

ORDINANCE NO. 2009-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24, SECTION 22, ENTITLED "DEFINITIONS", OF THE ZONING AND LAND DEVELOPMENT CODE TO CHANGE THE DEFINITIONS OF HOTEL AND MOTEL AND TO ADD DEFINITIONS FOR PUBLIC LODGING ESTABLISHMENTS; RESORT CONDOMINIUM; NON-TRANSIENT APARTMENT OR ROOMING HOUSE; TRANSIENT APARTMENT OR ROOMING HOUSE; ROOMING HOUSE, AND RESORT DWELLING; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach Planning and Zoning Board, as the local planning agency, held on October 13, 2009, a duly noticed public hearing at which time it recommended amendments to the Code of Ordinances of the City of North Miami Beach, in order to conform to state statutes to change the definitions of hotels and motels and to add definitions for public lodging establishments, resort condominiums, non-transient apartments or rooming houses, and resort dwellings; and

WHEREAS, the City of North Miami Beach Planning and Zoning Board, as the local planning agency, held on October 13, 2009 a duly noticed public hearing at which time it unanimously approved the amended definitions of hotels and motels and approved adding definitions of public lodging establishments, resort condominiums, non-transient apartments or rooming houses, transient apartments or rooming houses, and resort dwellings, in order to correct, clarify and update the Code regarding land development definitions in the City of North Miami Beach, Florida; and

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WHEREAS, the Mayor and City Council of the City of North Miami Beach, Florida, after review and discussion, have determined that it is in the best interest of the residents, citizens, and business community of the City of North Miami Beach to amend the City Code of Ordinances to reflect correct, update and amend Chapter 24, Zoning and Land Development Code, of the Code of Ordinances of the City of North Miami Beach, Florida.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The definitions section of the Land Development Code is proposed to be amended by changing the definitions of the terms "Hotel" and "Motel" and adding new definitions to the Zoning and Land Development Code, Article II, Sec. 24-22, as follows:

Public lodging establishment: A hotel, motel, resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling offering to the public or to members of an organization rooms, suites, apartments, or single family dwellings for rent or lease for time periods less than three months, and which may require licensing from an agency of the State of Florida.

~~*Hotel:* A commercial establishment which provides overnight sleeping accommodations for the public. Principal access to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours.~~ *A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.*

~~*Motel:* A commercial establishment which provides overnight sleeping accommodations for the public. Principal access to all rental rooms shall be from the outside and parking spaces shall be oriented in such a manner so as to facilitate direct access from such units to the automobiles of the renters.~~ *A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily, weekly, or monthly rates, off-street parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at*

least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

Resort Condominium: A resort condominium is any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

Non-transient apartment or rooming house: A non-transient apartment or rooming house is a building or complex of buildings in which 75 percent or more of the units are available for rent to non-transient tenants.

Transient apartment or rooming house: A transient apartment or rooming house is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

Rooming house: A rooming house is any public lodging establishment that may not be classified as a hotel, motel, resort condominium, non-transient apartment, bed and breakfast inn, or transient apartment under this section. A rooming house includes, but is not limited to, a boarding house.

Resort dwelling: A resort dwelling is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

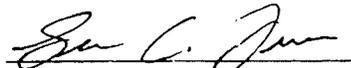
Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be

renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

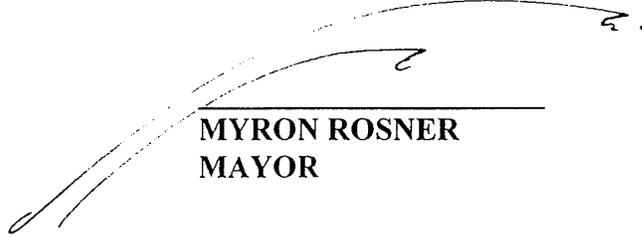
APPROVED BY TITLE ONLY on first reading this 3rd day of November, 2009.

APPROVED AND ADOPTED on second reading this 17th day of November, 2009.

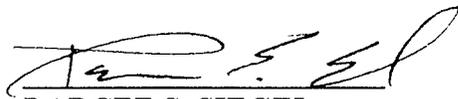
ATTEST:


SUSAN A. OWENS
CITY CLERK

(CITY SEAL)


MYRON ROSNER
MAYOR

APPROVED AS TO FORM


DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor Myron Rosner	X			
Councilman Philippe Derosé	X			
Vice Mayor John Patrick Julien	X			
Councilwoman Barbara Kramer	X			
Councilman Frantz Pierre	X			
Councilwoman Phyllis Smith	X			
Councilwoman Beth Spiegel	X			

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