

**MODIFICATIONS TO THE WEST AVENUE BAY FRONT OVERLAY**

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO DEFINE "HOSTEL" AND TO AMEND THE DEFINITION OF "RESTAURANT"; AND AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," DIVISION 5, "WEST AVENUE BAY FRONT OVERLAY," SECTION 142-845, "SUITE HOTEL AND BED AND BREAKFAST INN OVERLAY," TO AMEND THE CRITERIA FOR SUITE HOTEL UNITS AND ACCESSORY DINING ROOMS, AND TO PROHIBIT HOSTELS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the West Avenue neighborhood is primarily comprised of residential uses; and

**WHEREAS**, Objective 2 of the Land Use Element of the City's Comprehensive Plan provides that "[ ]and development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses"; and

**WHEREAS**, the Mayor and City Commission desire to encourage uses that are compatible with the low scale character of the West Avenue neighborhood; and

**WHEREAS**, Division 5 of Article III of Chapter 142 of the City Code sets forth overlay zoning regulations for the West Avenue Bay Front Overlay; and

**WHEREAS**, under certain conditions, suite hotels and bed and breakfast inns are currently allowable uses in the West Ave Bay Front overlay district; however, hotels and apartment hotels are prohibited; and

**WHEREAS**, hostels and other high occupancy transient uses, like hotels and apartment hotels, are more intense than bed and breakfasts and suite hotels, and are therefore incompatible with low scale residential neighborhoods; and

**WHEREAS**, just as hostels, hotels, and apartment hotels are more intense uses than bed and breakfasts and suite hotels, the accessory uses to hostels, hotels, and suite hotels (e.g., restaurants and bars) are less compatible with low scale residential neighborhoods than the accessory uses allowed to bed and breakfasts and suite hotels (e.g., dining rooms); and

**WHEREAS**, suite hotels can be used as high occupancy transient uses, like hotels and apartment hotels and are therefore incompatible with low scale residential neighborhoods without occupancy regulations; and

WHEREAS, the amendment set forth below is necessary to accomplish the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 114, entitled "General Provisions," is amended as follows:

CHAPTER 114  
GENERAL PROVISIONS

Sec. 114-1. Definitions.

\* \* \*

Hostel means a building occupied or intended to be occupied by transient residents, where ingress or egress may or may not be through a common lobby or office that is supervised by a person in charge at all times. A hostel provides communal or dormitory-style accommodations where transient residents can rent a bed, usually a bunk bed (as opposed to renting an entire unit, as in a hotel or suite hotel), and share a bathroom, lounge, and sometimes a kitchen. Rooms can be mixed or single-sex, although private rooms may also be available. The transient resident occupancy of a hostel shall not exceed the following limits per individual unit:

- (a) For units between 300 and 335 square feet, occupancy shall be limited to four (4) persons.
- (b) For units between 336 and 485 square feet, occupancy shall be limited to six (6) persons.
- (c) For units larger than 486 square feet, occupancy shall be limited to eight (8) persons. No hostel unit may be occupied by more than eight (8) persons.

\* \* \*

Restaurant means a commercial establishment where refreshments or meals may be purchased by the public and which conducts the business of serving of food to be consumed on or off the premises, whose principal business is the preparation, serving, and selling of food, to the customer for consumed on or off the premises. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant use. All restaurants shall be appropriately licensed as a restaurant or similar food service-type use by all applicable agencies.

SECTION 2. Chapter 142, entitled "Zoning Districts and Regulations" is amended, as follows:

\* \* \*

ARTICLE III. - OVERLAY DISTRICTS

\* \* \*

DIVISION 5. - WEST AVENUE BAY FRONT OVERLAY

\* \* \*

**Sec. 142-845. - Suites Hotel and Bed and Breakfast Inn Overlay Area.**

\* \* \*

(b) Suites hotels are permitted in existing multi-family structures and in single-family structures, including those that have been combined with adjacent multi-family or single-family structures through unity of title, ~~subject to the following conditions:~~ The maximum occupancy of such suite hotel units shall be limited to 4 persons for units less than 500 square feet and 6 persons for units greater than 500 square feet. Additionally, suite hotels shall be subject to the following conditions:

\* \* \*

(4) Suites hotels located in the subject district may have accessory uses based upon the below criteria:

a. A dining room operated solely for registered hotel guests and their visitors, located inside the building, with no exterior signs, entrances or exits except as required by the South Florida Building Code. Such dining room shall not be licensed separately, nor licensed as a restaurant, and shall not be permitted to have a commercial kitchen, but may have separate areas for food preparation and storage, provided there are no cook-tops, stoves, ovens or broilers, and exterior kitchen ventilation is not required.

\* \* \*

(d) Hostels shall be prohibited within the subject Overlay Area.

**SECTION 3. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**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.

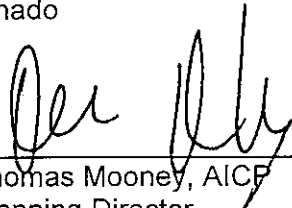
**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Philip Levine  
Mayor


Rafael E. Granado  
City Clerk

Verified by:   
Thomas Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes removed language

(Sponsored by Commissioner Joy Malakoff)

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

 5-2-17  
City Attorney Date

First Reading: May 17, 2017  
Second Reading: June 7, 2017

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