

RM1 REGULATIONS FOR HOTEL USES AT THE INTERNATIONAL INN SITE

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, FLORIDA, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE II. "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTI-FAMILY DISTRICTS", SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY" BY MODIFYING THE DEVELOPMENT REGULATIONS AND USE REQUIREMENTS FOR DESIGNATED HISTORIC SITES LOCATED NORTH OF NORMANDY DRIVE; BY AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE II, "DISTRICTS; REQUIREMENTS" AND ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM" BY AMENDING THE REQUIREMENTS FOR OFF SITE PARKING FACILITIES AND THE REMOVAL OF EXISTING PARKING SPACES WITHIN DESIGNATED HISTORIC SITES IN NORTH BEACH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City's land development regulations include regulations for hotel uses in the RM-1 district; and

WHEREAS, provisions for additional flexibility for additions to existing historic sites in the RM-1 district in North Beach is necessary and desirable; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development and the preservation of contributing structures in the RM-1 district in North Beach.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 142, "Zoning Districts and Regulations", Article II. "District Regulations", Division 3, "Residential Multi-Family Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", is hereby amended as follows:

Section 142-152 - Main permitted and prohibited uses.

(a) The main permitted uses in the RM-1 residential multifamily, low density district are:

(1) single-family detached dwelling;

(2) townhomes;

(3) apartments;

(4) bed and breakfast inn (pursuant to article V, division 7 of this chapter);

(5) properties fronting Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter) shall be entitled to have hotels, apartment hotels, and suite hotels; and

(6) properties located north of Normandy Drive having a lot area of greater than 30,000 square feet, which are individually designated as an historic site, shall be entitled to have hotels, apartment hotels, and suite hotels.

(b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited. Notwithstanding the foregoing, accessory uses

that are customarily associated with the operation of a hotel, including but not limited to, bars and restaurants, are permitted as provided in section 142-154 of this chapter.

Section 142-153 – Conditional uses.

* * *

(d) For properties located north of Normandy Drive having a lot area of greater than 30,000 square feet, which are individually designated as an historic site, additional conditional uses are accessory outdoor bar counters, provided that an accessory outdoor bar counter is only permitted to be utilized during the hours of operation of the restaurant of which it is a part; accessory outdoor and open air entertainment establishment consisting solely of ambient performances; and accessory neighborhood impact establishment. For purposes of this subsection, ambient performances shall be defined as any live or recorded, amplified or nonamplified performance played or conducted at a volume that does not interfere with normal conversation. Ambient performances shall not take place between the hours between the hours of 10:00 pm and 10:00 a.m.

Section 142-154 - Accessory uses.

The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter. Additionally, properties located north of Normandy Drive having a lot area of greater than 30,000 square feet, which are individually designated as an historic site are permitted to have accessory uses associated with the operation of a hotel, but limited to retail, restaurants with or without accessory bars, and personal services.

Section 142-155. - Development regulations and area requirements.

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(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
5,600	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site,	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 For properties outside a local historic district with a ground level consisting of non-habitable parking

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
		<p>a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>		<p>and/or amenity uses—55 <u>For properties located north of Normandy Drive having a lot area of greater than 30,000 square feet, which are individually designated as an historic site - 80</u></p>

SECTION 2. That Chapter 130, “Off-Street Parking”, is hereby amended as follows:

Article II. - Districts; Requirements

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Sec. 130-36. - Off-site parking facilities.

(a) All parking spaces required in this article shall, be provided on a self-park basis or valet parking basis in accordance with section 130-251, and shall be located on the same lot with the building or use served, or offsite if one of the following conditions is met:

- (1) The parking is within a distance not to exceed 1,200 feet of the property with the use(s), if located in the architectural district or a local historic district.
- (2) The parking is within a distance not to exceed 500 feet of the property with the use(s), when the use is not located in the architectural district or a local historic district.

(3) For properties south of Fifth Street, the parking is within a distance not to exceed 1,500 feet of the property with the use(s). For purposes of this subsection, the property with the uses(s) shall be located south of Fifth Street and the parking facility may be located north of Fifth Street.

(4) For designated historic sites, located north of Normandy Drive, the parking is within a distance not to exceed 2,500 feet of the property with the use(s) within city limits or is within a distance not to exceed ½ mile of the property with the use(s) outside city limits.

The foregoing distance separation shall be measured by following a straight line from the property line of the lot on which the main permitted use is located to the property line of the lot where the parking lot or garage is located.

(b) Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in section 130-32, a unity of title or for nonadjacent lots, either a unity of title or a covenant in lieu of unity of title for parking unification shall be required for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit. Alternatively, for a change of use in an existing building, or designated historic sites, located north of Normandy Drive, a lease for the purpose of insuring that the required parking for the new use is provided may be utilized, in accordance with the following:

(1) The subject lease shall be executed by the owner of the properties providing the required parking and the user of the required spaces; such lease to be approved as to form and necessary minimum requirements by the city attorney.

(2) The required parking spaces provided off site shall be for the sole use of the user of the spaces and shall not be available for underutilized parking or subleased to a third party. Subleases of any kind shall be prohibited.

(3) All required parking spaces provided on the off-site properties shall be dedicated and clearly marked for the user of the establishment 24 hours a day, seven days a week. This 24-hour dedicated use requirement shall be an explicit term in the lease agreement.

(4) The exact location of the required spaces provided off-site shall be clearly delineated on site and floor plans, prepared by a registered architect or engineer, and shall be incorporated into the lease as an exhibit.

(5) A copy of the renewal of all leases shall be provided to the city within 60 days of such renewal. In the event the terms of a lease should change, such changes shall be approved as to form and necessary minimum requirements by the city attorney.

(6) The lease shall be for at least a minimum of a calendar year.

(7) The lease shall require that the tenant and landlord notify the City of Miami Beach Planning Department of early termination of the parking leasehold

(8) A copy of all lease renewals shall be submitted to the planning department. In the event that a required lease renewal is not provided within 60 days of the expiration of the lease, the subject use shall be considered in default and a fee in lieu of parking in accordance with chapter 130, article V, herein, shall be assessed.

The aforementioned lease criteria (1) thru (8) shall not be applicable to designated historic sites, located north of Normandy Drive.

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Article V. - Fee In Lieu Of Parking Program

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Sec. 130-132. - Fee calculation.

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(c) *Removal of existing parking spaces in a historic district.* Whenever an existing required parking space is removed or eliminated for any building that existed prior to October 1, 1993, which are located within the architectural district, a contributing building within a local historic district, or any individually designated historic building, a fee in lieu of providing parking shall be required if a replacement parking space is not provided pursuant to section 130-36. Such fee shall be satisfied as set forth in subsection (b), above. In no case shall the removal of parking spaces result in less than one parking space per residential unit or 50 percent of the required parking for commercial uses. This subsection shall not prohibit the removal of grade level parking spaces located within the front, side street or interior side yards of a lot, should those parking spaces be nonconforming. Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces. Notwithstanding the foregoing, existing parking spaces, whether conforming or nonconforming, may be removed from Designated Historic Sites located north of Normandy Drive, and no fee in lieu payment shall be required for such removal, provided that at least 50% of the existing parking spaces are provided offsite, in accordance with section 130-36.

SECTION 3. Repealer.

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

SECTION 4. 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, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect the ____ day of _____, 2020.

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: _____, 2019

Second Reading: _____, 2020

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

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