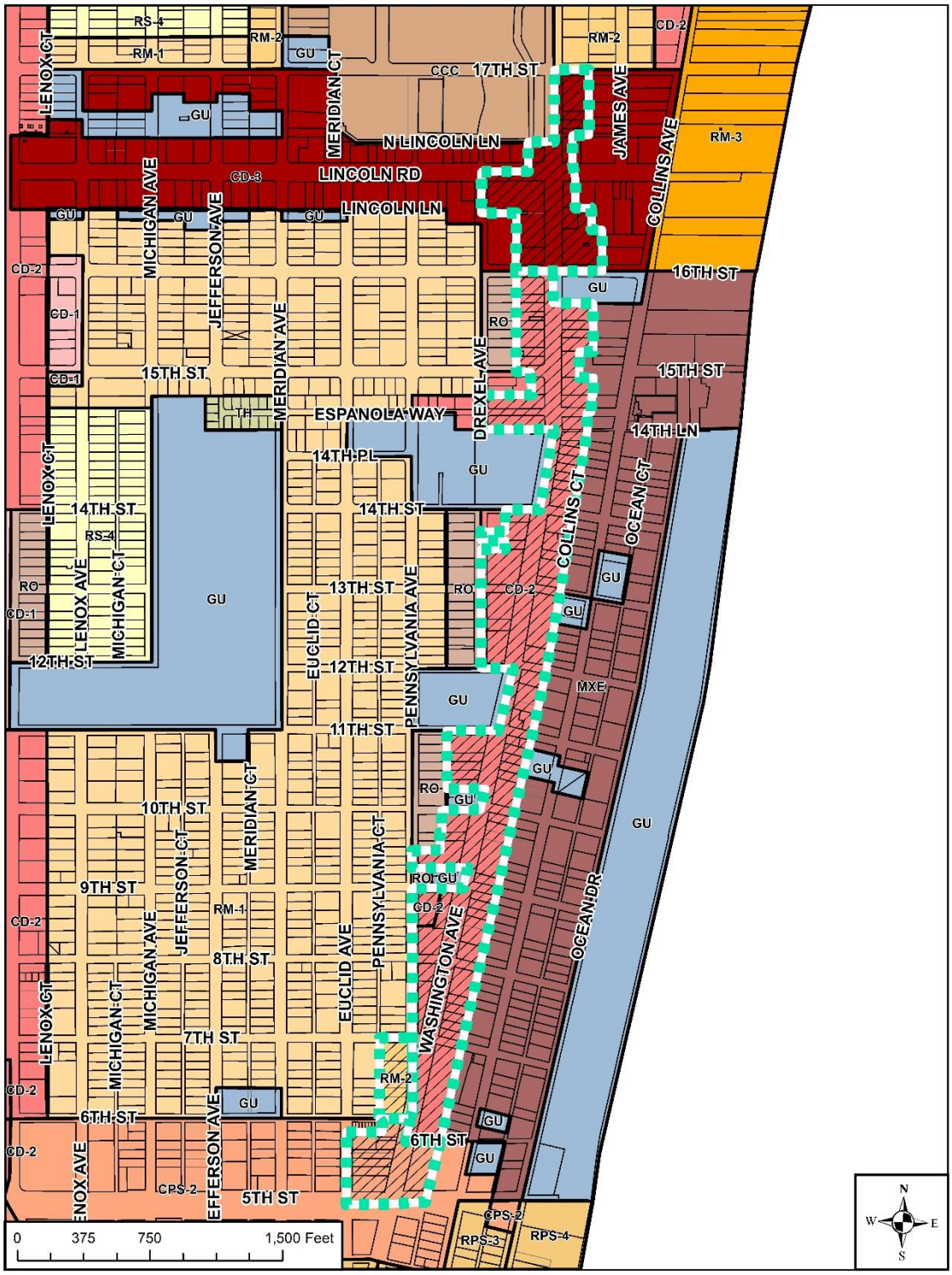
Zoning Map:



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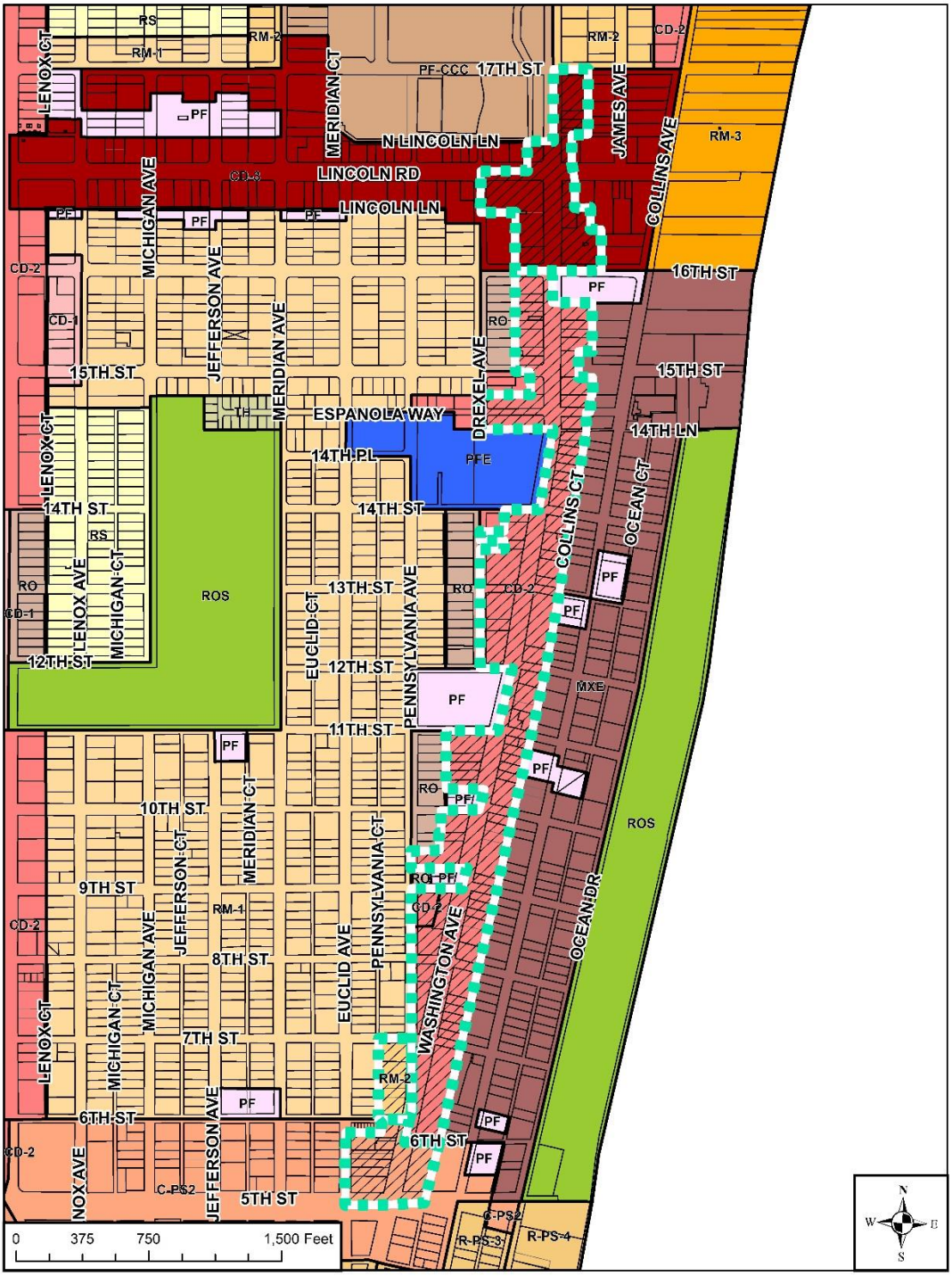
Future Land Use Map:



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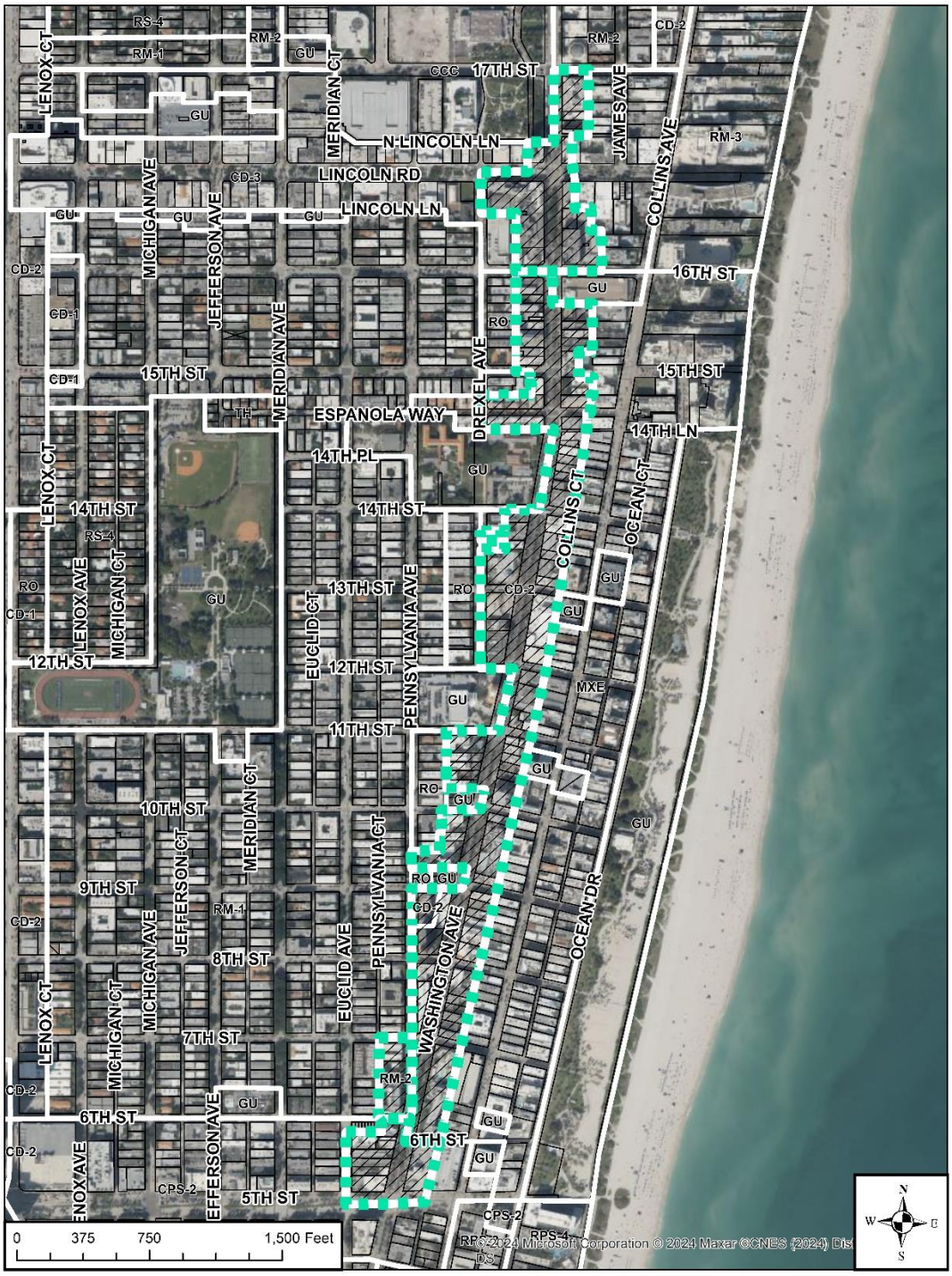
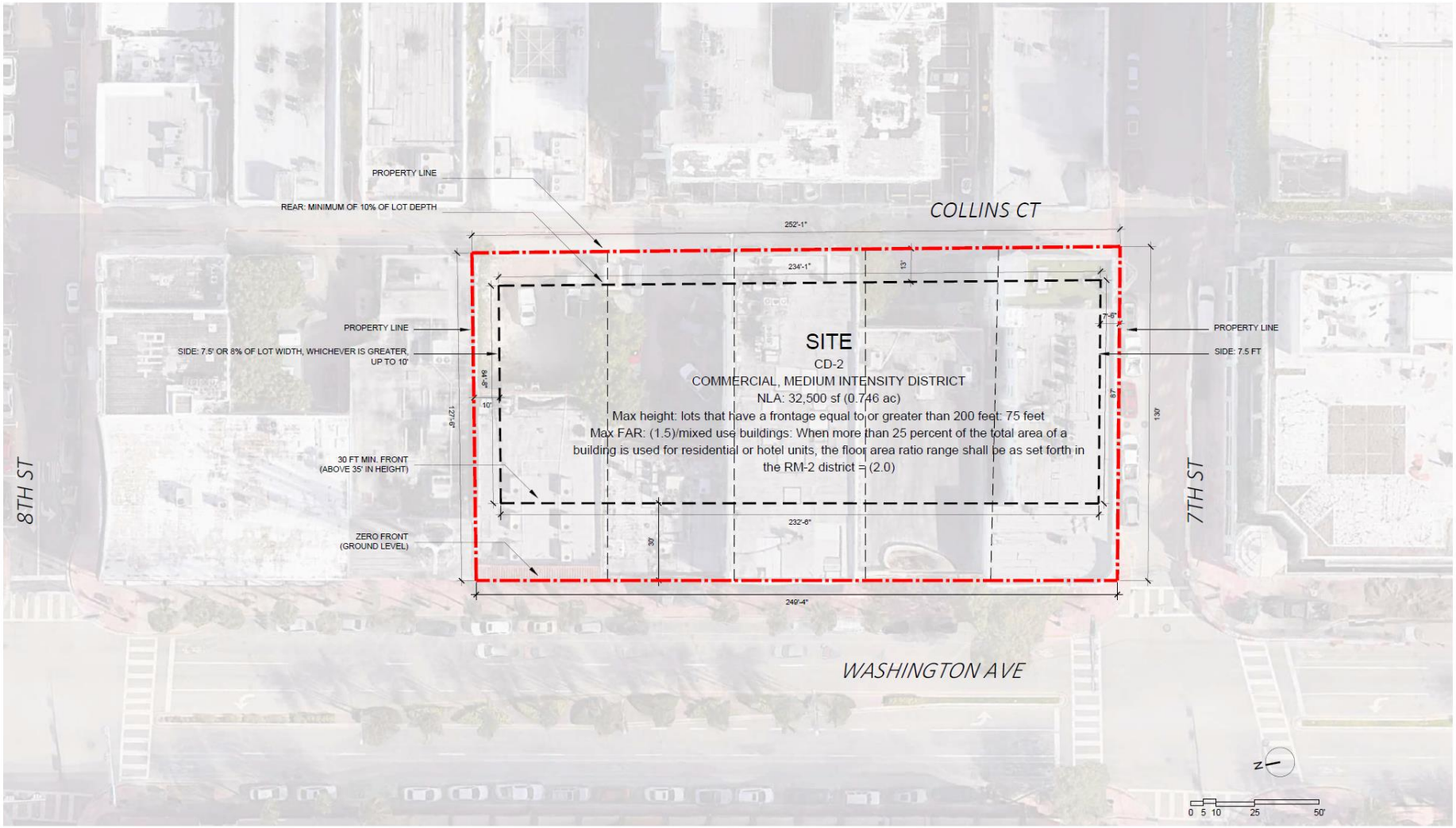
Aerial Map:





