

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: July 25, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0146. HOSTEL, HOTEL, APARTMENT HOTEL AND SUITE HOTEL REGULATIONS**

REQUESTS

PB 17-0146. HOSTEL, HOTEL, APARTMENT HOTEL AND SUITE HOTEL REGULATIONS. 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, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO MODIFY THE DEFINITION OF "APARTMENT HOTEL," "HOSTEL," "HOTEL," AND "SUITE HOTEL," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," TO MODIFY MAIN PERMITTED AND PROHIBITED USES PERTAINING TO APARTMENT HOTEL, HOTEL, SUITE HOTEL AND HOSTEL IN CERTAIN ZONING DISTRICTS; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1105, ENTITLED "SUITE HOTELS," BY CREATING CRITERIA, STANDARDS, ALLOWABLE AND PROHIBITED DISTRICTS AND OCCUPANT LIMITS FOR APARTMENT HOTELS, SUITE HOTELS, HOTELS AND HOSTELS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On June 7, 2017, the City Commission adopted Ordinance 2017-4107, which amended the development and zoning regulations in the West Avenue Bayfront Overlay. This ordinance was sponsored by Commissioner Joy Malakoff. As part of this proposed ordinance, a definition of 'Hostel' was created. In order to better define where hostels can be located within the City, the Commission also referred the attached ordinance to the Land Use and Development Committee and the Planning Board (Item R5 AF).

On June 14, 2017, the Land Use and Development Committee (LUDC) discussed the item, and directed staff to include hotels in the proposed ordinance, as well as updates to the suite hotel regulations. The item was then continued to a date certain of July 5, 2017.

On July 5, 2017, the LUDC discussed the proposed ordinance pertaining to hostel locations and suite hotel regulations and recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation, with a modification to prohibit hostels in RPS-4 districts. Commissioner Joy Malakoff is the sponsor of the ordinance.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The uses proposed modifications are 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.**

Not Applicable – The proposed amendment does not modify district boundaries.

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

Not Applicable – The proposed Ordinance will not modify the scale of development.

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

Consistent – The proposed change will not modify the intensity of development.

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

Not Applicable – The existing boundaries will not be modified by the proposed Ordinance.

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

Consistent – The increase in demand of economy accommodations in Miami Beach have affected the quality of life for residents in traditionally residential zoning districts which makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the**

neighborhood.

Consistent – The proposed change will not adversely affect living conditions in the neighborhood, and is intended to safeguard residential areas from potential negative impacts.

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 impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal does not modify the scale of development and will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should 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 proposal will not be a deterrent to the improvement or development of adjacent property.

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.

ANALYSIS

Prior to the creation of a definition for 'hostel' in the City Code, for zoning purposes hostels were treated as a hotel, or a suite hotel when the unit contains a kitchen. The main difference between a hotel use and a hostel use is that a 'hotel' consists of booking the entire room while a 'hostel' typically means booking a bed space in a room occupied by other people who have done the same.

Although a definition for hostel was created, with corresponding limits on room occupancy,

specific locations for this use have not yet been incorporated into the City Code. To be considered a hostel, a property must provide short-term, shared (dormitory-style) accommodation for individual travelers, though many hostels also provide private rooms. The word "dormitory" refers to a room where travelers independently book individual beds in a shared room as opposed to booking entire rooms like in a hotel or guesthouse.

The attached ordinance identifies specific zoning districts for which hostels can be located, including those districts where a unit size limit would be applicable. It also modifies the allowable and prohibited use sections of all applicable zoning districts, to comport with the changes proposed regarding hotels, apartment-hotels, suite hotels and hostels. Finally, in Chapter 114, existing, applicable definitions have been modified, and new definitions have been added, to better clarify the distinctions between hotel, apartment-hotel, suite hotel and hostel.

