

WD-1 WATERCRAFT RENTAL AND HOTEL REQUIREMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "ZONING DISTRICT REGULATIONS," SECTION 7.2.21, ENTITLED "WD WATERWAY DISTRICT," AT SUBSECTION 7.2.21.2, ENTITLED "USES (WD-1)," TO PROHIBIT THE RENTAL OF WATERCRAFT; AND AT SUBSECTION 7.2.21.5, ENTITLED "ADDITIONAL REGULATIONS (WD-1)," TO CLARIFY EXISTING REQUIREMENTS FOR LEGALLY NONCONFORMING WATERCRAFT RENTAL USES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the rental of watercraft along the Indian Creek waterway, if not appropriately controlled, is incompatible with surrounding residential properties; and

WHEREAS, properties included in the WD-1 district are not large enough, and do not provide appropriate parking or other necessary facilities, to accommodate the rental of watercraft to the general public; and

WHEREAS, currently, the rental of watercraft is only permitted in the WD-1 district if it is "associated with an upland hotel with a minimum of 350 units," except that, pursuant to Section 7.2.21.5(e), "properties located adjacent to Lake Pancoast are not required to meet the 350 hotel room requirement and existing structures are permitted" subject to very specific criteria; and

WHEREAS, this Ordinance further clarifies existing requirements applicable to the rental of watercraft in the WD-1 district; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "Zoning District Regulations," Section 7.2.21, entitled "WD Waterway District," at Subsection 7.2.21.2, entitled "Uses (WD-1)," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.21 WD WATERWAY DISTRICT

7.2.21.2 Uses (WD-1)

USES TABLE (WD-1)	
RESIDENTIAL	
LODGING	
OFFICE	
COMMERCIAL	
Kiosks	P
Alcoholic beverage establishments	Pro *
Gambling and Casinos pursuant to section 7.1.8	Pro
Rentals or leases of mopeds, motorcycles, and motorized bicycles pursuant to section 7.1.8	Pro
Neighborhood and Retail Fulfillment Centers pursuant to section 7.1.8	Pro
CIVIC	
CIVIL SUPPORT	
EDUCATIONAL	
INDUSTRIAL	
OTHER	
Water transportation stops	P
Rental of watercraft, excluding jet skis and similar uses	Pro
Wet dockage of pleasure craft	P
Walkways and decks	P
Key	
P – Main Permitted Use	
C - Conditional Use	
A - Accessory Use	
Pro - Prohibited Use	
* See Supplemental use regulations below	

a. Supplemental main permitted uses Regulations (WD-1)

None

b. Supplemental Conditional uses Regulations (WD-1)

None

c. Supplemental Accessory uses Regulations (WD-1)

The accessory uses in the WD-1 waterway district are as follows:

- i. As required in section 7.5.4.13 and as delineated in chapter 6 of the General Ordinances, as it relates to alcoholic beverage establishments.

d. Supplemental prohibited uses Regulations (WD-1)

None

SECTION 2. Chapter 7, entitled “Zoning Districts and Regulations,” Article II, entitled “Zoning District Regulations,” Section 7.2.21, entitled “WD Waterway District,” at Subsection 7.2.21.5, entitled “Additional Regulations (WD-1),” is hereby amended as follows:

7.2.21.5 Additional Regulations (WD-1)

- a. Structures in the WD-1 waterway district shall be constructed of concrete block and stucco and have a pitch roof of tile or concrete, and shall be open on all sides. All areas not covered by decks or structures shall be maintained as landscaped area.
- b. Structures and rentals of watercraft are only permitted if there is at least 10 feet of lot depth and a minimum of 5 feet of public sidewalk.
- c. Landscaped area not including walkways shall be a minimum of 50 percent (50%).
- d. The following regulations shall apply to legally established, non-conforming watercraft rental of watercraft shall be uses: that are associated with an upland hotel with a minimum of 350 units:-
 - 1. The legally nonconforming watercraft rental use must be associated with i. a hotel containing a minimum of 350 units that is located immediately east of the rental location, across Collins Avenue or Indian Creek Drive, as applicable; or ii. located adjacent to Lake Pancoast.
 - 2. The rental of motorized personal watercraft, including but not limited to jet skis or other similar vessels, shall be prohibited.
 - 3. With the exception of uses adjacent to Lake Pancoast, eligible watercraft shall only be rented to hotel guests.
 - 4. All existing, legally permitted structures shall meet all applicable building, fire, and property maintenance standards.
 - 5. For uses adjacent to Lake Pancoast, legally established concessions may continue to operate. However, any such concession shall not be enlarged, relocated or expanded.
- e. ~~Properties located adjacent to Lake Pancoast are not required to meet the 350 hotel room requirement and existing structures are permitted to be re-opened if they meet all applicable building, fire and property maintenance standards, ordinances and regulations and are approved by the design review board. The permitted uses are limited to concessions, sales or rental of watercraft with the exception of jet skis and other similar motorized uses.~~
- f. In the event any dock, boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind are proposed to extend greater than 40 feet from a seawall adjacent to or abutting the WD-1 or WD-2 district, conditional use approval from the planning board, in accordance with section 2.5.2 of the Land Development Regulations, shall also be required.

SECTION 3. REPEALER.

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

SECTION 4. 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 relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK 3-4-24
Date

First Reading: March 13, 2024
Second Reading: April 3, 2024

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

(Sponsored by Commissioner David Suarez)