

MIAMI BEACH


PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: March 4, 2025

FROM: Thomas R. Mooney, AICP  For TRM
Planning Director

SUBJECT: **PB25-0738. Lincoln Road East Residential Use Incentives – Comprehensive Plan Amendment.**

PB25-0739. Lincoln Road East Residential Use Incentives – LDR Amendment.

RECOMMENDATION

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) and continue the applications to the May 6, 2025, Planning Board meeting. Transmittal of the applications to the Mayor and City Commission (City Commission) may only occur at a duly noticed second public hearing, after the conclusion of a community outreach meeting.

HISTORY

On June 26, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a proposal regarding residential use incentives in the 200 – 300 blocks of Lincoln Road (C4 AD) to the Land Use and Sustainability Committee (LUSC). On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, LUSC, with direction to the Administration to develop a draft ordinance incentivizing non-transient residential uses. Additionally, Commissioner David Suarez became a co-sponsor of the item.

On September 5, 2024, the LUSC took the following action:

1. Discussed and continued the item to a future LUSC meeting.
2. A special meeting of the LUSC was scheduled for September 24, 2024, to discuss all related legislation involving FAR incentives for non-transient residential uses.
3. Direction was given to amend the applicable FAR incentive ordinances to include a provision for a 6/7 vote to reverse required covenants pertaining to non-transient residential uses.

The September 24, 2024, LUSC meeting was postponed and moved to a special meeting of the LUSC on November 5, 2024. On November 5, 2024, the LUSC discussed the proposal and

recommended the following:

1. The City Commission refer ordinance amendments to the Planning Board in accordance with the recommendations in the LUSC memo.
2. The Planning Board discuss and provide a recommendation regarding the potential of including a lesser as of right FAR and the remainder of the allowable FAR to be purchased by private property owners as part of a Transfer of Development Rights (TDR) program.

On December 11, 2024, the City Commission referred the draft ordinances to the Planning Board (C4 D).

PLANNING BOARD AND CITY COMMISSION 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:

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.

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 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 (LDRs) and the Comprehensive Plan create tangible incentives for non-transient residential uses for properties between bounded by Drexel Avenue on the west, Collins Avenue on the east, 17th Street on the north, and 16th Street on the south. All such incentives would be predicated on the following:

- Any and all existing transient uses shall be fully vacated and prohibited.
- Only non-transient, residential units would be permitted above the first floor with a

provision for a 6/7 vote to reverse required covenants pertaining to non-transient residential uses.

- Discontinuance of any nonconforming entertainment establishment.
- The FAR and height incentives only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2030.
- All contributing structures shall be retained and restored, as may be required by the historic preservation board.

Additionally, certain minimum public benefits would be required, including at least one of the following:

- A covered transit shelter shall be provided within 1,500 feet of the development site.
- A contribution to the South Beach public benefits fund.
- A full building permit for the development shall be issued within 24 months of the effective date of the ordinance.

The following is a list of draft incentives:

1. Parking Tier 1, 2.c and 3.a would be amended to eliminate the minimum off-street parking requirement for non-transient, residential projects.
2. The maximum FAR would be increased from 2.75 to 3.5.
3. The maximum height for properties fronting the south side of Lincoln Road shall be increased from 100 feet up to 150 feet, with additional setbacks for portions located above 50 feet in height.
4. The maximum height for properties fronting the north side of Lincoln Road and for properties that do not contain a contributing building located between Lincoln Road and 17th Street shall be increased from 50 feet up to 125 feet, with additional setbacks for portions located above 50 feet in height.
5. Multi-story rooftop additions may be permitted to facilitate the retention and restoration of contributing buildings at the discretion of the Historic Preservation Board.
6. Required mobility fees may be waived for projects that have obtained a full building permit by September 1, 2030.

To address the potential scale and height issues associated with taller structures, particularly as it may be perceived from Lincoln Road, the ordinance includes minimum setbacks from Lincoln Road and from side streets for any portion of a building above 50 feet in height. This would ensure that any future addition to a building above 50 feet in height would not overwhelm the Lincoln Road streetscape.

The ordinance would also allow for multistory rooftop additions to be constructed above a contributing building. Currently, a rooftop addition to a contributing building, whether attached or

detached, is limited to one story. This proposal would allow for multiple levels to be over an existing contributing building without the requirement that the building be demolished and reconstructed as a ground up addition, encouraging the retention and restoration of contributing buildings.

Finally, the ordinance removes the current height incentives for hotel projects on Lincoln Road between Pennsylvania Avenue and Lenox Avenue, as well as the FAR incentive for hotels on lots less than 45,000 square feet, located west of Drexel Avenue in the Architectural District.

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 Lincoln Road, between Drexel Avenue and Collins Avenue. The proposed amendment does not impact the maximum residential density, as all districts are zoned CD-3 district, which has a maximum density of 150 units per acre. The analysis is based on not being able to achieve the maximum density given the current FAR limits. The analysis assumes that 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.

