

Washington Avenue Overlay — Co-Living Amendments

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 EXTEND THE TIME TO OBTAIN A BUILDING PERMIT FOR CO-LIVING OR MICRO RESIDENTIAL UNITS, ADOPT REGULATIONS FOR THE EAST SIDE OF WASHINGTON AVENUE WITHIN THE OVERLAY, AND ADOPT RELATED AMENDMENTS TO EXISTING 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, 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 Commission finds it in the best interest of the City to extend the deadline to obtain the benefits of these incentives for projects proposing co-living or micro residential units; and

WHEREAS, in addition to the adopted incentives for the west side of Washington Avenue, the City, with the input of residents, property owners, and businesses, has determined that co-living and micro residential units would also bring beneficial development to 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 extend the deadline for existing zoning incentives and create new incentives for the east side of Washington Avenue, which in turn, will continue to improve the quality of life of the greater 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.

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

* * *

(5) Co-living or micro residential units are permitted as a voluntary development incentive in South Washington Avenue and North Washington Avenue (as defined in this section) 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 count towards no more than 50 percent of the total amenity space required. ~~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 consist 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 and/or laminated windows.

~~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 foregoing, the following additional regulations shall apply to co-living or micro residential units in South Washington Avenue:

a. Within the same unified development site, office uses 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).

(7) In addition to the foregoing, for development projects in North Washington Avenue containing co-living or micro residential units, the following additional regulations shall apply:

a. Hotel, suite hotel, apartment hotel and/or hostels shall be prohibited.

b. The inclusion of co-living or micro residential units in North Washington Avenue is a voluntary development incentive that shall only be permitted if the property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming and agreeing to the following restrictions on the subject development site, in perpetuity:

1. A minimum of 20 percent of the total number of co-living or micro residential units shall be set aside for workforce housing, as defined in Chapter 58, Article VI of this Code.

2. The minimum rental period for any co-living or micro residential unit on the development site shall be no less than three months and one day.

c. For development projects that comply with the foregoing regulations, a maximum of 80 percent of the floor area within the unified development site may consist of co-living or micro units.

No variances shall be permitted from the provisions of this subsection (7).

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

a. Maximum building length. Unless otherwise approved by the historic preservation board at its sole discretion, no plane of a building, above the ground floor façade facing Washington Avenue, shall continue for greater than 100 feet without incorporating an offset of a minimum five feet in depth from the setback line. The total offset widths shall total no less than 20 percent of the entire building frontage.

b. Physical separation between buildings. Unless otherwise approved by the historic preservation board at its sole discretion, a physical separation must be provided between buildings greater than 200 feet in length and at/or above 35 feet in height from the ground floor. Notwithstanding the foregoing, for building sites with a lot frontage in excess of 500 feet, no physical separation is required if: (i) the length of the building at/or above 35 feet in height from the ground floor does not exceed 50 percent of the length of the frontage of the property; and (ii) the offsets required in subsection (a), above, are a minimum of 20 feet in depth from the setback line and the combined offset widths total no less than 30 percent of the entire building frontage.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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 _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK 1-13-23
Date

First Reading: February 22, 2023
Second Reading: March 15, 2023

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