

Ocean Drive – Exterior Speaker Locations

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 13, "MXE - MIXED USE ENTERTAINMENT DISTRICT," BY AMENDING SECTION 142-546 THEREOF, ENTITLED "ADDITIONAL RESTRICTIONS FOR LOTS FRONTING ON OCEAN DRIVE, OCEAN TERRACE AND COLLINS AVENUE," TO CREATE REGULATIONS PERTAINING TO EXTERIOR SPEAKERS ON LOTS FRONTING OCEAN DRIVE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, properties fronting Ocean Drive that have a zoning designation of MXE Mixed Use Entertainment are located in the Ocean Drive/Collins Avenue Historic District, as well as the Miami Beach Architectural National Register Historic District; and

WHEREAS, Ocean Drive is considered a premier street in Miami Beach and provides residents and visitors with a unique cultural, retail, and dining experience and is vital to Miami Beach's economy, especially the tourism industry; and

WHEREAS, sidewalk cafes are central to the economy of Ocean Drive and enhance the pedestrian experience and historic and cosmopolitan character of the street; and

WHEREAS, it is the intent of the City to maintain the historic character of neighborhoods and promote their unique cultural, retail, and dining experiences that are vital to the City's economy; and

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

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 13, "MXE Mixed Use Entertainment District," is amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II
DISTRICT REGULATIONS**

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DIVISION 13

MXE MIXED USE ENTERTAINMENT DISTRICT

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Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

(a) In the MXE mixed use entertainment district permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

- (1) The entire building shall be substantially renovated and comply with the South Florida Building Code, fire prevention safety code and the property maintenance standards. If the building is a historic structure, the plans shall substantially comply with the Secretary of the Interior Standards and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior (revised 1983), as amended.
- (2) The buildings may contain offices, retail, food service establishments, alcoholic beverage establishments, and residential uses or any combination thereof. Medical and dental offices shall be prohibited uses in the MXE districts. Commercial uses located above the ground floor shall only have access from the interior of the building; no exterior access shall be permitted, unless a variance from this requirement is granted.
- (3) Required parking may be satisfied through participation in the parking impact fee program as set forth in chapter 130, article V, where applicable under the regulations contained therein.
- (4) No existing building shall be internally reconstructed to change the number of stories except that 20 percent of each floor plate may be removed to create an open area or atrium.
- (5) For existing buildings with two stories or less fronting on Ocean Drive or Ocean Terrace, the addition of a story shall require that commercial uses comply with all provisions of section 142-904 for accessory uses, unless a variance from the provisions of section 142-904 is granted. For purposes of example only, in buildings described in the foregoing sentence, the existence of commercial uses on the ground floor which exceed 25 percent of the floor area shall not, upon the addition of one story, be deemed grandfathered in, and the percentage of commercial uses on the ground floor, upon the addition of one story, must comply with the requirements of section 142-904, except if a variance is granted.
- (6) No variances shall be granted from the requirements of this section 142-546, except as specified in subsections 142-546(2) and 142-546(5).

(b) Commercial establishments fronting Ocean Drive, including, but not limited to, retail, office and eating and drinking venues, shall be prohibited from having speakers within 20 feet of the property boundary facing Ocean Drive or a side street, unless music is being played at ambient

levels, or unless the establishment is fully enclosed. Notwithstanding the foregoing, as applicable to retail establishments, no speakers may be installed or placed outdoors, and music played indoors must be inaudible from the exterior of the premises at all times. No variances shall be granted from the requirements of this section 142-546(b).

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SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 re-numbered or re-lettered 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 _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: March 1, 2017
Second Reading: April 26, 2017

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
Date 2/10/17