

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: April 23, 2025 9:40 a.m. Second Reading Public Hearing

TITLE: HOTEL USE APPROVAL CLARIFICATION – LDR TEXT AMENDMENT
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 “DISTRICT REGULATIONS,” BY AMENDING SECTION 7.2.4, ENTITLED “RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY,” AT SUBSECTION 7.2.4.2, ENTITLED “USES (RM-1),” AND BY AMENDING SECTION 7.2.5, ENTITLED “RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY,” AT SUBSECTION 7.2.5.2, ENTITLED “USES (RM-2),” AND BY AMENDING SECTION 7.2.6, ENTITLED “RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY,” AT SUBSECTION 7.2.6.2, ENTITLED “USES (RM-3),” AND BY AMENDING SECTION 7.2.10, ENTITLED “CD-1 COMMERCIAL, LOW INTENSITY DISTRICT,” AT SUBSECTION 7.2.10.2, ENTITLED “USES (CD-1),” AND BY AMENDING SECTION 7.2.11, ENTITLED “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT,” AT SUBSECTION 7.2.11.2, ENTITLED “USES (CD-2),” AND BY AMENDING SECTION 7.2.12, ENTITLED “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT,” AT SUBSECTION 7.2.12.2, ENTITLED “USES (CD-3),” AND BY AMENDING SECTION 7.2.13, ENTITLED “MIXED USE ENTERTAINMENT DISTRICT,” AT SUBSECTION 7.2.13.2, ENTITLED “USES (MXE),” AND BY AMENDING SECTION 7.2.14, ENTITLED “NORTH BEACH TOWN CENTER-CORE DISTRICT (TC),” AT SUBSECTION 7.2.14.2, ENTITLED “USES (TC-1, TC-2),” AND BY AMENDING SUBSECTION 7.2.14.3, ENTITLED “USES (TC-3),” AND BY AMENDING SUBSECTION 7.2.14.6, ENTITLED “TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT,” AND BY AMENDING SECTION 7.2.15, ENTITLED “PERFORMANCE STANDARD DISTRICT (PS),” AT SUBSECTION 7.2.15.2, ENTITLED “RESIDENTIAL PERFORMANCE STANDARDS DISTRICTS (R-PS),” AND BY AMENDING SUBSECTION 7.2.15.3, ENTITLED “COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS),” BY REFERENCING THE HOTEL APPROVAL PROCESS ESTABLISHED UNDER SECTION 2.7.2, AND CONFORMING THE REGULATIONS FOR EACH RESPECTIVE ZONING DISTRICT TO REFLECT THAT THE APPROVAL OF A WARRANT BY THE CITY COMMISSION SHALL BE REQUIRED PRIOR TO THE REVIEW OF A LAND USE BOARD APPLICATION OR BUILDING PERMIT FOR A HOTEL, SUITE HOTEL, APARTMENT HOTEL, OR HOSTEL, SUBJECT TO EXCEPTIONS, AND SUBJECT TO THE PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA IN SECTION 2.7.2; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, APPLICABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

BACKGROUND/HISTORY

On December 11, 2024, the City Commission approved an ordinance at First Reading establishing a commission approval process for future hotel uses. As part of this approval at First Reading, the City Commission also referred a separate ordinance to the Planning Board, to clarify the zoning districts for which the hotel approval process will apply. The hotel approval process ordinance was adopted by the City Commission at Second Reading on February 3, 2025.

ANALYSIS

The subject ordinance is a companion amendment to the hotel approval process ordinance adopted by the City Commission and amends each zoning district where apartment hotels, hotels, suite hotels, and hostels may be permitted, by referencing the warrant process established under section 2.7.2 of the Land Development Regulations of the City Code (LDRs). The approval of a warrant by the City Commission is now required prior to the review of a land use board application or building permit for a hotel, suite hotel, apartment hotel, or hostel, subject to exceptions, and subject to the procedural requirements and review criteria in section 2.7.2.

In addition to clarifying the zoning districts where hotel approval is required under the warrant process, the Administration also recommends that a fee schedule be established for future commission warrant applications. While such fee schedule is ministerial, it does require a text amendment to the LDRs. As part of the approval of the proposed ordinance at First Reading, the Administration recommends that a separate ordinance be referred to the Planning Board to establish a corresponding fee schedule.

PLANNING BOARD REVIEW

On February 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

UPDATE

The subject ordinance was approved at First Reading on February 26, 2025, subject to the following additional exception provisions being added:

This Ordinance shall not apply to the following properties:

- 1. Properties fronting Washington Avenue that have an active land use board application with a hearing file number and where a notice to proceed to public hearing has been issued by the City prior to July 1, 2024.*
- 2. Properties fronting the west side of Collins Avenue between 77 Street and 79 Street that have applied for a joint pre-application meeting with Transportation Staff and Planning Department Staff before November 26, 2024.*
- 3. Properties fronting the west side of Collins Avenue between 13th Street and 14th Street, with a contributing building with less than 50 residential units, if the contributing structure was originally constructed as a hotel and then later converted to residential apartments.*

The attached ordinance for Second Reading has been modified to include these additional exception provisions.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 3/18/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

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 Joseph Magazine

Co-sponsor(s)

Condensed Title

9:40 a.m. 2nd Rdg, Hotel Use Approval Clarification-LDR Text Amendment. (JM) PL 5/7

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 2/26/2025 - R5 D