

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 22, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB22-0482 - Collins Park Arts District Overlay Entertainment Amendment.**

### **RECOMMENDATION**

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

### **HISTORY**

On December 8, 2021, at the request of Commissioner Ricky Arriola, the City Commission referred the proposed Ordinance to the Land Use and Sustainability Committee (LUSC) and the Planning Board for review and recommendation (item C4 U).

On February 11, 2022, the LUSC recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation.

On February 22, 2022, the Planning Board discussed the item and continued it to the March 22, 2022 meeting in order to allow for compliance with the notice requirements of sections 118-163 and 118-164, and provide that mail notice be sent to properties within 375 feet of the expansion area.

### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts. While the additional parcels that are proposed to be added

to the Collins Park Arts District Overlay (CANDO) are two blocks from the primary area of the overlay, they are within the Collins Park Neighborhood. The expansion's location on the 17<sup>th</sup> Street corridor allows for a transition of allowable uses between commercial CD-3 district to the south and the residential and hotel uses in the RM-2 district to the north.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment does not affect the scale of development within the affected neighborhood.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Consistent** – The existing boundaries of the CANDO do not include the perimeter properties on the southern edge of the Collins Park neighborhood, where it is appropriate to allow for the additional uses permitted within the overlay.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The desire to make improvements to existing historic hotels and improve the cultural offerings of the Collins Park neighborhood makes passage of the proposed change necessary.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood as it contains safeguards which ensure that the quality of life of nearby residents is not negatively impacted.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance and the intensity of uses is not proposed to be increased.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change does not modify height or setback limits and would not reduce light and air to adjacent areas beyond what is currently allowed.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Partially Consistent** – The proposal will not impact the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

In 2016, the City Commission modified the CANDO district boundaries, while providing land-use incentives to property owners, developers, and commercial businesses to encourage arts-related uses within the district. These incentives have fostered arts and entertainment, as well as cultural uses. These uses relate well with the Bass Museum of Art and the Miami City Ballet, which are located within the Overlay, and are two of the City's primary cultural institutions.

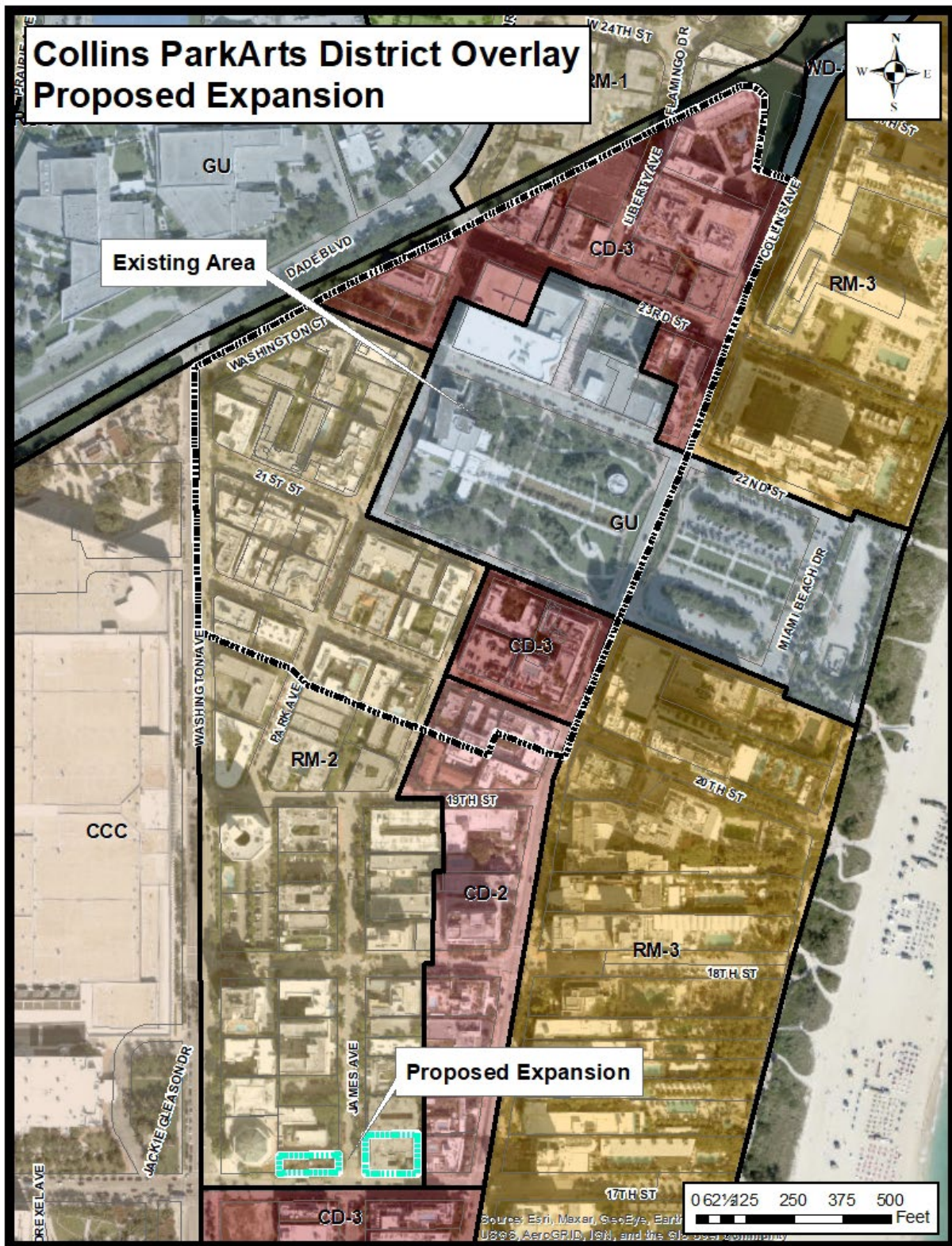
The primary purpose of the proposed amendment is to slightly expand the boundaries of the Collins Park Arts Overlay District in order to allow for limited indoor entertainment as an accessory use to restaurants or hotels fronting 17th Street and James Avenue, and located in the RM-2 district (See the attached map). These limited properties are directly across the street from the more intense CD-3 zoning district on the south side of 17<sup>th</sup> Street, thereby providing for a more appropriate transition between the commercial uses to the south and the hotel and residential uses to the north.

