

TC-C District Co-Living Units - Land Development Regulations

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, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," SECTION 142-741, ENTITLED "MAIN PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, PROHIBITED USES, AND SUPPLEMENTAL USE REGULATIONS," TO MODIFY THE MAXIMUM NUMBER OF CO-LIVING UNITS, MODIFY PROVISIONS RELATING TO THE RESERVATION OF CO-LIVING UNITS, AND CLARIFY EXISTING PROVISIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in September 2015, at the recommendation of the Mayor's Blue Ribbon Panel on North Beach, and pursuant to a Request for Qualifications, the City Commission entered into an agreement with Dover, Kohl and Partners, Inc. to prepare a master plan for the North Beach district of the City; and

WHEREAS, on October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan developed by Dover, Kohl and Partners Inc., following significant public input; and

WHEREAS, the North Beach Master Plan identifies the Town Center area as being in need of redevelopment and revitalization; and

WHEREAS, the North Beach Master Plan identifies Micro-Unit Housing as an option for encouraging attainable housing if regulated properly; and

WHEREAS, the North Beach Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (TC-1, TC-2, and TC-3) within the Town Center neighborhood; and

WHEREAS, on November 7, 2017, and pursuant to Resolution No. 2016-29608, the following ballot question was submitted to the City's voters:

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR –

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

WHEREAS, the ballot question was approved by 58.64 percent of the City's voters; and

WHEREAS, on May 16, 2018, the City Commission adopted Comprehensive Plan Amendment “Miami Beach 18-1ESR” as Ordinance No. 2018-4189, providing for an FAR of 3.5, for properties with a PF, TC-1, TC-2, and TC-3 future land use designation that are located within the North Beach Town Center Revitalization Overlay; and

WHEREAS, on May 16, 2018, the City Commission adopted Ordinance No. 2018-4190 which amended the Land Development Regulations to provide for an FAR of 3.5 for properties with a TC-1, TC-2, and TC-3 zoning designation for the properties located within the area described in the FAR increase ballot question approved on November 7, 2017; and

WHEREAS, the City Commission intends to ensure that the FAR increase approved by the voters in 2017 results in redevelopment that encourages alternative modes of transportation over the use of single occupancy vehicles; including, but not limited to, walking, bicycling, and public transportation; and

WHEREAS, Objective HE 1.1 of the Housing Element of the Comprehensive Plan and subsequent policies encourage the creation and preservation of workforce and affordable housing throughout the City; and

WHEREAS, the City Commission hereby finds that appropriately developed co-living and micro units can provide additional flexibility and increase opportunities to provide housing that is rented at an attainable rate for the workforce; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety, and general welfare 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.

SECTION 1. Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 21, entitled “Town Center-Central Core (TC-C) District,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 21. - TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT

* * *

Sec. 142-741. - Main permitted uses, accessory uses, ~~exception uses, special exception uses,~~ conditional uses, and prohibited uses, and supplemental use regulations.

Land uses in the TC-C district shall be regulated as follows:

* * *

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

(1) There shall be no variances regarding the regulations for permitted, prohibited, accessory, ~~exception, special exception,~~ and conditional uses in subsection 147-741(a); and the supplemental regulations of such uses in ~~and~~ subsection 147-741(b).

(2) Use limitations.

a. The following limits shall apply for residential and hotel uses:

i. *Hotel rooms.* There shall be a limit of 2,000 hotel units within the TC-C district.

ii. *Apartments.* There shall be a limit of 500 apartment units built within the TC-C district over and above the maximum allowable density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.

iii. *Workforce and affordable housing and co-living units.* There shall be a combined limit of 500 workforce housing, affordable housing, or co-living units built within the TC-C district over and above the maximum allowable density prior to the adoption of the FAR increase approved on November 7, 2017. However, a co-living unit that is less than 550 square feet shall count as half of a unit for the purposes of calculating the maximum number of units. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.

iv. *Co-living units.* Notwithstanding the foregoing limitations, there shall be a limit of ~~312~~ 453 co-living units built within the TC-C district.

b. ~~Limits for the number of units~~ Units for the uses identified in subsections (b)(2)a.i-iii above shall be applied for and allocated on a first-come, first serve basis concurrent with ~~an~~ the earlier of a completed application for land use board approval or completed application for building permit that includes the proposed number of units, and meets all applicable requirements of the land development regulations, as determined by the planning director, certificate of occupancy, or business tax receipt, whichever comes first. Any allocation of units pursuant to this subsection shall be subject to the following additional provisions:

i. ~~If said allocation occurs simultaneously with an application for land use board approval or building permit, the allocation shall expire concurrent with the expiration of the land use board approval or building permit. Upon expiration of the allocation, the units shall become available to new applicants. In the event that a land use board application is not approved by the applicable board, or in the event that an applicant with an approved land use board order fails to obtain a building permit before the board order expires, all units allocated pursuant to the filing of the completed land use~~

board application shall be released to the pool and shall become available to new applicants.

- ii. If said allocation occurs simultaneously with an application for land use board approval, building permit, or business tax receipt, and such application is withdrawn or abandoned, said allocation shall also be withdrawn or abandoned and the units shall become available to new applicants. Upon the issuance of a building permit for units approved pursuant to a land use board order, the allocation of such units shall remain reserved. If the building permit or building permit application expires or is abandoned, any units allocated pursuant to the building permit application shall be released to the pool, and shall become available to new applicants. Prior to reactivating an expired or abandoned building permit or building permit application, an applicant shall first be required to obtain written confirmation from the planning department that sufficient units remain available.
 - iii. If said the use for which credits are allocated pursuant to a land use board order or building permit changes to a use that does not require an allocation of units, the allocation of units shall be released and shall become available to new applicants.
- c. Units for the uses identified in subsection (b)(2)a.iv above shall be applied for and allocated on a first-come, first serve basis concurrent with a completed application for land use board approval that includes the proposed number of units, and meets all requirements of the land development regulations, as determined by the planning director. Any allocation of units pursuant to this subsection shall be subject to the following additional provisions:
- i. In the event that a land use board application is not approved by the applicable board, or in the event that an applicant with an approved land use board order fails to obtain a building permit before the board order expires, all units allocated pursuant to the filing of the completed land use board application shall be released to the pool and shall become available to new applicants.
 - ii. Upon the issuance of a building permit for units approved pursuant to a land use board order, the allocation of such units shall remain reserved. In the event that the building permit expires or is abandoned, any units allocated pursuant to the building permit shall be released to the pool, and shall become available to new applicants. Prior to reactivating an expired or abandoned building permit or building permit application, an applicant shall first be required to obtain written confirmation from the planning department that sufficient units remain available.
 - iii. If the use for which credits are allocated pursuant to a land use board order changes to a use that does not require an allocation of units, the allocation of units shall be released and shall become available to new applicants.
- d. Any such units permitted the boundaries of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

- d. e. Notwithstanding the use limitations in subsection a.i-iii above, the planning director or designee may permit simultaneous increase and decreases in the above described uses, provided that the impacts of the changes will not exceed originally approved impacts, as measured by total weekday peak hour (of adjacent street traffic, one hour between 4:00 p.m. and 6:00 p.m.) vehicle trips, pursuant to the Institute of Transportation Engineers Trip Generation Manual, as may be amended from time to time.

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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.

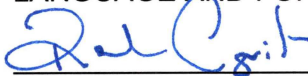
PASSED AND ADOPTED this _____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 6-12-20

City Attorney NK Date

First Reading: June 24, 2020

Second Reading: July 29, 2020

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