

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup>  


for TRM

SUBJECT: **PB24-0724. Hotel Approval Process**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY/BACKGROUND**

On December 13, 2023, at the request of Commissioner Joseph Magazine, the Mayor and City Commission referred a discussion regarding the hotel approval process, pursuant to item R9 G, to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Alex Fernandez and Kristen Rosen Gonzalez were co-sponsors of the item.

On March 5, 2024, the LUSC combined and discussed the item with other hotel related items referred by the City Commission on December 13, 2023 (C4 O and C4 S) and continued the discussion pertaining to the regulation of future hotels to May 1, 2024, with direction to the Administration to explore different options for City Commission approval of future hotels, where permitted. On May 1, 2024, the LUSC deferred the discussion pertaining to the regulation of future hotels to the June 10, 2024 meeting. On June 10, 2024, the LUSC discussed and continued the item to the July 9, 2024 LUSC meeting with direction to draft an ordinance in accordance with the following:

1. City Commission review should occur at the beginning of the approval process.
2. City Commission approval would apply to non-oceanfront and non-waterfront hotel projects, with option 2 in the LUSC memo used as a framework.
3. Commission review criteria should include impacts on residential uses.

On July 9, 2024, the item was deferred to a future date. On September 5, 2024, the LUSC recommended that the proposed draft ordinance be referred to the Planning Board. On October 30, 2024, at the request of Commissioner Joseph Magazine, the Mayor and City Commission referred the subject ordinance to the Planning Board (item C4 J).

## **REVIEW CRITERIA**

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Not applicable** – The proposed Ordinance does not affect the overall scale of development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed amendment does not increase loads on public facilities or infrastructures.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed change does not modify existing district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The potential to adversely impact the availability of existing affordable and workforce housing, city infrastructure, and resident quality of life, makes the passage of the proposed change necessary.

The proposed change is necessary in order to ensure that potential negative impacts from new hotel uses are sufficiently reviewed and mitigated.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of adjacent properties.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable** –

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal does not affect the resiliency of the City.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

### **ANALYSIS**

Currently, any new hotel development consisting of ground up construction or additions to existing structures, requires the review and approval of the Design Review Board (DRB) or Historic Preservation Board (HPB). In those instances where a separate conditional use permit (CUP) may be required, Planning Board approval is also needed.

The attached draft ordinance establishes a City Commission warrant process for future hotel approvals. The following is a summary of the proposal:

- Approval from the City Commission would be required prior to the review of any Land Use Board application or the approval of any building permit for a hotel project. Hotel developments located on oceanfront properties are exempt and would not require a City Commission Warrant.
- The warrant for hotel use, if applicable, would be granted by resolution of the City Commission, and an affirmative vote of five-sevenths of all members of the City Commission would be required.
- The procedure for granting a warrant for a hotel would require a public hearing that must be noticed in accordance with the notice requirements of the applicable land use board.
- Review criteria for the City Commission to consider in reviewing warrant applications for hotel uses has been established.
- An applicability provision is included, which provides an exception for 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.

Staff has no objection to the proposal, as it is largely ministerial. However, the proposed warrant process would add another layer of review, as part of the overall development review process.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

## Hotel Approval Process

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 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE VII, ENTITLED “COMMISSION WARRANT,” TO CREATE SECTION 2.7.2, ENTITLED “HOTEL APPROVAL PROCEDURES” AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, hotel development has the potential to adversely impact the availability of existing affordable and work force housing, city infrastructure, and resident quality of life; and

**WHEREAS**, the City of Miami Beach (“City”) recognizes that additional review of new hotel projects is necessary to mitigate these potential adverse impacts; and

**WHEREAS**, on September 5, 2024, the Land Use and Sustainability Committee discussed the item and issued a favorable recommendation; and

**WHEREAS**, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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 2, entitled “Administration and Review Procedures,” Article VII, entitled “Commission Warrant”, is hereby amended as follows:

### CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES

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#### ARTICLE VII - Commission Warrant

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#### **2.7.2 HOTEL APPROVAL PROCEDURES**

Where authorized in the underlying zoning district or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, the City Commission may grant a warrant for hotel use.

- a. Applicability. Approval from the City Commission shall be required prior to the review of any Land Use Board application or the approval of any building permit for a hotel, suite hotel, apartment hotel or hostel that includes new construction and/or the conversion of existing floor area to a transient hotel use.

- b. Exemptions. Notwithstanding Section 7.7.2(a), where authorized in the underlying zoning district or overlay district, hotel use shall not require a review under this section if the hotel is proposed to be located on an oceanfront property.
- c. The warrant shall be granted by resolution of the city commission, and an affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to approve such resolution. The procedure for granting a warrant shall require a public hearing by the commission prior to the acceptance of an application to the planning board, design review board or historic preservation board, as applicable, and noticed in accordance with the notice requirements of the planning board, design review board or historic preservation board.
- d. In reviewing an application for a commission warrant, the commission shall consider the following criteria:
  - 1. Whether the proposed hotel use is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
  - 2. Whether the hotel will negatively affect the availability of existing affordable and work force housing. This criteria shall be considered for tracking purposes and to inform future policy discussions of the City Commission but may not serve as a basis for the approval or denial of a warrant application.
  - 3. Whether the proximity of the proposed hotel to residential uses will create adverse impacts and how such impacts are mitigated.
  - 4. Whether adequate off-street parking and loading spaces will be provided.
  - 5. The impact of the employees of the hotel development on the demand in the city for housing, public transit, childcare and other social service taking into consideration the impact of the part-time or seasonal nature of work at the hotel and the hotel employees' classifications.
  - 6. The impact of the hotel on existing infrastructure based on its operational plan including the number of employees, number of guests and proposed accessory uses.
  - 7. Whether the applicant will take measures to employ residents of neighborhoods adjoining the hotel development project in order to minimize increased demand for regional transportation and to reduce demand for vehicle trips and vehicle miles traveled.
  - 8. Whether the applicant will take measures to encourage hotel workers and guests to use public transportation, micromobility and other non-automotive means of transportation.
  - 9. Whether the hotel development will support small businesses in the immediate vicinity and whether the applicant will adopt any measures to increase demand for local goods and services.

**SECTION 2. 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 3. 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 4. SEVERABILITY.**

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

**SECTION 5. APPLICABILITY.**

This Ordinance shall not apply to 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.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: December 11, 2024

Second Reading: January \_\_\_\_, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director