The following is a more specific summary of the proposed changes contained within the draft ordinance:

Section 114-1 – Definitions

- The definition of *Apartment hotel* has been modified to allow for of suite hotel units within 'apartment-hotels'. Additionally, the current standard of requiring that an apartment hotel contain at least one apartment unit has been added to the definition.
- The definition of *Hotel unit* has been modified to include 'hotels' and to require that each hotel unit contain a separate bathroom facility. This change will better distinguish 'hotels' from 'hostels'. Additionally, the reference to 'suite hotel unit' has been removed, as 'suite hotel' is now proposed as a separate definition.
- The definition of *Hostel* has been modified by removing the occupancy limits. This change reflects the proposed modifications to Sec. 142-1105, where occupancy limits for hostels in lower intensity zoning districts would be required.
- A definition of *Suite hotel unit and suites hotel* has been added. Since a 'suite hotel' is distinguished from a regular hotel by virtue of allowing full cooking facilities, a separate definition is more appropriate.

Section 142-1105 - Suites hotel, apartment hotel, hostel and hotel

- The standards and requirements for 'suite hotels' have been updated and slightly modified to better conform to current standards for hotel units and facilities containing cooking facilities. In this regard, the previous requirement for all units to consist of hotel units has been removed, in order to allow for a mix of units (i.e. an 'apartment-hotel'). Additionally, the requirement for a minimum common area has been reduced from 20% of the gross floor area to 10% of the gross floor area. Finally, the previous prohibition on unenclosed exterior walkways that provide access to the units has been removed.

- Standards and requirements for 'hostels' have been created. This includes zoning districts that hostels are permitted (both with and without occupancy limits), as well as those districts and overlays where hostels are prohibited.
- Standards and requirements for 'hotels' and 'apartment-hotels' have been created. These include previous limits on cooking facilities, as well as the creation of occupancy limits in certain zoning districts. The reason for the occupancy limits is to ensure that the hotels are not operated as a 'hostel' or similar high density use.

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.

TRM/MAB/TUI

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HOSTEL, HOTEL, APARTMENT HOTEL AND SUITE HOTEL REGULATIONS

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, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO MODIFY THE DEFINITION OF "APARTMENT HOTEL," "HOSTEL," "HOTEL," AND "SUITE HOTEL"; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," TO MODIFY MAIN, PERMITTED, AND PROHIBITED USES PERTAINING TO APARTMENT HOTEL, HOTEL, SUITE HOTEL, AND HOSTEL IN CERTAIN ZONING DISTRICTS; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1105, ENTITLED "SUITE HOTELS," BY CREATING CRITERIA, STANDARDS, ALLOWABLE AND PROHIBITED DISTRICTS AND OCCUPANT LIMITS FOR APARTMENT HOTELS, SUITE HOTELS, HOTELS AND HOSTELS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City desires to amend the existing land development regulations pertaining to apartment hotels, hotels, suite hotels and hostels Citywide; and

WHEREAS, Objective 2 of the Land Use Element of the City's Comprehensive Plan provides that "[l]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 regulate transient uses to protect the health, safety, and welfare of its residents throughout the City; and

WHEREAS, under certain conditions, suite hotels, apartment-hotels, hotels, and bed and breakfast inns are currently allowable uses in designated zoning districts; and

WHEREAS, hostels and similar high occupancy transient uses are more intense than other transient uses, and are therefore incompatible with certain land uses and zoning district categories; and

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

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

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

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

* * *

Apartment hotel means a building containing ~~both~~ a combination of suite hotel units, 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 apartment unit.

Hotel unit and hotel means a room, or group of rooms, each unit containing a separate bathroom facility, with ingress or egress which may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use or used as a permanent dwelling and without cooking facilities. (This term includes a suite hotel unit, see section 142-1105.)

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.~~

Suite hotel unit and suites hotel means a room, or group of rooms, each containing separate bathroom and full cooking facilities, with ingress or egress which may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use or used as a permanent dwelling.

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

**Chapter 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. - DISTRICT REGULATIONS

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DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICT

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Subdivision II. - RM-1 Residential Multifamily Low Intensity

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Sec. 142-152. - Main permitted uses.

