

5. AMENDMENT TO COMPREHENSIVE PLAN AND RESILIENCY CODE
NONCONFORMING BUILDING PROVISIONS AND RM-1 DISTRICT REGULATIONS
TO ALLOW INTRODUCTION OF ON-SITE PARKING AND RESIDENTIAL USES
WITHIN NONCONFORMING HOTEL USE ON THE NORTH SIDE OF BELLE ISLE
(DUAL REFERRAL TO THE PLANNING BOARD).

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Laura Dominguez

DATE: September 11, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND TO THE PLANNING BOARD OF AN AMENDMENT TO COMPREHENSIVE PLAN AND RESILIENCY CODE NONCONFORMING BUILDING PROVISIONS AND RM-1 DISTRICT REGULATIONS TO ALLOW INTRODUCTION OF ON-SITE PARKING AND RESIDENTIAL USES WITHIN NONCONFORMING HOTEL USE ON THE NORTH SIDE OF BELLE ISLE.

RECOMMENDATION

Please place the attached item on the September 11, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC") and Planning Board.

Currently, hotels are prohibited in the RM-1 district on Belle Isle. The Standard Hotel at 40 Island Avenue, which is a legal nonconforming hotel, is proposing certain improvements to its property. I would like the LUSC to consider amending the RM-1 district regulations and the non-conforming use provisions applicable to hotels on the north side of Belle Isle to permit a non-conforming hotel to develop new long-term residential units; and to allow aggregation of three lots for the sole purpose of improving vehicular circulation and loading. Long-term residential units on this property would be compatible with surrounding properties, which are primarily residential. In addition, on-site parking will substantially reduce the amount of traffic on the Venetian Causeway resulting from the Standard Hotel's existing valet operations.

Following review by LUSC, an Ordinance can be transmitted to the Planning Board.

BACKGROUND/HISTORY

ANALYSIS

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-notice/>

FINANCIAL INFORMATION

CONCLUSION

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

Office of Commissioner Laura Dominguez

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Ref: LUSC/PB – Amend RM-1 Nonconforming Hotel Regulations. (Dominguez)

RM1 and Nonconforming Regulations for Belle Isle – LDR Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE XII, ENTITLED "NONCONFORMITIES," DIVISION 2.12.8, ENTITLED "REPAIR OR REHABILITATION OF NONCONFORMING BUILDINGS," AMENDING SECTION 2.12.8.c.5, ENTITLED "EXCEPTIONS," TO UPDATE THE REQUIREMENTS FOR REDEVELOPING A NONCONFORMING HOTEL USE ON THE NORTH SIDE OF BELLE ISLE, AND CHAPTER 7 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED, "GENERAL TO ALL ZONING DISTRICTS", DIVISION 7.2.4, ENTITLED, "RM-1 RESIDENTIAL MULTIFAMILY, LOW INTENSITY," AMENDING SECTION 7.2.4.2.a ENTITLED "SUPPLEMENTAL MAIN PERMITTED USES REGULATIONS (RM-1)" TO CLARIFY THAT RESIDENTIAL USES ARE PERMITTED WITHIN A STRUCTURE CONTAINING LEGAL NON-CONFORMING HOTEL USES ON THE NORTH SIDE OF BELLE ISLE, AND AMENDING SECTION 7.2.4.3.f., TO PERMIT AGGREGATION OF UP TO THREE PLATTED LOTS FOR THE PURPOSE OF PROVIDING IMPROVED VEHICULAR CIRCULATION, PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, certain legal nonconforming waterfront hotel uses located on the north side of Belle Isle were uniquely valuable neighborhood amenities; and

WHEREAS, the City desires to encourage development of mixed-use buildings that blend residential and non-residential uses; and

WHEREAS, legal nonconforming waterfront hotel uses on the north side of Belle Isle provide residents with wellness activations, as well as food and beverage uses within walkable distances, which promotes pedestrianism, reduces traffic, and improves quality of life of residents; and

WHEREAS, introducing residential uses within legal nonconforming hotel uses on the north side of Belle Isle improves the compatibility of the non-conforming use with the surrounding residential community; 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, “Administration and Review Procedures”, Article XII. “Nonconformities”, Section 2.12.8.c.5. is amended as follows:

CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES
ARTICLE XII
NONCONFORMITIES
* * *
DIVISION 2.12.8
REPAIR OR REHABILITATION OF NONCONFORMING BUILDINGS
* * *
SECTION 2.12.8.c.5.

Hotel and accessory uses. Notwithstanding the provisions in this section 2.12.8, for nonconforming properties and buildings containing a nonconforming hotel use located on the north side of Belle Isle, and not within a local historic district, the nonconforming use may remain, in accordance with the following:

1. The overall lot size of the property may be increased, not to exceed three platted lots.
2. Existing nonconforming buildings on the property may be reconstructed to a maximum of 50 percent of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including, but not limited to, the number of hotel units and accessory food and beverage uses.
3. The degree of nonconformity of the buildings shall be reduced and not increased is lessened, and required parking for the reconstruction is shall be satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 50 45 percent of the average daily trips on adjacent two-lane, arterial roadways, and improving the resiliency of the building.

