

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 4, 2025

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB24-0740. Hotel Use Amendment**

RECOMMENDATION

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

HISTORY

On December 13, 2023, at the request of Commissioner Joseph Magazine, the 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).

On November 26, 2024, the Planning Board transmitted the ordinance to the City

Commission with a favorable recommendation. On December 11, 2024, the City Commission approved the subject ordinance at First Reading and scheduled a Second Reading public hearing for February 3, 2025. Additionally, the City Commission referred a separate ordinance to the Planning Board, to clarify the zoning districts for which the hotel approval process will apply.

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 proposed change is necessary in order to ensure that potential negative impacts from 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.**

Not Applicable– The proposed change will affect 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

The subject ordinance is a companion amendment to the hotel approval process ordinance currently pending at the City Commission and amends each zoning district where apartment hotels, hotels, suite hotels, and hostels may be permitted, by referencing the approval process established under section 2.7.2. The approval of a warrant by the city commission would 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.

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 Use – LDR 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.

WHEREAS, a pending ordinance establishes a City Commission warrant process for the review of all future apartment hotels, hotels, suite hotels, and hostels, where permitted, under section 2.7.2 of the Resiliency Code; and

WHEREAS, on December 11, 2024, the City Commission approved the subject ordinance establishing the warrant process at First Reading and scheduled a Second Reading public hearing for February 2025; and

WHEREAS, the subject ordinance is a companion amendment to the pending warrant process; and

WHEREAS, subject ordinance amends each zoning district where apartment hotels, hotels, suite hotels, and hostels may be permitted, by referencing the approval process established under section 2.7.2.

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 of the Resiliency Code, entitled “Zoning Districts and Regulations,” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.4 RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY

* * *

7.2.4.2 USES (RM-1)

* * *

a. Supplemental Main Permitted Uses Regulations (RM-1)

The supplemental main permitted uses are as follows:

1. 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 (MAP EXHIBIT-1) (pursuant to sections 2.7.2 and 7.5.4.5)

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7.2.5 RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

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7.2.5.2 Uses (RM-2)

* * *

a. Supplemental Main Permitted Uses Regulations (RM-2)

The supplemental main permitted uses are as follows:

1. Apartment hotels, hotels, hostels, and suite hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

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7.2.6.2 Uses (RM-3)

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a. Supplemental Main Permitted Uses Regulations (RM-3)

The supplemental main permitted uses are as follows:

1. hotels, hostels, and suite hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.2 Uses (CD-2)

* * *

a. Supplemental Main Permitted Uses Regulations (CD-2)

The supplemental main permitted uses are as follows:

1. Apartment hotels, hotels, hostels, and suite hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

* * *

a. Supplemental Main Permitted Uses Regulations (CD-3)

The supplemental main permitted uses are as follows:

1. Apartment hotels, hotels, hostels, and suite hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.13 MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

7.2.13.2 Uses (MXE)

* * *

a. Supplemental main permitted uses Regulations (MXE)

The supplemental main permitted uses are as follows:

1. Apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.14 NORTH BEACH TOWN CENTER-CORE DISTRICT (TC)

* * *

7.2.14.2 Uses (TC-1, TC-2)

USES TABLE (TC-1, TC-2)	
RESIDENTIAL	
Apartments	<u>P*</u> <u>P</u>

* * *

a. Supplemental Main Permitted Uses Regulations (TC-1, TC-2)

The supplemental main permitted uses are as follows:

1. Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6;
2. The ground story frontage along 71st Street and Collins Avenue shall be governed by section 7.2.14.4. The provisions of chapter 6 concerning distance

separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.

- 3. Kennels are only allowed in the TC-1 District.
- 4. Apartment hotels, and hotels (pursuant to sections 2.7.2 and 7.5.4.5).

* * *

7.2.14.3 Uses (TC-3)

* * *

b. Supplemental Conditional Uses Regulations (TC-3)

The supplemental main permitted uses are as follows:

- 1. Apartment hotels, hotel, and suite hotel (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.14.6 TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT

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b. Uses (TC-C)

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2. Supplemental Use Regulations (TC-C)

A. The following supplemental regulations shall apply to specific uses in the TC-C district:

- i. There shall be no variances regarding the regulations for permitted, prohibited, accessory, exception, special exception, and conditional uses in section 7.2.14.6.b.1; and the supplemental regulations of such uses in section 7.2.14.6.b.2.
- ii. Apartment hotels, and hotels (pursuant to sections 2.7.2 and 7.5.4.5).

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7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

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7.2.15.2 Residential Performance Standards Districts (R-PS)

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b. Uses

* * *

USES TABLE (R-PS)		
	R-PS 1, 2	R-PS 3, 4
RESIDENTIAL		
Single-family	P	P
Townhome	P	P
Apartment	P	P
LODGING		

USES TABLE (R-PS)		
Apartment hotel pursuant to sections <u>2.7.2</u> and 7.5.4.5	Pro	P
Hotel pursuant to sections <u>2.7.2</u> and 7.5.4.5	Pro	P
Suite hotels pursuant to sections <u>2.7.2</u> and 7.5.4.5	Pro	P
Hostel pursuant to sections <u>2.7.2</u> and 7.5.4.5	Pro	Pro

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7.2.15.3 Commercial Performance Standards Districts (C-PS)

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b. **Uses**

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USES TABLE (C-PS)	
	C-PS 1, 2, 3, 4
RESIDENTIAL	
Single-family	P
Townhome	P
Apartment	P
LODGING	
Apartment hotel pursuant to sections <u>2.7.2</u> and 7.5.4.5	P
Hotel pursuant to sections <u>2.7.2</u> and 7.5.4.5	P
Suite hotels pursuant to sections <u>2.7.2</u> and 7.5.4.5	P
Hostel pursuant to sections <u>2.7.2</u> and 7.5.4.5	Pro in C-PS1 and C-PS2 P in C-PS3 and C-PS4

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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