The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; 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); and bed and breakfast inn (pursuant to article V, division 7 of this chapter).

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

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Sec. 142-212. - Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are single-family detached dwellings; townhomes; apartments; apartment-hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); and offices that are incidental and customary to a hotel in the RM-3 district fronting Collins Avenue located no more than 1,200 feet from the RM-3 hotel property. For purposes of this section, the distance between the RM-3 hotel property and the RM-2 office property shall be measured by following a straight line between the properties' boundaries; further that office property shall be governed by a restrictive covenant approved as to form by the City Attorney, recorded in the public records, stipulating that the office use may only remain as long as the hotel use continues.

* * *

Sec. 142-215. - Prohibited uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; and accessory outdoor bar counter; for properties located within the Palm View, and West Avenue corridors, hostels; and for properties located within the Palm View, and West Avenue corridors, hotels and apartment-hotels, except to the extent preempted by F.S. § 509.032(7), and unless they are a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures

due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

* * *

Subdivision V. - RM-3 Residential Multifamily, High Intensity

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Sec. 142-242. - Main permitted uses.

The main permitted uses in the RM-3 residential multifamily, high intensity district are single-family detached dwelling; townhomes; apartments; apartment-hotels; and hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter).

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DIVISION 5. - CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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Sec. 142-302. - Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment-hotels; hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); religious institutions with an occupancy of 199 persons or less and alcoholic beverage establishments pursuant to the regulations set forth in chapter 6. Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in section 142-310:

(a) *Alton Road corridor.* Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road.

(b) *Sunset Harbour neighborhood.* The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south.

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DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

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Sec. 142-332. - Main permitted uses.

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment-hotels; hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, and religious institutions with occupancy of 199 persons or less. Offices are

prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment/_hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. Dance halls (as defined in section 114-1 of this Code) not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishments are prohibited on properties having a lot line adjoining Lincoln Road, from the Atlantic Ocean to Biscayne Bay, unless the dance hall is located within a hotel with a minimum of 100 hotel units. Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east, shall be subject to the additional requirements set forth in section 142-340.

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DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT

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Sec. 142-541. - Main permitted uses.

The main permitted uses in the MXE mixed use entertainment district are apartments; apartment/_hotels; hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); commercial development as specified in section 142-546, and religious institutions with an occupancy of 199 persons or less.

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DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT

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Sec. 142-693. - Permitted uses.

(a) The following uses are permitted in the performance standard districts:

General Use Category	R-PS 1, 2	R-PS 3, 4	C-PS 1, 2, 3, 4	RM-PS1
Single-family; townhome; apartment; apartment/_hotel pursuant to section 142-1105 of this chapter.	P	P	P	P Apartment/_hotel not permitted
Hotel, hostel, and suite hotel pursuant to section 142-1105 of this chapter.	N	P <u>However, hostels shall not be permitted.</u>	P <u>However, hostels shall not be permitted in the C- PS2 district.</u>	N

Commercial	N	N	P	P 8% of floor area
Institutional	C	C	C	C 1.25% of floor area
Accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.	N	N	P* North of 5th Street only.	N
Outdoor entertainment establishments and open air entertainment establishments	N	N	N	N
Neighborhood impact establishments	N	N However, in the R-PS4 district, this use is permitted, as an accessory use in oceanfront hotels with 250 or more hotel units, as a conditional use. Access to the establishment shall be only from the interior lobby of the hotel and not from the street.	C	N
Accessory	P*	P*	P*	P*

P—Main permitted use C—Conditional use N—Not permitted

* — Accessory use only

Floor area in the RM-PS1 district refers to total floor area in project. Commercial uses in RM-PS1 limited to stores and restaurants.

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DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

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Sec. 142-736. - Main permitted uses, conditional uses, accessory uses, and prohibited uses.

