

Ocean Drive –Accessory Retail Modifications

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," DIVISION 13, "MXE - MIXED USE ENTERTAINMENT DISTRICT," BY AMENDING SECTION 142-546 THEREOF, ENTITLED "ADDITIONAL RESTRICTIONS FOR LOTS FRONTING ON OCEAN DRIVE, OCEAN TERRACE AND COLLINS AVENUE," TO MODIFY REGULATIONS PERTAINING TO RETAIL USES ON LOTS FRONTING OCEAN DRIVE, AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," BY AMENDING SECTION 142-904 THEREOF, ENTITLED "ADDITIONAL MIXED USE ENTERTAINMENT DISTRICT REGULATIONS" TO MODIFY REGULATIONS PERTAINING TO RETAIL USES ON LOTS FRONTING OCEAN DRIVE AND PRECLUDING VARIANCES OF THE PROVISION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, properties fronting Ocean Drive and Collins Avenue that have a zoning designation of MXE Mixed Use Entertainment are located in the Ocean Drive/Collins Avenue Historic District, as well as the Miami Beach Architectural National Register Historic District; and

WHEREAS, Ocean Drive and Collins Avenue are some of the premier streets in Miami Beach and provide 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, properties fronting Ocean Terrace are within the Harding Townsite Historic District and the North Shore National Register Historic District; and

WHEREAS, the City of Miami Beach has undertaken a master planning process for the North Beach area that includes the Harding Townsite Historic District and North Shore National Register District, in order to encourage the revitalization of the area by improving cultural, retail, and dining experiences for residents and visitors to the area; and

WHEREAS, these areas have many contributing structures utilized as hotels and restaurants associated with those hotel uses; and

WHEREAS, allowing an accessory use to "overcome" or "daunt" the hotel and restaurant uses would impede tourism and detract from the iconic tourist experience; and

WHEREAS, the City desires to limit retail uses on Ocean Drive, Collins Avenue, and Ocean Terrace; 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 13, "MXE Mixed Use Entertainment District," Is amended as follows:

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

In the MXE mixed use entertainment district permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

* * *

- (5) For existing buildings with two stories or less fronting on Ocean Drive or Ocean Terrace, the addition of a story shall require that commercial uses comply with all provisions of section 142-904 for accessory uses, ~~unless a variance from the provisions of section 142-904 is granted.~~ For purposes of example only, in buildings described in the foregoing sentence, the existence of commercial uses on the ground floor which exceed 25 percent of the floor area shall not, upon the addition of one story, be deemed grandfathered in, and the percentage of commercial uses on the ground floor, upon the addition of one story, must comply with the requirements of section 142-904, ~~except if a variance is granted.~~
- (6) No variances shall be granted from the requirements of this section 142-546, except as specified in subsections 142-546(2), ~~and 142-546(5).~~

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Is amended as follows:

Sec. 142-904. - Additional mixed use entertainment district regulations.

- (a) *General provisions.* Accessory uses shall comply with the following mandatory criteria in addition to the regulations contained in sections 142-901 and 142-902:

* * *

- (b) *Permitted accessory uses.* The following are permitted accessory uses in the mixed use entertainment district.

* * *

- (d) No variances shall be granted from the requirements of this section 142-904.

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.

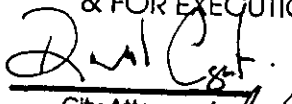
PASSED and ADOPTED this ____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: February 8, 2017
Second Reading: March 1, 2017

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
1-19-17

Date

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