

R5 D 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.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 9:30 a.m. First 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) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

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).

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.

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:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.
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.
3. The City Commission refer a separate ordinance to the Planning Board to establish a corresponding fee schedule for future hotel warrant applications.

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

Previous Action (For City Clerk Use Only)

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.

WHEREAS, on February 3, 2025, the City Commission adopted an Ordinance creating a warrant process for the review of all future apartment hotels, hotels, suite hotels, and hostels in districts where such uses are permitted, as provided in section 2.7.2 of the Resiliency Code; and

WHEREAS, this Ordinance is a companion amendment to the Ordinance creating the warrant process; and

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

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

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, which requires a Commission warrant, and 7.5.4.5)

* * *

7.2.5 RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

7.2.6.2 Uses (RM-3)

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

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	P* P

* * *

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, which requires a Commission warrant, 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, which requires a Commission warrant, and 7.5.4.5).

* * *

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

* * *

b. Uses (TC-C)

* * *

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, which requires a Commission warrant, and 7.5.4.5).

* * *

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

* * *

7.2.15.2 Residential Performance Standards Districts (R-PS)

* * *

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> , which requires a Commission warrant, and <u>7.5.4.5</u>	Pro	P
Hotel pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	Pro	P
Suite hotels pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	Pro	P
Hostel pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	Pro	Pro

* * *

7.2.15.3 Commercial Performance Standards Districts (C-PS)

* * *

b. **Uses**

* * *

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> , which requires a Commission warrant, and <u>7.5.4.5</u>	P
Hotel pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	P
Suite hotels pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	P
Hostel pursuant to sections <u>2.7.2</u> , which requires a Commission warrant, and <u>7.5.4.5</u>	Pro in C-PS1 and C-PS2 P in C-PS3 and C-PS4

* * *

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

The 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 no later than 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

2/18/2025

Date

NK

First Reading: February 26, 2025

Second Reading: April 23, 2025

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