



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2013

SUBJECT: **DISCUSSION TO CONSIDER AN AMENDMENT TO ARTICLE II, SECTION 142 OF THE LAND DEVELOPMENT REGULATIONS, TO MODIFY THE REGULATIONS PERTAINING TO MINIMUM HOTEL UNIT SIZE REQUIREMENTS IN THE CITY'S COMMERCIAL ZONING DISTRICTS, PERMITTING NONCONFORMING HISTORIC HOTELS TO BE SIGNIFICANTLY RENOVATED WITHOUT THE NEED FOR ADDITIONAL VARIANCES FOR UNIT SIZE**

### **BACKGROUND**

On September 11, 2013, the City Commission adopted an Ordinance that modified the minimum unit size requirements for existing, historic hotels, located in multi-family residential zoning districts. Additionally, at the request of Commissioner Gongora, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to an Amendment to the Land Development Regulations that would modify the same regulations pertaining to minimum hotel unit size requirements, but within the City's commercial zoning districts. Specifically, historic hotels located in commercial districts, which are substantially renovated, could retain non-conforming unit sizes without the need for additional variances.

### **ANALYSIS**

Several unit size variances have recently been granted for historic hotels, which have undergone extensive renovation. These hotels have been located in both commercial and multi-family residential districts. When an existing building is significantly renovated as a hotel, the Code requires that the minimum hotel unit size be met (315/330 sq. ft.). However, the existing room configuration in historic hotel buildings is often under this minimum required room size. Variances are consistently granted for these projects, as it is considered a true hardship, since the floor plates of historic hotel buildings often cannot be easily reconfigured.

Additionally, the existing pattern of windows in historic buildings typically matches the room configuration, and the exterior of the historic building cannot be altered by removing or rearranging window placement. In the MXE district (Ocean Drive and Collins Avenue between 5<sup>th</sup> and 15<sup>th</sup>), a smaller minimum room size of 200 square feet is permitted. The historic hotels outside the MXE district are often similar in nature to those in the MXE.

In order to address this, the Ordinance adopted by the Commission on September 11, 2013 allowed for the renovation of existing historic hotels without the need for room size

variances, as long as a minimum unit size of 200 square feet is met. However, this relaxation of minimum hotel unit size requirements only applies to historic structures located in multi-family districts. After this ordinance had made its way through the approval process, it was determined that a number of hotels located in commercial districts were not able to take advantage of it. The attached Ordinance extends the same unit size requirements for historic hotels located in commercial districts.

**CONCLUSION**

The Administration recommends that the Land Use Committee refer the attached Ordinance Amendment to the Planning Board for consideration.

JLM/JMJ/RGL/TRM  
Attachment

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\October 23, 2013\Historic Hotels Unit Sizes Commercial Districts MEMO October 2013 LUDC.docx

**MINIMUM UNIT SIZES FOR HISTORIC HOTELS IN COMMERCIAL DISTRICTS**

**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 CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS", BY AMENDING SECTION 142-306 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE CD-2 DISTRICT; BY AMENDING SECTION 142-337 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE CD-3 DISTRICT; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach endeavors to recall and promote its unique social and architectural history, as well as further the dynamic character and attraction of hotels within historic districts; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize the retention, preservation and restoration of hotel structures located within historic districts; and

**WHEREAS**, the City of Miami Beach desires to amend existing minimum unit size requirements for existing hotels within historic districts; 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.** That Chapter 142, Article II, entitled "District Regulations", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-306. Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)
Commercial—N/A New construction—550	Commercial—N/A New construction—800

Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit: 15%: 300—335 85%: 335+ <u>For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet.</u>	Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A
--	---

**SECTION 2.** That Chapter 142, Article II, entitled "District Regulations", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Sec. 142-337. Development regulations and area requirements.**

\* \* \*

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)
Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit: 15%: 300—335 85%: 335+	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A

For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet.	
---	--

**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 relettered 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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2014  
Second Reading: \_\_\_\_\_, 2014

Verified by: \_\_\_\_\_  
Richard G. Lorber, AICP, LEED AP  
Acting Planning Director

Underscore denotes new language  
~~Strike-Thru~~ denotes new language

10/10/2013

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\January\Minimum Unit Sizes for Historic Hotels & RM2 Tower  
Setbacks ORD 2013.docx



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Michael Góngora, Commissioner  
DATE: August 28, 2013

SUBJECT: Referral Item for September 11 Commission Meeting

Please place on the September 11 Commission Meeting a referral to the Land Use Committee to consider an amendment to Article II, Section 142 of the Land Development Regulations, to modify the regulations pertaining to minimum hotel unit size requirements in the City's commercial zoning districts, permitting nonconforming historic hotels to be significantly renovated without the need for additional variances for unit size. This is similar to the amendment addressing minimum unit size in residential districts, currently scheduled for second reading at the September 11, 2013 Commission meeting. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df