

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Alex Fernandez
DATE: April 3, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE -
DISCUSS CURRENT INCENTIVES FOR AVERAGE UNIT SIZE
REQUIREMENTS IN RESIDENTIAL APARTMENT UNITS.

BACKGROUND/HISTORY

On March 5, 2024, the Land Use and Sustainability Committee (LUSC) discussed hotel related items. At the request of Commissioner Alex Fernandez, as well as Commissioner Tanya K. Bhatt and Joseph Magazine, the LUSC recommended that the City Commission refer a separate discussion item to the LUSC regarding the current requirements for average unit size in residential apartment units.

LOBBYIST DISCLOSURE

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify name of lobbyist(s) and principal(s): N/A

ANALYSIS

When the current Resiliency Code was adopted by the City Commission on February 1, 2023, the requirement for a minimum average unit size in residential apartment units was amended. The minimum unit size for residential apartment units (non-workforce or affordable units) is 550 square feet per unit. Additionally, the average unit size for all such units within a zoning district that permits short term rentals is 800 square feet. These requirements are applicable in all zoning districts that allow residential apartments, including residential multi-family (RM and RPS), commercial (CD and CPS), as well as mixed-use (MXE) districts.

To ensure that the elimination of an average unit size requirement did not result in an increase in short term rentals (STR), the existing average unit size requirement remained in place for those districts that do not prohibit STR's. However, a property owner can forgo the average unit size limits if they voluntarily proffer not to have any STR's. The following is the adopted text that effectuates this requirement:

Voluntary average unit size incentive program. 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 applicable average unit size requirements set forth in the underlying district, subject to the following conditions:

a. *Density*. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.

b. *Minimum Unit Size*. This incentive shall not be construed to permit any units that is smaller than the minimum allowable unit size for the type of unit being proposed.

c. *Covenant*. 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.

The item sponsor would like to discuss this section of the Code and whether any additional amendment may be warranted.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

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