

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 "HOSTEL," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," 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 HOSTELS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City desires to amend the existing land development regulations pertaining to hostels city wide; 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 all areas of 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 a more intense use 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.

* * *

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.

SECTION 2. That Division 3, entitled “Supplementary Use Regulations,” of Article IV, entitled “Supplementary District Regulations,” of Chapter 142, entitled “Zoning Districts and Regulations,” of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 3. SUPPLEMENTARY USE REGULATIONS

* * *

Sec. 142-1105. - Suites hotel and hostels.

- (a) When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit and shall conform with the following:
 - (1) 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 forgoing, historic district suites hotels may have full cooking facilities in units with a minimum of 400 square feet.

- (3) The building shall be maintained and operated as a hotel.
- (4) A minimum of 20 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.
- (5) 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.
- (6) The building shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street, bay or ocean.
- (7) 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.
- (8) 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.

(b) Hostels, 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, CD-2 and CD-3 zoning districts.
- (3) Hostels shall be permitted in the RPS-4, 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 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.
 - d. No hostel unit may be occupied by more than eight (8) persons.
- (4) Hostels shall be prohibited in all 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, RPS-1, RPS-2, RPS-3, CD-1, RO, R0-3, SPE, and TC-3.

SECTION 3. REPEALER.

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

MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

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

First Reading: _____, 2017

Second Reading: _____, 2017

(Sponsored by Commissioner _____)

Underline denotes new language

~~Strikethrough~~ denotes removed language

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