

**RM-2 Conditional Uses  
For Bayfront Apartments In The West Avenue Overlay District**

**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 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SECTION 142-213, ENTITLED "CONDITIONAL USES," TO EXPAND THE CONDITIONAL USES TO INCLUDE CERTAIN TYPES OF NON-MEDICAL OFFICE AND PERSONAL SERVICE USES FOR BAYFRONT APARTMENT BUILDINGS IN THE WEST AVENUE OVERLAY DISTRICT; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Code contains provisions for accessory office uses in the RM-2 District; and

**WHEREAS**, the City of Miami Beach ("City") desires to provide for certain types of non-medical offices and personal service uses as accessory uses within bayfront apartment buildings in the West Avenue Bayfront Overlay District; and

**WHEREAS**, this Ordinance amends the conditional use requirements for bayfront apartment buildings located in the RM-2 district; 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.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. – DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS**

\* \* \*

**Subdivision IV. – RM-2 Residential Multifamily, Medium Intensity**

\* \* \*

## **Sec. 142-213. – Conditional uses**

(a) The conditional uses in the RM2 residential multifamily, medium intensity district are as follows:

- (1) day care facility;
- (2) stand-alone religious institutions;
- (3) private and public institutions;
- (4) schools;
- (5) commercial or noncommercial parking lots and garages; and
- (6) accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

(b) Museum Historic Preservation District. In addition to the conditional uses specified in subsection 142-213(a), existing religious institutions located on properties in the Museum Historic Preservation District, which contain a contributing structure, may obtain conditional use approval for a separate hall for hire use within the interior of the existing religious institution. Any such hall for hire use shall comply with the following additional regulations:

- (1) Entertainment may only be permitted in the hall for hire;
- (2) The hall for hire use shall cease operations by 11:00 p.m. on Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday;
- (3) Only the property owner, its subsidiaries, and its invited guests may hold events at the hall for hire;
- (4) Restaurants, stand-alone bars, and alcoholic beverage establishments, shall be prohibited;
- (5) Outdoor dining, outdoor entertainment, open-air entertainment uses, outdoor speakers and outdoor music shall be prohibited;
- (6) There shall be no variances from the provisions of subsection 142-213(b).

(c) West Avenue Bayfront Overlay District. In addition to the conditional uses specified in subsection 142-213(a), the conditional uses within the West Avenue Bayfront Overlay District shall include the following: non-medical offices and personal service uses, either of which may only be located on the lobby level of bayfront apartment buildings.

## **SECTION 2. Repealer.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 renumbered or

relettered 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dan Gelber  
Mayor

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

 10/2/19  
\_\_\_\_\_  
City Attorney Date

NK

First Reading: October 16, 2019  
Second Reading: October 30, 2019

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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