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

Summary of Impacts

- Potential increase of 350 residential units;
- Potential population increase of 875 people;
- Potential increase of 205 peak hour vehicle trips;
- Potential increase of 136,500 gallons of potable water consumption per day;
- Potential increase of 122,500 gallons of sanitary sewer transmission per day; and
- Potential increase of 1,116 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, if applicable, which can be used to make improvements to the transportation network.

With regard 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 regard 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:

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.

Lincoln Road East Residential Use Incentive Area Property Calculations															
Area	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 FAR and Density
North	CD-3	4,987.00	0.11	2.25	11,221	3.5	17,455	6,234	150	17	13	150	17	17	4
North	CD-3	10,500.00	0.24	2.25	23,625	3.5	36,750	13,125	150	36	27	150	36	36	9
North	CD-3	10,500.00	0.24	2.25	23,625	3.5	36,750	13,125	150	36	27	150	36	36	9
North	CD-3	17,680.00	0.41	2.25	39,780	3.5	61,880	22,100	150	60	45	150	60	60	15
North	CD-3	9,000.00	0.21	2.25	20,250	3.5	31,500	11,250	150	30	23	150	30	30	7
North	CD-3	15,216.00	0.35	2.25	34,236	3.5	53,256	19,020	150	52	39	150	52	52	13
North	CD-3	16,200.00	0.37	2.25	36,450	3.5	56,700	20,250	150	55	42	150	55	55	13
North	CD-3	10,248.00	0.24	2.25	23,058	3.5	35,868	12,810	150	35	26	150	35	35	9
North	CD-3	17,940.00	0.41	2.25	40,365	3.5	62,790	22,425	150	61	46	150	61	61	15
North	CD-3	18,766.00	0.43	2.25	42,224	3.5	65,681	23,458	150	64	48	150	64	64	16
North	CD-3	29,100.00	0.67	2.25	65,475	3.5	101,850	36,375	150	100	75	150	100	100	25
North	CD-3	7,575.00	0.17	2.25	17,044	3.5	26,513	9,469	150	26	19	150	26	26	7
North	CD-3	8,325.00	0.19	2.25	18,731	3.5	29,138	10,406	150	28	21	150	28	28	7
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	12,000.00	0.28	2.25	27,000	3.5	42,000	15,000	150	41	31	150	41	41	10
North	CD-3	15,000.00	0.34	2.25	33,750	3.5	52,500	18,750	150	51	39	150	51	51	12
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	30,000.00	0.69	2.25	67,500	3.5	105,000	37,500	150	103	77	150	103	103	26
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	4,500.00	0.10	2.25	10,125	3.5	15,750	5,625	150	15	12	150	15	15	3
North	CD-3	12,066.00	0.28	2.25	27,149	3.5	42,231	15,083	150	41	31	150	41	41	10
South	CD-3	84,411.00	1.94	2.75	232,130	3.5	295,439	63,308	150	290	282	150	290	290	8
South	CD-3	29,448.00	0.68	2.25	66,258	3.5	103,068	36,810	150	101	76	150	101	101	25
South	CD-3	17,250.00	0.40	2.25	38,813	3.5	60,375	21,563	150	59	44	150	59	59	15
South	CD-3	11,250.00	0.26	2.25	25,313	3.5	39,375	14,063	150	38	29	150	38	38	9
South	CD-3	4,975.00	0.11	2.25	11,194	3.5	17,413	6,219	150	17	13	150	17	17	4
South	CD-3	22,500.00	0.52	2.25	50,625	3.5	78,750	28,125	150	77	58	150	77	77	19
South	CD-3	4,000.00	0.09	2.25	9,000	3.5	14,000	5,000	150	13	10	150	13	13	3
South	CD-3	32,730.00	0.75	2.25	73,643	3.5	114,555	40,913	150	112	84	150	112	112	28
Total		493,667.00	11.33		1,152,956		1,727,835	574,878		1,683	1,333	4650	1,683	1,683	350

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



PLANNING DEPARTMENT

Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared: 10/2/2024
 Name of Project: Lincoln Road East Residential Use Incentives
 Address of Site: Lincoln Road between Drexel Avenue & Collins Avenue

Concurrency Management Area: South Beach
 Square Feet in the Amendment: 493,667
 Acreage in the Amendment: 11.33

Proposed FLUM Designation

Designation:

CD-3 with Residential Incentives

Maximum Density	Maximum FAR
150	3.5

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
Residential (Units)	1,683					
Peak Hour Trips Generated*	1,313	N/A	N/A	N/A	N/A	1,313
Residential Demand	4,208	0				4,208

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

Note: See "Lincoln Road East Residential Use Incentive Area Property Calculations" table for assumptions

Existing FLUM Designation

Designation:

