

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

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," BY CREATING SECTION 142-699.1, ENTITLED "FIRST STREET OVERLAY" TO ALLOW A FLOOR AREA RATIO AND BUILDING HEIGHT INCREASE FOR REDEVELOPMENTS THAT INCLUDE OFFICE OR RESIDENTIAL USES AND PROVIDE LIMITS ON TRANSIENT USES; 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, where such incentives would be appropriate; and

WHEREAS, on November 8, 2022, the City's voters approved the following ballot question:

**FAR Incentive for Residential and Office Uses on Washington
Avenue Between 1st and 2nd Street**

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (how City regulates building size).

FAR in 1st Street Overlay (located east side of Washington Avenue between 1st and 2nd Streets) is 1.0, although previously FAR was 2.0.

Shall City increase FAR from 1.0 to 2.0 in 1st Street Overlay, with FAR incentive from 2.0 to 2.7 for redevelopments that include residential or office uses, and prohibit hotels and short-term rentals?

WHEREAS, this adoption of this Ordinance is necessary to implement the results of the November 8, 2022 referendum; 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. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations" is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 18 - PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-699.1 – First Street Overlay

(a) The following regulations shall apply to properties that front the east side of Washington Avenue between 1st Street and 2nd Street. In the event of a conflict within this division, the regulations below shall apply:

(1) The purpose of these regulations is (i) to sustain and enhance existing office uses ~~in this overlay~~; (ii) to induce the construction of new office and residential uses ~~in this overlay~~; and (iii) to provide incentives for the removal of transient uses.

(2) As a voluntary development incentive, subject to the property owner's strict compliance with the following conditions, the maximum floor area ratio ("FAR") for properties within the overlay shall be a base of 2.0 FAR with an additional 0.7 FAR available for developments or redevelopments that include office or residential use. The additional 0.7 FAR shall be used exclusively for either office or residential use, and shall remain as office or residential in perpetuity. The additional 0.7 FAR shall not be used for hostel, hotel, apartment-hotel, or suite-hotel use.

- (3) New development or redevelopment shall only be eligible for the base FAR of 2.0, with an additional 0.7 available for office or residential use, under this subsection, 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.
- (4) Notwithstanding any height regulations contained in these Land Development Regulations, the maximum floor-to-ceiling height of eligible rooftop additions to existing non-contributing buildings within the First Street Overlay shall not exceed **15 feet in height. The overall building height shall not exceed 90 feet in height** and shall be subject to ~~all other applicable~~ the provisions regarding line of sight as set forth in Section 142-1161.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and 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. EFFECTIVE DATE.

This Ordinance shall take ten days following adoption.

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

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado
City Clerk

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

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5-5-23

Date

NK