

Collins Park Arts District Overlay – Entertainment and Cultural Uses Amendment

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," DIVISION 7, "CULTURAL ARTS NEIGHBORHOOD DISTRICT OVERLAY (CANDO)," BY ADDING CERTAIN CULTURAL USES AS ALLOWABLE ACCESSORY USES AND BY EXPANDING THE BOUNDARIES OF THE OVERLAY DISTRICT AND PERMITTING INDOOR ENTERTAINMENT IN ESTABLISHMENTS AS AN ACCESSORY USE TO A RESTAURANT OR HOTEL; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on October 17, 2007, the City established the Cultural Arts Neighborhood District Overlay (CANDO); and

WHEREAS, on November 16, 2016 the CANDO district was modified to include limited provisions for entertainment; and

WHEREAS, the City desires to further the fostering of arts and entertainment, as well as cultural uses related establishes within the Collins Park Neighborhood within close proximity to the Bass Museum of Art and the Miami City Ballet, which are some of the City's primary cultural institutions; and

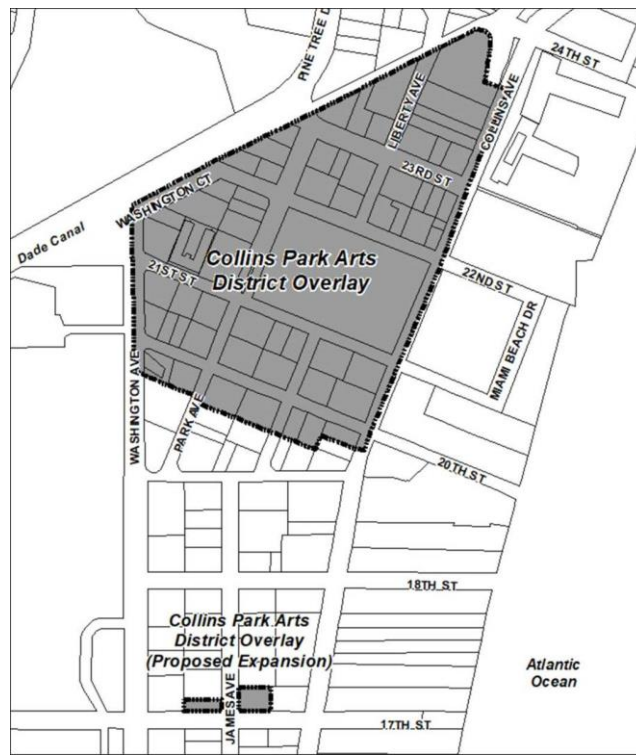
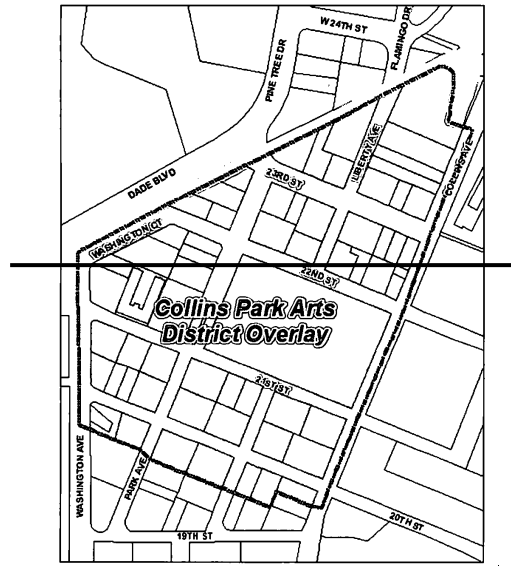
WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article III, "Overlay Districts," Division 7 is hereby amended as follows:

Sec. 142-854. Location and purpose.

- (a) The overlay regulations of this division shall apply to properties within the following boundaries, which shall be known as the Collins Park Arts District Overlay: The southern lot lines of properties fronting the south side of 20th Street on the south; Washington Avenue on the west; the Dade Canal and Lake Pancoast on the north; and properties fronting the west side of Collins Avenue on the east; lots existing as of January 1, 2022 that front both James Avenue and the north side of 17th Street; as depicted in the map below.



(b) The purpose of this overlay district is to provide land-use incentives to property owners, developers and commercial businesses to encourage arts-related businesses within the district.

Sec. 142-855. Reserved.

Sec. 142-856. Compliance with regulations.

The following overlay regulations shall apply to the Collins Park Arts District Overlay. All development regulations in the underlying zoning district shall apply, except as follows, and for any regulations in conflict, the following shall control:

(a) Outdoor entertainment establishments may be approved as a conditional use by the planning board in areas with an underlying CD-2 or CD-3 zoning designation. and subject to the following additional regulations:

(1) Outdoor entertainment shall commence no earlier than 10:00 a.m.

(2) Outdoor entertainment shall cease no later than 10:00 p.m. on Sundays through Thursdays, and midnight on Fridays and Saturdays.

(3) For purposes of this subsection, outdoor entertainment shall be limited to non-amplified string instruments, solo vocalists, or disk jockeys playing recorded music. All such aforementioned entertainment and music shall not exceed ambient, background levels, unless otherwise approved by the planning board through the conditional use process.

(b) Outdoor entertainment may be approved as a conditional use by the planning board as an accessory use to a hotel use, in areas of the overlay north of 19th Street with an underlying RM-2 zoning designation, subject to the following regulations:

(1) Sidewalk cafés shall be limited to 30 seats.

(2) Restaurants shall not exceed 3,000 square feet.

(3) Outdoor entertainment shall commence no earlier than 10:00 a.m.

(4) Outdoor entertainment shall cease no later than 10:00 p.m. on Sundays through Thursdays. and midnight on Fridays and Saturdays.

(5) For purposes of this subsection. outdoor entertainment shall be limited to non-amplified string instruments, solo vocalists, or disk jockeys playing recorded music. Music shall not exceed ambient, background levels.

(c) Outdoor entertainment shall not be located above the ground floor.

(d) Indoor entertainment, limited to a DJ, may be approved as a conditional use by the planning board as an accessory use to a restaurant or hotel, in areas of the overlay with an underlying RM-2 zoning designation.

(e) Museums, art galleries and related cultural uses shall be permitted as an accessory use to an apartment, apartment-hotel or hotel in areas of the overlay with an underlying RM-2 zoning designation.

(df) Notwithstanding the requirements of subsection (a) above, neighborhood impact establishment occupancy thresholds, as defined in section 142-1361, shall not be exceeded unless approved by the planning board.

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 re-numbered or re-lettered 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 (10) days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2022.

Dan Gelber
MAYOR

ATTEST:

Rafael E. Granado
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: March 9, 2022
Second Reading: April 6, 2022

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

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