CD-3

Maximum Density	Maximum FAR
150	2.25/2.75

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
Residential (Units)	1,333					
Peak Hour Trips Generated*	1,040	N/A	N/A	N/A	N/A	1,040
Residential Demand	3,333	0				3,333

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

Transportation Analysis

New Trips Generated	Trip Allowances	Transit	15%	Capacity:	6,250 Trips
273 Trips		Pass-by		Existing Trips:	4,221 Trips
	+	Mixed-use	10%	Net New Trips Generated:	205 Trips
The City is a Transportation Concurrency Exception Area			Total	25%	Concurrent: YES

Parks and Recreation Concurrency

Net New Residential Demand: 875 People

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

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Max Demand:	656,370 Gallons Per Day
Existing Max Demand:	519,870 Gallons Per Day
New Max Demand:	136,500 Gallons

Concurrency to be determined at Building Permit Application

Sanitary Sewer Transmission Capacity

Proposed Max Demand:	589,050 Gallons Per Day
Existing Max Demand:	466,550 Gallons Per Day
New Max Demand:	122,500 Gallons

Concurrency to be determined at Building Permit Application

Solid Waste Collection Capacity

Proposed Max Demand:	5,365 Tons Per Year
Existing Max Demand:	4,249 Tons Per Year
New Max Demand:	1,116 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, massing studies, prepared by the Planning Department, are attached. These studies include views along Lincoln Road and Collins Avenue showing potential development at a maximum height of 150 feet on the south side of Lincoln Road and 125 feet on the north side of Lincoln Road, as well as an FAR of 3.5. The following properties were used for this study:

- 216 Lincoln Road
- 1650 James 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

While the proposal does not include a density increase, the proposed increase in FAR will require an amendment to the Comprehensive Plan.

