

RM1 Hotel Uses At Designated Historic Sites In North Beach - LDR 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, FLORIDA, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTI-FAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY AMENDING SECTION 142-152, "MAIN PERMITTED AND PROHIBITED USES," SECTION 142-153, "CONDITIONAL USES," SECTION 142-154, "ACCESSORY USES," AND SECTION 142-155, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO MODIFY THE DEVELOPMENT REGULATIONS AND USE REQUIREMENTS FOR DESIGNATED HISTORIC SITES IN NORTH BEACH; BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," AND 130-36, "OFF-SITE PARKING FACILITIES," AND ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," SECTION 130-132, "FEE CALCULATION," TO AMEND THE REQUIREMENTS FOR OFF SITE PARKING FACILITIES AND THE REMOVAL OF EXISTING PARKING SPACES, WITHIN DESIGNATED HISTORIC SITES IN NORTH BEACH; AND BY AMENDING CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES," SECTION 6-4, ENTITLED "LOCATION AND USE RESTRICTIONS," TO PROVIDE FOR AN EXEMPTION FROM DISTANCE SEPARATION REQUIREMENTS FOR DESIGNATED HISTORIC SITES IN NORTH BEACH; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City's land development regulations permit hotel uses in the RM-1 district, under certain specified conditions; and

WHEREAS, the Mayor and City Commission desire to create flexibility for alcoholic beverage establishments that are accessory to a hotel use within historic sites in the RM-1 district in North Beach; and

WHEREAS, the proposed changes promote compatible 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. Chapter 142, "Zoning Districts and Regulations", is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. DISTRICT REGULATIONS

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DIVISION 3. RESIDENTIAL MULTIFAMILY DISTRICTS

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SUBDIVISION II. RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY
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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) apartment hotels, hotels, and suite hotels for 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); and
- (5) bed and breakfast inn (pursuant to article V, division 7 of this chapter); and
- (6) properties located north of Normandy Drive having a lot area 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 are permitted as provided in section 142-154 of this chapter.

Section 142-153. Conditional uses.

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(d) For properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, additional conditional uses are:

- (1) 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.
- (2) Accessory outdoor and open air entertainment establishment consisting of ambient performances only. 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 only take place between the hours of 10:00 a.m. and 10:00 p.m., unless otherwise approved by the Planning Board through the conditional use process.
- (3) Accessory neighborhood impact establishments.

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 greater than 30,000 square feet, which are individually designated as an historic site are permitted to have the following accessory uses associated with the operation of a hotel: 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 BuildingHeight (Feet)
5,600	50	<p>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, 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</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550</p>	<p>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 and/or amenity uses—55 For <u>properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site - 80</u></p>

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
		<p>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>		

SECTION 2. Chapter 130, entitled "Off-Street Parking," is hereby amended as follows:

**CHAPTER 130
OFF-STREET PARKING**

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ARTICLE II. - DISTRICTS; REQUIREMENTS

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Sec. 130-32. Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(26) *Hotel, suites hotel, motel, or motor lodge:* One space per unit, except as follows:

Properties located within a local historic district or National Register Historic District	
New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Other (e.g., new construction or substantial demolition of contributing building)	1 space per unit
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street	1 space per unit
<u>Properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site</u>	<u>.5 spaces per unit</u>
Properties not listed above:	
Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
Other	1 space per unit

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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 properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, the parking is within a distance

not to exceed 2,500 feet of the property if the use is within city limits, or is within a distance not to exceed one (1) mile of the property if the use is 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 a property located north of Normandy Drive having a lot area greater than 30,000 square feet and which is individually designated as an historic site, 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 in subsections (b)(1) through (b)(8) shall not be applicable to properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site.

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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 on properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, 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.

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SECTION 3. Chapter 6, entitled "Alcoholic beverages," is hereby amended as follows:

**CHAPTER 6
ALCOHOLIC BEVERAGES**

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ARTICLE I. – IN GENERAL

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Sec. 6-4. Location and use restrictions.

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(d) Notwithstanding any other provision in this division, the sale or offering of alcoholic beverages for consumption on the premises of alcoholic beverage establishments on properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, shall be exempt from all applicable minimum distance separation requirements in this division.

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.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granada, City Clerk

First Reading: September 16, 2020

Second Reading: October 14, 2020

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

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael Q. ... 9/2/20

City Attorney NK Date