

## Process for Future Increases in FAR

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, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” BY CREATING SECTION 7.1.10, ENTITLED “PROCEDEURES FOR INCREASING ALLOWABLE FLOOR AREA AND FLOOR AREA RATIO (FAR),” TO ESTABLISH POLICIES, PROCEDURES AND REQUIREMENTS FOR THE INCREASE IN FLOOR AREA AND FLOOR AREA RATIO (FAR) CITYWIDE; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (“City”) recognizes that a more thorough and transparent process for increasing floor area and floor area ratio (FAR) is needed; and

**WHEREAS**, the City Land Development Regulations sets forth the maximum allowable FAR for all zoning districts in the City; and

**WHEREAS**, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals 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, AS FOLLOWS:**

**SECTION 1.** Chapter 7, entitled “Zoning Districts and Regulations,” Article I, entitled “General to All Zoning Districts,” is hereby amended in the Resiliency Code of the City of Miami Beach, Florida as follows:

### **7.1.10 PROCEDEURES FOR INCREASING ALLOWABLE FLOOR AREA AND FLOOR AREA RATIO (FAR)**

#### **7.1.10.1 INTENT**

The regulations setforth under 7.1.10 shall be in addition to the regulations in setforth under Chapter 2, Article IV of these LDR’s. In the event of a conflict, the provisions setforth in Section 7.1.10 shall control.

#### **7.1.10.2 ELIGIBLE APPLICANTS**

a. Private applications. For FAR increases specific to private properties, the property owner shall be required to file an application directly to the planning board. Subsequent to the filing of an application to the planning board, a copy of the application and all exhibits shall be sent to any affected registered neighborhood association(s). Additionally, for applications located within a local historic district, a copy of the application and exhibits shall be sent to the Miami Design Preservation League (MDPL).

b. City Commission referrals. For FAR increases that apply more broadly (e.g. citywide or within defined overlays), as well as modifications to floor area exceptions or creating FAR incentives, an amendment to the LDRs shall be initiated by the City Commission. Such FAR increases would require a 5/7<sup>th</sup> vote of the City Commission to refer a proposed LDR amendment to the Planning Board.

#### 7.1.10.3 PLANNING BOARD REVIEW

The proposed FAR increase or modification to an exception to the definition of floor area shall require a 3-step process before the Planning Board, as follows:

##### a. Step One – Planning Board Preliminary Review.

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed LDR amendment pertaining to a proposed FAR increase or modification to a floor area exception. Notice for the Planning Board preliminary review hearing shall be in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. The notice requirements for the preliminary Planning Board review of a private application filed by a property owner shall include a minimum 30-day mail and published notice if the proposed amendment involves less than ten (10) contiguous acres.

Prior to the LDR amendment being considered by the Planning Board at the preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, would perform an impact analysis of the proposed FAR change; such impact analysis shall include, but not be limited to, the following:

1. Calculating 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 are 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 preliminary review meeting at the Planning Board, the City shall facilitate an advertised 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. Such meeting shall be advertised in accordance with community meeting notice protocol.

##### 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 LDR amendment pertaining to an FAR increase or modification to a floor area exception to the City Commission with a

recommendation. Notice for the planning board transmittal hearing shall be in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

#### 7.1.10.4 CITY COMMISSION REVIEW

The proposed FAR increase or modification to a floor area exception shall require a 3-step process before the City Commission, as follows:

a. Step One – First Reading Public Hearing:

After transmittal of the amendment by the planning board, the City Commission shall hold a first reading public hearing. Notice for first reading shall be in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. Additionally, the notice for first reading public hearing of a private application filed by a property owner shall also include a minimum 30-day mail and published notice if the proposed amendment involves less than ten (10) contiguous acres.

b. Step Two – Community Workshop:

Subsequent to the approval of the amendment 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 for participation by all affected stakeholders, including any adjacent areas, neighborhoods and properties that may be affected by the proposed FAR increase or modification to a floor area exception, as determined by the City Commission. Such community workshops may consist of 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 amendment. Notice for second reading shall be in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

### **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of 2023

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2023

Second Reading: \_\_\_\_\_, 2023

Verified by: \_\_\_\_\_

Thomas R. Mooney, AICP  
Planning Director

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