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.

PROPOSAL SUMMARY

Staff is supportive of the proposed amendments to the Comprehensive Plan and the LDRs, 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 LDRs, and all new proposals will require a rigorous certificate of appropriateness review from the historic preservation board.

The additional increase in FAR is intended to jump start residential development along Lincoln Road, and the timeframe to utilize the incentives is limited. Although residential use has been permitted on Lincoln Road for decades, 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 to make residential projects feasible.

The proposed incentives seek to take advantage of the transit network surrounding Lincoln Road, as well as promote and expand opportunities for micro-mobility options by future residents. The reduced parking requirements and defined boundaries of the incentive area is aimed primarily at urban dwellers who either live and work in city, and/or do not rely on a car for everyday mobility purposes. This type of development model has shown success in areas across the country, and Miami Beach is well set up to accommodate it.

In accordance with the direction of the LUSC on November 5, 2024, the Planning Board has been asked to discuss and provide a separate recommendation to the City regarding the following:

1. The incorporation of a Transfer of Development Rights (TDR) program, to require a portion of

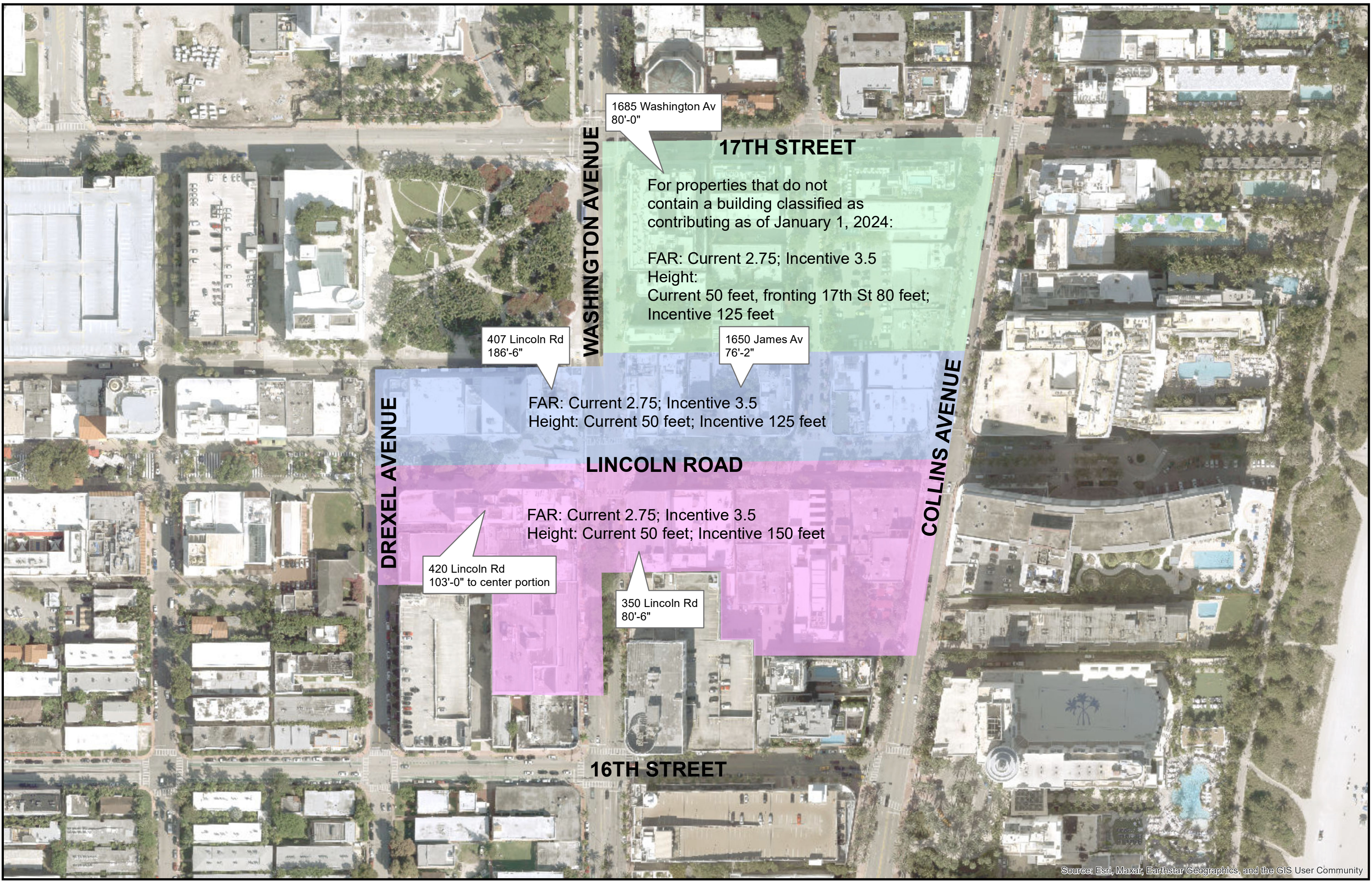
the maximum allowable FAR come from the transfer or sale of FAR from a sending district. The FAR would be increased for contributing buildings in another historic district, such as Flamingo Park, and these properties could then sell their increase to property owners along Lincoln Road. Funds from the sale would be required to improve/restore the historic property in the sending district.

