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MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 28, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **PB24-0677. Elimination of 0.5 Bonus for Hotels.**

RECOMMENDATION
Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY
On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion (item C4 N) pertaining to the .5 floor area ratio (FAR) bonus available to hotel uses in the CD-2 zoning district to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez are the co-sponsors of the item.

On March 5, 2024, the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board to repeal the .5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the North Beach CD-2 districts on Normandy Isle and along Collins Avenue. The LUSC continued the discussion pertaining to the .5 FAR bonus for hotels located in the CD-2 district along Collins Avenue south of 20th Street and Washington Avenue to the June 10, 2024 meeting.

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an amendment to the Land Development Regulations to the Planning Board to eliminate the 0.5 FAR bonus for hotels in in certain CD-2 districts (item C4 B).

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 ordinance is consistent with the goals, objectives, and

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policies of the Comprehensive Plan.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Not Applicable – The proposed ordinance does not create any district.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Not Applicable – The proposed ordinance is not out of scale with the needs of any neighborhood.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) will not be increased.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed amendment does not modify district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The need to prioritize residential construction over hotel construction in certain neighborhoods make the passage of the proposed change necessary.

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 ordinance will have no impact on traffic congestion or levels of service.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will have no impact on light and air on adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

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Consistent – The proposed change will not adversely affect property values in 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 certain properties in the City.

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

Not applicable.

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.

Not applicable.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Not applicable.

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

Not applicable.

ANALYSIS

Pursuant to Section 7.2.11.3 of the Land Development Regulations of the City Code (LDRs), the maximum floor area ratio in the CD-2, commercial medium intensity, zoning district, is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0. The attached draft ordinance removes the .5 FAR bonus for a site containing a hotel unit, suite hotel unit or hostel in CD-2 districts along Alton Road, Normandy Drive / 71st Street and Collins Avenue in North Beach.

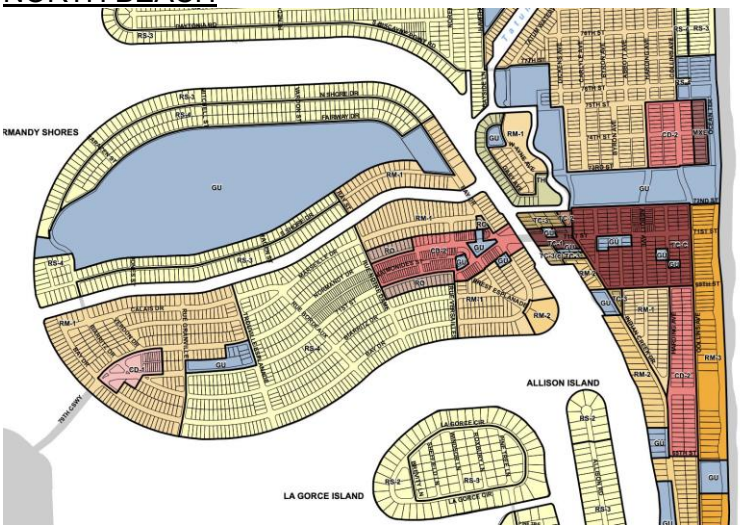
The proposed ordinance excludes the CD-2 districts on Collins Avenue south of 20th Street, as

