

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 20, 2020

SUBJECT: **Discussion: Land Use Regulations Specific to Ocean Drive and the Mixed-Use Entertainment (MXE) Area.**

ACTION REQUESTED:

1. Discuss the proposed modification to chapter 46 and refer it to the City Commission with a favorable recommendation.
2. Continue the discussion pertaining to potential amendments to chapter 6.

ADMINISTRATION RECOMMENDATION:

1. Conclude the discussion regarding chapter 46 and refer it to the City Commission with a favorable recommendation.
2. Continue the discussion pertaining to potential amendments to chapter 6 to the November 24, 2020 LUSC Meeting.

HISTORY

On July 29, 2020, the City Commission referred a discussion item to the Land Use and Sustainability Committee pertaining to Land Use Regulations specific to Ocean Drive and the Mixed-Use Entertainment (MXE) Area (item C4I). This item is sponsored by Mayor Dan Gelber and co-sponsored by Commissioner Steven Meiner.

This item, as well as a more global discussion on Ocean Drive and the surrounding area, was discussed at a special workshop of the LUSC on September 17, 2020.

BACKGROUND

The MXE district regulations were developed in the early 1980s, as part of the first master plan for Ocean Drive from 5th to 15th Streets. These regulations were intended to incentivize the replacement of dated apartment regulations with active uses that incentivized hotel uses. In addition to the code regulations adopted, the physical make-up of the street was modified dramatically by introducing wider sidewalks and significantly improving Lummus Park.

These city sponsored changes coincided with the placement of the Miami Beach Architectural District on the National Register of Historic Places in 1979. The placement of the Architectural District on the National Register was significant, because at that time it was the first National Register nomination consisting solely of 20th century architecture. More importantly, the National Register nomination set forth a path leading

to local historic designation and the creation of a unique brand for Miami Beach, which is still known worldwide today.

The original intent of the MXE district regulations was to foster the renovation, restoration and preservation of the historic buildings in the district. Café, entertainment, restaurant and retail uses were required to be accessory to hotel or residential uses. Exceptions to this were made for buildings fronting Collins Avenue, as well as buildings that were two (2) stories or less on Ocean Drive. The widening of the sidewalk provided an opportunity for sidewalk seating to engage and interact with seating on private property and become a mechanism for people watching and experiencing the architecture of the district, as well as the natural environment across the street in Lummus Park.

ANALYSIS

While exceeding expectations, over the past decade Ocean Drive, and the larger MXE district, have experienced increasing challenges associated with alcoholic beverage and entertainment uses, all of which were intended to be subordinate to the main use of residential or hotel. To rediscover the beauty and intent of the National Register Architectural District, a re-focus on district priorities has been recommended. This will entail a multi-prong approach, including updating regulations, incentivizing a renaissance of the original plan for Ocean Drive, stepping up enforcement, and creating ways to balance vehicular and pedestrian mobility.

The proposed revision to Chapter 46 would remove the current exemption from the Noise Ordinance for live or amplified sound projecting eastward between 9th and 11th Streets, along Ocean Drive. The purpose of this amendment is to make noise regulations consistent for properties along the entirety of Ocean Drive. Additionally, the amendment is intended to re-direct the activities of alcoholic beverage establishments, venues to be substantially contained within private property and not spill onto the public street and sidewalks. This, in turn, will allow for a better activation of the street, as well as safe, unencumbered movement.

CONCLUSION

The Administration recommends that the Land Use and Sustainability Committee:

1. Conclude the discussion regarding chapter 46 and refer it to the City Commission with a favorable recommendation.
2. Continue the discussion pertaining to potential amendments to chapter 6 to the November 24, 2020 LUSC Meeting.

JLM/EC/TRM

DRAFT – Chapter 46 Regulations for MXE

Sec. 46-157. - Exemptions.

The following uses and activities shall not constitute unnecessary and excessive noises prohibited in section 46-152:

* * *

- (11) Live or amplified sound projecting east of the east property line from each property from 1st Street to 5th Street on the east side of Ocean Drive, ~~from 9th Street to 11th Street on the west side of Ocean Drive~~, from 15th Street to 73rd Street on the east side of Collins Avenue, from 73rd to 75th Streets on the west side of Ocean Terrace, and from 76th to 87th Streets on the east side of Collins Avenue. This exemption shall only apply to noise that is received in that area located east of the violating property and between the north and south projections of its property boundaries and where there is no part of any residential building or structure on any property to the east of the violating property unless the building or structure to the east is owned by the violator. Any noise received by a property that is outside of this area shall subject the violator to the enforcement provisions of this article.