An example of this would be a maximum FAR of 3.5, with up to .5 additional FAR available pursuant to a TDR.

RECOMMENDATION

Staff recommends the following:

1. The Planning Board review the proposed ordinances amending the Comprehensive Plan and LDR's and continue the review of the ordinances to the May 6, 2025, 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.
2. The Planning Board provide a recommendation to the City Commission regarding the inclusion of a TDR program for a portion of the maximum allowable FAR.



1685 Washington Av
80'-0"

17TH STREET

For properties that do not contain a building classified as contributing as of January 1, 2024:

FAR: Current 2.75; Incentive 3.5
Height:
Current 50 feet, fronting 17th St 80 feet;
Incentive 125 feet

407 Lincoln Rd
186'-6"

1650 James Av
76'-2"

FAR: Current 2.75; Incentive 3.5
Height: Current 50 feet; Incentive 125 feet

LINCOLN ROAD

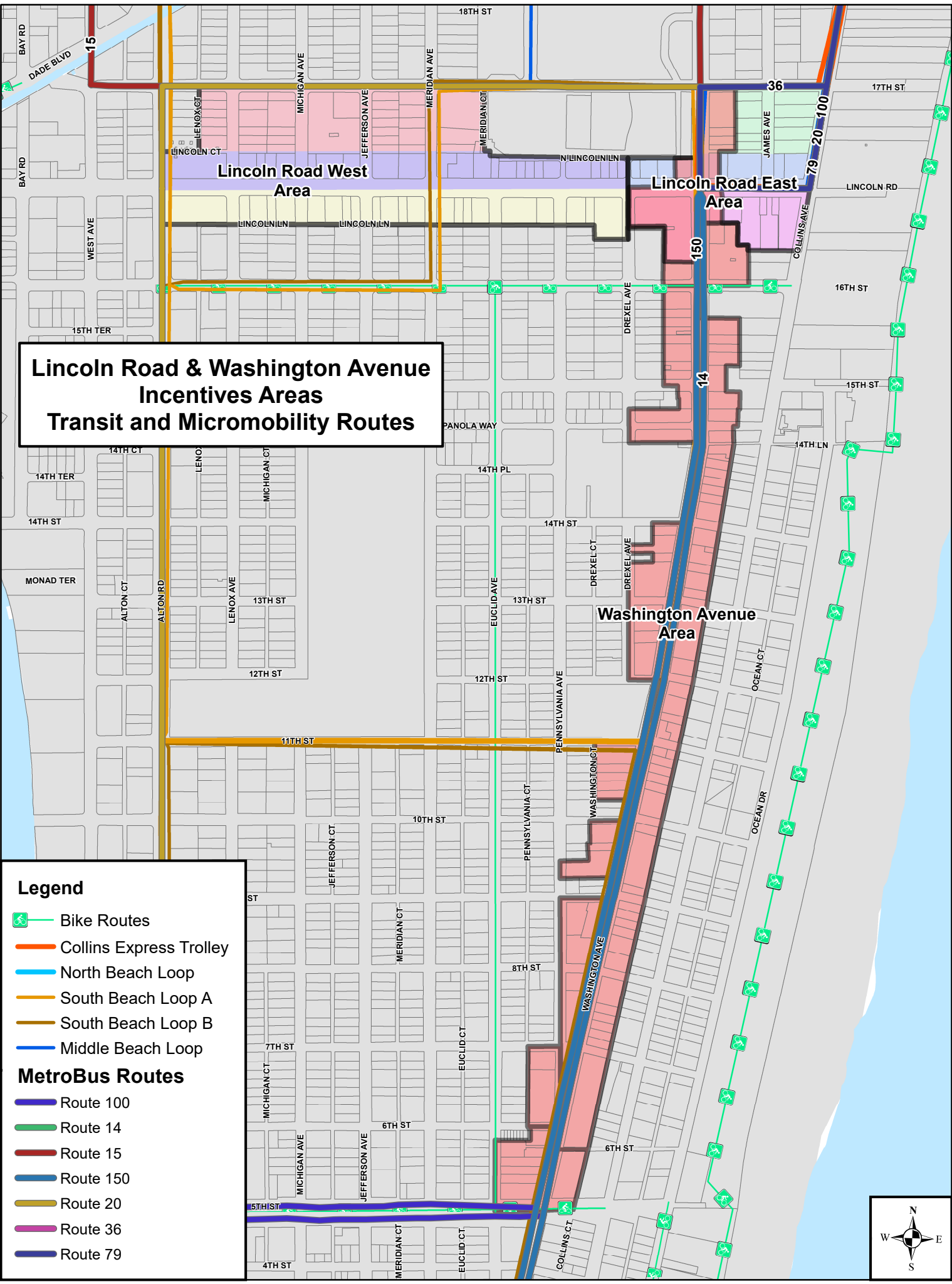
FAR: Current 2.75; Incentive 3.5
Height: Current 50 feet; Incentive 150 feet

420 Lincoln Rd
103'-0" to center portion

350 Lincoln Rd
80'-6"

16TH STREET

Lincoln Road & Washington Avenue Incentives Areas Transit and Micromobility Routes



Legend

- Bike Routes
- Collins Express Trolley
- North Beach Loop
- South Beach Loop A
- South Beach Loop B
- Middle Beach Loop

MetroBus Routes

- Route 100
- Route 14
- Route 15
- Route 150
- Route 20
- Route 36
- Route 79

LINCOLN ROAD EAST

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 Lincoln Road, east of Drexel Avenue and west of Collins Avenue. The proposed amendment does not impact the maximum residential density, as all districts are zoned CD-3 district, which has a maximum density of 150 units per acre. The analysis is based on not being able to achieve the maximum density given the current FAR limits. The analysis assumes that 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.

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

Summary of Impacts

- Potential increase of 350 residential units;
- Potential population increase of 875 people;
- Potential increase of 205 peak hour vehicle trips;
- Potential increase of 136,500 gallons of potable water consumption per day;
- Potential increase of 122,500 gallons of sanitary sewer transmission per day; and
- Potential increase of 1,116 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, if applicable, 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:

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.

