

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: November 4, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: PB25-0795, **Faena District Overlay – FAR Preservation Incentive – LDR Amendment.**

PB25-0794, **Faena District Overlay – Comprehensive Plan Amendment.**

RECOMMENDATION

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations (LDRs) and transmit them to the City Commission with favorable recommendations.

BACKGROUND

FAR PROCEDURES – PLANNING BOARD AND CITY COMMISSION REVIEW REQUIREMENTS

Section 7.1.10 of the LDRs of the City Code outline procedures for the review of an increase in the maximum allowable floor area ratio (FAR). In accordance with Section 7.1.10.5 of the LDRs, on July 23, 2025, the Mayor and City Commission passed Resolution No. 2025-33836 waving these procedures, as more specifically described hereto:

7.1.10.5 Exceptions

The city commission, by an affirmative five-sevenths vote, may waive the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 for the following types of amendments:

- a. An FAR increase or modification to a floor area exception resulting in an increase in floor area that is no more than 10% of the allowable floor area for an individual property or site. not to exceed a total of 5,000 additional square feet of floor area per property or site.*
- b. A modification to a floor area exception that applies citywide and would not result in a substantial increase in allowable floor area, as determined by the City Commission at the City Commission's sole discretion.*

If the city commission waives the requirements set forth in sections 7.1.10.1, 7.1.10.2, 7.1.10.3, and 7.1.10.4 the amendment shall otherwise be subject to the applicable notice and amendment provisions in chapter 2, article IV of the Land Development Regulations.

The proposed increase in FAR in the draft ordinances does not exceed the threshold for the exception in Section 7.1.10.5.a above.

REVIEW CRITERIA

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

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
Consistent
The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, 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 an isolated district.
3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Consistent
The proposed Ordinance does allow for a minimal increase in FAR (up to a maximum of 5,000 sq. ft.) for qualifying properties within the Faena Overlay District. The proposed additional FAR would not affect the overall scale of development.
4. Whether the proposed change would tax the existing load on public facilities and infrastructure.
Consistent
The proposed amendment does not increase loads on public facilities or infrastructures.
5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Not Applicable
The proposed change does not modify existing district boundaries.
6. Whether changed or changing conditions make the passage of the proposed change necessary.
Consistent
The proposed change incentivizes the retention of contributing buildings within qualifying sites in the Faena Overlay District, which could otherwise likely be demolished according to recently adopted state law.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
Consistent
The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.
8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.
Consistent
The proposed change will not increase traffic congestion.
9. Whether the proposed change will seriously reduce light and air to adjacent areas.
Consistent
The proposed change will not reduce light and air to adjacent areas.
10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent

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

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

Consistent

The proposed change will not be a deterrent to the improvement or development of adjacent properties.

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

The proposed change incentivizes the retention of contributing buildings within qualifying sites in the Faena Overlay District, which could otherwise likely be demolished according to recently adopted state law.

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.

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 does not affect the resiliency of the City.

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

Consistent

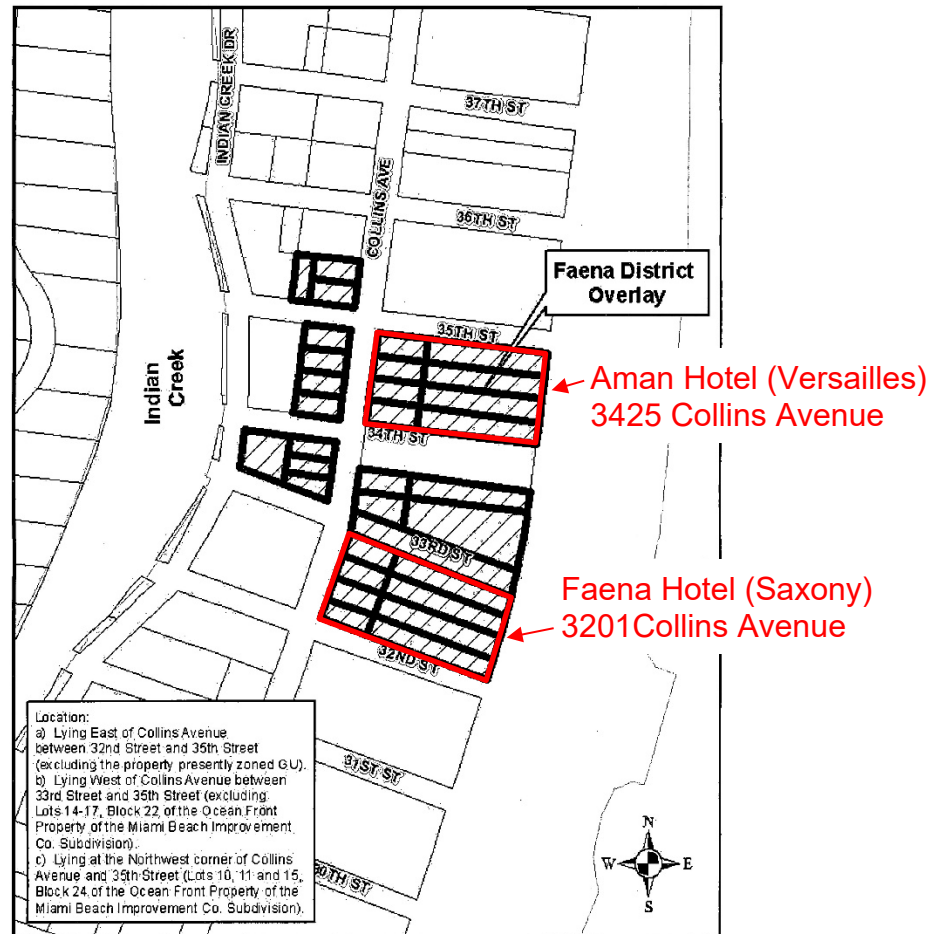
The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The Faena Overlay District was established in 2015 to allow for greater flexibility of uses, height and setbacks as well as to acknowledge the value of preserving historic buildings within the overlay district. The applicant, the property owners of 3425 Collins Avenue (within the Faena Overlay District), is seeking to amend the Land Development Regulations and Comprehensive Plan to allow for bonus FAR of up to 5,000 square feet for oceanfront lots in the Faena Overlay District that are at least 65,000 square feet and contain a contributing structure.