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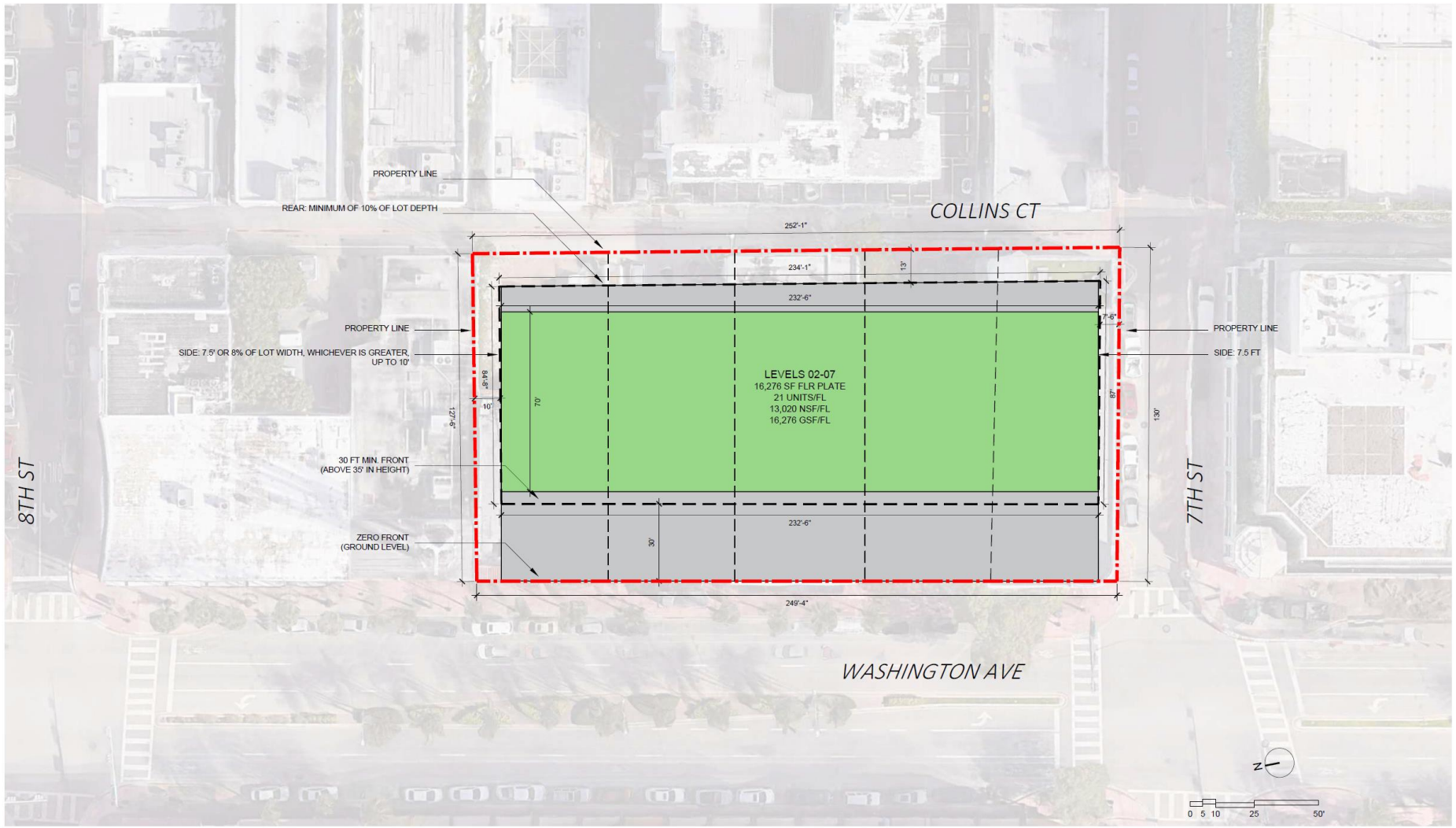
739 - 705 WASHINGTON AVE
MIAMI BEACH, FL, 33139

PROJECT SITE

DATE:
10/04/2024

A1-02



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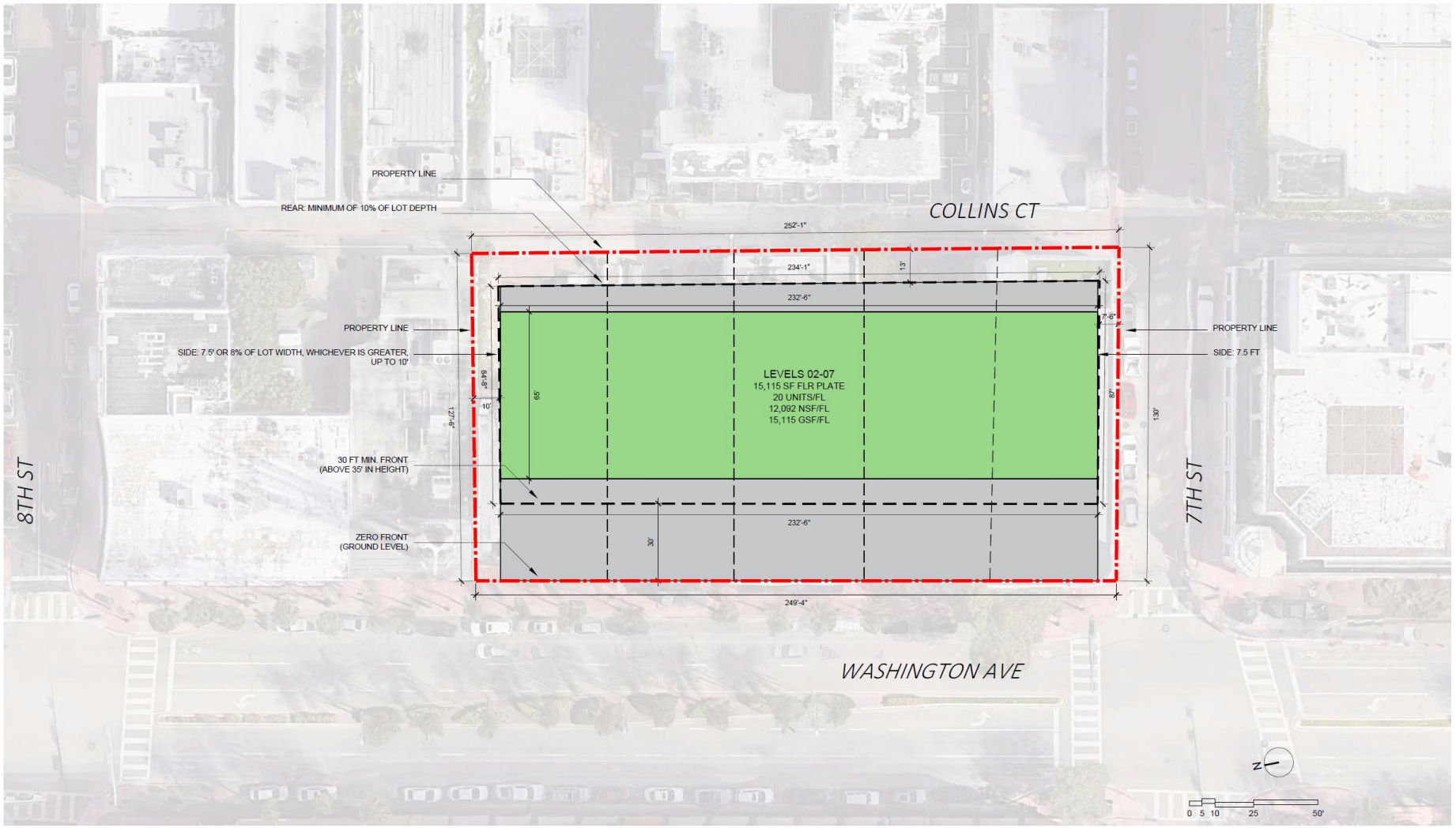
739 - 705 WASHINGTON AVE
MIAMI BEACH, FL, 33139

PROJECT SITE
4.0 FAR / 75 FT

DATE:
10/04/2024

A1-02



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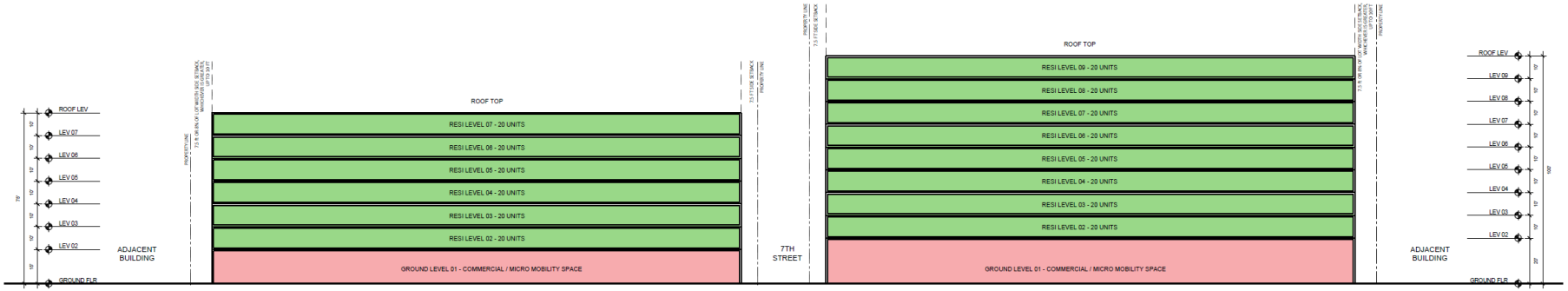
739 - 705 WASHINGTON AVE
MIAMI BEACH, FL, 33139

