

## **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, 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 regulations permitting entertainment; and

**WHEREAS**, the City desires to promote the arts, entertainment, and cultural uses within the Collins Park neighborhood; and

**WHEREAS**, the Bass Museum of Art and the Miami City Ballet, two of the City's most important cultural institutions, are located in the Collins Park neighborhood; and

**WHEREAS**, the City Commission desires to amend the boundaries of the CANDO district to include properties in the Collins Park neighborhood that are adjacent to the CD-2 and CD-3 commercial zoning districts; and

**WHEREAS**, the uses permitted under the CANDO district regulations are compatible with the uses permitted in the CD-2 and CD-3 zoning districts; 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:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

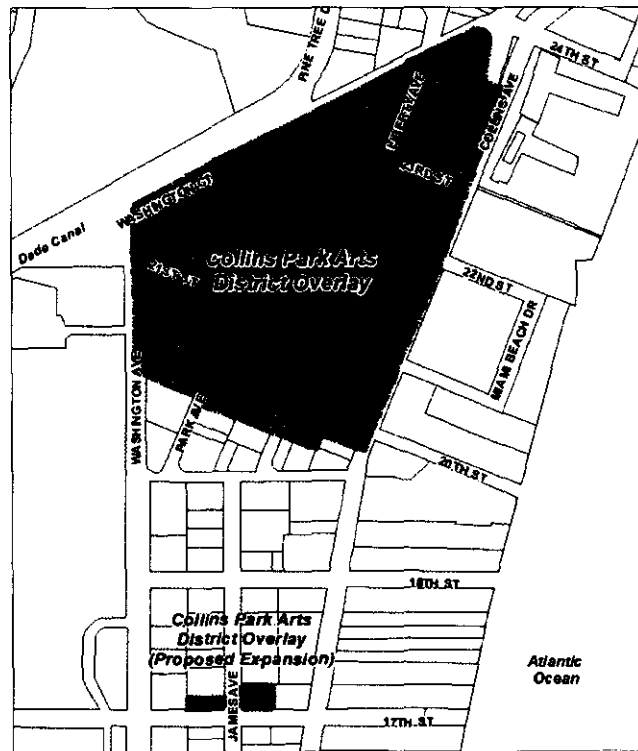
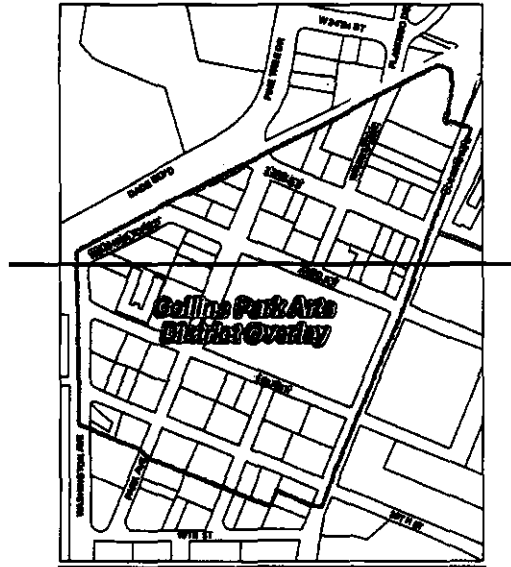
**ARTICLE III. OVERLAY DISTRICTS**

\* \* \*

**DIVISION 7. COLLINS PARK ARTS DISTRICT OVERLAY**

**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; and 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 an ambient, background volume levels (i.e. a volume that does not interfere with normal conversation), 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 an ambient, background volume levels (i.e. a volume that does not interfere with normal conversation).
- (c) Outdoor entertainment shall not be located above the ground floor.
- (d) Indoor entertainment 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.
- (ef) 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.

**ATTEST:**

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

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

NK

\_\_\_\_\_  
Date

4-12-22

First Reading: April 20, 2022  
Second Reading: May 4, 2022

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