



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 11, 2013

SUBJECT: **REFERRAL TO THE PLANNING BOARD –  
PROPOSED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS  
THAT WOULD ADDRESS AND CLARIFY THE ELIGIBILITY FOR  
CONTRIBUTING BUILDINGS IN HISTORIC DISTRICTS TO BE CONVERTED  
TO BED & BREAKFAST INNS**

### ADMINISTRATION RECOMMENDATION

Refer an Ordinance Amendment to the Planning Board for consideration and recommendation.

### BACKGROUND/ANALYSIS

On March 13, 2013, the City Commission referred an Ordinance to the Land Use and Development Committee that would address and clarify the eligibility for contributing buildings in historic districts to be converted to bed & breakfast inns within the City of Miami Beach.

On July 22, 2013, the Land Use and Development Committee referred the proposed Ordinance (see attached) to the Planning Board with a favorable recommendation.

### CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

Attachment <sup>RL</sup>  
JLM/JM/RGL/TRM

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Agenda Item C4H  
Date 9-11-13

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE V "SPECIALIZED USE REGULATIONS," DIVISION 7 "BED AND BREAKFAST INNS," TO ADDRESS AND CLARIFY THE ELIGIBILITY FOR CONTRIBUTING BUILDINGS IN HISTORIC DISTRICTS TO BE CONVERTED TO BED & BREAKFAST INNS WITHIN THE CITY OF MIAMI BEACH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Code contains provisions for permitting bed and breakfast inns; and

**WHEREAS**, these provisions are limited and targeted at preserving historic buildings while permitting single family homes in historic districts to have options for such usage in order to incentivize their restoration; and

**WHEREAS**, in 2010 the Bed and Breakfast ordinance was amended to permit limited accessory assembly use in very limited cases; and

**WHEREAS**, after the amendment was adopted it was found to contain language that inadvertently permitted apartment buildings that had been converted to single family usage to then be converted to transient use, which is contrary to the intention of the original ordinance; and

**WHEREAS**, the amendment set forth below is necessary to clarify the eligibility for Bed and Breakfast Inns to correct this oversight;

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.**

Sec. 142-1401. Conditions for bed and breakfast inns.

Bed and breakfast inns are permitted with the following conditions:

(1) The use shall be situated in a contributing building and located in a locally designated historic preservation district. The use may also be situated in a noncontributing building if it is restored to its original historic appearance and re-categorized as "contributing."

(2)The owner of the bed and breakfast inn shall permanently reside in the structure.

(3)

- (a) The structure shall have originally been constructed as a single-family residence; or
- (b) The existing structure shall not have originally been constructed as an apartment building or be ~~is not classified~~ by the city as an apartment building as defined in section 114-1 of the City Code. The structure may have original auxiliary structures such as a detached garage or servant's residence, but shall not have noncontributing multifamily or commercial auxiliary structures.

\* \* \*

**Section 2. Repealer.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading:

Second Reading:

Verified By: \_\_\_\_\_  
Richard G. Lorber, AICP  
Acting Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

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