

**Conditional Use Regulations for Convenience Stores in the CD-3 District on Lincoln Road**

**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," AT DIVISION 5, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 142-333 "CONDITIONAL USES", TO LIST CONVENIENCE STORES LOCATED ON LINCOLN ROAD BETWEEN WASHINGTON AVENUE AND COLLINS AVENUE AS A CONDITIONAL USE SUBJECT TO STRICT CRITERIA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City's Land Development Regulations ("LDRs") provide for the regulation of land development within the City; and

**WHEREAS**, in order to incentivize compatible retail development and address retail vacancies, the City desires to facilitate as a conditional use in limited circumstances convenience stores set back at least 75' from Lincoln Road; and

**WHEREAS**, this Ordinance provides for a convenience stores as a conditional use, located in the CD-3 district, for properties with a lot line on Lincoln Road east of Washington Avenue.

**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 6, "CD-3 Commercial, High Intensity District," is hereby amended as follows:

**CHAPTER 142. ZONING DISTRICTS AND REGULATIONS**

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**ARTICLE II. DISTRICT REGULATIONS**

\* \* \*

**DIVISION 6. CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT**

\* \* \*

**Sec. 142-333. Conditional uses.**

- (a) The conditional uses in the CD-3 commercial, high intensity district are as follows:
- (1) New construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards;
  - (2) Outdoor entertainment establishment;
  - (3) Neighborhood impact establishment;
  - (4) Open air entertainment establishment;
  - (5) Religious institutions with an occupancy greater than 199 persons;
  - (6) Video game arcades;
  - (7) Public and private institutions;
  - (8) Schools and major cultural dormitory facilities as specified in section 142-1332; and
  - (9) Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street. See subsection 142-1103(c);
  - (10) Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east, shall be subject to the additional requirements set forth in section 142-340; and
  - (11) When located above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road: artisanal retail with off-site sales.
  - (12) Convenience stores, notwithstanding the prohibited uses listed under Section 142-333, may be permitted as a conditional use for properties with a lot line on Lincoln Road, east of Washington Avenue, with a storefront located in the interior of the property and with the entire establishment set back a minimum of 75 feet from the property line fronting Lincoln Road, as well as set back 75 feet from Washington Avenue and Collins Avenue. Conditional use approval for a convenience store pursuant to this section must be obtained within 18 months of the effective date of this section.

**SECTION 2. REPEALER.**

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

**SECTION 3. 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 renumbered or relettered to accomplish such intention; and that the word "ordinance" maybe changed to "section" or other appropriate word.

**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 \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK Date 5-19-23

First Reading: June 28, 2023  
Second Reading: July 26, 2023

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