

## Sunset Harbour Restaurant Seating and Parking Requirements

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SUBSECTION 7.2.11.2 "USES (CD-2)," SUBSECTION B, "SUPPLEMENTAL CONDITIONAL USES REGULATIONS (CD-2)," TO AMEND LAND DEVELOPMENT REGULATIONS APPLICABLE TO RESTAURANTS IN THE SUNSET HARBOUR NEIGHBORHOOD, GENERALLY BOUNDED BY PURDY AVENUE, 20<sup>TH</sup> STREET, ALTON ROAD, AND DADE BOULEVARD; AND AMENDING CHAPTER 5, "OFF-STREET PARKING," ARTICLE II, "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," SECTION 5.2.4, "VEHICLE OFF-STREET PARKING REQUIREMENTS," TO MODIFY PARKING REQUIREMENTS FOR THE TIER 2 AREA A PARKING DISTRICT; 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 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**, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the neighborhood; and

**WHEREAS**, the City has reviewed the condition of properties in the Sunset Harbour neighborhood, including existing restaurant establishments; and

**WHEREAS**, Sunset Harbour has unique cultural, retail, and dining experiences that are vital to Miami Beach's local economy; however, the City Commission desires to attract new, high quality restauranters; and

**WHEREAS**, the City, with input from residents and businesses, has determined that certain restrictions on dining that apply generally to the Sunset Harbour neighborhood conflict with the objectives above; and

**WHEREAS**, the amendments set forth below clarify and add flexibility for restaurant capacity and parking to improve operations for restaurants in the subject area; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the objectives above.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 7, "Zoning Districts and Regulations," Article II, "District Regulations," Section 7.2.11, "CD-2 Commercial, Medium Intensity District," Subsection 7.2.11.2 "USES (CD-2)," Subsection B, "Supplemental Conditional Uses Regulations (CD-2)," is hereby amended as follows:

**MIAMI BEACH RESILIENCY CODE**

\* \* \*

**CHAPTER 7 - ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II: DISTRICT REGULATIONS**

\* \* \*

**7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT**

\* \* \*

**7.2.11.2 USES (CD-2)**

\* \* \*

**B. SUPPLEMENTAL CONDITIONAL USES REGULATIONS (CD-2)**

\* \* \*

iii. *Sunset Harbour neighborhood.* The conditional uses for the Sunset Harbour neighborhood, generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south (MAP EXHIBIT-2), shall include those conditional uses listed on the Uses Table in Section 7.2.11.2, but shall exclude:

1. pawnshops,
2. outdoor entertainment establishments,
3. neighborhood impact establishments, and
4. open air entertainment establishments, as these specific uses are prohibited in the Sunset Harbour neighborhood pursuant to Section 7.2.11.2.d.

The following additional uses shall require conditional use approval in the Sunset Harbour neighborhood:

- I. Main use parking garages.
- II. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125 persons, but less than 199 persons and a floor area in excess of 3,500 square feet.
- III. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) in excess of 3,500 square feet of floor area, up to a maximum occupancy content of 299 persons (as determined by the fire marshal) and a maximum of 199 indoor seats.
- IV. Liquor Stores

**SECTION 2.** Chapter 5, "Off-Street Parking," Article II, "Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements," Section 5.2.4, "Vehicle Off-Street Parking Requirements," is hereby amended as follows:

**MIAMI BEACH RESILIENCY CODE**

\* \* \*

**CHAPTER 5 OFF-STREET PARKING**

\* \* \*

**ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS**

\* \* \*

**5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS**

\* \* \*

**5.2.4.2 Parking Tier 2**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking tier 1.

a. Off-street parking requirements for Tier 2 area a.

Tier 2 area a includes those properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south, as depicted in the map below:



i. The following off-street parking requirements apply to properties located within Tier 2 area a:

Key: \* See supplemental off-street parking regulations in section 5.2.4.2.a.ii. below.

USE		OFF-STREET PARKING REQUIREMENT
<b>RESIDENTIAL</b>		
<i>Apartment building and apartment-hotel *</i>	Existing structures utilized for	No parking requirement
	Residential Apartments	
	New construction and/or additions	One space per unit
	utilized for	
	Residential Apartments	
	Designated guest Parking	No parking requirement
<b>COMMERCIAL</b>		
<i>Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages *</i>	An individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area	No parking requirement.
	Establishment that exceeds 100 seats and/or 3,500 square feet of floor area	To the extent that an establishment exceeds 100 seats and/or 3,500 square feet of floor area, one parking space per <del>four</del> <u>eight</u> seats and one parking space per 60 square feet of floor area not used for seating shall be required, <u>for up to 199 seats</u> . For establishments that <u>exceed 199 seats, one parking space per four seats and one space per 60 square feet of floor area not used for seating shall be required</u> . Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 5.4.2.
Retail store, food store, or personal service establishment *	Individual establishments of 3,500 square feet or less	No parking requirement.
	An establishment over 3,500 square feet	One space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 5.4.2.



**SECTION 3. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 2023.

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

ATTEST:

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK      10-10-23  
Date

First Reading:    October 18, 2023  
Second Reading: December 13, 2023

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