

C4 Z REFERRAL TO THE PLANNING BOARD – ORDINANCE TO ESTABLISH A CITY
COMMISSION HOTEL APPROVAL PROCESS.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: September 11, 2024
TITLE: REFERRAL TO THE PLANNING BOARD – ORDINANCE TO ESTABLISH A CITY COMMISSION HOTEL APPROVAL PROCESS.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

BACKGROUND/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:

- a. City Commission review should occur at the beginning of the approval process.
- b. City Commission approval would apply to non-oceanfront and non-waterfront hotel projects, with option 2 in the LUSC memo used as a framework.
- c. 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 attached draft ordinance be referred to the Planning Board.

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 would also be needed.

On September 5, 2024, the LUSC recommended that the attached draft ordinance, which establishes a City Commission Warrant Process for hotel approvals, be referred to the Planning Board. The following is a summary of the proposed ordinance:

- 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 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 (5/7) of all members of the City Commission would be required. The procedure for granting a warrant shall also require a public hearing by the City Commission prior to the acceptance of an application to the Planning Board, Design Review Board or Historic Preservation Board, as applicable. The warrant hearing must also 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 developed and established.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive 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.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (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-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends that the Mayor and City Commission refer the attached draft ordinance to the Planning Board.

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

Ref: PB - Ordinance to Establish City Commission Hotel Approval Process. (Magazine) PL

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,; and

WHEREAS,; and

WHEREAS,; 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:

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.
 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. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2024

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date _____

First Reading: _____, 2024

Second Reading: _____, 2024

Verified by: _____

Thomas R. Mooney, AICP
Planning Director