

SUNSET HARBOUR PROHIBITED USE REGULATIONS

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," (1) AT DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-305, "PROHIBITED USES"; AND (2) AT DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 142-485, "PROHIBITED USES," TO MODIFY PROHIBITED USES IN THE SUNSET HARBOUR NEIGHBORHOOD, GENERALLY BOUNDED BY PURDY AVENUE, 20TH STREET, ALTON ROAD, AND DADE BOULEVARD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Sunset Harbour neighborhood is composed of a mixture of residential, light industrial, and low intensity service, restaurant and retail uses, which primarily serve City residents; and

WHEREAS, residential uses in the Sunset Harbour neighborhood are divided only by the width of a street from the CD-2 commercial, medium intensity and the I-1 light industrial zoning districts; and

WHEREAS, the City Code permits certain uses within the CD-2 and I-1 zoning districts, which, absent mitigation, could be incompatible with adjacent residential uses in the Sunset Harbour neighborhood; and

WHEREAS, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the neighborhood; and

WHEREAS, the City's land development regulations include regulations for permitted, accessory, conditional, and prohibited uses in the CD-2 and I-1 districts; and

WHEREAS, provisions for certain types of uses within the CD-2 and I-1 districts in the Sunset Harbor area are necessary and desirable; and

WHEREAS, the Sunset Harbor area contains a unique cultural, retail, and dining experience and is vital to Miami Beach's local economy; 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 part of the Sunset Harbor area; and

WHEREAS, it is the intent of the City to limit the proliferation of establishments which may negatively affect the Sunset Harbor area; and

WHEREAS, the proposed changes are necessary in order to promote sustainable mixed-use development within the CD-2 and I-1 districts in Sunset Harbor; and

WHEREAS, the amendments set forth below are 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. 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. 142-305. - Prohibited uses.

- (a) 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.
- (b) Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district ~~also include the following~~ in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, are the following:
 - 1. Hostels;
 - 2. Outdoor entertainment establishments;
 - 3. Neighborhood impact establishments;
 - 4. Open air entertainment establishments;
 - 5. Bars;
 - 6. Dance halls; ~~and~~
 - 7. Entertainment establishments (as defined in section 114-1 of this Code).
 - 8. Pawnshops;
 - 9. Tobacco and vape dealers;
 - 10. Package liquor stores;
 - 11. Check cashing stores;
 - 12. Convenience stores;
 - 13. Occult science establishments;
 - 14. Souvenir and T-shirt shops;
 - 15. Tattoo studios
- (c) Except as otherwise provided in these land development regulations, prohibited uses A along Normandy Drive and 71st Street, are the following:
 - 1. Tobacco and vape dealers;
 - 2. Package liquor stores;
 - 3. Check cashing stores;

4. Occult science establishments; and
5. Tattoo studios.

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Sec. 142-485. - Prohibited uses.

- (a) The prohibited uses in the I-1 urban light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code), outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, and residential uses, except as provided for in subsection 142-483(10).
- (b) Except as otherwise provided in these land development regulations, prohibited uses in the I-1 urban light industrial district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, are the following:
 1. Hostels;
 2. Outdoor entertainment establishments;
 3. Neighborhood impact establishments;
 4. Open air entertainment establishments;
 5. Bars;
 6. Dance halls;
 7. Entertainment establishments (as defined in section 114-1 of this Code).
 8. Pawnshops;
 9. Tobacco and vape dealers;
 10. Package liquor stores;
 11. Check cashing stores;
 12. Convenience stores;
 13. Occult science establishments;
 14. Souvenir and T-shirt shops;
 15. Tattoo studios.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. 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 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 _____, 2020.

Dan Gelber
Mayor

Attest:

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Ricky Arriola)

Underline denotes additions
~~Strike through~~ denotes deletions

First Reading: _____, 2020

Second Reading: _____, 2020

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

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