

**RM-3 ACCESSORY 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," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," TO MODIFY THE ACCESSORY USE REQUIREMENTS FOR APARTMENTS IN THE RM-3 ZONING DISTRICT BY ALLOWING LIMITED ACCESSORY USES AT AN AMENITY LEVEL FOR BUILDING RESIDENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," includes supplementary district regulations that specify permitted accessory uses; and

**WHEREAS**, unique accessory use requirements apply to apartment buildings in the City's RM-3 district based upon the size, location, and intensity of uses in the district; and

**WHEREAS**, the Mayor and City Commission desire to amend the supplementary district regulations for the RM-3 district to allow apartment buildings to open limited accessory uses on the amenity level of the building; and

**WHEREAS**, such accessory uses would be limited to a retail store and/or a cafe with less than 30 seats, either of which could only be open to residents and their guests; and

**WHEREAS**, the amendment set forth below is necessary to accomplish the objectives identified above.

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

**SECTION 1.** That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," is hereby amended, as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**DIVISION 2. - ACCESSORY USES**

\* \* \*

**Sec. 142-902. - Permitted accessory uses.**

The following are permitted accessory uses:

\* \* \*

(2) Apartment buildings may have accessory uses based upon the below criteria:

\* \* \*

~~e. Buildings in the RM-3 and R-PS4 districts may have commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building. Office space, when originally constructed on the second level of an existing building may be retained or re-introduced. When located on the ground floor, office space shall be at least 50 feet from the front property line.~~

Buildings in the RM-3 and R-PS4 districts may have:

1. Commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building.
2. A retail store and / or a café with less than 30 seats (either or both of which could only be open to residents and their guests) may occupy space on the amenity level of an apartment building located within an RM-3 district.
3. Office space, when originally constructed on the second level of an existing building may be retained or re-introduced. When located on the ground floor, office space shall be at least 50 feet from the front property line.

\* \* \*

## **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 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Philip Levine  
Mayor

**ATTEST:**

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

 5-25-17  
\_\_\_\_\_  
Date

First Reading: June 7, 2017  
Second Reading: July 26, 2017

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

Underscore denotes new language  
~~Strikethrough~~ denotes removed language