PROJECT SITE
3.0 FAR / 75 FT

DATE:
10/04/2024

A1-02



3.0 FAR / 75 FT

4.0 FAR / 100 FT

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739 - 705 WASHINGTON AVE

MIAMI BEACH, FL, 33139

SECTION

DATE:
10/04/2024

A301

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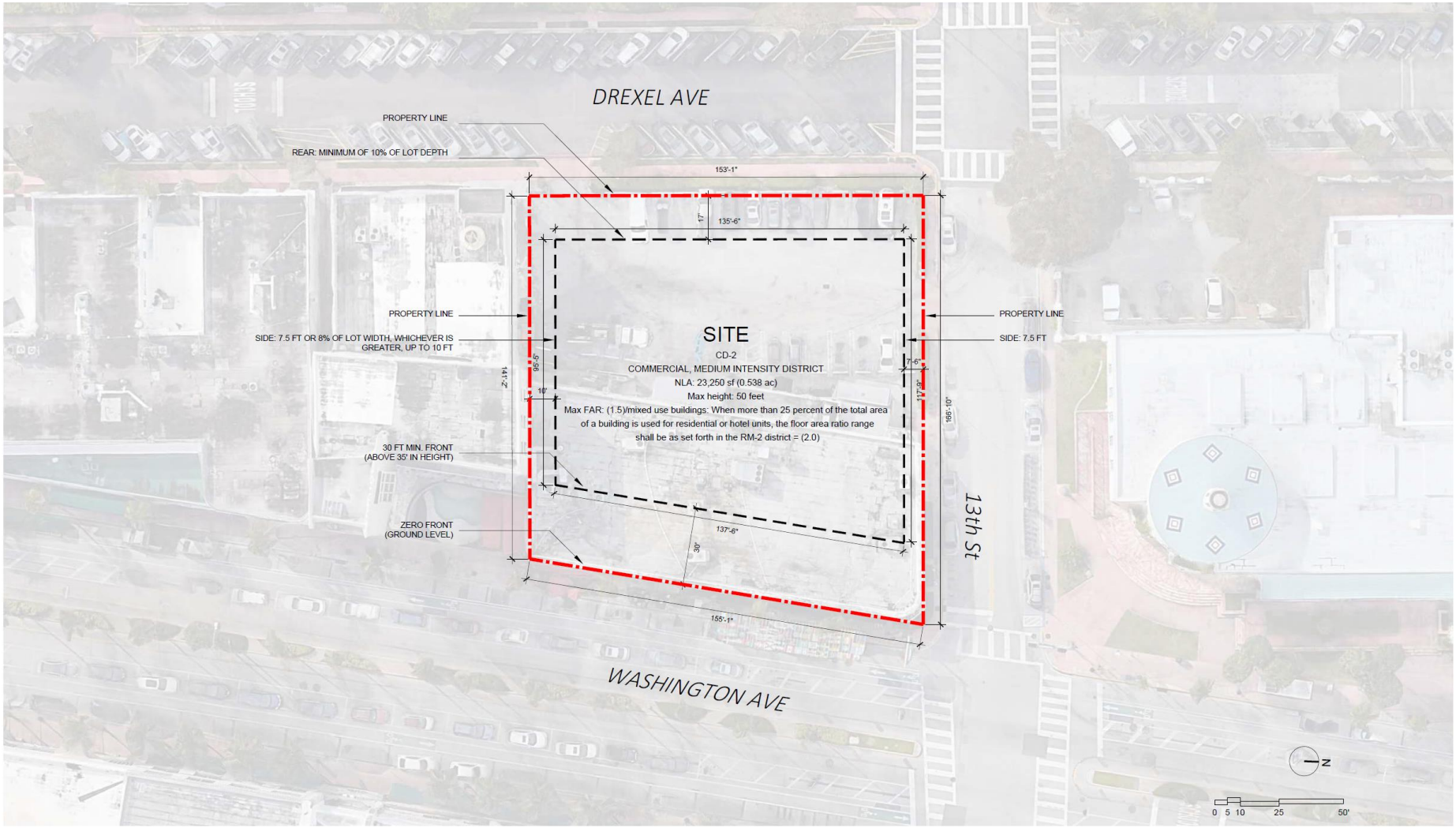

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PROJECT SITE
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PROJECT SITE
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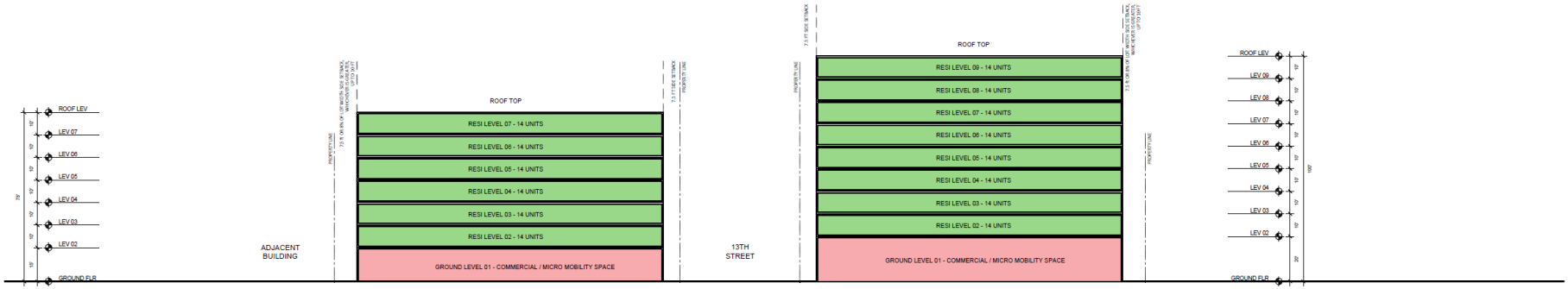

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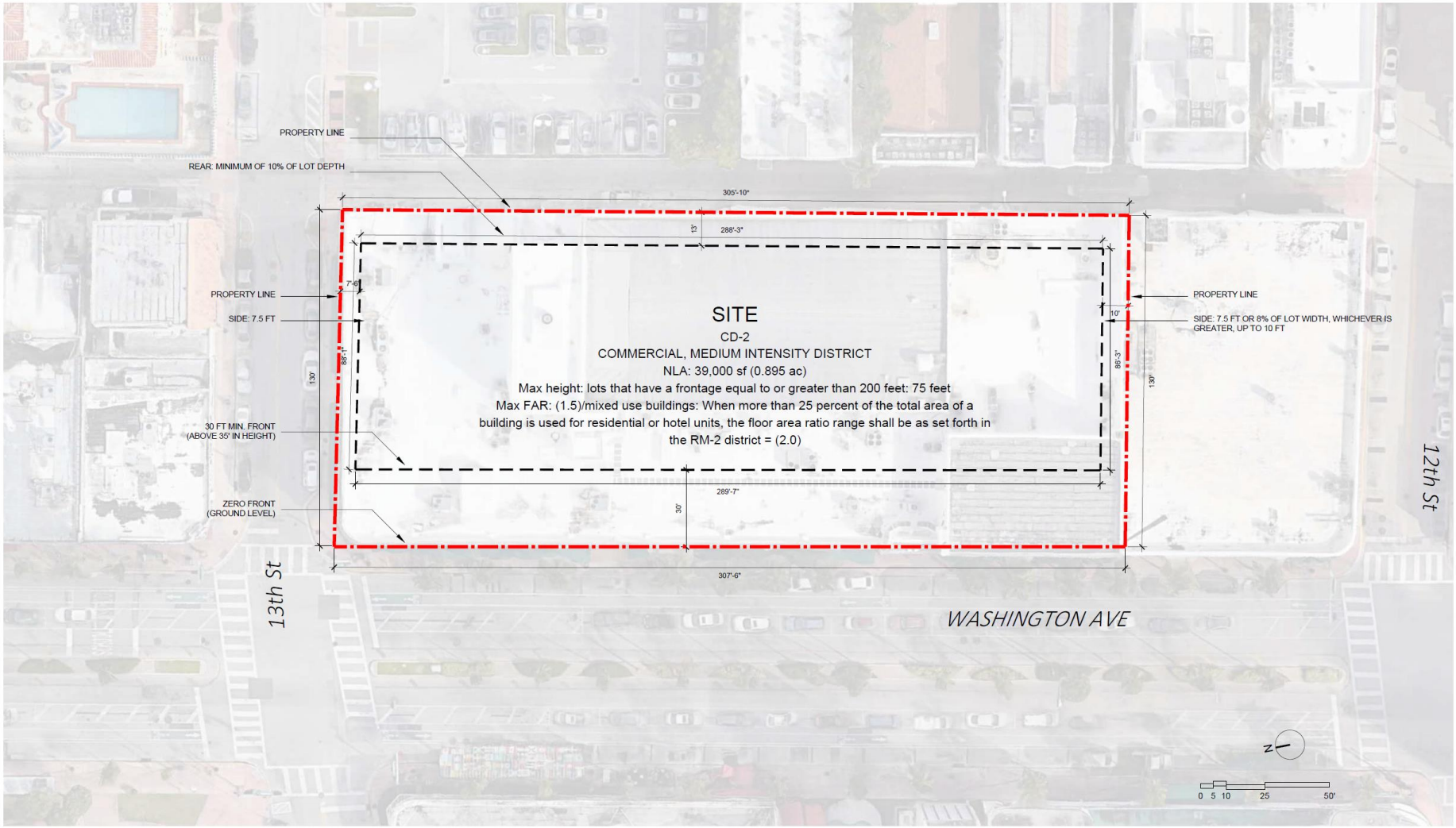

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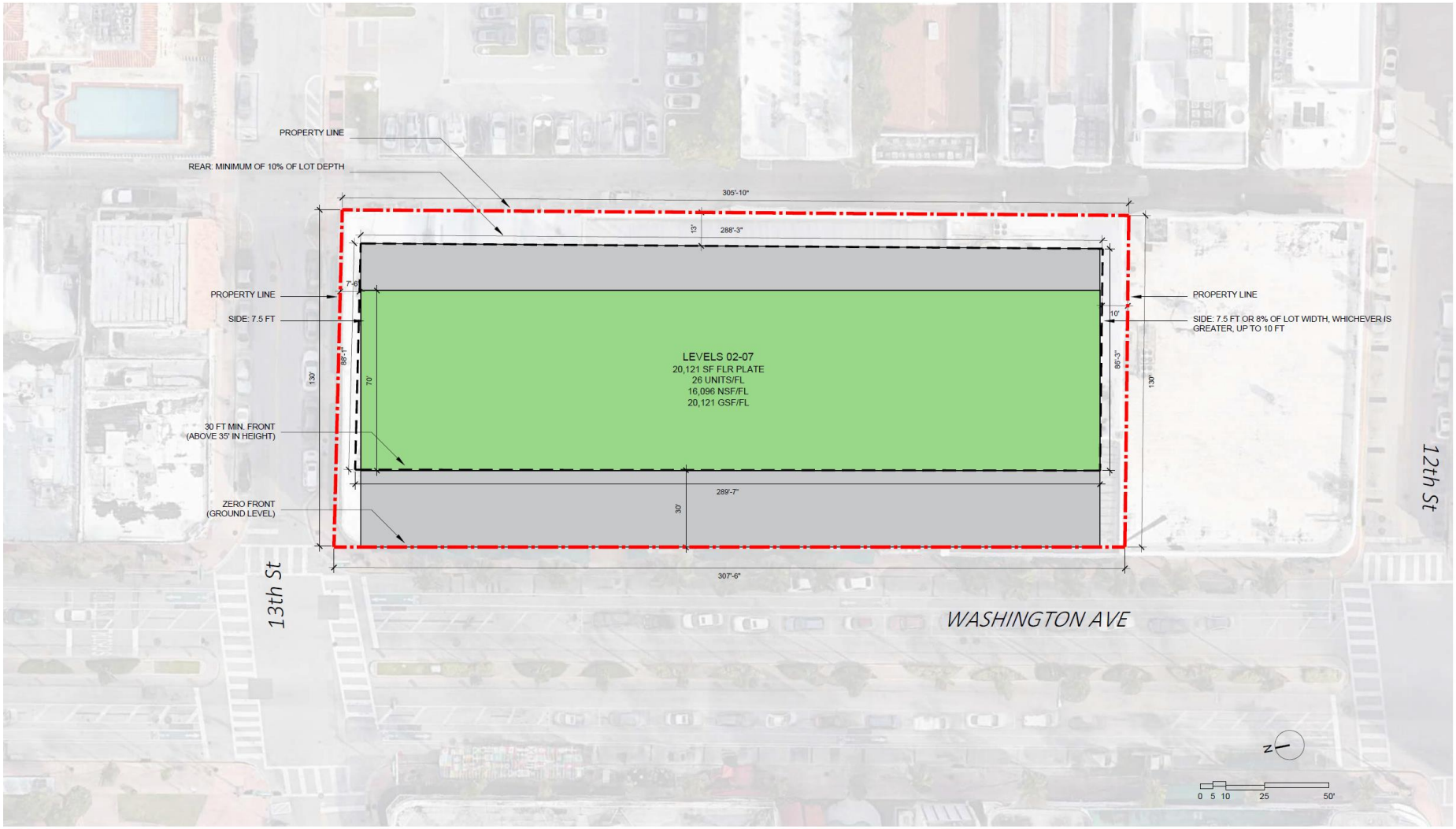

