

MODIFICATIONS TO THE WEST AVENUE BAY FRONT OVERLAY

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, FLORIDA BY AMENDING SUBPART B - LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AMENDING SECTION 114-1, "DEFINITIONS," BY ADDING A DEFINITION OF HOSTEL AND MODIFYING THE DEFINITION OF RESTAURANT, BY AMENDING CHAPTER 142, "ZONING DISTRICT AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," AT DIVISION 5, "WEST AVENUE BAY FRONT OVERLAY," AMENDING SECTION 142-845, "SUITE HOTEL AND BED AND BREAKFAST INN OVERLAY," TO AMEND THE CRITERIA FOR SUITE HOTEL UNITS AND ACCESSORY DINING ROOMS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

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

WHEREAS, is it is desirable to encourage uses that are compatible with the low scale character of the neighborhood; and

WHEREAS, Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," provides that suite hotels and bed and breakfast inns are allowable uses in the West Ave Bayfront overlay district; and

WHEREAS, hostels and other high occupancy transient uses can sometimes be incompatible with the low scale character of the neighborhood if not regulated; and

WHEREAS, Chapter 114 of the City Code, entitled "General Provisions," provides definitions; and

WHEREAS, to ensure that the all the definitions are clear and concise and are located in one area of the code that is logical and convenient to the user; 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:

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, and with a resident occupancy not exceeding the following occupancy per individual unit:

- (a) For units less than 500 square feet, occupancy shall be limited to 4 persons.
(b) For units greater than 500 square feet, occupancy shall be limited to 6 persons.

The aforementioned maximum occupancies do not include up to 2 children under the age of 15

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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. 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. The aforementioned limits on occupancy do not include up to 2 children, each under the age of 15. 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.

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 be and the same 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.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2017

Second Reading: _____, 2017

Verified by: _____
Thomas Mooney, AICP
Planning Director

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

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