



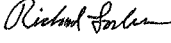
MIAMI BEACH

PLANNING DEPARTMENT Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 3, 2013

FROM: Richard G. Lorber, AICP, LEED AI 
Acting Planning Director

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Date: 2013.03.29 18:39:04 -04'00'

SUBJECT: **File No. 2103 – Ordinance Amendment
Palm View And West Avenue Hotel Uses**

HISTORY/ BACKGROUND

On October 24, 2012, City Commission referred a discussion regarding hotels in residential neighborhoods to the Land Use and Development Committee (LUDC). On December 19, 2012 the Land Use Committee referred the proposed Ordinance to the Planning Board for consideration.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the policies in the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent - The amendment would be applicable within the West Avenue and Palm View areas of the City.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The proposed Ordinance would not be out of scale with the built context of the City.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed change will not tax existing loads on public facilities and

infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Consistent – District boundaries would not change.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – Changes in economics and market conditions would have no bearing on the proposed regulations.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change would not adversely influence living conditions in the City.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent –The proposed ordinance will not increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – the proposed ordinance will not reduce light and air, beyond what the development regulations would permit.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – the proposed change should not adversely affect property values.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – the proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable

ANALYSIS

Historically, hotels did exist along the bay side of West Avenue. However, the development of the bayfront since the 1960's has been almost exclusively residential, characterized by high-density highrise apartment buildings. The West Avenue bayfront corridor, between 6th Street and 15th Terrace, is zoned RM-3 multifamily high-density residential, while the remainder of the West Avenue corridor is zoned RM-1 and RM-2. The RM-3 and RM-2 districts include both apartments and hotels as permitted uses. The 1998 citywide downzoning, which conformed development regulations to the existing neighborhood characteristics and placed a greater focus on reducing the oversized scale, massing and height of new construction, relative to the established, built context. However, these downzoning efforts did not consider that potential hotel uses might be problematic within the residential uses in the subject area.

The development of the Mondrian hotel at 1100 West Avenue was the first new hotel to be introduced in the RM-3, West Avenue bayfront corridor since the 1960's. As a proposed Neighborhood Impact Establishment (over 199 persons occupancy content, with entertainment) the hotel was reviewed by the Planning Board for Conditional Use approval. The Planning Board approved the Conditional Use permit with restrictions on various aspects of their operations. Those restrictions include limitations on hours of operation, sound systems, outdoor speakers, deliveries and loading zones. In addition to the Mondrian, other hotels are in the development process within the West Avenue corridor, as well as on Meridian Avenue between 17th Street and the Collins Canal (Palm View area).

The subsequent history of relations between the Mondrian hotel and the residents of the surrounding neighborhood has been problematic, and the compliance with the conditional use permit has been at issue. The Planning Board has reviewed the case through progress reports. Discussions at these hearings have included resident testimony of problems of noise, bus parking, deliveries and loading, and at least one adjacent resident has been able to photograph delivery trucks stopped and blocking traffic lanes. The Planning Board may act to modify or revoke a conditional use if repeated noncompliance is an issue, but this is based primarily on actual code enforcement violations. The compliance record of the Mondrian indicates few violations over the past two or three years, and has not warranted further Planning Board action.

Purely from the standpoint of economic development and the extremely important hospitality industry, The Mondrian Hotel is a significant investment and an asset to the City. However, there is concern from residents regarding the potential for proliferation of hotel uses in what is predominantly a residential corridor.

Planning Department staff has previously recommended that a total ban on hotel uses in the residential zoning districts in the West Avenue and Palm View corridors be approached with caution, due to potential legal complications, as well as the potential for creating legal 'non-conforming' uses. The Land Use Committee has referred the matter to the Planning Board with a recommendation to prohibit hotels in the West Avenue and Palm View neighborhoods. The draft Ordinance attached to this item reflects this direction.

Since the matter has been noticed, different neighborhood groups have been in discussion with existing hotel operators in the West Avenue corridor. These discussions have been addressing the impact that a ban on hotels would have, as well as the negative impacts of accessory uses.

In addition to the proposed outright prohibition on hotels within the West Avenue and Palm View districts, other areas that the Planning Board may wish to discuss include:

- Establishing a Conditional Use requirement for hotels and accessory uses proposed in the West Avenue and Palm View districts.
- Stricter regulation of allowable 'Accessory Uses', including placing defined limits on occupancy loads, seating and hours of operation.
- A prohibition on outdoor seating facing a street or sidewalk, as well as on sidewalk cafes.
- Requiring that access to 'Accessory Uses' be from within the confines of the hotel, via a hotel lobby, and not be directly from the street or sidewalk
- As recommended by the Land Use Committee, creating an 'Applicability' section of the Ordinance, in order to address existing hotel uses.

It is also important to note that the proposed prohibition of hotels within the West Avenue corridor would not supercede the allowances and incentives associated with the 'West Avenue Bayfront Overlay'. This particular area was created in order to incentivize the retention, renovation and preservation of existing, low scale structures. One of the key mechanisms for this overlay district is the ability to convert eligible, existing structures, to hotel or motel uses, in accordance with the standards, requirements and procedures of the overlay district.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

RGL/TRM

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PALM VIEW AND WEST AVENUE HOTEL USES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY", SECTION 142-215, "PROHIBITED USES"; AND BY AMENDING SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY", SECTION 142-245, "PROHIBITED USES," TO ADD HOTELS AS A PROHIBITED USE WITHIN THE PALM VIEW AND WEST AVENUE CORRIDOR OF THE RM-2 AND RM-3 DISTRICTS, WITH THE BOUNDARIES OF SUCH CORRIDOR MORE SPECIFICALLY DEFINED IN THE ORDINANCE; PROVIDING FOR INCLUSION IN THE CITY CODE; REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to preserve and enhance the residential scale, character and livability of residential apartment and condominium buildings within the City's medium and high intensity multi-family districts; and

WHEREAS, hotel uses located within RM-2 & RM-3 districts include allowable accessory uses that present compatibility issues with existing residential structures; and

WHEREAS, the City of Miami Beach desires to amend existing requirements and procedures for certain types of prohibited uses in the RM-2 & RM-3 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 2, entitled "District Regulations", Division 3, entitled "Residential Multifamily Districts", Subdivision IV, entitled "RM-2 Residential Multifamily, Medium Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-215. Prohibited Uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; and accessory outdoor bar counter; hotels, apartment-hotels, suites hotels and motels located within the West Avenue Corridor, more specifically defined as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the West and 6th Street to the south; and hotels and motels located within the Palm View Corridor, more specifically defined as all properties abutting the west side of Meridian Avenue between 17th Street and Collins Canal.

SECTION 2. That Chapter 142, Article 2, entitled "District Regulations", Division 3, entitled "Residential Multifamily Districts", Subdivision V, entitled "RM-3 Residential Multifamily, High Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows

Sec. 142-245. Prohibited Uses.

The prohibited use in the RM-3 residential multifamily, high intensity district is accessory outdoor bar counter, except as provided in section 142-244; and hotels, apartment-hotels, suites hotels and motels located within the West Avenue Corridor, more specifically defined as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the West and 6th Street to the south.

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 _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2013
Second Reading: _____, 2013

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

Underscore denotes new language
~~Strike Thru~~ denotes deleted language
4/1/2013

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