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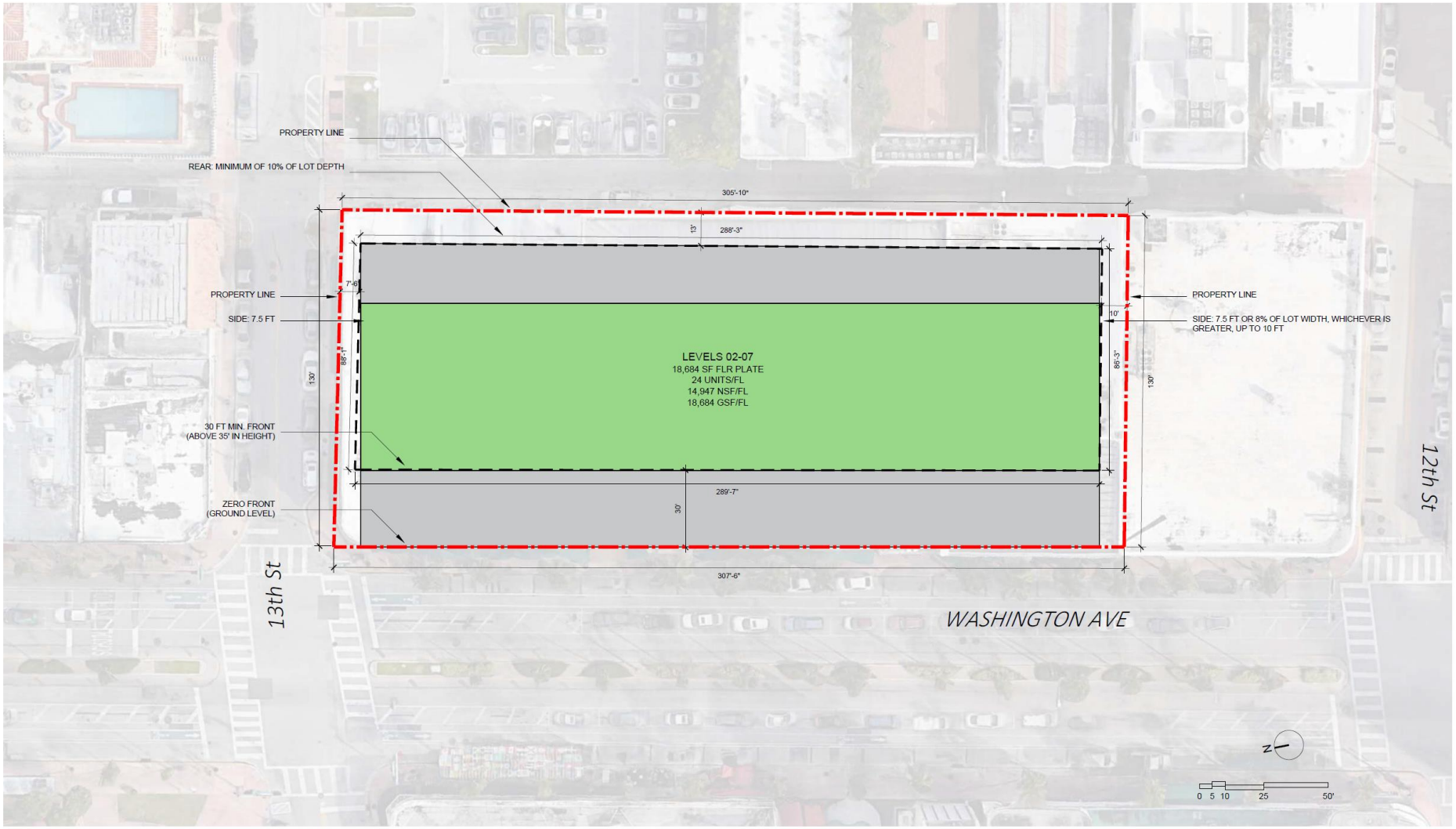

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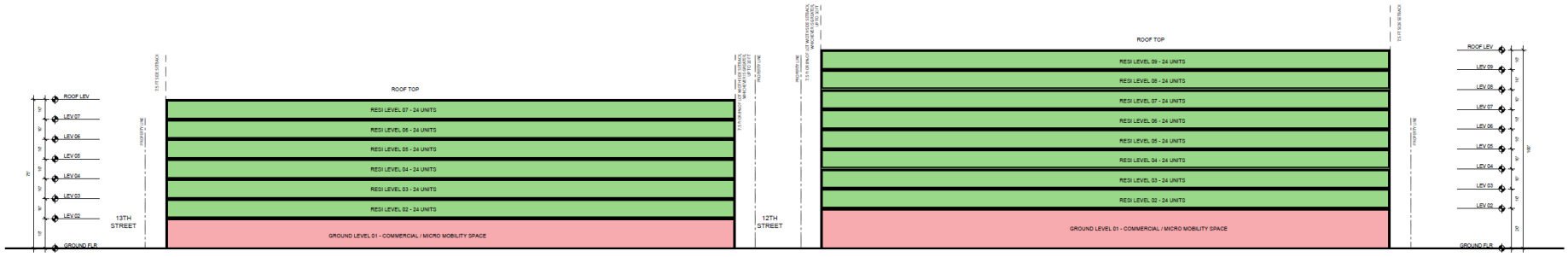

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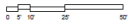

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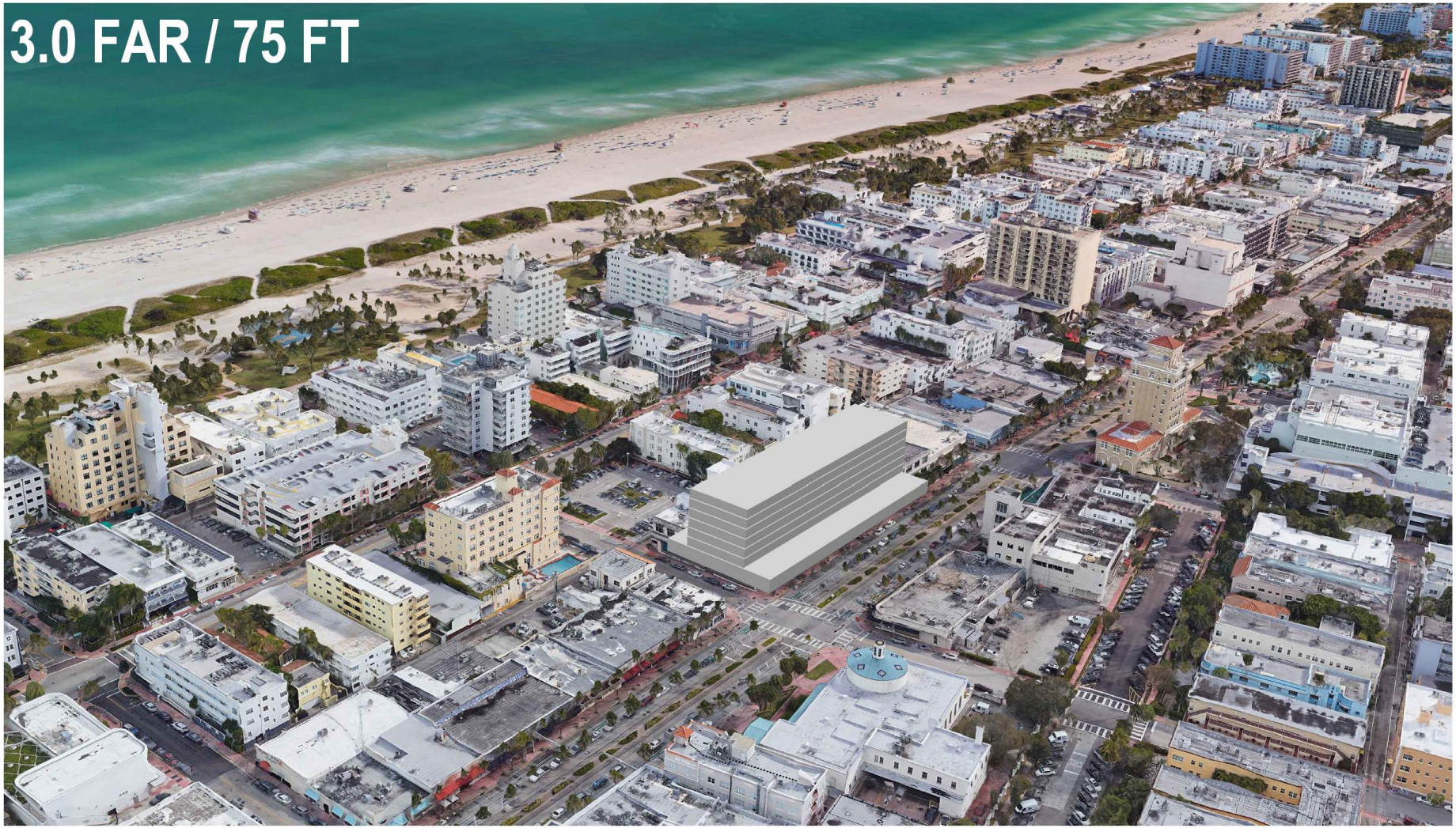

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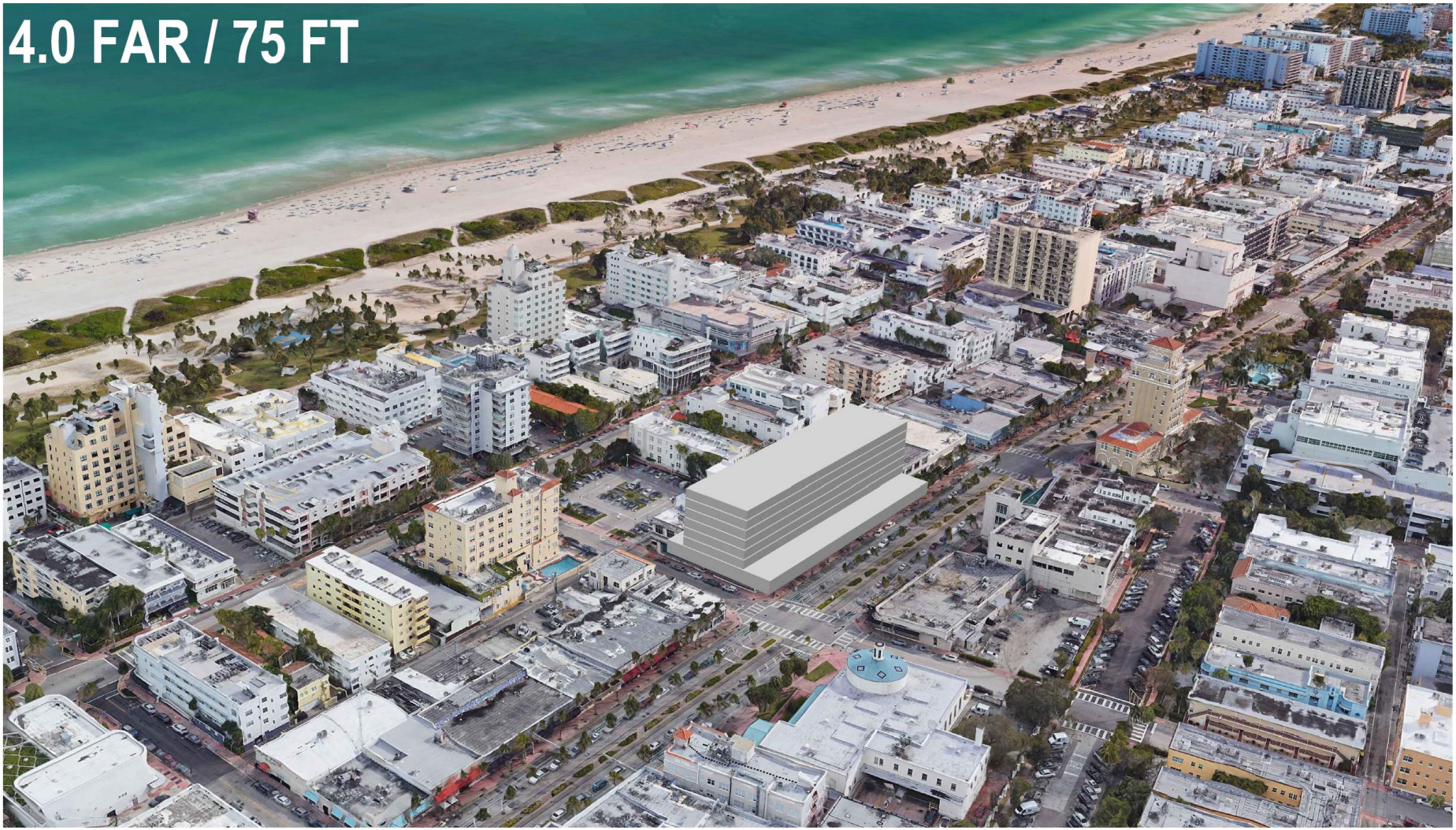

