UPDATED Washington Avenue Overlay — LDR Incentives

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 EXTEND THE TIME TO OBTAIN A BUILDING PERMIT FOR CO-LIVING OR MICRO RESIDENTIAL UNITS AND TO ADD REGULATIONS FOR THE EAST SIDE OF WASHINGTON AVENUE WITHIN THE OVERLAY; 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, the City 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 subsequently adopted Ordinance 2019-4312, as amended, which immediately incentivized new business development, including two new hotels and a new co-living project with an office component; and

WHEREAS, this has improved the quality of life and viability of new businesses within the Washington Avenue neighborhood; and

WHEREAS, to allow additional time for projects to obtain building permits, the City finds it in the best interest to extend the sunset of time for projects proposing co-living or micro residential units; and

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

WHEREAS, the amendments set forth below provide additional time and include regulations on the east side of Washington Avenue, which in turn, will continue to improve 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*

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

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 15th Street, referred herein as “South Washington Avenue”, and between 15th Street and 16th Street, referred herein as “North Washington Avenue”; where there is conflict within this division, the criteria below shall apply:

* * *

(5) Co-living or micro residential units are permitted in South Washington Avenue and North Washington Avenue 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 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 cafe 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 hotel units on the same unified development site, provided that residents and hotel guests have access to such amenities.

~~b. Within the same unified development site, office uses are provided with a minimum of 10,000 square feet shall be provided.~~

~~c.~~ b. Each unit shall be fully furnished and shall have an individual bathroom.

~~d.~~ c. All one-bedroom co-living units shall have a washer and dryer machine located within the unit, and co-living units with two or more bedrooms shall, at a minimum, install a washer and dryer in the common area of the unit.

~~e.~~ d. Each co-living unit may contain a maximum of six bedrooms.

~~f. Co-living units 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.~~ e. A maximum of 50 percent of the floor area within the unified development site may consists of co-living or micro units.

~~h.~~ f. The owner must obtain a building permit for the co-living or micro residential units by ~~March 1, 2023~~ September 1, 2027.

~~i.~~ g. 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.~~ h. 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.~~ i. 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.~~ j. Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, seven days a week.

~~m.~~ k. All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass.

~~n.~~ l. Ground floor uses fronting on Washington Avenue shall be limited to retail, restaurant, bar, or gym/fitness center. Residential uses fronting Washington Avenue shall be prohibited on the ground floor, except for the lobby and any required vertical circulation.

~~o.~~ m. 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.

~~q.~~ n. A wellness center shall be provided within a unified development site 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).

(6) In addition to the forgoing, the following regulations apply only to Co-living or micro residential units in South Washington Avenue:

a. Within the same unified development site, office uses are provided with a minimum of 10,000 square feet shall be provided.

b. Co-living units 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.

c. A rooftop seating area, pool, and garden shall be provided within the unified development site.

No variances shall be permitted from the provisions of this subsection (6).

(~~6~~7) For lots that have a frontage that is greater than 100 feet, the following shall apply: