



ALEX J. FERNANDEZ
COMMISSIONER

MEMORANDUM

To: Honorable Mayor and Members of the City Commission
Date: May 4, 2022

From: Alex J. Fernandez, Commissioner
Subject: Religious Institutional Uses (Houses of Worship) in Single Family Residential Districts

Referral to the Land Use and Sustainability Committee to discuss allowing houses of prayer (religious/institutional uses) in the RS-1, RS-2, RS-3, and RS-4 zoning districts.

The City of Miami Beach honors the First Amendment rights under the Constitution of the United States for individuals to pray in their homes along with others. However, the City has previously adopted policy maintaining reasonable limitations against assembly uses generally throughout single-family residential neighborhoods which led to the creation of 40th Street overlay in 2011. As a result, in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, religious institutional uses are only allowed as conditional use within the 40th Street overlay which is limited to properties with lot lines adjacent to the south right-of-way line of 40th Street between Chase Avenue to the west and Pine Tree Drive to the east.

Even though religious institutional uses are allowed in all areas of other residential zoning districts without geographic limitations including, our code maintains limitations against formal religious institutions and other assembly uses in RS-1, RS-2, RS-3, and RS-4 the single family residential district.

I would like for the Land Use and Sustainability Committee and the Planning Board to consider policy that closes the disparity that exists between residential zoning districts and to allow for religious institutions as a conditional use in all areas of the RS-1, RS-2, RS-3, and RS-4 single family residential districts, as is currently allowed with other residential districts, subject to the review guidelines in Sec. 118-192(c) of the City Code for conditional use permits requested for religious institutional uses.

RESIDENTIAL ZONING DISTRICTS	
Main Use	Conditional Use Permit
RS-1, RS-2, RS-3, RS-4 single-family residential districts	
	Religious institutions allowed as a conditional use <u>only for those properties located in the 40th Street Overlay.</u>
RM-1 residential multifamily, low density district	
	Religious institutional use allowed as a conditional use.
RM-2 residential multifamily, medium intensity district	
	Stand-alone religious institutional use allowed as a conditional use.

RM-3 residential multifamily, high intensity district	
	Stand-alone religious institutional use allowed as a conditional use.
RO residential/office	
	Religious institutions with an occupancy of 199 persons or less allowed as a conditional use.
RO-2 residential/office low intensity district	
Religious institutions with an occupancy of 199 persons or less.	Religious institutions with an occupancy greater than 199 persons.
RO-3 residential/office medium intensity district	
Religious institutions with an occupancy of 199 persons or less.	Religious institutions with an occupancy greater than 199 persons.

ARTICLE IV. CONDITIONAL USE PROCEDURE

Sec. 118-192. - Review guidelines.

(c) In reviewing an application for a religious institution, the planning board shall apply the following review criteria instead of the standard review guidelines listed in subsection (a) above:

- (1) Whether a proposed operations plan has been provided, including hours of operation, number of employees, and other operational characteristics pertinent to the application, and that such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.
- (2) Whether a plan for the delivery of supplies has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.
- (3) Whether the design of the proposed structure is permitted by the regulations in the zoning district in which the property is located, and complies with the regulations of an overlay district, if applicable.
- (4) Whether a proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking for the use in the zoning district in which the property is located.
- (5) Whether an indoor and outdoor congregant/parishioner circulation plan has been provided that facilitates ingress and egress to the site and structure.
- (6) Whether a security plan for the establishment and supporting parking facility, if any, has been provided that addresses the safety of the institution and its users and minimizes impacts on the neighborhood.
- (7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in and around the institution, parking structures or areas, and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

(10) Whether the proximity of the proposed structure to adjacent and nearby residential uses creates adverse impacts and how such impacts are to be mitigated.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.