(a) Land uses in the TC-1 town center core district shall be regulated as follows:

(1) The main permitted uses in the TC-1 district are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6; apartments; apartment/~~hotels~~; hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter). The ground story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). The provisions of chapter 6 concerning distance separation for consumption of alcoholic beverages on-premises in restaurants shall not apply to this district.

(2) The conditional uses in the TC-1 district are adult living congregate facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment, neighborhood impact establishment, open air establishment, nursing homes; religious institution; video game arcades; public and private institutions; and schools and major cultural dormitory facilities as specified in section 142-1332.

(3) The accessory uses in the TC-1 district are those uses permitted in Article IV, Division 2 of this Chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in Chapter 6; provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

(4) The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this division. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).

(b) Land uses in the TC-2 town center mixed-use district shall be regulated the same as for uses in the TC-1 town center core district.

(c) Land uses in the TC-3 town center residential office district shall be regulated as follows:

(1) The main permitted uses in the TC-3 district are single-family detached dwelling, townhomes, apartments and offices.

(2) The conditional uses in the TC-3 district are apartment hotels, hotel, and suite hotel (pursuant to section 142-1105 of this chapter); adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).

3. In areas designated TC-3© on the zoning map, the following uses may be permitted as conditional uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in Chapter 6, with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the conditional use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in chapter 6, and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 7th 1st Street.

(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, division 2 of this chapter, except that apartment hotels, hotels, and suite hotels may have accessory uses based upon the criteria below:

a. Hotels, apartment hotels, and suite hotels in the TC-3 district may include a dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the Florida Building Code.

b. Hotels, apartment hotels, and suite hotels in the TC-3(c) district may include accessory restaurants or alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 when approved as part of the conditional use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and alcoholic beverage establishments on the entire site shall not exceed 1.5 persons per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be

permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the conditional use process.

c. Hotels and suite hotels located in the TC-3 or TC-3(c) districts may have other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.

(4) The prohibited uses in the TC-3 district are hostels, accessory dance halls, accessory entertainment establishments, accessory neighborhood impact establishments, accessory outdoor entertainment establishment; accessory open air or outdoor entertainment establishment as set forth in article V, division 6 of this chapter, accessory outdoor bar counter and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations). However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).

(5) There shall be no variances to these provisions.

(d) Ordinances elsewhere in these land development regulations that refer to the zoning districts that existed prior to this amendment, i.e., RM-1, CD-2, and CD-3, shall remain applicable to the properties lying within these TC-1, -2 and -3 districts, as if each such reference was amended to correspond to the new TC districts (RM-1 as to TC-3; CD-2 as to TC-2; and CD-3 as to TC-1), unless a provision in the TC districts expressly addresses the matter, in which case the TC regulation shall control.

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ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 3. SUPPLEMENTARY USE REGULATIONS

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Sec. 142-1105. - Suites hotel, apartment hotel, hostel and hotel.

(a) When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit, as defined in Section 114-1, and shall conform with the following:

- (1) Suite hotel units may have full cooking facilities, provided the unit is at least 550 square feet. The units shall only be permitted in new construction, in historic district suites hotels that have been rehabilitated in general accordance with the U.S. Secretary of the Interior's standards for rehabilitation of historic buildings as determined by the planning and zoning director, or in buildings which have been substantially rehabilitated or where the suites hotel units are part of a request for a building permit that will result in the building being substantially rehabilitated. (2) Cooking facilities in units of less than 550 square feet shall be limited to one

~~microwave oven, and one five-cubic-foot refrigerator.~~ Notwithstanding the foregoing, historic district suites hotels located within a local historic district, local historic site or national register district may have full cooking facilities in units with a minimum of 400 square feet.

