

## RM-1 RESTAURANT REGULATIONS

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICT REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," TO ALLOW A RESTAURANT SERVING ALCOHOLIC BEVERAGES WITHIN APARTMENT BUILDINGS WITH A MINIMUM OF 100 UNITS, SUBJECT TO CONDITIONAL USE APPROVAL; BY AMENDING SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," SUBDIVISION IIIA, "RM-PRD-2 MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT," DIVISION 14, "RO RESIDENTIAL/OFFICE DISTRICT," SUBDIVISION I, "RO RESIDENTIAL/OFFICE," SUBDIVISION III, "RO-2 RESIDENTIAL/OFFICE LOW INTENSITY," SUBDIVISION IV, "RO-3 RESIDENTIAL/OFFICE MEDIUM INTENSITY", DIVISION 15, "TH TOWNHOME RESIDENTIAL DISTRICT," DIVISION 19, "SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT," AND DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," BY CLARIFYING THAT ALCOHOLIC BEVERAGE ESTABLISHMENTS ARE A PROHIBITED USES UNLESS OTHERWISE NOTED; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, apartment buildings with a minimum of 100 units throughout the City of Miami Beach typically have restaurants open only to residents and their invited guest as an accessory use and amenity for the building; and

**WHEREAS**, most of the apartment buildings with a minimum of 100 units are located in the RM-3 residential multifamily high intensity district; and

**WHEREAS**, there are some apartment buildings with a minimum of 100 units located in the RM-1 residential multifamily low intensity district; and

**WHEREAS**, in order to afford the ability to apartment buildings with a minimum of 100 units in the RM-1 residential multifamily low intensity district the similar ability to have accessory uses existing in other residential multifamily buildings, the City seeks to amend its Land Development Regulations to allow an apartment building with a minimum of 100 units to have a restaurant serving alcoholic beverages, with conditional use approval; and

**WHEREAS**, Chapter 142 entitled "Zoning Districts" provides for the regulations of uses within the City of Miami Beach; and

**WHEREAS**, it is necessary and appropriate to amend the section of the City Code to afford similar uses to apartment buildings located in the RM-1 districts as in the RM-3 districts.

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

**SECTION 1.** That Chapter 142, entitled "Zoning District Regulations," at Article II, "District Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICT REGULATIONS**

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**Article II - District Regulations**

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**DIVISION 3 - RESIDENTIAL MULTIFAMILY DISTRICTS**

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**Subdivision II- RM-1 Residential Multifamily Low Intensity**

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**Sec. 142-152. - Main permitted and prohibited uses.**

- (a) The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south; and bed and breakfast inn (pursuant to article V, division 7 of this chapter).
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

**Sec. 142-153. - Conditional uses.**

- (a) The conditional uses in the RM-1 residential multifamily, low density district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages.
- (b) For properties located in the Collins Waterfront Local Historic District, which are designated as a Local Historic Site, a hall for hire use within the interior of an existing building shall require conditional use approval and shall comply with the following:
  - (1) The conditional use shall only be permitted within an existing structure that is on a property designated as a "Historic Site" and such limitation shall be recorded in the Public Records;
  - (2) Dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as part of a hall for hire;
  - (3) The hall for hire use shall close by 11:00 p.m. Sunday through Thursday, and by 12:00 a.m. Friday and Saturday;
  - (4) Events at the hall for hire shall be for the exclusive use of the property owner (and its subsidiaries) and invited guests. Events at the hall shall not be for the general public, with the exception of adjacent schools and community organizations within the Collins Park and Flamingo Drive areas, which may use the hall until 9:00 p.m.;
  - (5) Restaurants, stand-alone bars and alcoholic beverage establishments, not functioning as a hall-for-hire, shall be prohibited;
  - (6) Outdoor dining, outdoor entertainment and open-air entertainment uses shall be prohibited;
  - (7) Private or valet parking for any event at the hall shall be prohibited from using Flamingo Drive, Flamingo Place or Lake Pancoast Drive to facilitate access to the site.

There shall be no variances from the provisions of this Section 142-153(b).

- (c) For apartment buildings located north of 41<sup>st</sup> Street with a minimum of 100 apartment units, a restaurant serving alcoholic beverages shall require conditional use approval and shall comply with the following:
  - (1) The restaurant shall only be open to residents of the apartment building and their invited guests. All invited guests dining at the restaurant shall be required to park on the subject property.
  - (2) The kitchen shall be limited to a maximum size of 500 square feet.
  - (3) The conditional use application for a restaurant with outdoor seating and outdoor dining areas shall specify the proposed maximum number of seats, and locations of seating in the outdoor areas, which shall be subject to Planning Board review and approval.
  - (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment or entertainment establishment shall be prohibited.
  - (5) There shall only be one restaurant on the subject property.
  - (6) The hours of operation of the restaurant may be from 8 a.m. to midnight (no orders to be taken after 11 p.m.), and for any exterior areas only until 11 p.m. (no orders to be taken after 10 p.m.)

(7) Without limiting the foregoing, in the outdoor areas of the restaurant there shall not be any entertainment or special events.

