

## Sunset Harbour Restaurant Seating and Parking Requirements

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "GENERAL TO ALL ZONING DISTRICTS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SUBSECTION 7.2.11.2 "USES (CD-2)," SUBSECTION B, "SUPPLEMENTAL CONDITIONAL USES REGULATIONS (CD-2)" AND SUBSECTION B, "SUPPLEMENTAL PROHIBITED USES REGULATIONS (CD-2)" IN THE SUNSET HARBOUR NEIGHBORHOOD, GENERALLY BOUNDED BY PURDY AVENUE, 20<sup>TH</sup> STREET, ALTON ROAD, AND DADE BOULEVARD. TO MODIFY THE MAXIMUM OCCUPANCY AND SEATING LIMITS FOR RESTUARANTS SERVING ALCOHOL; BY AMENDING CHAPTER 5, "OFF-STREET PARKING," ARTICLE II, "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," SECTION 5.2.4, "VEHICLE OFF-STREET PARKING REQUIREMENTS" TO MODIFY PARKING REQUIREMENTS IN THE TIER 2 AREA A PARKING DISTRICT FOR RESTAURANT USES; AND PROVIDING FOR CONDIFICAITON, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the Sunset Harbour neighborhood is composed of a mixture of residential, light industrial, and low intensity service, restaurant and retail uses, which primarily serve city residents; and

**WHEREAS**, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the neighborhood; and

**WHEREAS**, the City has reviewed the condition of properties in the Sunset Harbour neighborhood, including existing restaurant establishments; and

**WHEREAS**, Sunset Harbour has unique cultural, retail, and dining experiences that are vital to Miami Beach's local economy; however, the City Commission desires to attract new, high quality restauranteurs; and

**WHEREAS**, the City, with input from residents and businesses, has determined that certain restrictions on dining that apply generally to the Sunset Harbour neighborhood conflict with the objectives above; and

**WHEREAS**, the amendments set forth below clarify and add flexibility for restaurant capacity and parking to improve operation for restaurants in the subject area; and

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

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

**SECTION 1.** Chapter 7, "Zoning Districts and Regulations," Article II, "General to All Zoning Districts," Section 7.2.11, "CD-2 Commercial, Medium Intensity District," Subsection 7.2.11.2 "USES (CD-2)," Subsection B, "Supplemental Conditional Uses Regulations (CD-2)," is hereby amended as follows:

MIAMI BEACH RESILIENCY CODE  
\* \* \*  
CHAPTER 7 ZONING DISTRICTS AND REGULATIONS  
\* \* \*  
ARTICLE II: GENERAL TO ALL ZONING DISTRICTS  
\* \* \*  
7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT  
\* \* \*  
7.2.11.2 USES (CD-2)  
\* \* \*

b. Supplemental Conditional Uses Regulations (CD-2)

The supplemental conditional uses are as follows:

\* \* \*

iii. *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 (MAP EXHIBIT-2), shall include those conditional uses listed on the Uses Table in Section 7.2.11.2, but shall exclude:

1. pawnshops,
2. outdoor entertainment establishments,
3. neighborhood impact establishments, and
4. open air entertainment establishments, as these specific uses are prohibited in the Sunset Harbour neighborhood pursuant to Section 7.2.11.2.d.

The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:

I. Main use parking garages.

II. 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 persons, up to a maximum occupancy content

of 199 persons and not to exceed 3,500 square feet of floor area, but less than 199 persons and a floor area in excess of 3,500 square feet.

III. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) in excess of 3,500 square feet of floor area, up to a maximum occupancy content of 299 persons (as determined by the fire marshal) and a maximum of 199 indoor seats.

