

Prohibited Uses Along 71st Street and Normandy Drive

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," SECTION 114-1, ENTITLED "DEFINITIONS," BY DELETING THE DEFINITIONS FOR "ADULT CONGREGATE LIVING FACILITY" AND "ADULT CONGREGATE LIVING FACILITY UNIT," AND BY CREATING A DEFINITION FOR "PERSONAL SERVICE ESTABLISHMENT,"; AND BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AND DIVISION 21, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT," TO AMEND THE PROHIBITED USE REGULATIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Regulations include definitions pertaining to allowable uses; and

WHEREAS, on October 1, 1989, the city adopted Ordinance No. 89-2665, which included new regulations on adult congregate living facilities (ACLFs); and

WHEREAS, on January 17, 2018, the Mayor and City Commission adopted Ordinance No. 2018-4170, which set forth comprehensive regulations pertaining to assisted living and medical uses in the City; and

WHEREAS, the term "adult congregate living facility" or "ACLF" is no longer used by the State of Florida for licensure purposes; and

WHEREAS, it is necessary and appropriate to remove outdated terms from the Land Development Regulations; and

WHEREAS, the current definition in the Land Development Regulations for "personal service" pertains more to necessary assistive services for individuals living in assisted living facilities; and

WHEREAS, additionally, the Land Development Regulations include references to the term "personal service establishment," which is not defined, but is intended to apply to a standalone or accessory use that is not related to, or part of, an assisted living facility; and

WHEREAS, in order to clarify the Land Development Regulations, it is necessary and appropriate to create a definition for personal service establishment; and

WHEREAS, the City's Land Development Regulations include regulations for permitted, accessory, conditional, and prohibited uses in the CD-2 and TC-C districts; and

WHEREAS, provisions for certain types of uses within the CD-2 and TC-C districts in North Beach are necessary and desirable; and

WHEREAS, the City seeks to encourage the revitalization of the North Beach Town Center and Normandy Drive area by providing residents and visitors with a unique cultural, retail, and dining experience and are vital to Miami Beach's economy, especially the tourism industry; and

WHEREAS, tobacco and vape dealers, check cashing stores, pawnshops, souvenir and t-shirt shops, tattoo studios, fortune tellers (occult science establishments), and package liquor stores are uses which negatively affect surrounding areas and detract from the unique cultural, retail, and dining experiences which are envisioned for the North Beach area; and

WHEREAS, the aforementioned uses limit the attractiveness of an area to other retail and restaurant uses which are more desirable for the North Beach area; and

WHEREAS, it is the intent of the City to limit the proliferation of establishments which may negatively affect surrounding areas in the North Beach area where revitalization is sought; and

WHEREAS, the proposed changes are necessary in order to promote sustainable mixed-use development within the CD-2 and TC-C districts in North Beach.

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

SECTION 1. Chapter 114, "General Provisions" is hereby amended as follows:

CHAPTER 114 – GENERAL PROVISIONS

Sec. 114-1. – Definitions

* * *

~~Adult congregate living facility means any state licensed institution, building, residence, private home, boarding home, home for the aged, or other place whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding 24 hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. A facility offering personal services for fewer than four adults shall be within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.~~

~~Adult congregate living facility unit means any room, or inter-connected rooms with one main entrance, in an adult congregate living facility, containing one or more beds.~~

* * *

Personal service means any services in addition to housing and food service, which include, but are not limited to, personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources. This definition shall only be applicable to assisted living facilities as defined in Article 5, Division 2 of Chapter 142.

Personal service establishment means a licensed establishment providing non-medical services for persons, such as pedicures, manicures, hair styling, barber services, massages, facials, tailoring services, and similar person-oriented services, as determined by the planning director.

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article II. "District Regulations," Division 5. "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. – DISTRICT REGULATIONS

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DIVISION 5. - CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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Sec. 142-302. - Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses (including, for example, personal service establishments); apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); religious institutions with an occupancy of 199 persons or less and alcoholic beverages establishments pursuant to the regulations set forth in chapter 6. Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in section 142-310:

- (a) *Alton Road corridor.* Properties on the west side of Alton Road and east of Alton Court, between 5th Street and 11th Street, and between 14th Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17th Street, except alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road.
- (b) *Sunset Harbour neighborhood.* The geographic area generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south.

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Sec. 142-305. Prohibited uses.

The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in article IV, division 2 of this chapter and in chapter 6. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district also include the following:

- (a) in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, ~~also include~~ hostels, outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, bars, dance halls, and entertainment establishments (as defined in section 114-1 of this Code).

- (b) Along Normandy Drive and 71st Street, tobacco and vape dealers, package liquor stores, check cashing stores, occult science establishments, and tattoo studios.

SECTION 3. Chapter 142, "Zoning Districts and Regulations," Article II. "District Regulations," Division 21. "Town Center-Central Core (TC-C) District," is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 21. - TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT

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Sec. 142-741. - Main permitted uses, accessory uses, exception uses, special exception uses, conditional uses, and prohibited uses and supplemental use regulations.

Land uses in the TC-C district shall be regulated as follows:

- (a) The main permitted, accessory, conditional, and prohibited uses are as follows:

General Use Category	
Residential Uses	
Apartments and townhomes	P
Co-living	P
Live-work	P
Single-family detached dwelling	P
Hotel Uses	
Hotel	P
Micro-hotel	P
Commercial Uses	
Alcoholic beverage establishments	P
Artisanal retail for on-site sales only	P
Grocery store	P
Indoor entertainment establishment	P
Neighborhood fulfillment center	P
Offices	P
Restaurants	P
Retail <u>(including, for example, personal service establishments)</u>	P
Outdoor café	P
Outdoor bar counter	A
Sidewalk café	A
Artisanal retail with off-site sales	C
Day care facility	C
Public and private institutions	C
Religious institution	C
Schools	C
Commercial establishment over 25,000 SF	C
Retail establishment over 25,000 SF	C
Neighborhood impact establishment	C
Outdoor and open air entertainment establishment	C
<u>Pawnshop, tobacco and vape dealers, package liquor stores, check cashing stores, occult science establishments, and tattoo studios.</u>	N

P = Main Permitted Use,
C = Conditional Use,
N = Prohibited Use,
A = Accessory only

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SECTION 4. Repealer.

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

SECTION 5. 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, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 7. Effective Date.

This Ordinance shall take effect the ____ day of _____, 2020.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

22081 1-6-20
City Attorney Date
NK

First Reading: January 15, 2020

Second Reading: February 12, 2020

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