

**Voter Enacted Incentives for Office Uses in C-PS1 District
Comprehensive Plan Amendment**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND INTERPRETIVE TEXT OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE INTERPRETIVE TEXT OF THE LIMITED MIXED-USE COMMERCIAL PERFORMANCE STANDARD (C-PS1) DESIGNATION TO CREATE A FLOOR AREA RATIO INCREASE LIMITED TO REDEVELOPMENTS THAT INCLUDE OFFICE OR RESIDENTIAL USES WITHIN THE NEW FIRST STREET OVERLAY AND DESIGNATING THE FIRST STREET OVERLAY ON THE FUTURE LAND USE MAP; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, since early 2022, the Mayor and City Commission have adopted a variety of legislation to establish incentives for the purpose of diversifying the City of Miami Beach's ("City") economy; and

WHEREAS, the City is currently experiencing record demand for Class A office and residential development throughout the City; and

WHEREAS, the City has adopted incentives that induce Class A office and residential development; and

WHEREAS, the City Commission desires to promote "live-work-play" development in certain City neighborhoods, including South of Fifth Street, which includes providing office space for neighborhood residents; and

WHEREAS, the City desires to disincentivize incompatible transient uses such as hotels and short-term rentals, as well as entertainment establishments, in residential neighborhoods; and

WHEREAS, the South of Fifth neighborhood would benefit from additional Class A office and residential development; and

WHEREAS, more specifically, the City Commission has identified a section of the Washington Avenue corridor in the South of Fifth neighborhood (the "First Street Overlay") where such incentives would be appropriate; and

WHEREAS, this amendment to the Comprehensive Plan is necessary to create the First Street Overlay; and

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

WHEREAS, the City has determined that incentives for office and residential development are in the best interest of the South of Fifth neighborhood and the City at large.

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

SECTION 1. COMPREHENSIVE PLAN TEXT AMENDMENT.

The following text amendments to Policy RLU 1.1.27, specifically, the interpretive text for the Limited Mixed Use Commercial Performance Standard (C-PS-1) Future Land Use Map designation, are hereby adopted.

* * *

Intensity Floor Area Ratio Limits: 2.0, Notwithstanding the foregoing, the following voluntary development incentive shall be available to properties in the First Street Overlay: the maximum floor area ratio ("FAR") shall be a base of 2.0; and an additional 0.7 FAR is available for developments or redevelopments that include an office or residential use. The additional 0.7 FAR shall be used exclusively for either office or residential use. New development or redevelopment may only be eligible for the base FAR of 2.0 or the additional 0.7 FAR for office or residential use if the property owner elects, at the owner's discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, the property shall not be used as a hostel, hotel, apartment-hotel, and/or suite-hotel use, and none of the residential units on the property shall be leased or rented for a period of less than six months and one day.

SECTION 2.

The "First Street Overlay" shall be designated on the City's Future Land Use Map for the properties that front the east side of Washington Avenue between 1st Street and 2nd Street, as depicted in Exhibit A, incorporated by reference herein.

SECTION 3. 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 4. REPEALER.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. 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 7. EFFECTIVE DATE.

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


PASSED and **ADOPTED** this _____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

3-20-23
Date

First Reading: March 27, 2023
Second Reading: May 17, 2023

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