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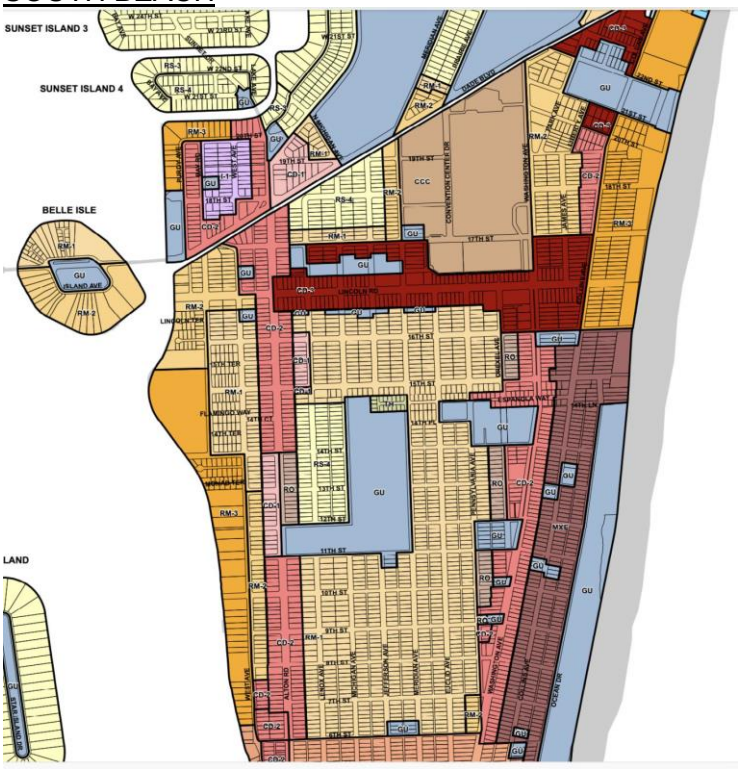
well as on Washington Avenue. The LUSC continued the discussion regarding these areas and will be providing a separate recommendation to the City Commission.

The zoning maps below show the CD-2 districts in North Beach and South Beach.

NORTH BEACH



SOUTH BEACH



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The purpose of the proposed ordinance is to incentivize more residential units within the CD-2 districts.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

Eliminate .5 FAR Bonus for Hotels in certain CD-2 Districts

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 II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, 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, the CD-2 commercial, medium intensity district provides for commercial activities, services, offices, and related activities which serve the entire City; and

WHEREAS, the Land Development Regulations incentivize diverse combinations of residential lifestyles and unique commercial services in mixed-use development, in certain neighborhoods; and

WHEREAS, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 7.2.11.3 of the City Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio applicable to mixed use buildings may be utilized; and

WHEREAS, the Mayor and City Commission desire to remove the current FAR bonus for hotel uses in certain CD-2 zoning districts.

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

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations, Article II, entitled "District Regulations," at Section 7.2.11, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

***** ***** *****

ARTICLE II. – DISTRICT REGULATIONS

* * *

7.2.11. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.3 Development Regulations (CD-2)

a. The development regulations in the CD-2 commercial, medium intensity district are as follows:

i. The tower setback shall not be less than the pedestal setback.

ii. Parking lots and garages: If located on the same lot as the main structure the setbacks below shall apply. If primary use the setbacks are listed in Section 7.5.3.2.n.

DEVELOPMENT REGULATIONS TABLE (CD-2)	
Maximum FAR	1.5 (5)
Mixed Use Buildings (When more than 25 percent (25%) of the total area of a building is used for residential, residential office, or hotel units)	2.0 (5) (9)(10)
Maximum Density (Dwelling Units Per Acre)	100 DUA (80% bonus for workforce or affordable units)

* * *

1. Except as provided in Section 7.5.2.
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum ceiling height of 14 feet above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.
4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
6. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above-described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room

does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.

7. The number of units may not exceed the maximum density set forth in the comprehensive plan.
8. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:
   - **Density.** The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.
   - **Minimum Unit Size.** This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.
   - **Covenant.** In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.

9. Notwithstanding the above regulations, new development or redevelopment of residential office units may only be eligible for the floor area ratio applicable to mixed use buildings in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.

10. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for a site containing a hotel unit, suite hotel unit or hostel, shall be 1.5 and the floor area ratio provision for a mixed-use building on this table shall not apply to a site containing a hotel unit, suite hotel unit or hostel, except for those properties located on Washington Avenue and Collins Avenue south of 63rd Street.

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 re-numbered or re-lettered 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 _____, 2024.

_____
Steven Meiner, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

First Reading: June 26, 2024
Second Reading: July 24, 2024

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

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