Lincoln Road East Residential Use Incentive Area Property Calculations															
Area	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 FAR and Density
North	CD-3	4,987.00	0.11	2.25	11,221	3.5	17,455	6,234	150	17	13	150	17	17	4
North	CD-3	10,500.00	0.24	2.25	23,625	3.5	36,750	13,125	150	36	27	150	36	36	9
North	CD-3	10,500.00	0.24	2.25	23,625	3.5	36,750	13,125	150	36	27	150	36	36	9
North	CD-3	17,680.00	0.41	2.25	39,780	3.5	61,880	22,100	150	60	45	150	60	60	15
North	CD-3	9,000.00	0.21	2.25	20,250	3.5	31,500	11,250	150	30	23	150	30	30	7
North	CD-3	15,216.00	0.35	2.25	34,236	3.5	53,256	19,020	150	52	39	150	52	52	13
North	CD-3	16,200.00	0.37	2.25	36,450	3.5	56,700	20,250	150	55	42	150	55	55	13
North	CD-3	10,248.00	0.24	2.25	23,058	3.5	35,868	12,810	150	35	26	150	35	35	9
North	CD-3	17,940.00	0.41	2.25	40,365	3.5	62,790	22,425	150	61	46	150	61	61	15
North	CD-3	18,766.00	0.43	2.25	42,224	3.5	65,681	23,458	150	64	48	150	64	64	16
North	CD-3	29,100.00	0.67	2.25	65,475	3.5	101,850	36,375	150	100	75	150	100	100	25
North	CD-3	7,575.00	0.17	2.25	17,044	3.5	26,513	9,469	150	26	19	150	26	26	7
North	CD-3	8,325.00	0.19	2.25	18,731	3.5	29,138	10,406	150	28	21	150	28	28	7
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	12,000.00	0.28	2.25	27,000	3.5	42,000	15,000	150	41	31	150	41	41	10
North	CD-3	15,000.00	0.34	2.25	33,750	3.5	52,500	18,750	150	51	39	150	51	51	12
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	30,000.00	0.69	2.25	67,500	3.5	105,000	37,500	150	103	77	150	103	103	26
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	7,500.00	0.17	2.25	16,875	3.5	26,250	9,375	150	25	19	150	25	25	6
North	CD-3	4,500.00	0.10	2.25	10,125	3.5	15,750	5,625	150	15	12	150	15	15	3
North	CD-3	12,066.00	0.28	2.25	27,149	3.5	42,231	15,083	150	41	31	150	41	41	10
South	CD-3	84,411.00	1.94	2.75	232,130	3.5	295,439	63,308	150	290	282	150	290	290	8
South	CD-3	29,448.00	0.68	2.25	66,258	3.5	103,068	36,810	150	101	76	150	101	101	25
South	CD-3	17,250.00	0.40	2.25	38,813	3.5	60,375	21,563	150	59	44	150	59	59	15
South	CD-3	11,250.00	0.26	2.25	25,313	3.5	39,375	14,063	150	38	29	150	38	38	9
South	CD-3	4,975.00	0.11	2.25	11,194	3.5	17,413	6,219	150	17	13	150	17	17	4
South	CD-3	22,500.00	0.52	2.25	50,625	3.5	78,750	28,125	150	77	58	150	77	77	19
South	CD-3	4,000.00	0.09	2.25	9,000	3.5	14,000	5,000	150	13	10	150	13	13	3
South	CD-3	32,730.00	0.75	2.25	73,643	3.5	114,555	40,913	150	112	84	150	112	112	28
Total		493,667.00	11.33		1,152,956		1,727,835	574,878		1,683	1,333	4650	1,683	1,683	350

MIAMI BEACH

PLANNING DEPARTMENT

Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared: 10/2/2024
 Name of Project: Lincoln Road East Residential Use Incentives
 Address of Site: Lincoln Road between Drexel Avenue & Collins Avenue

Concurrency Management Area: South Beach
 Square Feet in the Amendment: 493,667
 Acreage in the Amendment: 11.33

Proposed FLUM Designation

Designation:

CD-3 with Residential Incentives

Maximum Density		Maximum FAR
150		3.5

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
	1,683					
Peak Hour Trips Generated*	1,313	N/A	N/A	N/A	N/A	1,313
Residential Demand	4,208	0				4,208

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

Note: See "Lincoln Road East Residential Use Incentive Area Property Calculations" table for assumptions

Existing FLUM Designation

Designation:

CD-3

Maximum Density		Maximum FAR
150		2.25/2.75

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
	1,333					
Peak Hour Trips Generated*	1,040	N/A	N/A	N/A	N/A	1,040
Residential Demand	3,333	0				3,333

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

Transportation Analysis

New Trips Generated	Trip Allowances	Transit	15%	Alton Road/Washington Avenue Sub Area	Capacity:	6,250 Trips
273 Trips		Pass-by			Existing Trips:	4,221 Trips
		Mixed-use	10%		Net New Trips Generated:	205 Trips
		Total	25%		Concurrent:	YES

The City is a Transportation Concurrency Exception Area

Parks and Recreation Concurrency

Net New Residential Demand:

875 People

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

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Max Demand:	656,370 Gallons Per Day
Existing Max Demand:	519,870 Gallons Per Day
New Max Demand:	136,500 Gallons

Concurrency to be determined at Building Permit Application

Sanitary Sewer Transmission Capacity

Proposed Max Demand:	589,050 Gallons Per Day
Existing Max Demand:	466,550 Gallons Per Day
New Max Demand:	122,500 Gallons

Concurrency to be determined at Building Permit Application

Solid Waste Collection Capacity

Proposed Max Demand:	5,365 Tons Per Year
Existing Max Demand:	4,249 Tons Per Year
New Max Demand:	1,116 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.

216 Lincoln Road







1650 James Avenue







Lincoln Road East 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 1.1.10, 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 WITH A LOT LINE ON LINCOLN ROAD AND PROPERTIES LOCATED SOUTH OF 17TH STREET, BETWEEN THE EAST SIDE OF DREXEL AVENUE AND THE WEST SIDE OF COLLINS 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 #)
*	*	*	*
High Intensity Commercial (CD-3)	150 175 units per acre	2.0 4.0*	RLU 1.1.10

* * *

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 4.0;*
- for developments located south of 17th Street to the south side of Lincoln Road, including properties with a lot line on Lincoln Road, between the east side of Drexel Avenue and the west side of Collins Avenue, excluding properties 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 3.5.

* * *

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. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the city commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed.*

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.