SECTION 2. Chapter 7, “Zoning Districts and Regulations”, Article II. “District Regulations”, is amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS
* * *

ARTICLE II
DISTRICT REGULATIONS

* * *

DIVISION 7.2.4

RM-1 RESIDENTIAL MULTIFAMILY, LOW INTENSITY

* * *

SECTION 7.2.4.2

USES (RM-1)

* * *

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

The supplemental main permitted uses are as follows:

- i. 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 (pursuant to section 142-1105 of this chapter);
- ii. Bed and breakfast inn (pursuant to Section 7.5.5.5); and
- iii. Apartment hotels, hotels, and suite hotels for properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue, subject to the following regulations:
 1. The lot width of the property shall not exceed 100 feet;
 2. The lobby from which the property is accessed shall be located within a building fronting Lincoln Road, which is located directly across Lincoln Lane South from the RM-1 property;
 3. The hotel shall be operated by a single operator; and
 4. No accessory uses associated with a hotel shall be located or permitted within the RM-1 district.
- iv. Properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, shall be entitled to have hotels, apartment hotels, and suite hotels.
- v. Notwithstanding the prohibited uses specified in Section 7.2.4.2, a site containing a non-conforming hotel located on the north side of Belle Isle shall be permitted to develop a maximum of six (6) residential units within the structure containing a non-conforming hotel use.

* * *

SECTION 7.4.2.3

DEVELOPMENT REGULATIONS (RM-1)

* * *

f. Lot Aggregation (RM-1)

No more than two (2) contiguous lots may be aggregated for development purposes, with the exception of projects classified as affordable and/or workforce housing. Notwithstanding the foregoing limitation, for unified sites containing a non-conforming hotel use on the north side of Belle Isle, up to three (3) platted lots may be aggregated, provided that any lots fronting Farrey Lane are used for the sole purpose of providing vehicular circulation and do not contain any enclosed buildings.

SECTION 3. 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 4. 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 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) 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: _____, 2025

Second Reading: _____, 2025

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

RM1 and Nonconforming Regulations for Belle Isle – Comprehensive Plan Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY RLU 1.1.5: LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1), TO UPDATE THE REQUIREMENTS FOR PARTIAL REDEVELOPMENT OF NONCONFORMING HOTEL BUILDINGS ON THE NORTH SIDE OF BELLE ISLE WITH ON-SITE PARKING AND LONG TERM RESIDENTIAL USES, PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the “City”) has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, certain legal nonconforming waterfront hotel uses located on the north side of Belle Isle were uniquely valuable neighborhood amenities; and

WHEREAS, the City desires to encourage development of mixed-use buildings that blend residential and non-residential uses; and

WHEREAS, legal nonconforming waterfront hotel uses on the north side of Belle Isle provide residents with wellness activations, as well as food and beverage uses within walkable distances, which promotes pedestrianism, reduces traffic, and improves quality of life of residents; and

WHEREAS, introducing residential uses within legal nonconforming hotel uses on the north side of Belle Isle improves the compatibility of the non-conforming use with the surrounding residential community; 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. The following amendments to the City’s 2040 Comprehensive Plan Future Land Use Element are hereby adopted:

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

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*

GOAL RLU 1: LAND USE

* * *

POLICY RLU 1.1.75 LOW INTENSITY MULTI-FAMILY (RM-1)

* * *

~~Non-conforming buildings containing non-conforming hotel uses, located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50% of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including but not limited to, the number of hotel units and accessory food and beverage uses, the non-conformity of the building is lessened, and required parking for the surrounding neighborhoods with a minimum reduction of 50% 45% of the average daily trips on adjacent, two-lane, arterial roadways, and improving the resiliency of the building.~~

For nonconforming properties and buildings containing a nonconforming hotel use located on the north side of Belle Isle, and not within a local historic district, the nonconforming use may remain, in accordance with the following:

1. The overall lot size of the property may be increased, not to exceed three platted lots.
2. Existing nonconforming buildings on the property may be reconstructed to a maximum of 50 percent of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including, but not limited to, the number of hotel units and accessory food and beverage uses.
3. The degree of nonconformity of the buildings shall be reduced and not increased and required parking for the reconstruction shall be satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 45 percent of the average daily trips on adjacent two-lane, arterial roadways, and improving the resiliency of the building.

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.

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SECTION 5. EFFECTIVE DATE.

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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: _____, 2025

Second Reading: _____, 2025

Verified by: _____

Thomas R. Mooney, AICP
Planning Director

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Hotels on North Side of Belle Isle - ORD COMP PLAN Jan 16 2025 LUSC.docx