

Prohibition of Towing as a Conditional Use

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 11, ENTITLED "I-1 LIGHT INDUSTRIAL DISTRICT," AT SECTION 142-483, ENTITLED "CONDITIONAL USES," TO REMOVE TOWING SERVICES FROM THE LIST OF CONDITIONAL USES; AND AT SECTION 142-485, ENTITLED "PROHIBITED USES," TO ADD TOWING SERVICES TO THE LIST OF PROHIBITED USES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Sunset Harbour is a neighborhood that has successfully evolved from a primarily industrial neighborhood into a vibrant mixed-use residential neighborhood that is characterized by its unique combination of residential, commercial, and industrial uses; and

WHEREAS, towing services detract from the character that has successfully developed within the Sunset the Sunset Harbour neighborhood; 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. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," is hereby amended as follows:

CHAPTER 142. ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. DISTRICT REGULATIONS

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DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT DISTRICT.

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Sec. 142-483. Conditional uses.

(a) The conditional uses in the 1-1 urban light industrial district are:

- (1) Any use that includes the retail sale of gasoline;
- (2) Automobile service stations;

- (3) Mechanical car wash facilities;
 - (4) Auto repair;
 - (5) New construction of structures, as defined in section 114-1, of 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards;
 - (6) Developments on properties greater than 20,000 square feet of lot area;
 - (7) Machine, welding, and printing shops, involving heavy machinery;
 - (8) Recycling receiving stations;
 - (9) Utilities;
 - (10) Residential uses, including live-work units, when included in rehabilitation of buildings existing as of October 24, 2009;
 - (11) Towing services not located within the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard. Lots reviewed pursuant to the conditional use process shall also comply with the following criteria:
 - a. A schedule of hours of vehicle storage and of hours of operation shall be submitted for review and approval by the planning board.
 - b. If the towing yard is proposed to be within 100 feet of a property line of a lot upon which there is a residential use, the planning board shall analyze the impact of such storage and/or parking on the residential use. The analysis shall include, but not be limited to, visual impacts, noise, odors, effect of egress and ingress and any other relevant factor that may have an impact of the residential use.
 - c. Towing yards must be fully screened from view as seen from any right-of-way or adjoining property, when viewed from five feet six inches above grade, with an opaque wood fence, masonry wall or other opaque screening device not less than six feet in height.
 - d. Parking spaces, backup areas and drives shall be appropriately dimensioned for the type of vehicles being parked or stored.
 - e. Towing yards shall be required to satisfy the landscaping requirements of subsection 126-6(2), and shall be subject to the design review procedures, requirements and criteria as set forth in chapter 118, article VI.
 - (12) Main use parking garages;
 - (13) Religious institutions with an occupancy greater than 199 persons.
- (b) Sunset Harbour neighborhood. The conditional uses for the Sunset Harbour neighborhood, generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north,

Alton Road to the east, and Dade Boulevard to the south, shall include those conditional uses listed in subsection 142-483, unless otherwise noted. The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:

- (1) Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons, and a floor area in excess of 3,500 square feet. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) shall also be subject to the additional requirements set forth in section 142-488.
- (2) Package stores.

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Sec. 142-485. Prohibited uses.

- (a) The prohibited uses in the I-1 urban light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code), outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, and residential uses, except as provided for in subsection 142-483(10).
- (b) Except as otherwise provided in these land development regulations, prohibited uses in the I-1 urban light industrial district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, are the following:
 - (1) Hostels;
 - (2) Outdoor entertainment establishments;
 - (3) Neighborhood impact establishments;
 - (4) Open air entertainment establishments;
 - (5) Bars;
 - (6) Dance halls;
 - (7) Entertainment establishments (as defined in section 114-1 of this Code);
 - (8) Pawnshops;
 - (9) Tobacco and vape dealers;
 - (10) Check cashing stores;
 - (11) Convenience stores;
 - (12) Occult science establishments;
 - (13) Souvenir and T-shirt shops;

(14) Tattoo studios;

(15) Towing services.

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 days following adoption.


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

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK 7-1-22
Date

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

First Reading: July 20, 2022
Second Reading: _____, 2022