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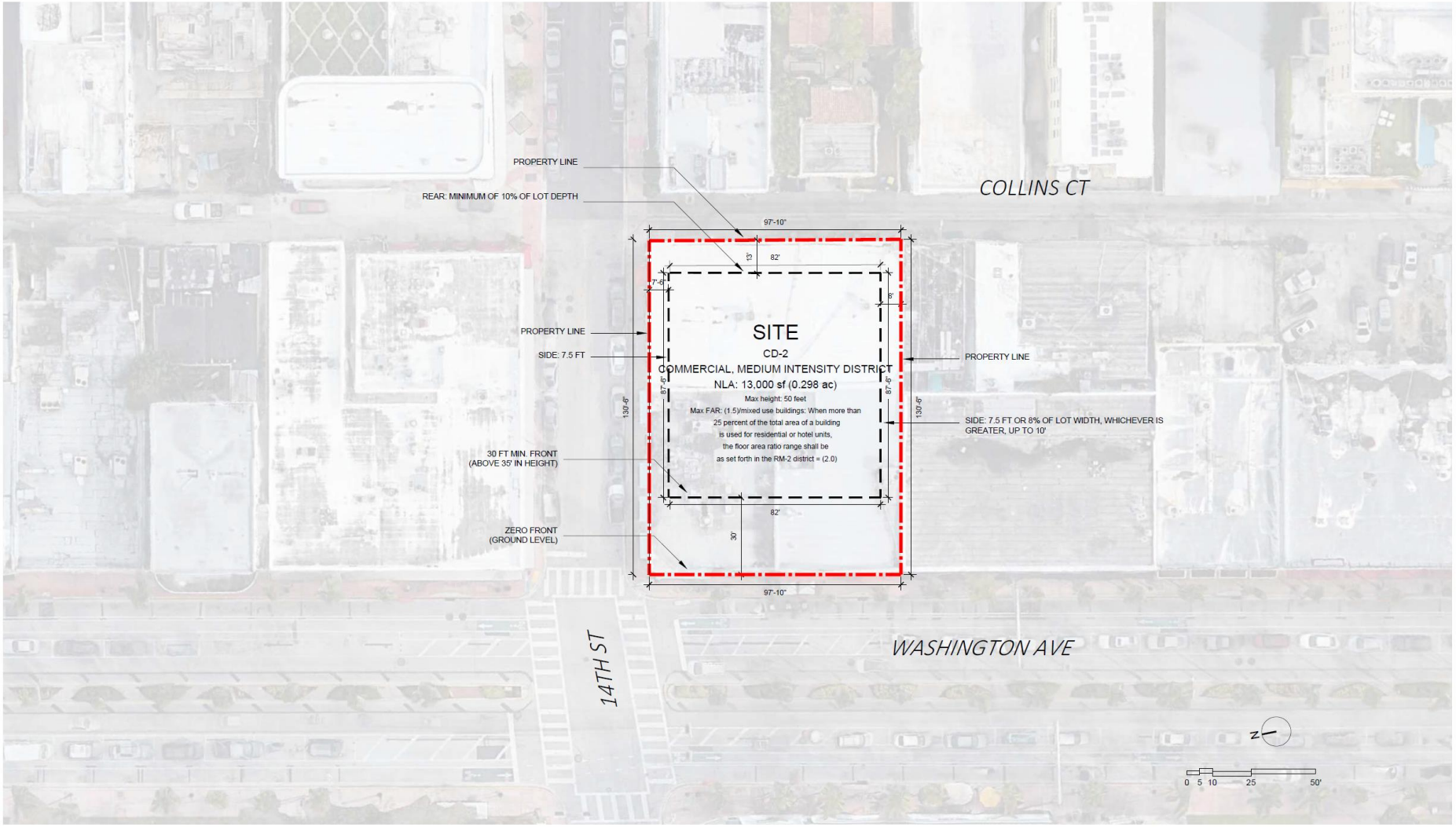

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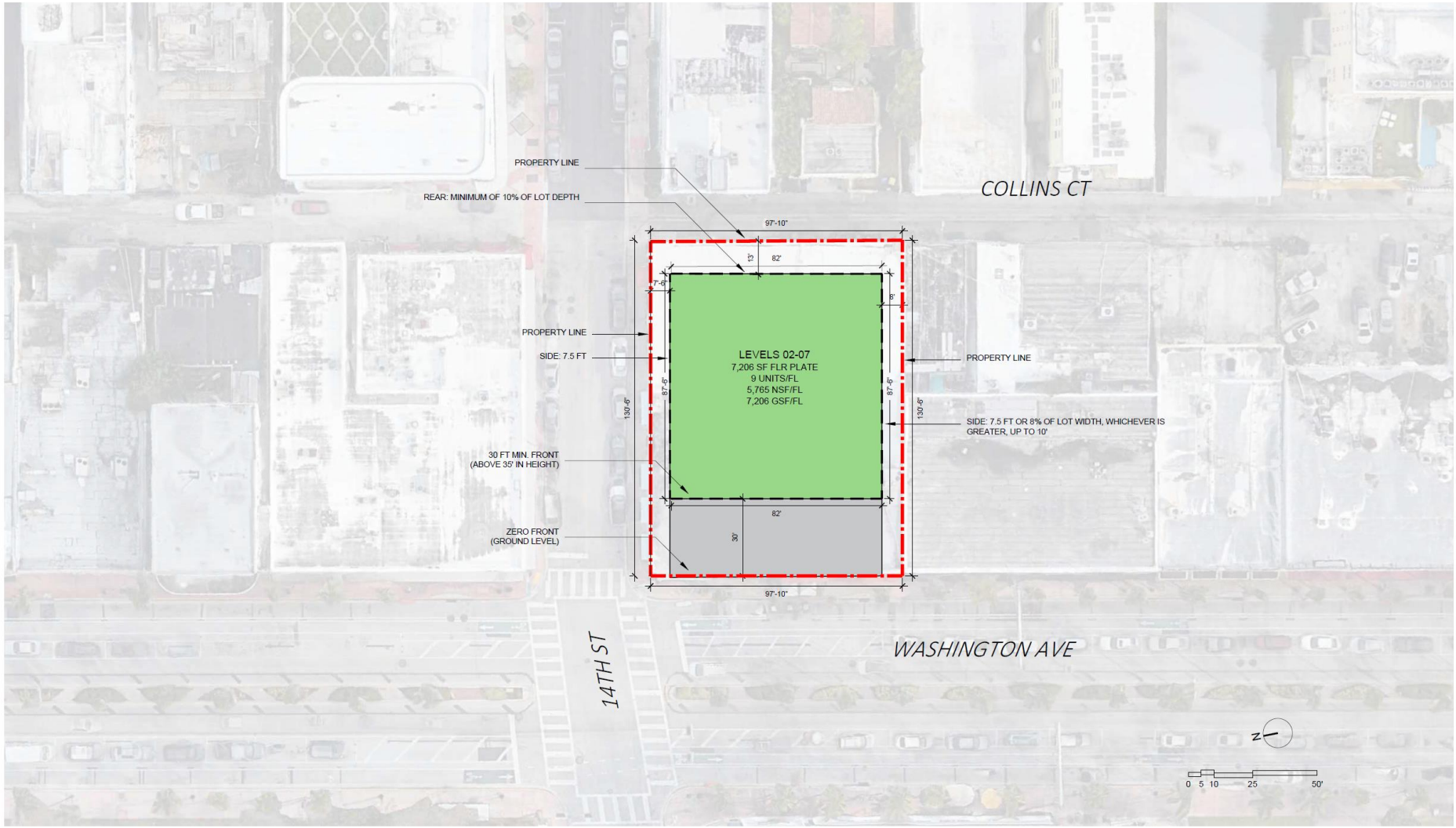

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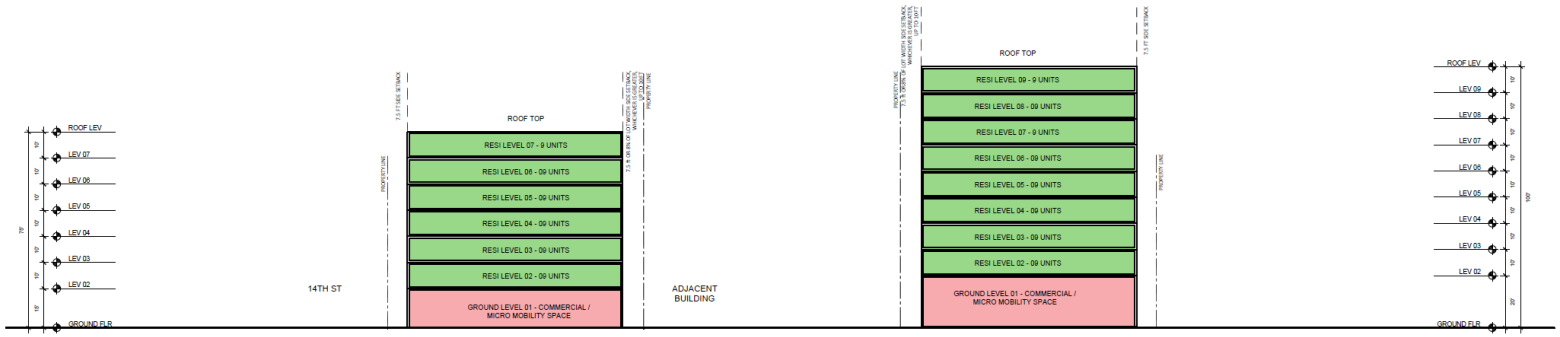

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SECTION

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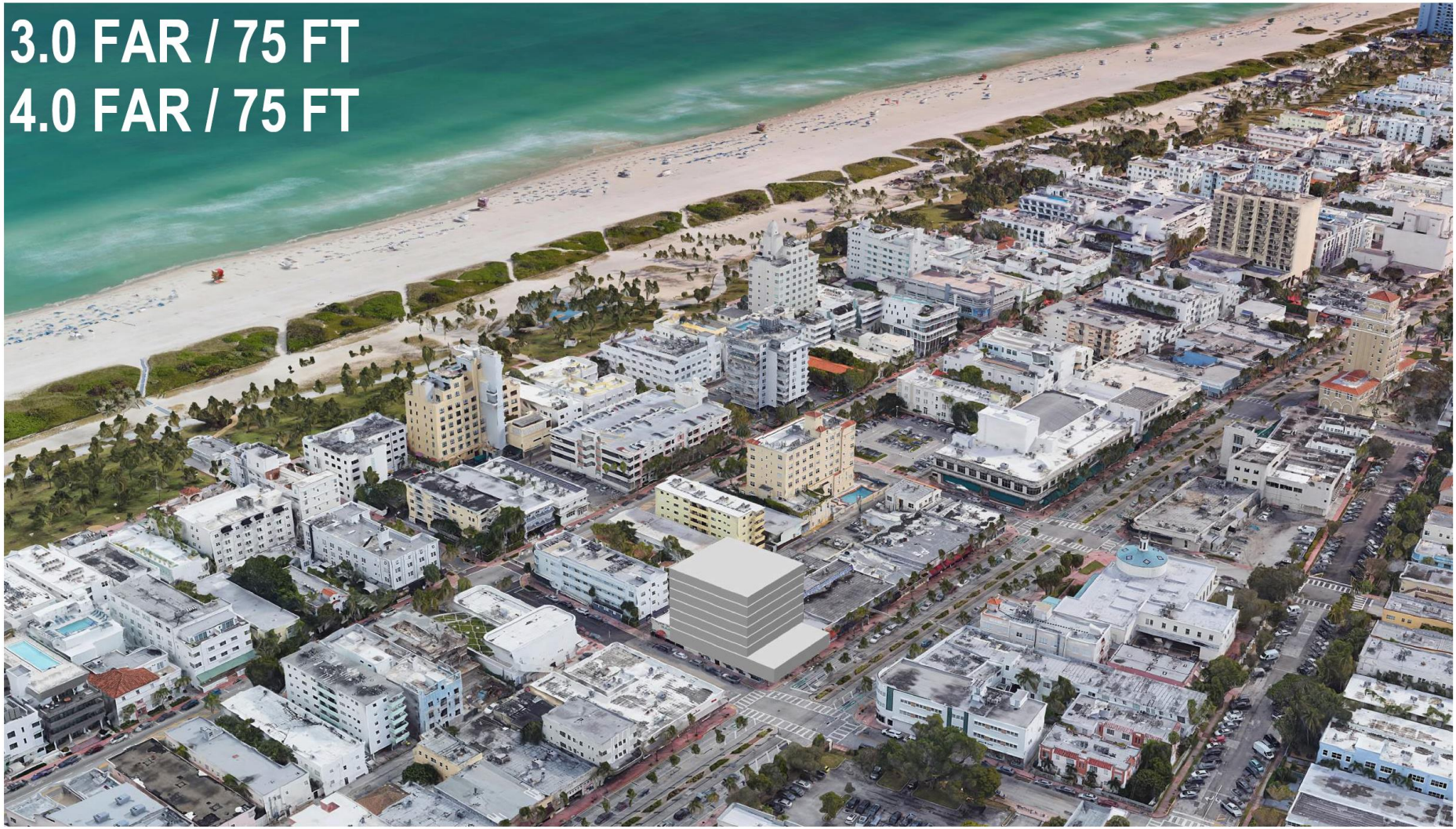
10/04/2024

