Washington Avenue Overlay — LDR Incentives Clarifications

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 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO CLARIFY THE SETBACK REQUIREMENTS AND CO-LIVING/MICRO UNIT DEVELOPMENT REGULATIONS; 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, previously, pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force, the City adopted development regulations specific to Washington Avenue; and

WHEREAS, recently, the City has reviewed the condition of properties located along Washington Avenue, in light of concerns raised by local residents, property owners, and businesses; and

WHEREAS, various constituents have expressed concerns regarding the deterioration of the area; and

WHEREAS, residents, property owners, and businesses are concerned with the quality of life and condition of the streets within the portions of the Flamingo Park Historic District and the National Register Historic District along Washington Avenue; and

WHEREAS, the City studied various mechanisms for improving the quality of life and quality of businesses within the area; and

WHEREAS, the City, with the input of residents, property owners, and businesses. determined that co-living and micro residential units would be beneficial development incentive on Washington Avenue in accordance with a list of specific safeguards; and

WHEREAS, on October 16, 2019, the City Commission passed and adopted Ordinance 2019-4312, which listed the land development regulations for new development of co-living and micro residential units; and

WHEREAS, subsequent to the adoption of Ordinance 2019-4312, it became evident that there was additional clarification needed and inconsistencies within the text to be resolved; and

WHEREAS, the amendments set forth below clarify the co-living and micro unit development regulations, which in turn, will promote the quality of life of the Washington Avenue neighborhood.

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," Division 5, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

CHAPTER 142 — ZONING DISTRICTS AND REGULATIONS
ARTICLE II. — DISTRICT REGULATIONS

* * *

DIVISION 5. — CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-309. – Washington Avenue development regulations and area requirements.

* * *

(2) For lots that have a frontage that is equal to or less than 100 feet, the setbacks shall be pursuant to section 142-307. For lots that have a frontage that is greater than 100 feet, the setbacks shall be as follows:

* * *

c. Side, facing a street:
i. Subterranean: Zero (0) feet;
ii. Nonresidential uses: Zero (0) feet;
iii. Residential and hotel uses: Seven and one-half (7 ½) feet

d. Side, interior:
i. Subterranean: Zero (0) feet;
ii. Nonresidential uses: Zero (0) feet;
iii. Residential and hotel uses: Seven and one-half (7 ½) feet or eight percent of lot width, whichever is greater, up to ten (10) feet. When abutting a nonresidential or non-hotel use, the minimum interior side setback shall be seven and one-half (7 ½) feet.

~~e. Sum of the side yards:~~
~~i. Residential and hotel uses: Sum of the side yard setbacks shall equal 16 percent of the lot width, up to a total sum of the side yards of 20 feet.~~
~~ii. For lots that a have a platted frontage equal to or greater than 100 feet, but less than 200 feet, and are eligible for a 75 foot height limit, the sum of the side yards for floors with residential or hotel units shall be no less than 40 percent of the lot width.~~

* * *

(5) For co-living or micro residential units, the minimum unit size may be **275** square feet, provided that a minimum of 20 percent of the gross floor area ~~of the building~~ consists of amenity space on the same unified development site. Amenity space includes the following types of uses: common area kitchens; club rooms; business center; retail;

screening rooms; fitness center; wellness center; spas; gyms; pools; pool decks; roof decks, restaurant, bar or café above the ground floor; and other similar uses whether operated by a condominium or cooperative association or another operator. Fitness centers; wellness centers; spas; and gyms shall be open to the public, when located on the ground floor. Restaurants, bars, or cafes on the ground floor shall not count toward the amenity space requirements set forth herein. These amenities may be combined with the amenities for hotel~~s~~ units on the same unified development site, provided that residents and hotel guests have access to such amenities.

a. Co-living or micro residential units are permitted provided that subject to the following regulations:

(1) Within the same unified development site, office uses are provided with a minimum of 10,000 square feet;

(2) Each unit is fully furnished and has an individual bathroom;

(3) All ~~micro~~ one bedroom co-living units shall have a washer and dryer machine located within the unit, and ~~all~~ co-living units with two bedrooms or more may have the washer and dryer in the common area of the unit ~~suites, which consist of a minimum of three (3) and a maximum of six (6) co-living units, have a washer and dryer machine located within the co-living suite~~;

(4) Each co-living unit~~s~~ may contain a maximum of six (6) bedrooms;

~~(4)~~ (5) ~~The~~ Co-living units ~~are~~ may only located on the west side of Washington Avenue. In addition, the western lot line of the unified development site must front on a street with an RM-1 or RO zoning designation;

~~(5)~~ (6) A maximum of fifty percent (50%) of the floor area within the unified development site consists of co-living or micro units;

~~(6)~~ (7) The owner must obtain a building permit for the co-living or micro residential units ~~within thirty-two (32) months of the effective date of this Ordinance~~ by March 1, 2023;

~~(7)~~ (8) Formula commercial establishments and formula restaurants, as defined in section 114-1, are prohibited on a unified development site with co-living or micro units;

~~(8)~~ (9) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be obligated to clean and maintain (or arrange to have cleaned and maintained) each unit;

~~(9)~~ (10) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be required to perform background screening investigations of all tenants of co-living or micro units;

~~(10)~~ (11) Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, 7 days a week;

~~(11)~~ (12) All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass;

~~(12)~~ (13) The tenants of co-living and micro units shall not be permitted to sublease units;

~~(13)~~ (14) Ground floor uses fronting on Washington Avenue must be retail, restaurant, ~~or~~ bar, or gym/fitness center. Residential uses fronting Washington Avenue are prohibited on the ground floor, other than the lobby and required vertical circulation;

~~(14)~~ (15) ~~Every floor containing co-living suites must have amenity space beyond the co-living unit that shall include common dining, living, and kitchen areas~~ A Each co-living unit must have a dining, kitchen, and living area. If a co-living unit does not provide a dining, kitchen, and living area, these areas must be provided on the same floor;

~~(15)~~ (16) A rooftop ~~lounge~~ seating area, pool, and garden shall be provided within the unified development site; and

~~(16)~~ (17) A wellness center shall be provided within a unified development site ~~building~~ containing co-living or micro units, which wellness center shall have both self-service and personal training offerings such as strength training, yoga, stretching, recovery, mindfulness, cardiovascular equipment, and nutritional planning.

No variances shall be permitted from the provisions of this subsection (5).

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 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 _____, 2020.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

_____
City Attorney Date

First Reading: May 13, 2020
Second Reading: June 24, 2020

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

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