

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Interim City Manager Rickelle Williams
DATE: July 24, 2024 5:02 p.m. Second Reading Public Hearing

TITLE: REPEAL OF CD-2 CO-LIVING INCENTIVES & REDUCE TC-C CO-LIVING CAP
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 DISTRICT REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.5, ENTITLED "WASHINGTON AVENUE (CD-2)," BY REPEALING CO-LIVING UNITS AS AN ALLOWABLE USE AND ELIMINATING ALL REFERENCES TO SUCH; AND BY AMENDING SECTION 7.2.14, ENTITLED "NORTH BEACH TOWNCENTER CORE DISTRICT (TC)," AT SUBSECTION 7.2.14.6, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," BY REDUCING THE MAXIMUM NUMBER OF CO-LIVING UNITS THAT MAY BE BUILT WITHIN THE DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission approve the subject ordinance.

BACKGROUND/HISTORY

On December 13, 2023, at the request of Commissioner Alex Fernandez, the Mayor and City Commission referred a discussion item (C4 T) pertaining to co-living units to the Land Use and Sustainability Committee (LUSC) and the Planning Board. Commissioners Tanya K. Bhatt and Joseph Magazine are co-sponsors of the proposal.

On February 5, 2024, the LUSC recommended that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

ANALYSIS

Co-living units, which were introduced pursuant to the creation of the North Beach Town Center Central Core District (TC-C) in 2018, are defined as follows:

Co-living shall mean a small multi-family residential dwelling unit that includes sanitary facilities and provides access to kitchen facilities; however, such facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

Currently, co-living units are only permitted along limited portions of Washington Avenue, and in the North Beach Town Center. Specifically, in South Beach, co-living is only permitted on the west side of Washington Avenue between 6th Street and 15th Street, and on both sides of Washington Avenue between 15th Street and 16th Street. In North Beach, co-living is only permitted in the TC-C district and is subject to a limit of 550 co-living units throughout the entire district.

The only co-living project previously approved on Washington Avenue was located at 1234-1260 Washington Avenue. Although a demolition permit was issued for the project, and demolition commenced, a full building permit was never issued. A previous application for co-living units on the east side of Washington Avenue (1500 block) never received approval and has been converted to an application for a hotel development with accessory uses.

The following is a summary of co-living units in the North Beach TC-C district that have obtained a building permit process number as of October 1, 2023:

Project Address	Co-Living Units
7118-7114 Collins Avenue	168
7125-7145 Carlyle Avenue	121
6970 Collins Avenue	20
409 71st Street	139
6973 Indian Creek Drive	81
Total Units Proposed	529
Units Previously Remaining	21

Co-living units in the TC-C district are only permitted for projects that have obtained a building permit process number by October 1, 2023. As such the 21 co-living units shown above as "previously remaining" can longer be utilized. Additionally, if any of the permits for the above noted projects become inactive or expire, the associated co-living units would expire and could not be re-activated.

The proposed ordinance removes the ability for any co-living units on Washington Avenue, repealing all references to such use in the Washington Avenue corridor. This would likely have a negligible impact as the previously approved proposal, as noted above, does not appear to be moving forward.

Regarding the TC-C district, no additional co-living units beyond the 529 units currently permitted would be allowed in the district. As proposed, the ordinance would reduce the number of co-living units from the current cap of 550 to 529.

PLANNING BOARD REVIEW

On April 25, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's

association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. A Business Impact Estimate is not required for the subject ordinance as it implements an amendment to the Land Development Regulations.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/5/2024. See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt
Commissioner Joseph Magazine
Commissioner David Suarez
Mayor Steven Meiner