A301



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1359 WASHINGTON AVE

MIAMI BEACH, FL, 33139

MASSING

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10/04/2024

A401

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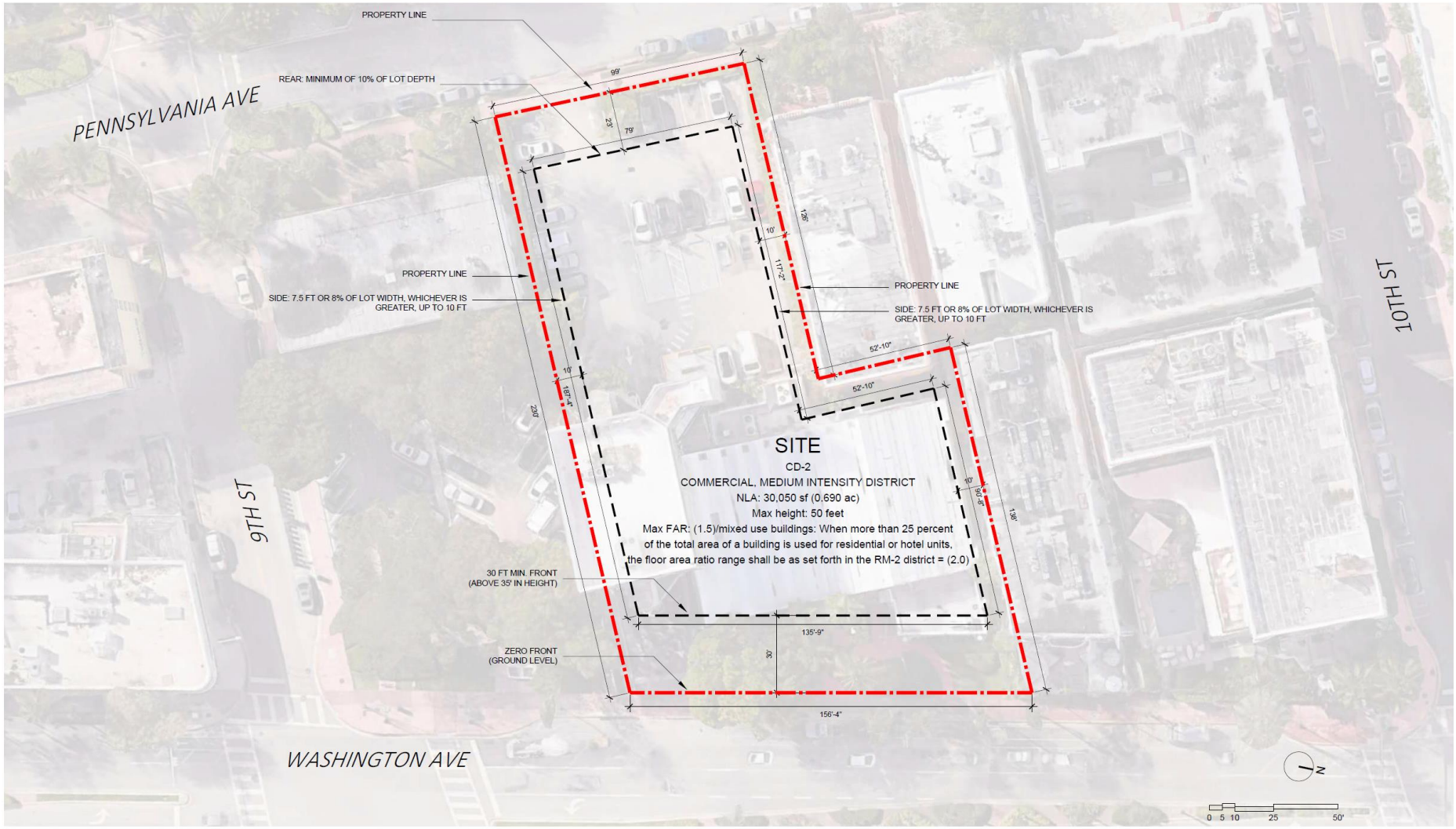

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930 WASHINGTON AVE
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PROJECT SITE

DATE:
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A1-02

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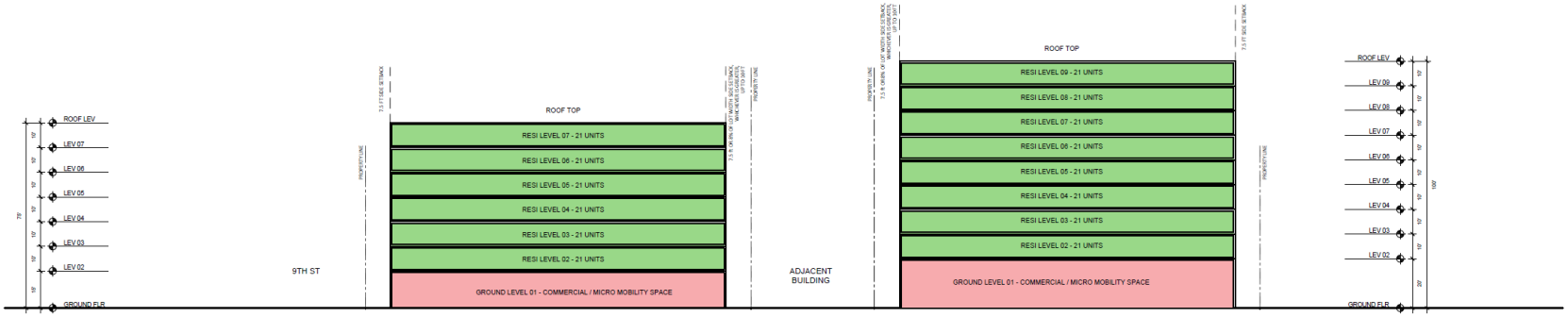
PROJECT SITE

DATE:
10/04/2024

A1-02



3.0 FAR / 75 FT

4.0 FAR / 100 FT

0 5' 10' 25' 50'

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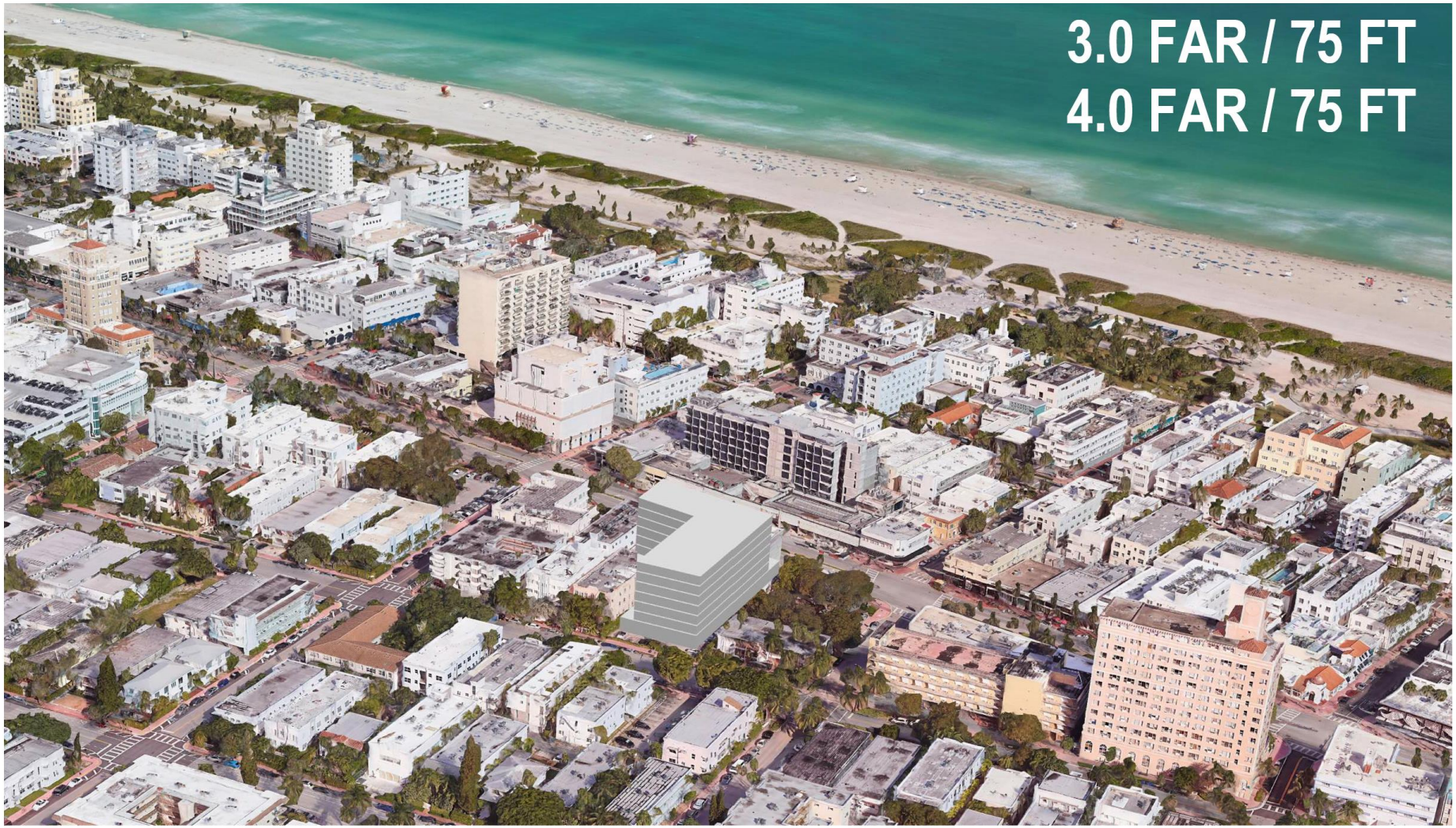

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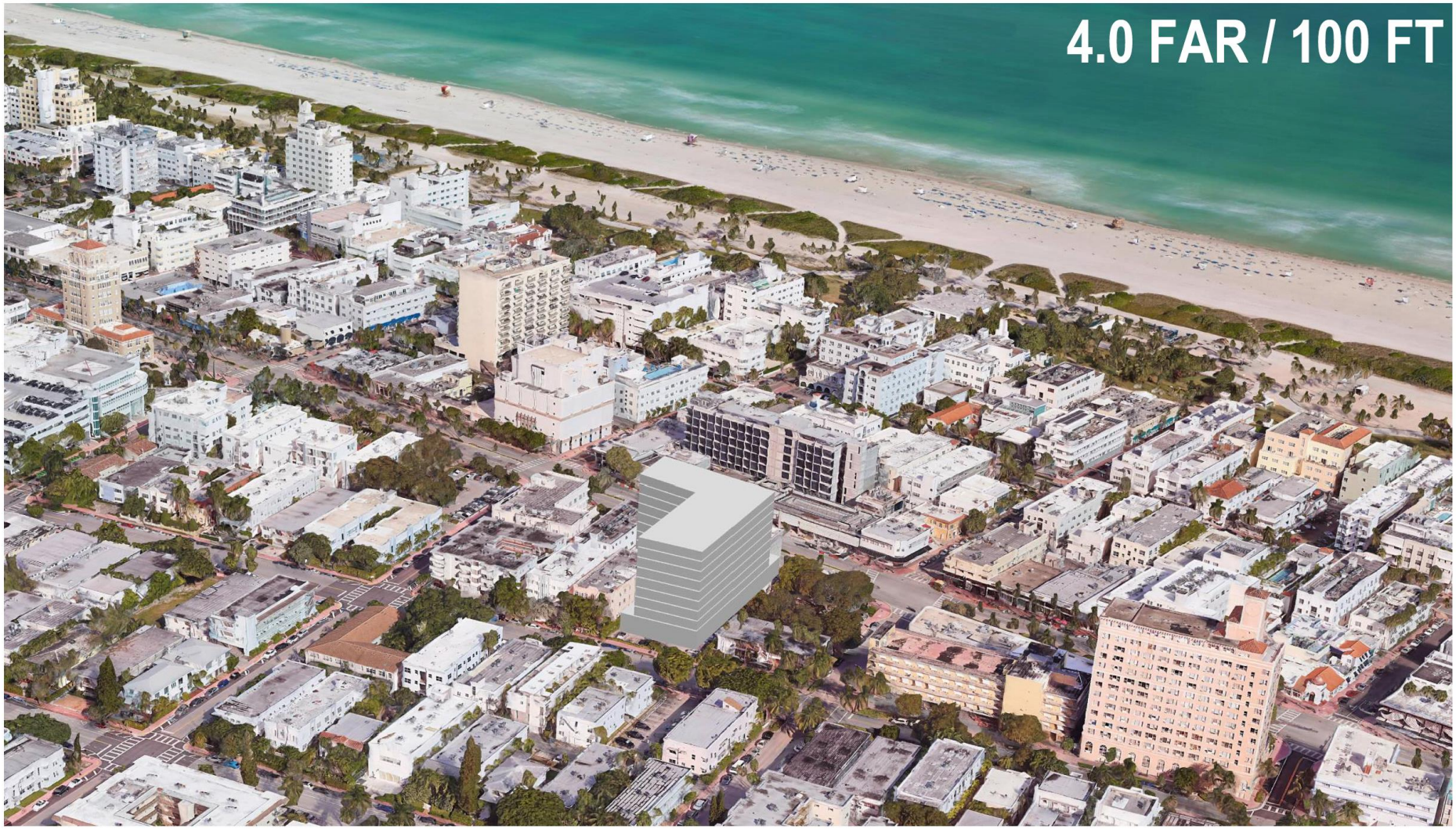

