

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 25, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB23-0590. Ocean Terrace Overlay - Hostel Prohibition.**

#### **RECOMMENDATION**

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

#### **HISTORY**

On October 26, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred a proposal to the Land Use and Sustainability Committee (LUSC) and the Planning Board (Item R9 H) pertaining to the prohibition of certain uses on Ocean Terrace, as previously recommended by the Planning Board.

The item was placed on the November 18, 2022 LUSC agenda and deferred to the January 25, 2023 meeting with no discussion. At the request of the item sponsor, the item was deferred to the February 15, 2023 LUSC meeting. On February 15, 2023, the LUSC recommended that the Planning Board transmit an ordinance to the City Commission to prohibit hostels within the Ocean Terrace Overlay and that the remainder of the item be bifurcated and continued to the April 19, 2023 LUSC meeting.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, 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 ordinance 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.**

**Consistent** – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance does modify the scale of development, as such the amendment is not out of scale with the needs of the neighborhood or the city.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed amendment does not modify district boundaries.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to minimize potential nuisances for residents makes passage of the proposed change necessary.

**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, as it contains safeguards to ensure that residents are not negatively impacted.

**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 create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not 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 properties in the City.

**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 133-50(b) of the Land Development Regulations 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.**

**Partially 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.**

**Partially Consistent** – The proposal should not impact the resiliency of the City with respect to sea level rise.

**(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.

**BACKGROUND**

On June 8, 2016, the City Commission approved ordinance No. 2016-4021, establishing the Ocean Terrace Overlay. The Overlay, which is located in the North Beach area between 73<sup>rd</sup> Street and 75<sup>th</sup> Street, included regulations to encourage the revitalization of the Ocean Terrace corridor, such as height and other development incentives, while placing certain use restrictions.

**ANALYSIS**

The ordinance that was initially referred to and is currently pending at the LUSC, contains broader regulations to restrict several additional uses within the Ocean Terrace Overlay. While these uses are still pending, the LUSC did reach consensus on prohibiting hostels within the Overlay, and the proposed ordinance amendment is limited to the prohibition of hostels within the Ocean

#### Terrace Overlay.

In general, hostels do not attract the same caliber of visitors that larger, resort style hotels do. Also, if not properly regulated, the size and nature of hostel units can become a nuisance. While there are currently no proposals to build hostels within the Ocean Terrace Overlay, since the area contains a significant number of permanent residents, a prohibition on hostels would be beneficial to ensure the long-term quality of life for residents. As such, staff is supportive of the proposed ordinance, as it will encourage a higher caliber of future hotel and residential uses, as well as help prevent negative consequences associated with hostels issues in the future, should the make-up of the Ocean Terrace area change.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

## Ocean Terrace Overlay - Hostel Prohibition

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS, ARTICLE 3, ENTITLED "OVERLAY DISTRICTS," AT SECTION 7.3.6, "OCEAN TERRACE OVERLAY," TO PROHIBIT HOSTELS WITHIN THE BOUNDARIES OF THE OCEAN TERRACE OVERLAY; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

**WHEREAS**, Properties fronting Ocean Terrace and Collins Avenue between 73rd and 75th Streets are within the Harding Townsite historic district, the North Shore National Register historic district, and the Ocean Terrace Overlay; and

**WHEREAS**, hostels are uses that often create nuisances for nearby permanent residents; and

**WHEREAS**, It is the intent of the city to limit the number of establishments which may negatively affect surrounding areas; and

**WHEREAS**, the City Commission finds that it is in the best interest of its residents, businesses, and visitors to adopt regulations to protect the public health, safety, welfare, and morals; 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, "Zoning Districts and Regulations," Article 3, "Overlay Districts," Section 7.3.6, "Ocean Terrace Overlay," is hereby amended as follows:

### **7.3.6 OCEAN TERRACE OVERLAY**

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#### **7.3.6.2 Compliance with regulations (Ocean Terrace Overlay).**

The following overlay regulations shall apply to the Ocean Terrace Overlay. All development regulations in the underlying regulations shall apply, except as follows:

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- (g) *Prohibited uses.*
  - (1) Package alcohol store.

(2) Hostels.

- (h) *Additional development regulations.* Buildings with frontage on Collins Avenue shall have either retail or restaurant uses (which may include neighborhood impact establishment uses) on the front 50 feet of depth of the ground floor with an entrance that opens onto Collins Avenue. Buildings with frontage on Ocean Terrace shall have active uses on the ground floor with an entrance that opens onto Ocean Terrace.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 re-numbered or re-lettered 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** \_\_\_\_\_.

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Dan Gelber, Mayor

**ATTEST:**

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Rafael E. Granado, City Clerk

First Reading: May 17, 2023

Second Reading: June 28, 2023

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director