

Regulations For Lower Impact Accessory Medical Uses

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, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SPECIALIZED USE REGULATIONS," DIVISION 2, ENTITLED "ASSISTED LIVING AND MEDICAL USES," TO MODIFY REGULATIONS FOR CLASS I MEDICAL USES, WHERE PERMITTED AS AN ACCESSORY USE, TO PROVIDE CONSISTENCY WITH REGULATIONS FOR ACCESSORY COMMERCIAL USES IN CHAPTER 142, ARTICLE IV, DIVISION 2 OF THE LAND DEVELOPMENT REGULATIONS AND OTHER RELATED PROVISIONS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the regulations of Section 142-1253 of the Land Development Regulations (LDRs), Class I Medical Uses include optician, retail clinic, adult day care center, electrology facility, and medical office; and

WHEREAS, Class I medical uses generally have an impact similar to, and often incorporate, retail uses; and

WHEREAS, pursuant to the regulations of Section 142-1255 of the LDRs, Class I Medical Uses are permitted as an accessory use in the RM-2, RM-PRD-2, RM-3, RPS-3, and RPS-4 zoning districts; and

WHEREAS, the City seeks to regulate Class I medical uses when permitted as an accessory use in a manner that is similar to other accessory commercial uses; and

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

WHEREAS, the amendments set forth below are necessary to accomplish 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, entitled "Zoning Districts and Regulations," Article V, entitled "Specialized Use Regulations," Division 2, entitled "Assisted Living and Medical Uses," is hereby amended as follows:

Sec. 142-1256. Minimum zoning standards.

* * *

(b) *Standards for specific medical use classes:*

(1) *Class I medical uses:*

- A. ~~Access to Class I medical uses where permitted as an accessory use shall be limited to guest of a hotel or residents and their guests of a residential use.~~ In zoning districts where Class I medical uses are permitted as an accessory use, they shall be treated as a commercial use. Such uses shall be subject to the regulations for accessory uses in Chapter 142, Article IV, Division 2 of the Land Development Regulations, as well as any applicable regulations in the underlying zoning district. If located within a main use parking garage as an allowable accessory use, such uses shall be subject to the applicable regulations in section 130-68 of the Land Development Regulations.
- B. Class I medical uses shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Such hours may be modified with conditional use approval.
- C. Overnight stays are prohibited.

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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 _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: December 8, 2021
Second Reading: January ____, 2022

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