

CD-2 Alton Road Outdoor Movie Theaters – Revised Boundaries

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, FLORIDA, BY AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II, “DISTRICT REGULATIONS,” DIVISION 5, “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT,” SECTION 142-310, ENTITLED “SPECIAL REGULATIONS FOR ALCOHOL BEVERAGE ESTABLISHMENTS,” TO MODIFY THE BOUNDARIES OF THE AREA IN WHICH OUTDOOR MOTION PICTURE THEATERS AND ACCESSORY OUTDOOR BAR COUNTERS ARE PERMITTED; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to encourage innovative and compatible redevelopment in the Alton Road Corridor; and

WHEREAS, outdoor motion picture theater uses are an innovative entertainment use that will help encourage the commercial success of the Alton Road area; and

WHEREAS, the operational conditions set forth in this Ordinance will promote compatibility and mitigate impacts to the neighborhood associated with outdoor motion picture theaters; and

WHEREAS, this Ordinance reduces the boundaries of the area in which outdoor theaters are permitted, in order to further promote compatibility and mitigate impacts to the neighborhood.

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

SECTION 1. Chapter 142 of the City Code, entitled “Zoning districts and regulations,” Article II, “District regulations,” Division 5, “CD-2 Commercial, medium intensity district,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 5. – CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-310. - Special regulations for alcohol beverage establishments.

- (a) *Alton Road corridor.* The following additional requirements shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use,

that are located on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road:

* * *

(8) Notwithstanding the foregoing, for properties located between 16th Street and Collins Canal, outdoor motion picture theaters with accessory outdoor bar counters may be permitted, including on rooftops, subject to conditional use approval pursuant to chapter 118, article IV, and subject to the following operational limitations:

- a. The outdoor motion picture theater use shall front on Alton Road.
- b. No television, radio, and/or recorded background music may exceed an ambient volume level (i.e. a volume that does not interfere with normal conversation). On rooftops, audio from motion picture presentations shall only be delivered to patrons through individually-worn headphones.
- c. Movie projectors and related equipment, as well as all theater screens or displays, shall be oriented away from immediately neighboring residential areas, and projections may not be substantially visible from the right-of-way. The projection system shall be designed so as not to negatively impact adjacent residential areas.
- d. Outdoor motion picture theaters shall be limited to no more than one (1) screen or display per establishment.
- e. Outdoor motion picture theaters shall commence operations no earlier than 4:30 p.m. and shall cease operations no later than 12:00 a.m. on weekdays and 1:00 a.m. on weekends. Any accessory bar counter shall commence operations no earlier than 4:30 p.m. and shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends. The accessory bar counter may be open and operational only during times when the theater use is operational.
- f. Outdoor motion picture theaters shall have no more than three (3) movie showings per night.
- g. Any outdoor bar counter shall be located away from immediately neighboring residential areas and shall not be substantially visible from the right-of-way.
- h. The area surrounding any bar counter in which alcoholic beverages may be served shall be segregated to comply with the applicable requirements of chapter 6 of this Code, and. Additionally, this bar area, as well as any area that allows for the congregation of non-seated patrons, shall incorporate sound attenuation devices in order to reduce the level of noise. Such sound attenuation devices must be submitted as part of a sound study prepared by a licensed acoustical engineer, peer reviewed, and presented to the

planning board as part of the review of the CUP application. The sound study shall include methods of absorbing and or re-directing sound and noise generated by ambient music and patron conversation.

- i. Theater seats shall be required at all times and shall not be removed from the movie viewing areas during all times the business is open. This shall not preclude the temporary removal of seats for cleaning and maintenance purposes.

SECTION 2. 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 3. REPEALER. All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

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 _____, 20__.

Dan Gelber
Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: December 9, 2020

Second Reading: January 13, 2020

Verified by: _____
Thomas Mooney, AICP
Planning Director