

Lincoln Road Retail Use and Size Limits

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 114 OF THE CITY CODE, ENTITLED "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO ESTABLISH DEFINITIONS FOR "PRODUCTION STUDIO" AND RELATED TERMS; AND AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTION 142-332, ENTITLED "MAIN PERMITTED USES," TO AMEND THE LIST OF MAIN PERMITTED USES FOR PROPERTIES WITH A LOT LINE ON LINCOLN ROAD, BETWEEN COLLINS AVENUE AND ALTON ROAD; AT SECTION 142-333, ENTITLED "CONDITIONAL USES," TO AMEND THE LIST OF CONDITIONAL USES FOR PROPERTIES WITH A LOT LINE ON LINCOLN ROAD, BETWEEN COLLINS AVENUE AND ALTON ROAD; AND AT SECTION 142-335, ENTITLED "PROHIBITED USES," TO AMEND THE LIST OF PROHIBITED USES FOR PROPERTIES WITH A LOT LINE ON LINCOLN ROAD, BETWEEN COLLINS AVENUE AND ALTON ROAD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, properties fronting Lincoln Road, between Collins Avenue and Alton Road, are within the CD-3 Commercial, High Intensity District, and properties generally located to the east of Lenox Avenue are also located within the locally designated Flamingo Park Historic District as well as the National Register Architectural District; and

WHEREAS, Lincoln Road is an iconic commercial, dining, and shopping street in the City of Miami Beach (the "City"); and

WHEREAS, the Lincoln Road corridor has historically been composed of low intensity service and retail establishments; and

WHEREAS, today, Lincoln Road is a premier street that provides residents and visitors with a unique cultural, retail, and dining experience, which is vital to Miami Beach's economy, especially the tourism industry; and

WHEREAS, in order to ensure consistency with the recently-adopted Lincoln Road Master Plan, and to ensure the cohesiveness of the Lincoln Road experience, the City Commission recommends revising the list of permitted, conditional, and prohibited uses for the subject area; and

WHEREAS, it is the intent of the City to limit the number of certain establishments to prevent a concentration that may negatively affect this unique and historic corridor; 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 114 of the City Code, entitled "General Provisions," is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Artisanal retail for on-site sales only shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including, but not limited to, works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises only. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

Artisanal retail with off-site sales shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including, but not limited to, works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises and concurrently for sale to vendors and retailers off the premises. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

* * *

Neighborhood fulfillment center shall mean a retail establishment where clients collect goods that are sold off-site, such as with an internet retailer. Additionally, the establishment provides a hub where goods can be collected and delivered to clients' homes or places of business by delivery persons that do not use cars, vans, or trucks. Such facilities are limited to 35,000 square feet.

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Production studio means a facility that provides the physical basis for works in the fields of performing arts, new media art, film, television, radio, comics, interactive arts, photography, video games, websites, and video.

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SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3, Commercial, High Intensity District," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. - DISTRICT REGULATIONS

* * *
DIVISION 6. - CD-3 Commercial, High Intensity District
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Sec. 142-332. Main permitted uses.

(a) The main permitted uses in the CD-3 commercial, high intensity district are:

- (1) ~~c~~Commercial uses;
- (2) ~~a~~Apartments;
- (3) ~~a~~Apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter);
- (4) ~~a~~Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6; and
- (5) ~~r~~Religious institutions with occupancy of 199 persons or less; and
- (6) ~~For those lots fronting~~ Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is office uses may be located in a mezzanine; or, when located on the ground floor, shall be set back at least 75 feet back from the storefront; also apartments, apartment hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335.

(b) ~~In addition to the provisions of subsection (a), on For properties located south of 17th Street, between Lenox Avenue and Meridian Avenue, and properties with a lot line adjoining Lincoln Road, from Collins Avenue to Alton Road, dance halls (as defined in section 114-1 of this Code) licensed as alcoholic beverage establishments shall only operate as restaurants with full kitchens and serving full meals. Additionally, such dance halls, on properties located south of 17th Street, between Lenox Avenue and Meridian Avenue, and properties with a lot line adjoining Lincoln Road, from Collins Avenue to Alton Road, shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.~~

(c) ~~In addition to the main permitted uses listed in subsection (a), the following uses shall be permitted above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road:~~

- (1) ~~Artisanal retail for on-site sales only;~~
- (2) ~~Production studios;~~
- (3) ~~Furniture sale establishments larger than 45,000 SF; and~~
- (4) ~~Major cultural institutions.~~

Sec. 142-333. Conditional uses.

(a) The conditional uses in the CD-3 commercial, high intensity district are as follows:

- (1) ~~n~~New construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards;
- (2) ~~e~~Outdoor entertainment establishment;
- (3) ~~n~~Neighborhood impact establishment;
- (4) ~~e~~Open air entertainment establishment;
- (5) ~~r~~Religious institutions with an occupancy greater than 199 persons;
- (6) ~~v~~Video game arcades;
- (7) ~~p~~Public and private institutions;
- (8) ~~s~~Schools and major cultural dormitory facilities as specified in section 142-1332; and
- (9) ~~s~~Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street. See subsection 142-1103(c) ~~When located on that portion of Lincoln Road that is closed to traffic, these uses shall comply with section 142-335;~~
- (10) Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east, shall be subject to the additional requirements set forth in section 142-340; and
- (11) When located above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road, the following uses shall be conditional uses: artisanal retail with off-site sales and neighborhood fulfillment center (provided that no more than one neighborhood fulfillment center ~~(K.N.1) (MT.2)~~ may be located on Lincoln Road between Collins Avenue and Alton Road).

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Sec. 142-335. Prohibited uses.

(a) The prohibited uses in the CD-3 commercial, high intensity district are as follows:

- (1) Pawnshops;
- (2) Secondhand dealers of precious metals/precious metals dealers; and
- (3) Accessory outdoor bar counter, except as provided in article IV, division 2 of this chapter and in chapter 6; and
- (4) Tobacco/vape dealers; and
- (5) The storage and/or parking of commercial vehicles on lots with frontage on Lincoln Road, Collins Avenue, 41st Street or 71st Street.

(b) For properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue, the following additional uses are prohibited:

- (1) Check cashing stores;

- (2) medical cannabis dispensaries (medical marijuana dispensaries);
- (3) convenience stores;
- (4) grocery stores;
- (5) occult science establishments;
- (6) pharmacy stores;
- (7) souvenir and t-shirt shops; and
- (8) tattoo studios; and
- (9) Retail establishments larger than 45,000 square feet (except as otherwise provided in section 142-332 and 142-333) (note: no variances shall be granted from the regulations in this subsection (b)(9)); and
- (10) Offices on the ground floor on that portion of Lincoln Road which is closed to traffic; notwithstanding the foregoing, this prohibition does not include office uses located in a mezzanine, or set back at least 75 feet back from the storefront.

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 _____, 2021.

ATTEST:

Rafael E. Granado, City Clerk

First Reading: June 23, 2021
Second Reading: July 28, 2021

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Dan Gelber, Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 7-7-21
City Attorney NK Date