

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager 

DATE: January 25, 2023

SUBJECT: **Potential LDR Amendments to Commercial District Regulations for North Beach in Order to Limit the Proliferation of Nuisance Uses (Dual Referral to the Planning Board)**

HISTORY

On September 14, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed amendment (C4 X) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On October 28, 2022, the LUSC discussed and continued the item to the January 25, 2023 LUSC meeting with direction to the Administration to draft an ordinance based upon the geographical boundaries and types of uses identified in the October 28, 2022 LUSC memorandum.

BACKGROUND

In 2020 the City Commission adopted Ordinance No. 2020-4339 which, among other things, restricted certain uses along Normandy Drive and 71st Street in the TC-C and CD-2 districts. Specifically, the following uses were added to the list of prohibited uses in these areas:

- Tobacco and vape dealers;
- Package liquor stores;
- Check cashing stores;
- Occult science establishments; and
- Tattoo studios.

In addition to the above uses, the following are other types of uses that have been regulated in other parts of the city, to prevent an over concentration within defined areas:

- Convenience stores;
- Pharmacy stores;
- Medical cannabis dispensaries;
- Stand-alone bars and/or entertainment uses;
- Vitamin stores; and
- Souvenir and T-shirt stores.

ANALYSIS

As noted previously, there are still several commercial districts in North Beach (CD-1, CD-2, TC-1, 2 and 3) where certain nuisance uses are allowed in some form. To regulate these uses within these additional commercial districts, the attached Land Development Regulation (LDR) amendment has been drafted, as requested by the LUSC. In this regard,

the proposed ordinance amends the prohibited use regulations in the CD-1, CD-2, TC-1, TC-2, TC-3, TC-C, RM-2 AND RM-3 zoning districts north of 63RD street by including the following as a prohibited use in each district:

- Tobacco and vape dealers;
- Package liquor stores;
- Check cashing stores;
- Occult science establishments;
- Tattoo studios;
- Convenience stores;
- Vitamin stores;
- Pawn Shops; and
- Souvenir and T-shirt stores.

Including all areas north of 63rd Street would be the most defensible option from a legal standpoint and would ensure that such uses do not over concentrate within limited areas of commercial zones.

CONCLUSION

The Administration recommends that the Land Use and Sustainability Committee endorse the attached draft ordinance and recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

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ATH/RW/TRM