

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner John Elizabeth Aleman  
DATE: July 17, 2019

SUBJECT: REFERRAL TO THE PLANNING BOARD AND THE JULY 24, 2019 LAND USE AND DEVELOPMENT COMMITTEE TO CONSIDER A CONDITIONAL USE AMENDMENT TO THE 600 BLOCK OF WASHINGTON AVENUE.

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### **ANALYSIS**

Please place on the July 17, 2019 City Commissioner Agenda, a dual referral to both the Planning Board and to the July 24 Land Use and Development Committee (LUDC) to discuss a draft ordinance considering a Conditional Use Amendment to the 600 block of Washington Avenue.

Currently, properties zoned RM-2 are not permitted to have entertainment uses or an NIE as an accessory use to a hotel. The RM-2 area that is the subject of this amendment is unique in that it fronts a commercial street (Washington Avenue), and is bordered by commercial zoning on 3 sides.

For additional information, please contact my office at extension 6437.

### **Legislative Tracking**

Commissioner John Elizabeth Aleman

### **ATTACHMENTS:**

#### **Description**

- ▣ 600 Block of Washington - Conditional Use Amendment

**600 BLOCK OF WASHINGTON AVENUE – CONDITIONAL USE AMENDMENT**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," TO MODIFY THE CONDITIONAL USE REGULATIONS FOR PROPERTIES FRONTING THE WEST SIDE OF WASHINGTON AVENUE BETWEEN 6<sup>TH</sup> STREET AND 7<sup>TH</sup> STREET; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; 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 has reviewed the conditions of Washington Avenue and the concerns raised by residents, property owners, and businesses as it relates to the condition of Washington Avenue; and

**WHEREAS**, the City has studied various mechanisms for improving the quality of life and quality of business improvements within the area; and

**WHEREAS**, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

**WHEREAS**, the Planning Board, at its meeting dated \_\_\_\_\_, by a vote of \_\_\_\_\_, recommended in favor of the Ordinance; 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.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS  
ARTICLE II DISTRICT REGULATIONS**

**DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS**

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**Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity**

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**Sec. 142-213. - Conditional uses.**

(a) The conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; stand-alone religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

(b) Museum Historic Preservation District. In addition to the conditional uses specified in subsection 142-213(a), existing religious institutions located on properties in the Museum Historic Preservation District, which contain a contributing structure, may obtain conditional use approval for a separate hall for hire use within the interior of the existing religious institution. Any such hall for hire use shall comply with the following additional regulations:

- (1) Entertainment may only be permitted in the hall for hire;
- (2) The hall for hire use shall cease operations by 11:00 p.m. on Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday;
- (3) Only the property owner, its subsidiaries, and its invited guests may hold events at the hall for hire;
- (4) Restaurants, stand-alone bars, and alcoholic beverage establishments, shall be prohibited;
- (5) Outdoor dining, outdoor entertainment, open-air entertainment uses, outdoor speakers and outdoor music shall be prohibited;
- (6) There shall be no variances from the provisions of subsection 142-213(b).

(c) Washington Avenue. In addition to the conditional uses specified in subsection 142-213(a), the following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street, including those properties between 6<sup>th</sup> and 7<sup>th</sup> Streets that may have frontage on Pennsylvania Avenue:

- (1) Restaurants, cafes and/or eating & drinking establishments, which include entertainment, as an accessory use to a hotel. This may include establishments that qualify as a Neighborhood Impact Establishment.

**SECTION 2. 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 3. 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 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:**

\_\_\_\_\_  
Mayor

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

First Reading: \_\_\_\_\_, 2018

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

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

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