

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Alex Fernandez
DATE: May 17, 2023

SUBJECT: REFERRAL TO LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD TO DISCUSS ESTABLISHING A POLICY FOR THE REVIEW OF FUTURE FAR INCREASE REQUESTS, INCLUDING ANALYSIS OF IMPACTS, AND COMMUNITY OUTREACH/PUBLIC ENGAGEMENT.

RECOMMENDATION

I would like to refer to the Land Use and Sustainability Committee and to the Planning Board a discussion on potential amendments to the Land Development Regulations to establish a process for future floor area ratio increases, should SB 718 be signed into law. With the approval of this referral, the City Administration is directed to draft and present to the LUSC and the Planning Board a proposed process to be followed for the consideration of future FAR increases.

BACKGROUND/HISTORY

On May 2, 2023, the Florida Legislature passed SB 718 which prohibits local governments from requiring an initiative or referendum process for amendments to land development regulations. If signed by the Governor, the bill would take effect on July 1, 2023, and would pre-empt certain provisions in the City Charter which currently require voter approval before increasing a property's floor area ratio.

ANALYSIS

ITEMS TO CONSIDER AS PART OF STAFF ANALYSIS TO THE LUSC & PLANNING BOARD

Initial Request and Application

An increase in FAR requires an amendment to the Land Development Regulations of the City Code (LDR's). Currently, an LDR amendment can be sponsored by the Mayor or any member(s) of the City Commission, but requires a 4/7 vote for referral to the Planning Board. Also, a private applicant may file an application directly to the Planning Board. As part of the revised process, one option would be to require private applicants seeking FAR increases for specific projects to first file an application directly with the Planning Board. This approach would allow the Planning Board, which is comprised of City residents and professionals who work in

specified fields, to provide objective recommendations to the City Commission at the very beginning of the process, without the perception of influence that could be created when considering a referral approved by a majority of the City Commission. As for FAR increases or incentives that are intended to apply more broadly (e.g., an FAR incentive for affordable/workforce housing, an FAR incentive to abandon extended hour alcohol sales, or an FAR increase for a specific zoning district in the City), these amendments to the LDRs would still be initiated by the City Commission or the City Administration.

Required Analysis

Prior to an LDR Amendment being considered by the Planning Board, the Administration, either internally or with the assistance of an outside consultant, would perform an impact analysis of the proposed FAR change, including 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. Additionally, an infrastructure analysis would take place 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. The findings of this analysis will be presented to the Planning Board.

Community Outreach

Community workshops be held, for the adjacent area, neighborhood and properties affected by the proposed FAR increase. Such community workshops would be publicly noticed, and occur in advance of the Planning Board meeting.

Planning Board Review

The Planning Board will review the proposed LDR Amendment, in accordance with the requirements of Chapter 2, to increase FAR and transmit a recommendation to the City Commission.

City Commission Review

Two (2) readings with public hearings of the proposed LDR Amendment to increase FAR shall be considered by the City Commission.

SUPPORTING SURVEY DATA

NA

FINANCIAL INFORMATION

NA

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Alex Fernandez