Lincoln Road East 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 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 1, BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 2 AND BY AMENDING THE PARKING REQUIREMENTS IN PARKING TIER 3; BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” BY AMENDING SECTION 7.1.11, ENTITLED “RESIDENTIAL USE INCENTIVES,” TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES FROM THE EAST SIDE OF DREXEL AVENUE TO THE WEST SIDE OF COLLINS AVENUE AND LOCATED BETWEEN THE SOUTH PROPERTY LINE OF THOSE LOTS FRONTING ON THE SOUTH SIDE OF LINCOLN ROAD AND THE SOUTH SIDE OF 17TH STREET; BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.12 ENTITLED “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT,” TO DELETE SECTION 7.2.12.4, ENTITLED “ADDITIONAL REGULATIONS (CD-3)”; BY AMENDING ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” BY AMENDING SECTION 7.5.2.1 ENTITLED “HEIGHT REGULATION EXCEPTIONS AND ROOFTOP ADDITIONS,” TO ALLOW FOR MULTI-STORY ROOFTOP ADDITIONS FOR PROJECTS THAT QUALIFY FOR THE LINCOLN ROAD RESIDENTIAL USE INCENTIVES; 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 along the Lincoln Road 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 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 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

* * *

5.2.4.1 Parking Tier 1

* * *

- b. Supplemental off-street parking requirements for parking tier 1
 - 1. Supplemental off-street parking requirements specific to districts

<u>CD-3</u>	<u>Non-Transient residential units built in accordance with Section 7.1.11</u>	No parking requirement
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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.

* * *

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

OFF-STREET PARKING REQUIREMENT	
RESIDENTIAL	
<u>Co-living Non-Transient residential units built in accordance with Section 7.1.11</u>	No parking requirement.
LODGING	
<i>Hotel and hostel</i>	No parking requirement. For accessory uses to a hotel or hostel, the minimum parking is as set forth in parking tier. 1.
OFFICE	
<i>Office</i>	No parking requirement

COMMERCIAL		
<i>Café, outdoor</i>	No parking requirement	
<i>Retail</i>	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.	
<i>Quality restaurants</i>	No parking requirement.	
OTHER		
<i>Approved parklets</i>	No parking requirement	

1. With the exception of non-transient residential projects, built in accordance with Section 7.1.11, 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.
2. 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.

* * *

5.2.4.3 Parking Tier 3

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 3, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows.

Tier 3 a, b and c

- a. Off-street parking requirements for Tier 3 areas a, b and c.

* * *

5. Supplemental off-street parking regulations for Tier 3 areas a, b and c
 - A. Supplemental off-street parking requirements specific to districts

<u>CD-3</u>	<u>Non-Transient residential units built in accordance with Section 7.1.11</u>	<u>No parking requirement</u>
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SECTION 2. 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

* * *

7.1.11 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. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the city commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction 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. There shall be no variances from the requirements of this section for eligible developments.~~

b. Lincoln Road North between Drexel Avenue and Collins Avenue. For properties with a lot line on the north side of Lincoln Road, between the east side of Drexel Avenue and the west side of Collins Avenue, as well as properties that do not contain a building classified as contributing as of January 1, 2024 that are located south of 17th Street and north of Lincoln Road between the east side of Washington Avenue and the west side of Collins Avenue, and that comply with the requirements in section 7.1.11.a above, the maximum FAR shall not exceed 3.5, regardless of the zoning district and subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Portions of new construction, including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road, 20 feet from BA Caputo Way and 25 feet from any adjacent side street.
3. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
4. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
5. A maximum building height of up to 125 feet may be permitted, provided the project includes at least one of the following public benefits:
 - a. A covered transit shelter shall be provided by the property owner, which meets all minimum standards and requirements set forth by the Transportation Department and is located within 1500 feet of the development site.
 - b. The property shall provide a micro mobility station at the first level and be part of a micro mobility network that 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.
 - c. A contribution to the South Beach public benefits fund, in the amount identified in appendix A, shall be required for each square foot of floor area. The payment shall be made prior to the development obtaining a building permit and shall be non-refundable upon issuance of the building permit.
 - d. A full building permit for the development project shall be issued within 24 months of the effective date of the ordinance creating this section. This 24-month period shall not be eligible for any extension of time and cannot be tolled by extensions or modifications of board orders or state extension of development orders. If a full building permit is not obtained within 24 months, at least one of the above noted options shall be required in order to achieve the additional maximum building height.
6. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.
7. 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, 2030.
8. 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 7.1.11 shall control.

c. Lincoln Road South between Drexel Avenue and Collins Avenue. For properties with a lot line on the south side of Lincoln Road, between the east side of Drexel Avenue and the west side of Collins Avenue, and that comply with the requirements in section 7.1.11.a above, the maximum FAR shall not exceed 3.5, regardless of the zoning district and subject to the following regulations:

1. All portions of the project above the first level shall consist of non-transient residential uses.
2. Portions of new construction, including additions to existing buildings, located above 50 feet in height, shall be setback a minimum of 50 feet from Lincoln Road and 25 feet from any adjacent side street.
3. Off-street parking spaces, if provided, shall not exceed 20% of the number of off-street parking spaces required under parking tier 1.
4. Off-street parking for building staff and/or service operations shall be provided at the same ratio as required loading spaces.
5. A maximum building height of up to 150 feet may be permitted, provided the project includes at least one of the following public benefits:
 - a. A covered transit shelter shall be provided by the property owner, which meets all minimum standards and requirements set forth by the Transportation Department and is located within 1500 feet of the development site.
 - b. The property shall provide a micro mobility station at the first level and be part of a micro mobility network that 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.
 - c. A contribution to the South Beach public benefits fund, in the amount identified in appendix A, shall be required for each square foot of floor area. The payment shall be made prior to the development obtaining a building permit and shall be non-refundable upon issuance of the building permit.
 - d. A full building permit for the development project shall be issued within 24 months of the effective date of the ordinance creating this section. This 24-month period shall not be eligible for any extension of time and cannot be tolled by extensions or modifications of board orders or state extension of development orders. If a full building permit is not obtained within 24 months, at least one of the above noted options shall be required in order to achieve the additional maximum building height.
6. The required mobility fee shall be waived for projects that have obtained a full building permit by September 1, 2030.
7. 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, 2030.
8. 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 7.1.11 shall control.

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

SECTION 3. Chapter 7, entitled “Zoning District Regulations,” Article II, entitled “District Regulations,” Section 7.2.12, entitled “CD-3 Commercial, High Intensity District,” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.4 Additional Regulations (CD-3)

a. ~~Lincoln Road hotel incentives and public benefits program.~~

~~In order for a hotel on Lincoln Road to be constructed with a minimum unit size of 200 square feet (as applicable to hotels on the north side of Lincoln Road) or a minimum average unit size of 250 square feet (as applicable to hotels on the south side of Lincoln Road), and in order to construct a hotel on Lincoln Road that is taller than 50 feet, the portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block end to block end, shall be fully improved subject to the review and approval of the public works department. Additionally, for a hotel to be eligible for the unit size and height incentives set forth herein, participation in a public benefits program, as further set forth below, shall be required:~~

- ~~1. *Provide ground floor public benefit space.* On site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view (“public benefit space”). Any required land use board approvals associated with a public benefit space approved pursuant to this paragraph shall be the responsibility of the non-profit entity or artisan, respectively.~~
- ~~2. *Contribution to Art in Public Places fund.* In addition to providing an on-site public benefit space pursuant to section 7.2.12.4.a.1, a hotel shall provide a contribution to the city's Art in Public Places fund, the amount of which shall be equal to 0.5 percent (0.5%) of the total of all construction costs associated with the proposed hotel project, regardless of the number of permits associated with the project or whether the applicant intends to construct the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.~~
- ~~3. *Final approval.* Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the city, in a form approved by the city attorney and city manager, which covenant shall, at a minimum, identify the~~

location of the public benefit space, and require a hotel owner and/or operator to maintain the public benefit space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the city commission.

4. ~~Limitation.~~ There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this section 7.2.12.4.a.

SECTION 4. Chapter 7, entitled “Zoning District Regulations,” Article V, entitled “Supplementary District Regulations,” Section 7.5.2, entitled “Height Regulation Exceptions,” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS

* * *

7.5.2 HEIGHT REGULATIONS EXCEPTIONS (SUPPLEMENTARY DISTRICT REGULATIONS)

* * *

7.5.2.1 Height regulation exceptions and rooftop additions.

* * *

d. Rooftop additions.

1. ~~Lincoln Road hotel residential additions.~~ Notwithstanding the foregoing, For properties that front Lincoln Road between Drexel Avenue and Collins Avenue, and that comply with the requirements in section 7.1.11.a, and at the discretion of the historic preservation board, a multistory rooftop addition, for ~~hotel~~ non-transient residential uses only, may be permitted for properties on Lincoln Road, located between ~~Pennsylvania Avenue~~ Drexel Avenue and ~~Lenox Avenue~~ Collins Avenue, in accordance with the following provisions:

A. ~~For properties on the north side of Lincoln Road, a~~ Any multistory rooftop addition shall be set back at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. ~~Additionally, the multistory addition may be cantilevered over a contributing building consistent with the scale and massing of the existing structure.~~

B. ~~For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be set back at least 65 feet from Lincoln Road~~ All contributing buildings shall be retained and restored in accordance with the Secretary of Interior’s Standards for Rehabilitation, as determined by the historic preservation board.

C. ~~The portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block end to block end, shall be fully improved subject to the review and approval of the public works department.~~

D. ~~Participation in the public benefits program, pursuant to section 7.2.12.4.a, shall be~~

