

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; AND 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, a "hostel" is defined in the Land Development Regulations as "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"; and

WHEREAS, due to their unique characteristics, hostels often create nuisances for nearby long-term (i.e. non-transient) residents; and

WHEREAS, because hostels have higher occupancies per unit than residential development or other transient uses such as hotels, hostels generate increased noise, traffic, and congestion; and

WHEREAS, it is the intent of the City to limit the number of establishments which are inconsistent with the Ocean Terrace Overlay, or which 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:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

**ARTICLE 3
OVERLAY DISTRICTS**

* * *

7.3.6 OCEAN TERRACE OVERLAY

* * *

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:

* * *

- (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 this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

NK

5-19-23

Date

First Reading: June 28, 2023

Second Reading: July 26, 2023

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