As outlined in the Background Section of this report, Section 7.1.10 of the LDRs outline procedures for the review of an increase in the maximum allowable FAR. However, these procedures may be waived by the City Commission for an increase of no more than 10% of the permitted FAR, up to a maximum of 5,000 square feet. In accordance with Section 7.1.10.5 of the LDRs, on July 23, 2025, the Mayor and City Commission passed Resolution No. 2025-33836 waving these procedures. As such, the proposed amendments are reviewed for consistency with the standard code amendment review criteria.

Based upon the proposed amendments, the bonus FAR would be applicable to the properties located at 3201 Collins Avenue (Faena Hotel) and 3425 Collins Avenue (Aman Hotel). The Applicant has expressed to staff that the bonus FAR for the Aman Hotel property would be for the introduction of additional mechanical and electrical equipment in a void within in the existing structure, which will not be perceivable from the exterior of the building.



Map of Faena Overlay District with applicable properties outlined in Red.

Staff is supportive of the proposed amendments which provide a minimal FAR bonus to incentivize the retention of oceanfront contributing buildings within the overlay. As applicable to the Aman Hotel property, the Applicant has expressed that the bonus FAR would be for the introduction of additional mechanical and electrical equipment in a void within in the existing structure. In this instance, the bonus FAR would not be perceivable. Finally, staff would note the properties along the east side of Collins Avenue in this area are subject to review pursuant to Section 553.8991, Florida Statutes (known as the “Resiliency and Safe Structures Act” or the “Act”), which was signed into law on March 22, 2024. The Act currently allows for the administrative review of demolition for structures that (i) are built on a property in which all or a portion of such property is seaward of the coastal construction control line, and (ii) do not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable flood zone. (Note: No request has been made to the City to determine if either property conforms to the requirements of the “Resiliency and Safe Structures Act”.)

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

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

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.

STAFF RECOMMENDATION

Staff recommends that the Planning Board review the proposed ordinances amending the LDRs and Comprehensive Plan and transmit them to the City Commission with favorable recommendations.

Faena District Overlay – FAR Preservation Incentive

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," SUBSECTION 7.3.5, "FAENA DISTRICT OVERLAY," TO PROVIDE A 5,000 SQUARE FOOT FLOOR AREA RATIO ("FAR") BONUS FOR OCEANFRONT PROPERTIES THAT ARE 65,000 SQUARE FEET OR LARGER AND CONTAIN A CONTRIBUTING HISTORIC STRUCTURE; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, on December 17, 2014, the City Commission adopted Ordinance No. 2014-3913, establishing the Faena Overlay District, which consists of properties that are generally located along Collins Avenue between 32nd and 36th Streets; and

WHEREAS, on October 14, 2020, the City Commission adopted Ordinance No. 2020-4366, which amended the Faena District Overlay zoning regulations to amend certain zoning criteria to enable the preservation of existing historic structures within the district; and

WHEREAS, on February 1, 2023, the City Commission adopted Ordinance No. 2023-4537, replacing the City's prior land development regulations with the Miami Beach Resiliency Code, which retained the Faena District Overlay; and