IV. Liquor Stores

\* \* \*

d. Supplemental Prohibited Uses Regulations (CD-2)

The supplemental prohibited uses are as follows:

i. Accessory outdoor bar counters, except as provided in Section 7.2.11.2.e or in Section 7.5.4.13 and in chapter 6 in General Ordinances.

ii. Parking lots or garages when a main permitted use shall not be permitted on lots fronting on Espanola Way.

iii. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district also include the following:

1. In the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard (MAP EXHIBIT-2), prohibited uses also include the following:

I. Hotels, Apartment Hotels, Suite hotels and Hostels

II. Outdoor entertainment establishments;

III. Neighborhood impact establishments;

IV. Open air entertainment establishments;

V. Bars;

VI. Dance halls;

VII. Entertainment establishments (as defined in section 1.2.2 of this Code);

VIII. Pawnshops;

IX. Tobacco and vape dealers;

X. Check cashing stores;

XI. Convenience stores;

XII. Occult science establishments;

XIII. Souvenir and T-shirt shops;

XIV. Tattoo studios;

XV. Formula commercial establishment (Limited to the 'Neighborhood Center' area and pursuant to Section 7.3.9.2);

XVI. Formula restaurant (Limited to the 'Neighborhood Center' area and pursuant to Section 7.3.9.2);

XVII. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) exceeding 199 indoor seats or an occupational content of 299 persons, as determined by the fire marshal.

**SECTION 2.** Chapter 5, "Off-Street Parking," Article II, "Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements," Section 5.2.4, "Vehicle Off-Street Parking Requirements," is hereby amended as follows:

MIAMI BEACH RESILIENCY CODE

\* \* \*

## CHAPTER 5 OFF-STREET PARKING

\* \* \*

### ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS

\* \* \*

#### 5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS

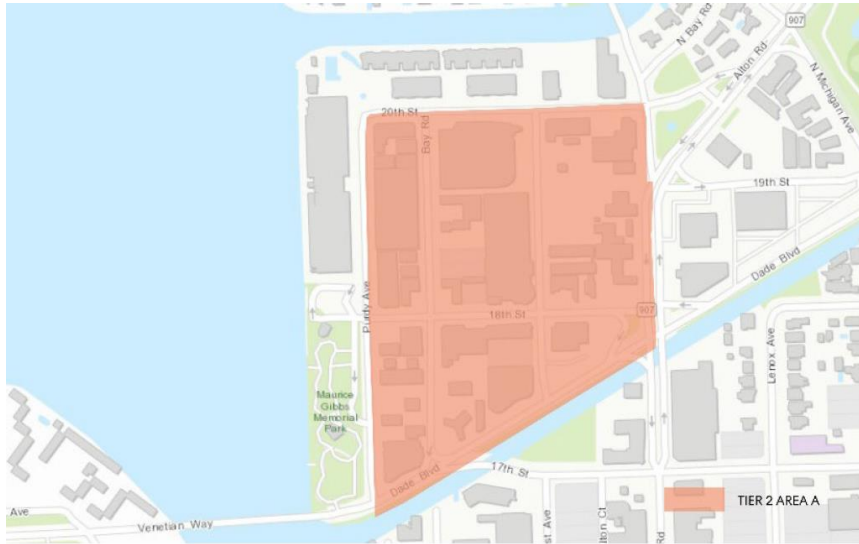
\* \* \*

##### 5.2.4.2 Parking Tier 2

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking tier 1.

###### a. Off-street parking requirements for Tier 2 area a.

Tier 2 area a includes those properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south, as depicted in the map below:



###### i. The following off-street parking requirements apply to properties located within Tier 2 area a:

Key: \* See supplemental off-street parking regulations in section 5.2.4.2.a.ii. below

USE		OFF-STREET PARKING REQUIREMENT
RESIDENTIAL		
<i>Apartment building and apartment-hotel *</i>	Existing structures utilized for residential apartments	No parking requirement
	New construction and/or additions utilized for	One space per unit

	residential apartments	
	Designated guest parking	No parking requirement
<b>COMMERCIAL</b>		
<i>Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages *</i>	An individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area	No parking requirement.
	Establishment that exceeds 100 seats and/or 3,500 square feet of floor area	To the extent that an establishment exceeds 100 seats and/or 3,500 square feet of floor area, one parking space per <del>four</del> <u>eight</u> seats and one parking space per 60 square feet of floor area not used for seating shall be required. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 5.4.2.
Retail store, food store, or personal service establishment *	Individual establishments of 3,500 square feet or less	No parking requirement.
	An establishment over 3,500 square feet	One space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 5.4.2.

### **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. 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 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of 2023

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

ATTEST:

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

First Reading: \_\_\_\_\_, 2023  
Second Reading: \_\_\_\_\_, 2023

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

\_\_\_\_\_  
Date

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

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