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### **Subdivision III. - RM-PRD Multifamily, Planned Residential Development District**

#### **Sec. 142-182. - Main permitted and prohibited uses.**

- (a) The main permitted uses in the RM-PRD multifamily, planned residential development district are single-family detached dwelling; townhomes; and apartments.
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

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### **Subdivision IIIA. - RM-PRD-2 MultiFamily, Planned Residential Development**

#### **Sec. 142-187. - Purposes and uses.**

1. District Purpose	2. Main Permitted Uses	3. Conditional Uses	4. Accessory Uses	5. <u>Prohibited Uses</u>
This district is designed to provide for low intensity Multiple-Family Planned Residential Development, with limited accessory commercial use.	Single Family detached Dwelling; Townhomes; Apartments;*	None	See section 142-901 through 142-905. Commercial uses as specified in section 142-194.	<u>Alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, unless otherwise specified.</u>

\* For the St. Francis Hospital Site, the area referenced in the attached Appendix shall be restricted to single family or townhouse development.

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### **DIVISION 14. - RO RESIDENTIAL/OFFICE DISTRICT**

## **Subdivision I. - RO Residential/Office**

### **Sec. 142-572. - Main permitted and prohibited uses.**

- (a) The main permitted uses in the RO residential/office district are single-family dwelling; apartments; and offices.
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

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## **Subdivision III. - RO-2 Residential/Office Low Intensity**

### **Sec. 142-586. - Main permitted uses.**

- (a) The main permitted uses in the RO-2 residential/office low intensity district are single-family dwellings; and offices, and religious institutions with an occupancy of 199 persons or less.
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

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## **Subdivision IV. - RO-3 Residential/Office Medium Intensity**

### **Sec. 142-593. - Main permitted uses.**

- (a) The main permitted uses in the RO-3 residential/office medium intensity district are single-family dwelling; apartments; and offices religious institutions with an occupancy of 199 persons or less.
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses. Moreover, all uses not listed as a main permitted or conditional use are also prohibited, unless otherwise specified.

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## **DIVISION 15. - TH TOWNHOME RESIDENTIAL DISTRICT**

### **Sec. 142-602. - Main permitted uses.**

- (a) The main permitted uses in the TH townhome residential district are single-family detached dwellings; and townhomes.
- (b) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

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## **DIVISION 19. - SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT**

### **Sec. 142-732. - Purpose and uses.**

(a) *District purpose.* The district is designed to accommodate public or private educational facilities.

(b) *Main permitted uses.* Any use that is a school or educational or classroom facility, from grades early childhood through graduate, public or private, whether nursery, pre-school, kindergarten, elementary, middle, high school, college or university, including mikvehs and houses of worship, and any combination of any of the aforementioned uses.

(c) *Conditional uses.* Conditional uses shall only be permitted on the Fana Holtz Parcel as follows: any main permitted uses or conditional uses in an RM-3 or CD-2 district, except as already permitted as a main permitted use in this section. Notwithstanding the foregoing, commercial uses shall not be permitted as conditional uses.

(d) *Accessory uses.* Any use that is customarily associated with any of the main permitted uses or conditional uses within this district including, without limitation, classrooms, administrative offices, auditoriums, cafeterias, gymnasiums, sports and recreational facilities, dormitories, student, faculty or staff housing, parking lots, garages, performing arts and cultural facilities, art and music facilities, related religious facilities and uses.

(e) Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses. Moreover, all uses not listed as a main permitted or conditional use are also prohibited, unless otherwise specified.

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## **DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT**

### **Sec. 142-693. - Permitted uses.**

(a) The following uses are permitted in the performance standard districts:

General Use Category	R-PS 1, 2	R-PS 3, 4	C-PS 1, 2, 3, 4	RM-PS1
Single-family; townhome; apartment; apartment/hotel	P	P	P	P Apartment/hotel not permitted
Hotel	N	P	P	N
Commercial	N	N	P	P 8% of

				floor area
Institutional	C	C	C	C 1.25% of floor area
Accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.	N	N	P* North of 5th Street only.	N
Outdoor entertainment establishments and open air entertainment establishments	N	N	N	N
Neighborhood impact establishments	N	N However, in the R-PS4 district, this use is permitted, as an accessory use in oceanfront hotels with 250 or more hotel units, as a conditional use. Access to the establishment <u>entrance</u> shall be only from the interior lobby of the hotel and not	C	N

		from the street.		
Accessory	<p>P*</p> <p><u>Alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 are prohibited in the RPS-1 district, unless otherwise specified.</u></p>	P*	P*	P*

P—Main permitted use      C—Conditional use      N—Not permitted

\* — Accessory use only

Floor area in the RM-PS1 district refers to total floor area in project. Commercial uses in RM-PS1 limited to stores and restaurants.

## **SECTION 2. 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 3. REPEALER.**

All ordinances or parts of ordinances 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 \_\_\_\_\_, 2018.

**ATTEST:**

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

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

First Reading: December 13, 2017

Second Reading: January \_\_\_\_, 2018

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

11/28/17  
\_\_\_\_\_  
Date