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DATE:
10/04/2024

A402

Washington Avenue Residential Use Incentives – LDR Amendments

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY AMENDING THE DEFINITION OF FLOOR AREA AND CREATING A DEFINITION FOR MICRO-MOBILITY STATION; BY AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," AT SECTION 5.2.4, ENTITLED "VEHICLE OFF-STREET PARKING REQUIREMENTS," BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 2; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICT REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.10, ENTITLED "RESIDENTIAL USE INCENTIVES," TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES IN APPLICABLE UNDERLYING ZONING DISTRICTS AND PROPERTIES FRONTING WASHINGTON AVENUE FROM 5TH STREET TO 17TH STREET; BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.5 ENTITELD "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO CREATE SECTION 7.2.5.5, ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREAS (RM-2)," TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES IN APPLICABLE RM-2 ZONING DISTRICTS AND PROPERTIES FRONTING WASHINGTON AVENUE FROM 6TH STREET TO 7TH STREET; BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.5, ENTITLED "WASHINGTON AVENUE (CD-2)," TO MODIFY EXISTING DEVELOPMENT REGULATIONS SPECIFIC TO PROPERTIES FRONTING WASHINGTON AVENUE AND TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT." BY CREATING SECTION 7.2.12.5, ENTITLED "WASHINGTON AVENUE RESIDENTIAL INCENTIVE AREA – CD-3," TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; BY AMENDING SECTION 7.2.15 ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," AT SECTION 7.2.15.3, ENTITLED "COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS)," TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the proliferation of transient uses may exacerbate housing affordability issues by reducing the availability of traditional rental housing options for families and individuals, as well as the city's workforce; and

WHEREAS, creating incentives for non-transient residential uses in the Washington Avenue corridor would enable the implementation of more equitable and comprehensive housing policies that prioritize the well-being and stability of all residents; and

WHEREAS, the current mix of late night entertainment and transient uses along Washington Avenue undermine the sense of community and social cohesion within the larger neighborhood by fostering transient and temporary living situations rather than long-term residency and neighborhood investment; 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, entitled "General Provisions," Article II, entitled "Definitions," Section 1.2.1, entitled "General Definitions," is hereby amended as follows:

CHAPTER 1
GENERAL PROVISIONS

* * *

ARTICLE II: DEFINITIONS

* * *

1.2.1 GENERAL DEFINITIONS

* * *

Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. For the purpose of clarity, floor area includes, but is not limited to, stairwells, stairways, covered steps, elevator shafts at every floor (including mezzanine level elevator shafts), and mechanical chutes and chases at every floor (including mezzanine level).

For the avoidance of doubt, unless otherwise provided for in these land development regulations, floor area excludes only the spaces expressly identified below:

a. Accessory water tanks or cooling towers.

b. Uncovered steps.

c. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.

d. Terraces, breezeways, or open porches.

e. Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.

f. Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.

g. Mechanical equipment rooms located above main roof deck.

h. Exterior unenclosed private balconies.

i. Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation in the following instances:

    1. Existing contributing structures that are located within a local historic district, national register historic district, or local historic site.

    2. Structures located within Block 1 Properties as more specifically defined in section 7.2.15.3.f.1.D.

j. Enclosed garbage rooms, enclosed within the building on the ground floor level.

k. Stairwells and elevators located above the main roof deck.

l. Electrical transformer vault rooms.

m. Fire control rooms and related equipment for life-safety purposes.

n. Secured bicycle parking.

o. Floor area used for micro-mobility stations when located below the second floor of a building constructed in accordance with Section 7.2.11.5.b.4

Volumetric buildings, used for storage, where there are no interior floors, the floor area shall be calculated as if there was a floor for every eight feet of height.

When transfer of development rights are involved, see chapter 2 article XIV for additional regulations that address floor area.

* * *

Micro-Mobility Station means a defined area of a building or structure used solely for storing lightweight vehicles such as bicycles or scooters, especially electric ones, which may be used by vehicle owners, or as part of a self-service rental program in which people rent vehicles for short-term use.

SECTION 2. Chapter 5, entitled "Off Street Parking," Article II, entitled "Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements," is hereby amended as follows:

CHAPTER 5
OFF STREET PARKING

* * *

ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS

* * *

5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS

* * *

5.2.4.2 Parking Tier 2

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking tier 1.

* * *

Tier 2c

c. Off-street parking requirements for Tier 2 area c.

1. Tier 2 area c includes those properties with a lot line on Washington Avenue from 5th Street to 17th Street, excluding those properties in Tier 3 area a, as depicted in the map below:

2. The following off-street parking requirements apply to properties located within Tier 2 area c.

1.

OFF-STREET PARKING REQUIREMENT		
RESIDENTIAL		
~~Co-living~~ Non-Transient residential units built in accordance with Section 7.1.10		No parking requirement.
LODGING		
Hotel and hostel		No parking requirement. For accessory uses to a hotel or hostel, the minimum parking is as set forth in parking tier. 1.
OFFICE		
Office		No parking requirement
COMMERCIAL		
Café, outdoor		No parking requirement
Retail	Retail existing as of the date of adoption of previous parking district no. 7 (now Tier 2 area c)	No parking requirement.
	New retail construction	One space per 300 square feet of floor area
	Notwithstanding the above, there shall be no parking requirement for retail uses, provided that a parking garage with publicly accessible parking spaces is located within 500 feet.	
Quality restaurants		No parking requirement.
OTHER		
Approved parklets		No parking requirement

2. With the exception of non-transient residential projects, built in accordance with Section 7.1.10, ~~T~~the parking requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2027.

3. Any building or structure erected in Tier 2 area c may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 1 of these land development regulations.

SECTION 3. Chapter 7, entitled "Zoning District Regulations," Article I, entitled "General to All Zoning Districts," is hereby amended 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 throughout the development and at all times, 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 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. **An affirmative vote of six-sevenths of all members of the city commission shall be required in order to reverse such covenant after it is executed.**

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. Washington Avenue. For properties with frontage on Washington Avenue, located to the south of 17th Street and north of Fifth Street, which comply with the requirements in section 7.1.10.a above, the maximum FAR shall not exceed **4.0 for C-PS2, RM-2 and CD-2 zoned properties and 3.25 for CD-3 zoned properties** subject to the following regulations:

1. Any and all existing non-conforming uses on the subject property shall be discontinued and abandoned.

2. All portions of the project above the first level shall consist of non-transient residential uses.

3. **The minimum lot size for an eligible project shall not be less than 13,000 square feet**.

4. No residential unit shall exceed 1,200 square feet in size.

5. A micro-mobility station shall be required within the interior of the first level of structure and shall be accessible by all residents of the building. The micro-mobility station shall constitute not less than 30% of the first level of the structure. **However, if the project is located within the CD-3 district and provides publicly accessible parking facilities on the same lot, the micro-mobility station shall constitute not less than 5% of the first level of the structure or 1,500 square feet, whichever is less. The micro-mobility station may be located within the second level of the parking structure so long as clear signage directing the public to the micro-mobility station is provided**.

6. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1. **This limitation shall not apply to CD-3 zoned properties that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024**.

7. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.

8. Up to an additional 25 feet in building height may be permitted, not to exceed 100 feet, **for C-PS2, RM-2 and CD-2 zoned properties and up to an additional 75 feet in building height may be permitted, not to exceed 150 feet, for CD-3 zoned properties**, subject to the following:
    a. Off-street parking shall be prohibited, **except for projects located within the CD-3 district that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024**.
    b. The micro-mobility station shall constitute not less than **50%** of the first level of the structure. **However, if the project is located within the CD-3 district and provides publicly accessible parking facilities on the same lot, the micro-mobility station shall constitute not less than 5% of the first level of the structure or 1,500 square feet, whichever is less. The micro-mobility station may be located within the second level of the parking structure so long as clear signage directing the public to the micro-mobility station is provided**.
    c. The property shall be part of a micro mobility network which is accessible to the general public. At a minimum, this shall include a public sharing program for no less than 20 micro-mobility devices located within the confines of the property. The applicant shall submit an operational plan for the public sharing program, which shall be subject to the review and approval of the City.

9. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, **2032**.

10. The FAR and height requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, **2032**.

11. If there are conflicts between these regulations and those set forth within the underlying zoning district, as well as any other section of the City Code, the provisions in Section 7.1.10 shall control.

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

SECTION 4. Chapter 7, entitled "Zoning District Regulations," Article II, entitled "District Regulations," 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 AREAS (RM-2)

a. **Mid Beach Residential Incentive Area – RM-2**

1. **Location and Purpose (Mid Beach Residential Incentive Area – RM-2)**
   The following regulations shall apply to properties that front Collins Avenue between 47th Street on the south and 63rd Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

2. **Development Regulations (Mid Beach Residential Use Incentive Area (RM-2)**
   For developments that comply with the applicable requirements for "Residential Use Incentives" in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

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

b. **Washington Avenue Residential Incentive Area – RM-2**

1. **Location and Purpose (Washington Avenue Residential Incentive Area – RM-2)**
   The following regulations shall apply to properties that front Washington Avenue between 6th Street on the south and 7th Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

2. **Development Regulations (Washington Avenue Residential Use Incentive Area (RM-2)**
   For developments that comply with the applicable requirements for "Residential Use Incentives" in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

DEVELOPMENT REGULATIONS TABLE:	
Maximum FAR	**4.0**

BUILDING HEIGHT	
Maximum Height	75 and 100
Maximum Density	**175** DUA

* * *

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

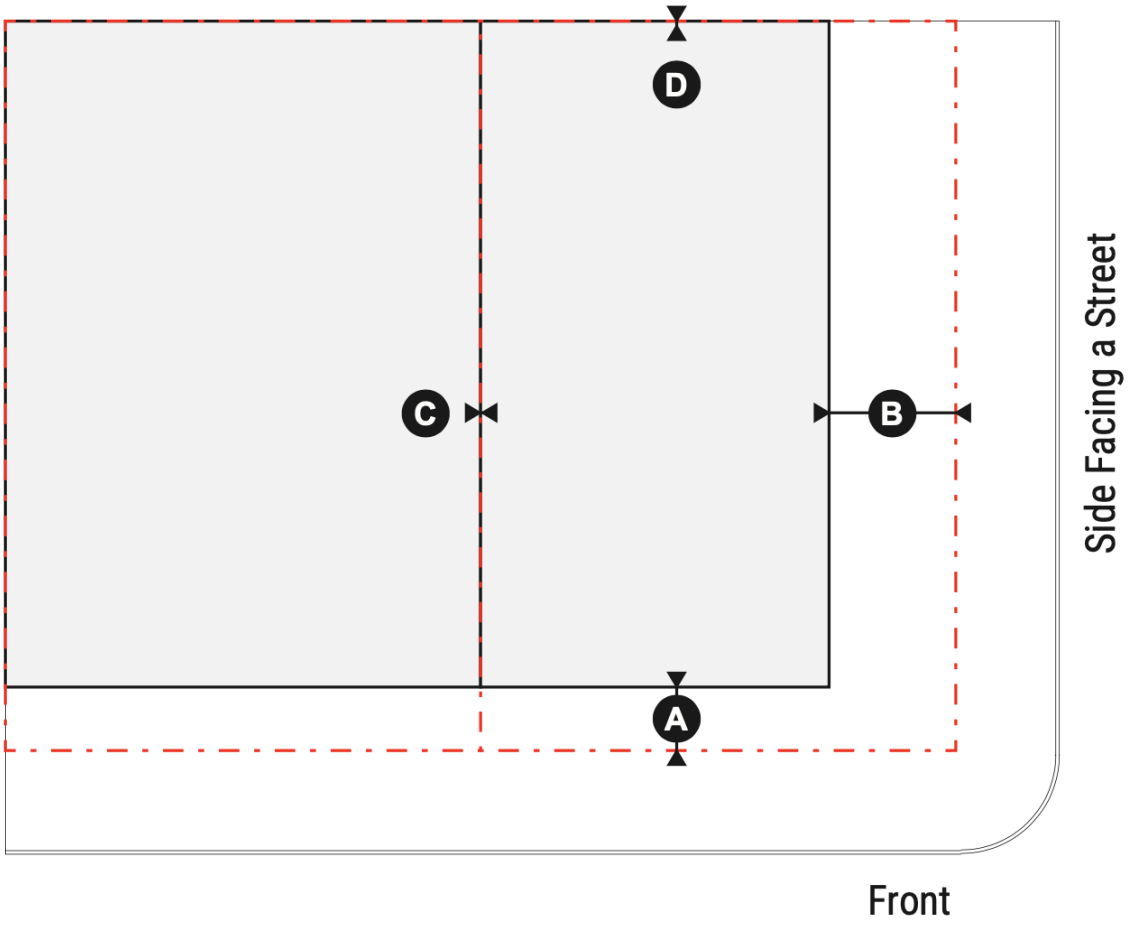
7.2.11.5 WASHINGTON AVENUE (CD-2)

a. **Development Regulations (Washington Ave – CD-2)**

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street (MAP EXHIBIT-3); in the event of a conflict within this division, the regulations below shall apply:

