

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 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, has determined that co-living and micro residential units would be a beneficial development incentive for the Washington Avenue corridor, subject to certain specified restrictions and safeguards; and

WHEREAS, on October 16, 2019, the City Commission adopted Ordinance 2019-4312, which, in pertinent part, established land development regulations for the development of co-living and micro residential units; and

WHEREAS, the amendments set forth below clarify the development regulations applicable to co-living and micro units.

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.

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(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) Co-living or micro residential units are permitted subject to the following regulations:

- a. 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 located on the ground floor shall be open to the public. 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 hotels units on the same unified development site, provided that residents and hotel guests have access to such amenities.
- b. ~~Co-living or micro residential units are permitted provided that:~~ (1) Within the same unified development site, office uses ~~are provided~~ with a minimum of 10,000 square feet shall be provided.
- c. ~~(2) Each unit is~~ shall be fully furnished and ~~has~~ shall have an individual bathroom.
- d. ~~(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 or more bedrooms shall, at a minimum, install a 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.~~
- e. (4) Each co-living units may contain a maximum of six (6) bedrooms.
- f. ~~The Co-living units are~~ may only be 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.
- g. ~~(5) A maximum of fifty percent (50%) of the floor area within the unified development site~~ may consists of co-living or micro units.
- h. ~~(6) 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.~~
- i. ~~(7) 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.~~

- j. ~~(8)~~ 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.
- k. ~~(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 required to perform background screening investigations of all tenants of co-living or micro units.
- l. ~~(10)~~ Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, 7 days a week.
- m. ~~(11)~~ All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass.

~~(12) The tenants of co-living and micro units shall not be permitted to sublease units.~~
- n. ~~(13)~~ Ground floor uses fronting on Washington Avenue ~~must~~ shall be limited to retail, restaurant, ~~or bar, or gym/fitness center.~~ Residential uses fronting Washington Avenue ~~are~~ shall be prohibited on the ground floor, ~~other than~~ except for the lobby and any required vertical circulation.
- o. ~~(14) Every floor containing co-living suites must have amenity space beyond the co-living unit that shall include common dining, living, and kitchen areas~~ Each co-living unit must include a dining, kitchen, and living area, unless a dining, kitchen, and living area is provided on the same floor.
- p. ~~(15)~~ A rooftop lounge seating area, pool, and garden shall be provided within the unified development site.
- q. ~~(16)~~ 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).

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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 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 _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael Granado *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