

**RM-2 Conditional Uses For 600 Block Of Washington Avenue**

**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 MODIFY THE CONDITIONAL USE REGULATIONS FOR PROPERTIES FRONTING THE WEST SIDE OF WASHINGTON AVENUE BETWEEN 6<sup>TH</sup> STREET AND 7<sup>TH</sup> STREET; AND BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS," DIVISION 2, ENTITLED "ACCESSORY USES," SECTION 142-902, ENTITLED "PERMITTED ACCESSORY USES," TO CLARIFY THE PERMITTED ACCESSORY USES FOR HOTELS IN THE RM-2 DISTRICT; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, recently, the City has undertaken a close study of the Washington Avenue corridor and the concerns raised by residents, property owners, and businesses; and

**WHEREAS**, the City has analyzed various mechanisms to improve quality of life and business activity within the area; and

**WHEREAS**, the City's Land Development Regulations ("LDRs") provide for the regulation of land uses within the City; 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**

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**ARTICLE II. – DISTRICT REGULATIONS**

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**DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS**

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

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**Sec. 142-213. – Conditional uses**

- (a) The conditional uses in the RM-2 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<sup>1</sup>; as set forth in subsection (d) below 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.
- (d) Washington Avenue. In addition to the conditional uses specified in subsection 142-213(a), and notwithstanding the provisions of subsection 142-215, the following regulations shall apply to properties that front Washington Avenue between 6th Street and 7th Street, including those properties between 6th Street and 7th Street that have frontage on Pennsylvania Avenue:
- (1) ~~(4)~~ Restaurants, cafes and/or eating and drinking establishments, which include entertainment, as an accessory use to a hotel shall require conditional use approval. This may include establishments that qualify as a neighborhood impact establishment, subject to all applicable approvals under the

neighborhood impact establishment requirements and provided that any sound associated with outdoor entertainment shall be limited to a volume that does not interfere with normal conversation (i.e. at an ambient level).

- (2) Outdoor bar counters shall require conditional use approval, with hours of operation to be determined by the Planning Board.

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**SECTION 2.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article IV "Supplementary District Regulations," Division 2 "Accessory uses," is hereby amended as follows:

**CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS**

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**DIVISION 2. – ACCESSORY USES**

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**Sec. 142-902. - Permitted accessory uses.**

The following are permitted accessory uses:

- (1) a. Hotels not located in the RM-1 or RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building.
- b. Hotels located in the RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building, except for dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments, unless otherwise provided in the RM-2 district regulations set forth in article II, division 3, subdivision IV of this chapter.

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**SECTION 3. Repealer.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

**SECTION 4. 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 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 \_\_\_\_\_, 2020.

**ATTEST:**

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

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

First Reading: February 12, 2020  
Second Reading: July 29, 2020

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

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