

Alton Road Historic Overlay Setback and Pharmacy Requirements – Governmental and Institutional Use Modifications

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 7.2.11.8 "ALTON ROAD HISTORIC OVERLAY," BY AMENDING SECTION 7.2.11.8(C), " DEVELOPMENT REGULATIONS (ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY CD-2)" TO EXEMPT GOVERNMENTAL AND INSTITUTIONAL USES SOUTH OF 7TH STREET FROM CERTAIN SETBACK REQUIREMENTS; BY AMENDING SECTION 7.5.5.8 "CONTROLLED SUBSTANCES REGULATIONS AND USE" TO PROVIDE REGULATIONS FOR ACCESSORY PHARMACY USES ON PROPERTIES ZONED "CIVIC GOVERNMENT USE" (GU) CONTAINING SOLELY GOVERNMENTAL AND/OR INSTITUTIONAL USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the Alton Road Historic District Buffer Overlay Regulations establish a set of supplemental standards governing development within three areas of the east side of Alton Road, extending from 5th Street on the south to the Collins Canal; and

WHEREAS, the Buffer Overlay establishes additional setback, height, and building separation requirements for new development and further restrict permitted uses in the land within the Overlay; and

WHEREAS, the Buffer Overlay Regulations provide that no variances are available from setback limits; and

WHEREAS, the east side of Alton Road between 6th Street and 7th Street is an area that offers unique benefits for potential government or institutional uses serving the South Beach community, with superior access to transit, safe pedestrian access from the Flamingo Park neighborhood, and the proximity of a large publicly-accessible parking garage; and

WHEREAS, the City intends to encourage the location of governmental and/institutional uses in this area; and

WHEREAS, the development of governmental and/or institutional uses will support the Buffer Overlay's goals of avoiding intense retail and restaurant uses in this area of the City; and

WHEREAS, the limitations of the Buffer Overlay Regulations may make it impossible to accommodate government and/or institutional uses serving the residents of South Beach; and

WHEREAS, the City desires to encourage the development of public health facilities on government-owned land;

WHEREAS, an important element of public health facilities is the ability to offer pharmacy services;

WHEREAS, the City's regulations currently prohibit development of accessory pharmacy uses on land zoned "Civic and Government Use" (GU); and

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

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

SECTION 1. That Section 7.2.11.8, "Alton Road Historic Overlay," Section 7.2.11.8(c), "Development Regulations (Alton Road Historic District Buffer Overlay CD-2)" is hereby amended as follows:

Sec. 7.2.11.8 ALTON ROAD - HISTORIC DISTRICT BUFFER OVERLAY (CD-2)

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c. Development Regulations (Alton Road Historic District Buffer Overlay CD-2)

DEVELOPMENT REGULATIONS TABLE (ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY – CD-2)	
BUILDING SETBACKS	
Front Setback	5 feet (1)(4) (See Section 7.1.2.2)
Side, Facing a Street Setback	5 feet (1)(4) (See Section 7.1.2.2)
Side, Interior Setback	0 feet (1)
Rear Setback	7.5 feet (1)
For lots with a rear property line abutting an RM-1 or an RS-4 district	25 feet (1)
For lots with a rear property line abutting an alley (Lenox Court)	5 feet (1)

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1. There shall be no variances for building setbacks, except for triangular lots.
2. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
3. No variances for building height allowed.
4. <u>The front and side street setback regulations of this section shall not apply to properties containing solely governmental and/or institutional uses with a maximum building height of 30 feet located south of 7th Street.</u>

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SECTION 2. That Section 7.5.5.8. "Controlled Substances Regulations and Use," is hereby amended as follows:

7.5.5.8 CONTROLLED SUBSTANCES REGULATIONS AND USE

c. Zoning districts allowing medical cannabis treatment centers, pharmacy stores, and related uses, prohibited locations, and nonconforming uses.

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ii. *Location of uses.*

1. Medical cannabis treatment centers or pharmacy stores shall be prohibited in all zoning districts and areas not described in subsection (i), above.
2. Medical cannabis treatment centers and pharmacy stores shall be considered prohibited uses on all GU sites, except treatment centers or pharmacies operated as accessory uses to a health care clinics or similar uses on properties containing solely governmental and/or institutional uses located south of 7th Street.
3. No medical cannabis treatment center shall be located within 500 feet of a public or private elementary, middle or secondary school. The minimum distance separation requirement shall be determined by measuring a straight line from the entrance and exit of the medical cannabis treatment center to the nearest point of the property line of the school.
4. No medical cannabis treatment center shall be located within 1,200 feet of another medical cannabis treatment center. This shall not apply to treatment centers operated as accessory uses to a health care clinics or similar uses on properties containing solely governmental and/or institutional uses located south of 7th Street.
5. No pharmacy store shall be located within 1,200 feet of another pharmacy. This shall not apply to pharmacies operated as accessory uses to a health care clinics or similar uses on properties containing solely governmental and/or institutional uses located south of 7th Street.
6. The minimum distance separation requirements set forth in subsections 4 and 5 shall be determined by measuring a straight line from the entrance and exit of each business.

SECTION 3. That Section 7.5.5.8. "Controlled Substances Regulations and Use," is hereby amended as follows:

7.5.5.8 CONTROLLED SUBSTANCES REGULATIONS AND USE

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e. *Specific additional criteria.*

A general security plan shall be provided. The plan must sufficiently demonstrate enhanced security measures in excess of the minimum requirements set forth in state regulations. The enhanced security measures include, but are not limited to, steel security doors, improved video surveillance system capability, advanced alarm systems, improved fire safety systems, natural disaster security, packaging of dispensed products, procedures for waste removal, and other measures, such as the use of hurricane impact windows. If the facility is located below the base flood elevation plus City of Miami Beach Freeboard, the plan should incorporate floodproofing measures to ensure the continued functioning of security devices in the event of a natural disaster and sea level rise. The plan must be reviewed and approved by the City of Miami Beach Police Department before it can be considered by planning staff. Both uses should protect its window and have an alarm system and strong locks on the doors: To harden the establishment by doing things that make it less attractive to the potential criminal. There should be physical barrier to protect the pharmacist or medical marijuana treatment center employee from the general public

and ensure that the narcotics or medical cannabis is not accessible to a person under the influence of opioids or other narcotics. A glass barrier wall shall be installed around the area holding the prescription pharmaceuticals or the medical cannabis and the general public. A glass barrier wall shall not be required for treatment centers or pharmacies operated as accessory uses to health care clinics or similar uses on properties containing solely governmental and/or institutional uses as long the security plan otherwise demonstrates that adequate measures will be in place to exclude the general public from storage areas.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

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

SECTION 7. 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

City Attorney

Date

First Reading: _____, 2023

Second Reading: _____, 2023

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