Indoor entertainment would be limited to a DJ and subject to conditional use approval from the Planning Board. As part of the conditional use process, limitations could be placed to ensure that nearby residents are not negatively impacted. Because the entertainment would be limited to indoor areas, it is not expected that the sound will impact surrounding neighbors. The proposal would allow for improved amenities for guests of the Casa Tua Hotel and the Cadet Hotel, both of which contain restaurants.

Additionally, the proposed amendment would allow museums, art galleries and related cultural uses as an accessory use to an apartment, apartment-hotel or hotels in areas of the overlay with an underlying RM-2 zoning designation. The proposed changes are intended to further the neighborhood's goals of fostering creativity and arts.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.





**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

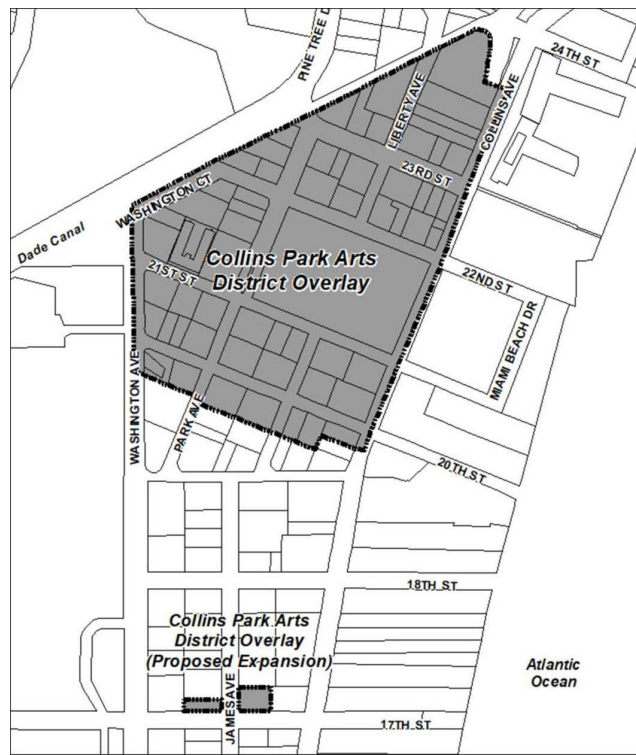
**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**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 17<sup>th</sup> 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 19<sup>th</sup> 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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