

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: **PB23-0593. Apartment Hotel Revised Definition.**

RECOMMENDATION

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

HISTORY

On October 13, 2021, at the request of Commissioner Steven Meiner, the City Commission referred a discussion item (item C4 H) regarding apartment hotel uses to the Land Use and Sustainability Committee (LUSC).

On March 4, 2022, the LUSC discussed the item and continued it to the April 8, 2022, meeting, with direction to the Administration to develop a revised definition of apartment hotel that included a minimum lobby size. On February 15, 2023, the LUSC discussed and concluded the item, and recommended that the City Commission refer the attached draft ordinance revising the definition of apartment hotel to the Planning Board.

On March 27, 2023, the City Commission referred the proposed ordinance to the Planning Board (item C4 A).

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 clarify the requirements for apartment hotels 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 clarifications which minimize the impacts of apartment hotels.

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

The following is the current definition of apartment hotel in Section 114-1 of the Land Development Regulations of the City Code (LDRs):

Apartment hotel means a building containing a combination of suite hotel unit, apartment units and hotel units, under resident supervision, and having an inner lobby through which all tenants must pass to gain access. An apartment hotel must contain at least one unit apartment.

Apartment hotels are permitted in those zoning districts that allow for other hotel uses, such as hotel, suite hotel and/or hostels. Apartment hotel has been an allowable use in the City Code since at least 1989 and provides a needed definition for those properties containing a mix of residential and hotel uses.

PLANNING ANALYSIS

Modifications have been drafted to the definition of apartment hotel to provide better clarity. Additionally, at the recommendation of the Independent Planning Reviewer for apartment hotels in the South of 5th Street area, as well as the recommendation of the Office of the Inspector General (OIG), the definition was amended to address the requirements for an inner lobby.

The attached draft ordinance contains the following revised definition of apartment hotel:

Apartment hotel means a building containing a combination of apartment units and hotel units and/or suite hotel units. For purposes of this definition, the following shall apply to an apartment hotel:

- (1) At least one (1) of the units within a property shall consist of an apartment unit.*
- (2) All hotel and/or suite hotel units shall be under resident supervision. For purposes of this definition, the resident supervisor shall be required to live on the property and shall be available at all times to address any operational issues at the property.*
- (3) The property shall contain at least one guest lobby, which shall be a minimum of 250 square feet.*
- (4) For existing buildings constructed prior to 1965, including any additions, access to all hotel and/or suite hotel units may or may not be through a common lobby.*
- (5) For new construction and existing buildings constructed after 1965, including any additions, access to all hotel and/or suite hotel units shall be through a common lobby.*

The substantive modifications to the definition of apartment hotel include the following:

1. The requirement for resident supervision has been better defined and clarified.
2. A minimum size of 250 square feet has been added for the required lobby.
3. The criteria for guest access to all units from a common lobby has been clarified. In this regard, access to all units from the lobby is required for buildings constructed after 1965, but not for existing buildings constructed prior to 1965. This will allow for the conversion of older buildings to an apartment hotel in districts that permit such use.

NOTE: In hotels, direct access to hotel units from an inner lobby is not required.

As it pertains to the minimum number of apartment units required within an apartment hotel, different options have been explored about potentially increasing the current requirement of a single apartment unit to a larger percentage of the total number of units. Given the changing nature of the unit mix in apartment hotels, particularly within larger buildings that fluctuate between residential apartment units and hotel units, it is recommended that the minimum number of apartment units remain at one (1). This allows for continued flexibility for both new and existing structures in those districts where an apartment hotel use is permitted. Again, it is important to note that apartment hotels are only permitted in those districts that allow for hotel uses.

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.

Apartment Hotel Revised Definition

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 114 OF THE CITY CODE ENTITLED "GENERAL PROVISIONS," TO MODIFY THE DEFINITION OF APARTMENT HOTEL; AND 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, the City Commission desires to amend the definition for apartment hotel to be consistent with long standing practice; and

WHEREAS, the amendments set forth below are 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, "General Provisions," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 114-1. Definitions.

~~*Apartment hotel* means a building containing a combination of suite hotel unit, apartment units and hotel units, under resident supervision, and having an inner lobby through which all tenants must pass to gain access. An apartment hotel must contain at least one unit apartment.~~

Apartment hotel means a building containing a combination of apartment units and hotel units and/or suite hotel units. For purposes of this definition, the following shall apply to an apartment hotel:

- (1) At least one (1) of the units within a property shall consist of an apartment unit.
- (2) All hotel and/or suite hotel units shall be under resident supervision. For purposes of this definition, the resident supervisor shall be required to live on the property and shall be available at all times to address any operational issues at the property.
- (3) The property shall contain at least one guest lobby, which shall be a minimum of 250 square feet.
- (4) For existing buildings constructed prior to 1965, including any additions, access to all hotel and/or suite hotel units may or may not be through a common lobby.
- (5) For new construction and existing buildings constructed after 1965, including any additions, access to all hotel and/or suite hotel units shall be through a common lobby.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____ 2023.

PASSED and ADOPTED this _____ day of _____, 2023.

Dan Gelber
Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: May 17, 2023
Second Reading: June 28, 2023

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