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RM-1 NORTH BEACH TATUM WATERWAY – REVISIONS TO ALLOWABLE ACCESSORY AND CONDITIONAL USES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY", BY MODIFYING THE REQUIREMENTS AND TYPES OF ALLOWABLE ACCESSORY AND CONDITIONAL USES FOR RM-1 PROPERTIES IN NORTH BEACH IN ORDER TO ALLOW FOR ACCESSORY RESTAURANT, CAFÉ, OFFICE, RETAIL, PERSONAL SERVICE AND NON-MOTORIZED WATERCRAFT RENTAL USES; AND AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE I, "IN GENERAL", TO PROVIDE FOR AN EXCEPTION TO OFF STREET PARKING FOR CERTAIN ACCESSORY AND CONDITIONAL USES ON RM-1 PROPERTIES NORTH OF 72ND STREET IN NORTH BEACH; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Miami Beach seeks to encourage and incentivize the retention and restoration of contributing historic waterfront structures within the North Shore National Register District in the North Beach area; and

WHEREAS, the City of Miami Beach seeks to enhance the pedestrian-friendly allure, and promote the unique sense of place and community culture along North Beach's historic Tatum Waterway through low-intensity and compatible mixed-uses while providing greater accessibility to neighborhood amenities for residents; and

WHEREAS, the amendments set forth below is 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. That Chapter 142, entitled "Zoning Districts and Regulations," Article II entitled "District Regulations," Division 3, entitled "Residential Multifamily Districts," Subdivision II, entitled "RM-1 Residential Multifamily Low Intensity", is hereby amended as follows:

Sec. 142-151. - Purpose.

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences.

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.
- (c) For apartment buildings located north of 41st 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 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 then only until 11p.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.
- (d) For existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", accessory restaurants serving alcoholic beverages shall require conditional use approval and shall comply with the following:
- (1) The interior restaurant area, inclusive of all seating and back of house, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure.
 - (2) Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards and all such outdoor seating and dining areas shall be located within the internal courtyard. The maximum number of seats shall not exceed 30 and the locations of seating in the outdoor areas shall be subject to Planning Board review and approval.
 - (3) Exterior speakers shall be prohibited, except as may be required under the Florida Life Safety Code.
 - (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits 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 12:00 pm. to 10:00 pm (no orders to be taken after 9:00 p.m.)
 - (7) Adequate loading shall be provided. All loading hours and locations shall be at the discretion of the Planning Board as part of the conditional use permit review.
 - (8) The minimum distance separation between accessory restaurants serving alcoholic beverages shall be 1,500 feet. However, the planning board may allow a lesser distance than 1,500 feet, but in no event shall such use be located at a distance less than 500 feet from another accessory restaurant serving alcoholic beverages. There shall be no variances from this distance separation requirement.

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

Sec. 142-154. - Accessory uses.

- (a) The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter.
- (b) Existing apartment buildings located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard, which are also located within the North Shore National Register Historic District and which are classified as "Contributing", may have accessory office uses and the rental of non-motorized watercraft. These accessory uses shall comply with the following:
 - 1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure.
 - 2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.
 - 3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.
- (c) Apartment buildings located north of 75th Street and east of Tatum Waterway Drive and Byron Avenue.
 - 1. The following accessory uses shall be permitted:
 - a. Café
 - b. Retail
 - c. Office
 - d. Personal Service
 - 2. All accessory uses permitted under Sec. 142-154(c) shall comply with the following:
 - a. The minimum distance separation between accessory uses shall be 1,500 feet. However, retail, office or personal service uses may obtain conditional use approval from the planning board to operate at a lesser distance from an accessory use, but in no event shall such use be located at a distance less than 500 feet from an existing accessory use. There shall be no variances from this distance separation requirement.
 - b. The accessory use areas shall not exceed 25 percent of the floor area of the structure.
 - c. The hours of operation for which the use is open to the public may be from 7:00 am to 7:00 p.m. Subject to conditional use approval, the hours of operation for any of the above noted uses may be extended to 10:00 pm
 - d. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.
 - e. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment or special event permits shall be prohibited.

SECTION 2. That Chapter 130, entitled "Off-Street Parking," Article I entitled "In General" is hereby amended as follows:

Sec. 130-31 Parking District Established.

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

* * *

(b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are:

- (1) Located within the architectural district,
- (2) A contributing building within a local historic district, or

(3) Individually designated historic building.

This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

(c) There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located north of 72nd Street and east of Crespi Boulevard.

SECTION 3. 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 4. REPEALER.

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

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 _____, 2018.

Mayor

ATTEST:

Rafael E. Granado City Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

Verified by: _____
Thomas Mooney, AICP
Planning Director