- (2) ~~The building shall be maintained and operated as a hotel.~~
 - (3) A minimum of ~~20~~ 10 percent of the total gross area shall be maintained as common area, however this requirement shall not apply to historic district suites hotels. This provision shall not be waived or affected through the variance procedure.
 - (4) The building shall contain a registration desk and a lobby. ~~(a)~~ Any transient guest or occupant for a suite hotel unit must register at the registration desk. Those transient guest(s) or occupant(s) are prohibited from accessing the suite hotel unit without registration.
 - (5) The building shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street, bay or ocean.
 - (6) ~~The building shall not have unenclosed exterior walkways that provide access to the units; however this requirement shall not apply to historic district suites hotels.~~
 - (7) Should the facility convert from a suites hotel to a multifamily residential building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.
 - (8) No suite hotel unit may be occupied by more than eight (8) persons.
- (b) Hostel, as defined in Section 114-1, shall conform with the following:
- (1) Hostels shall comply with the minimum unit size requirements for hotels in the underlying zoning district.
 - (2) Hostels shall be permitted in the MXE, TC-1, TC-2, C-PS3, C-PS4, CD-2 and CD-3 zoning districts.
 - (3) Hostels shall be permitted in the RM-2 and RM-3 zoning districts, provided the occupancy of a hostel shall not exceed the following limits per individual unit:
 - a. For units less than 335 square feet, occupancy shall be limited to four (4) persons.
 - b. For units between 335 and 485 square feet, occupancy shall be limited to six (6) persons.
 - c. For units larger than 485 square feet, occupancy shall be limited to eight (8) persons.

- d. No hostel unit may be occupied by more than eight (8) persons.
 - (4) Hostels shall be prohibited in all zoning districts and overlay districts that prohibit hotel and transient uses, and shall also be prohibited in districts zoned RS-1, RS-2, RS-3, RS-4, RM-1, RM-PRD, RM-PRD-2, TH, I-1, C-PS1, C-PS2, R-PS1, R-PS2, R-PS3, R-PS4, CD-1, RO, R0-3, SPE, and TC-3.
- (c) Hotels and hotel units, as defined in Section 114-1, shall conform with the following:
- (1) Hotel units shall comply with the minimum unit size requirements in the underlying zoning district.
 - (2) Cooking facilities in hotel units shall be limited to one microwave oven, one sink and one five-cubic-foot refrigerator.
 - (3) Hotels located in the CPS-2, RPS-3, RPS-4, RM-1, RM-2 and RM-3 zoning districts shall not exceed the following occupancy limits per individual unit:
 - a. For units less than 335 square feet, occupancy shall be limited to four (4) persons.
 - b. For units between 335 and 485 square feet, occupancy shall be limited to six (6) persons.
 - c. For units larger than 485 square feet, occupancy shall be limited to eight (8) persons.
 - d. No hotel unit may be occupied by more than eight (8) persons.
 - (4) Hotels shall be prohibited in all districts that do not list hotel as a permitted or conditional use.
- (d) Apartment hotels, as defined in Section 114-1, shall conform with the following:
- (1) All units shall comply with the minimum unit size requirements in the underlying zoning district. In the RPS-2 district, the minimum unit size for hotel units shall be 335 square feet.
 - (2) Cooking facilities in hotel units shall be limited to one microwave oven, one sink and one five-cubic-foot refrigerator.
 - (3) Hotel and suite hotel units located in the CPS-2, RPS-2, RPS-3, RPS-4, RM-2 and RM-3 zoning districts shall not exceed the following occupancy limits per individual unit:
 - a. For units less than 335 square feet, occupancy shall be limited to four (4) persons.

- b. For units between 335 and 485 square feet, occupancy shall be limited to six (6) persons.
 - c. For units larger than 485 square feet, occupancy shall be limited to eight (8) persons.
 - d. No hotel or suite hotel unit may be occupied by more than eight (8) persons.
- (4) Apartment hotels shall be prohibited in all districts that do not list apartment hotel as a permitted or conditional use.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. 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 a 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 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

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

First Reading: September 13, 2017
Second Reading: October 18, 2017

(Sponsored by Commissioner Joy Malakoff)

Underline denotes new language
~~Strikethrough~~ denotes removed language

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