WHEREAS, the Faena District Overlay contains the historic Versailles and Saxony hotels, which are oceanfront contributing buildings within the Collins Waterfront Historic District; and

WHEREAS, the Versailles and Saxony hotels pre-date the City's land development regulations and modern construction methods and therefore present certain difficulties for redevelopment and operation in accordance with the City's modern resiliency standards; and

WHEREAS, to enable and incentivize the preservation and long-term maintenance of these historic structures, the City wishes to provide an FAR bonus of 5,000 square feet; and

WHEREAS, the preservation and restoration of the City's historic buildings and character furthers the general welfare and is especially important to the citizens of Miami Beach; and

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

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

SECTION 1. Chapter 7, "Zoning Districts and Regulations," Article III, "Overlay Districts," Section 7.3.5 entitled, "Faena District Overlay" of the Miami Beach Resiliency Code is hereby amended as follows:

**Chapter 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE III. OVERLAY DISTRICTS

* * *

Sec. 7.3.5 – FAENA DISTRICT OVERLAY

* * *

Sec. 7.3.5.3 – Compliance with regulations (FAENA District Overlay).

The following overlay regulations shall apply to the FAENA District Overlay. All development regulations in the underlying district regulations shall apply, except as follows:

* * *

- i. Oceanfront lots that are at least 65,000 square feet and contain a contributing historic structure to be retained shall be entitled to a bonus of up to 5,000 square feet above the allowable floor area ratio.

SECTION 2. APPLICABILITY.

The provisions of this Ordinance shall apply to developments that obtained development approvals prior to the effective date of this Ordinance, whether pursuant to the City's Resiliency Code or former Land Development Regulations.

SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2026.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____

Second Reading: _____

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

**COMPREHENSIVE PLAN AMENDMENT
Faena District Overlay**

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 GOAL RLU 1, "LAND USE," OBJECTIVE RLU 1.1, "ESTABLISHMENT OF FUTURE LAND USE CATEGORIES," POLICY 1.1.7 ENTITLED "HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)", TO ESTABLISH A 5,000 SQUARE FOOT FLOOR AREA RATIO ("FAR") BONUS FOR THE RM-3 LAND USE CATEGORY FOR OCEANFRONT PROPERTIES WITHIN THE FAENA OVERLAY DISTRICT THAT CONTAIN A CONTRIBUTING HISTORIC STRUCTURE; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, on December 17, 2014, the City Commission adopted Ordinance No. 2014-3913, establishing the Faena Overlay District, which consists of properties that are generally located along Collins Avenue between 32nd and 36th Streets; and

WHEREAS, on October 14, 2020, the City Commission adopted Ordinance No. 2020-4366, which amended the Faena District Overlay zoning regulations to amend certain zoning criteria to enable the preservation of existing historic structures within the district; and

WHEREAS, on February 1, 2023, the City Commission adopted Ordinance No. 2023-4537, replacing the City's prior land development regulations with the Miami Beach Resiliency Code, which retained the Faena District Overlay; and

WHEREAS, the Faena District Overlay contains the historic Versailles and Saxony hotels, which are oceanfront contributing buildings within the Collins Waterfront Historic District; and

WHEREAS, the Versailles and Saxony hotels pre-date the City's land development regulations and modern construction methods and therefore present certain difficulties for redevelopment and operation in accordance with the City's modern resiliency standards; and

WHEREAS, to enable and incentivize the preservation and long-term maintenance of these historic structures, the City wishes to provide an FAR bonus of 5,000 square feet; and

WHEREAS, the preservation and restoration of the City's historic buildings and character furthers the general welfare and is especially important to the citizens of Miami Beach; 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

* * *

POLICY RLU 1.1.7 HIGH DENSITY MULTI FAMILY RESIDENTIAL (RM-3)

* * *

Sec. 7.3.5.3 – Compliance with regulations (FAENA District Overlay).

* * *

Intensity Floor Area Ratio Limits: Intensity may be limited by such setback, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed the following:

* * *

- Notwithstanding the foregoing, the City Commission acting in a legislative capacity may adopt land development regulations that provide intensity bonuses in the following RM-3 land use category overlays:

* * *

- B. Faena District Overlay: Oceanfront lots that are at least 65,000 square feet and contain a contributing historic structure within the Faena District Overlay shall be entitled to a bonus of 5,000 square feet above the allowable floor area ratio.

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 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete if no challenge is filed, pursuant to section 163.3184(3)(c)4, Florida Statutes. If timely challenged, this Ordinance shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on the adopted amendment may be issued or commence before the plan amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the plan amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk and sent to the State Land Planning Agency.

PASSED AND ADOPTED this _____ day of _____, 2026.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____

Second Reading: _____

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