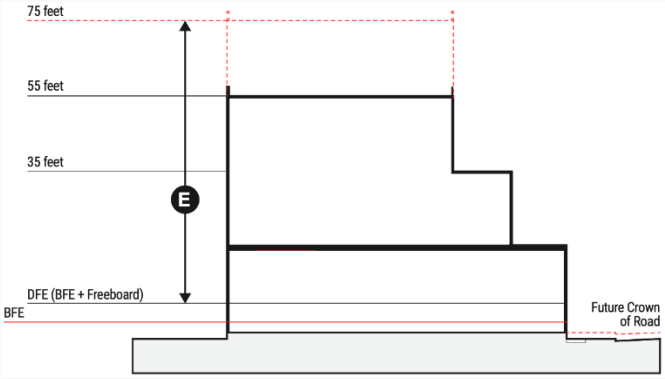
DEVELOPMENT REGULATIONS TABLE (WASHINGTON AVE - CD-2)	
Maximum FAR	1.5
Maxim FAR for mixed use buildings (when more than 25 percent (25%) of the total area of a building is used for residential or hotel units)	2.0
Maximum FAR for non-transient residential projects	4.0; subject to compliance with section 7.1.10
Maximum Density (Dwelling Units Per Acre)	~~100~~ **175** DUA
Minimum and minimum average Unit Size (square feet)	See section 7.2.11.3.a
Supplemental Minimum Unit Size	See section 7.2.11.5.c. below.
LOT OCCUPATION	
Minimum Lot Area (square feet)	None
Minimum Lot Width (feet)	None
Maximum Lot Coverage (% of lot area)	None
BUILDING SETBACKS	Lots with frontage equal or less than 100 feet (Pursuant to section 7.2.11.3.a)
BUILDING SETBACKS	Lots with frontage greater than 100 feet
Front Setback Ⓐ	
Subterranean	0 feet
Ground Level	0 feet (See section 7.1.2.2)
Above the ground level up to 35 feet in height	5 feet min (for parking garages with liners) 10 feet min (for parking garages without liners) 15 feet min (for all other uses)
Above 35 feet in height up to ~~75~~ 100 feet	5 feet min (for parking garages with liners) 10 feet min (for parking garages without liners) 30 feet min (for all other uses)
Above ~~75~~ 100 feet in height	110 feet
Side, Facing a Street Setback Ⓑ	
Subterranean	0 feet

DEVELOPMENT REGULATIONS TABLE (WASHINGTON AVE - CD-2)	
Nonresidential Uses	0 feet (See section 7.1.2.2)
Residential and Hotel Uses	7.5 feet (See section 7.1.2.2)
Above 75 feet in height for all uses	45 feet
Side, Interior Setback Ⓒ	
Subterranean	0 feet
Nonresidential Uses	0 feet
Residential and Hotel Uses	7.5 feet or 8% of lot width (whichever is greater, up to 10 feet) 7.5 feet (when abutting a nonresidential or non-hotel use)
Above 75 feet for all uses	45 feet
Rear Setback Ⓓ	
Subterranean	0 feet
Ground Level	0 feet
Above the Ground Level	10 % of lot depth 0 feet (for parking garage floors above the minimum truck clearance)



BUILDING HEIGHT	

DEVELOPMENT REGULATIONS TABLE (WASHINGTON AVE - CD-2)	
Maximum Height Ⓔ	55 feet (unless otherwise specified in section 7.2.11.5.c below)
~~Lots that have frontage equal to or greater than 200 feet~~ Non-Transient Residential Projects	75 feet, subject to compliance with section 7.1.10 100 feet, subject to compliance with section 7.1.10
Main Parking Garages	55 feet (Regardless of frontage)



b. **Additional Regulations (Washington Ave – CD-2)**

1. The maximum frontage for nightclubs and dance halls, located at the ground level shall not exceed 25 feet in width unless such a space has a certificate of use for nightclub or dance hall, or unless a valid license was issued after January 1, 2011, and before the date of adoption of the ordinance codified in this section for the use of such space as a nightclub or dance hall. In the event a nightclub or dance hall becomes non-conforming, such establishment shall be subject to all applicable regulations set forth in chapter 2, article VII of these land development regulations.

2. For new hotel construction or conversion to hotel use, the minimum hotel room unit size may be 175 square feet, provided that:

   A. A minimum of 20 percent (20%) of the gross floor area of the hotel consists of hotel amenity space that is physically connected to and directly accessed from the hotel. Hotel amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel. Bars and restaurants shall count no more than 50 percent (50%) of the total hotel amenity space requirements.

   B. Windows shall be required in all hotel rooms and shall be of dimensions that allow adequate natural lighting, as determined by the historic preservation board.

3. For lots that have a frontage that is greater than 100 feet, the following shall apply:

   A. Maximum building length. Unless otherwise approved by the historic preservation board at its sole discretion, no plane of a building, above the ground floor façade facing Washington Avenue, shall continue for greater than 100 feet without incorporating an offset of a minimum 5 feet in depth

from the setback line. The total offset widths shall total no less than 20 percent (20%) of the entire building frontage.

B. Physical separation between buildings. Unless otherwise approved by the historic preservation board at its sole discretion, a physical separation must be provided between buildings greater than 200 feet in length and at/or above 35 feet in height from the ground floor. Notwithstanding the foregoing, for building sites with a lot frontage in excess of 500 feet, no physical separation is required if:

I. The length of the building at/or above 35 feet in height from the ground floor does not exceed 50 percent (50%) of the length of the frontage of the property; and

II. The offsets required in section 7.2.11.5.c.4.A., above, are a minimum of 20 feet in depth from the setback line and the combined offset widths total no less than 30 percent (30%) of the entire building frontage.

4. **Washington Avenue Residential Incentive Area – CD-2**

A. Location and Purpose (Washington Avenue Residential Incentive Area – CD-2)
The following regulations shall apply to properties that front Washington Avenue between 6th Street on the south and 16th Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

B. Development Regulations (Washington Avenue Residential Use Incentive Area (CD-2)
For developments that comply with the applicable requirements for "Residential Use Incentives" in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

DEVELOPMENT REGULATIONS TABLE:	
Maximum FAR	**4.0**
BUILDING HEIGHT	
Maximum Height	75 and 100
Maximum Density	**175** DUA

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.5 Washington Avenue Residential Incentive Area – CD-3

1. **Location and Purpose (Washington Avenue Residential Incentive Area – CD-3)**
The following regulations shall apply to properties that front Washington Avenue between 16th Street on the south and 17th Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

2. **Development Regulations (Washington Avenue Residential Use Incentive Area (CD-3)**
For developments that comply with the applicable requirements for "Residential Use Incentives" in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

DEVELOPMENT REGULATIONS TABLE:	
Maximum FAR	**3.25**
BUILDING HEIGHT	
Maximum Height	**150**
Maximum Density	150 DUA

* * *

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

* * *

7.2.15.3 Commercial Performance Standards Districts (C-PS)

* * *

h. Washington Avenue Residential Incentive Area – CPS-2

1. **Location and Purpose (Washington Avenue Residential Incentive Area – CPS-2)**
The following regulations shall apply to properties that front Washington Avenue between 5th Street on the south and 6th Street on the north. The purpose of the overlay shall be to incentivize the development of non-transient residential uses.

2. **Development Regulations (Washington Avenue Residential Use Incentive Area (CPS-2)**
For developments that comply with the applicable requirements for "Residential Use Incentives" in section 7.1.10 of the Resiliency Code, the following regulations shall apply:

DEVELOPMENT REGULATIONS TABLE:	
Maximum FAR	**4.0**
BUILDING HEIGHT	
Maximum Height	75 and 100
Maximum Density	**175** DUA

SECTION 5. 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 6. 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 7. SEVERABILITY.

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

SECTION 8. APPLICABILITY

The 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 no later than July 1, 2024.

SECTION 9. EFFECTIVE DATE,

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025

_____
Steven Meiner, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

_____
City Attorney Date

First Reading: _____, 2025
Second Reading: _____, 2025

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

F:\PLAN\$PLB\2024\10-29-2024\PB24-0695 Washington Avenue Residential Use Incentives - LDR - PB ORD 10-29-2024.docx

Washington Avenue 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; BY AMENDING POLICY RLU 1.1.6, ENTITLED "MEDIUM DENSITY MULTI FAMILY RESIDENTIAL (RM-2)," TO PROVIDE FAR AND DENSITY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF NON-TRANSIENT RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO NON-TRANSIENT RESIDENTIAL USES FOR APPLICABLE PROPERTIES LOCATED ON WASHINGTON AVENUE; BY AMENDING POLICY RLU 1.1.9, ENTITLED "MEDIUM INTENSITY COMMERCIAL (CD-2)," TO PROVIDE FAR AND DENSITY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF NON-TRANSIENT RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO NON-TRANSIENT RESIDENTIAL USES FOR APPLICABLE PROPERTIES LOCATED ON WASHINGTON AVENUE; BY AMENDING POLICY RLU 1.1.10, ENTITLED "HIGH INTENSITY COMMERCIAL (CD-3)," TO PROVIDE FAR AND DENSITY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF NON-TRANSIENT RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO NON-TRANSIENT RESIDENTIAL USES FOR APPLICABLE PROPERTIES LOCATED ON WASHINGTON AVENUE; BY AMENDING POLICY RLU 1.1.28, ENTITLED "GENERAL MIXED USE COMMERCIAL PERFORMANCE STANDARD (C-PS2)," TO PROVIDE FAR AND DENSITY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF NON-TRANSIENT RESIDENTIAL USES AND THE CONVERSION OF EXISTING TRANSIENT USES TO NON-TRANSIENT RESIDENTIAL USES FOR APPLICABLE PROPERTIES LOCATED ON WASHINGTON AVENUE; 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 AND DENSITY INCENTIVES SET FORTH IN THIS ORDINANCE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. The following amendments to the City's 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

RESILIENT LAND USE & DEVELOPMENT ELEMENT

* * *

GOAL RLU 1: LAND USE

* * *

OBJECTIVE RLU 1.1 Establishment of Future Land Use Categories

The City hereby adopts future land use map categories to provide for an efficient distribution and compatible pattern of land uses, and to maintain and enhance the character of the community.

* * *

Table RLU 1.1

The following table is a reference guide that depicts the policy number, and maximum densities and intensities for each future land use map (FLUM) category.

(* = Refer to policy for limits)

FLUM Category	Density Limits (Units Per Acre)	Intensity Limits (Floor Area Ratio)	Reference (Policy #)
*	*	*	*
Medium Density Multi Family Residential (RM-2)	~~100~~ 150* units per acre	~~2.0~~ 4.0*	RLU 1.1.6
*	*	*	*
Medium Intensity Commercial (CD-2)	~~100~~ 150* units per acre	~~1.5~~ 4.0*	RLU 1.1.9
High Intensity Commercial (CD-3)	150 units per acre	~~2.0~~ 3.25*	RLU 1.1.10
*	*	*	*
General Mixed Use Commercial Performance Standard (C-PS2)	~~106~~ 150* units per acre	~~2.0~~ 4.0*	RLU 1.1.28

* * *

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 ~~F~~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, except as follows:

- For developments located on Washington Avenue between 6th Street and 7th Street , as described in the Land Development Regulations, that comply with the requirements for

Residential Use Incentives in Policy RLU 1.2.8, the maximum density shall not exceed 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 a floor area ratio of 2.0~~.~~, except as follows:

- For developments located on Washington Avenue between 6th Street and 7th Street , 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 4.0.

* * *

POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; 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: 100 dwelling units per acre, except as follows:

- For developments located on Washington Avenue between 6th Street and 7th Street , as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the maximum density shall not exceed 150 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use~~.~~, except as follows:

- For developments located on Washington Avenue between 6th Street and 16th Street. 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 4.0.

POLICY RLU 1.1.10 HIGH INTENSITY COMMERCIAL (CD-3)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which primarily serve the entire City.

Uses which may be permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments;

apartment residential uses; 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:

- 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;
- for developments located on Washington Avenue between 16th Street and 17th street. 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 3.25.

* * *

POLICY RLU 1.1.28 GENERAL MIXED USE COMMERCIAL PERFORMANCE STANDARD (C-PS-2)

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 commercial 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: 106 dwelling units per acre, except as follows:

- For developments located on Washington Avenue between 6th Street and 7th Street , as described in the Land Development Regulations, that comply with the requirements for Residential Use Incentives in Policy RLU 1.2.8, the maximum density shall not exceed 150 dwelling units per acre.

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

- For developments located on Washington Avenue between 5th Street and 6th Street. 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 4.0.

* * *

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.

* * *

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** _____.

_____
Steven Meiner, Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

First Reading:
Second Reading:

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

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