

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 THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.12, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 7.2.12.2 "USES (CD-3)," 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 7, entitled "Zoning Districts and Regulations, Article II, entitled "General to All Zoning Districts," at Section 7.2.11, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. – DISTRICT REGULATIONS

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7.2.12. CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

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7.2.12.2 Uses (CD-3)

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b. Supplemental Conditional Uses Regulations (CD-3)

The supplemental conditional uses are as follows:

- i. Neighborhood Impact Structure (even when divided by a district boundary line);
- ii. ~~Major~~ Major cultural dormitory facilities as specified in Section 7.5.5.3; ~~and~~
- iii. 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 (MAPEXHIBIT-3). Storage and/or parking of commercial vehicles shall be subject Pursuant to Section 7.5.4.3.c.
- iv. 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 (MAP-EXHIBIT-4), shall be subject to the additional requirements set forth in Section 7.2.12.2.f; ~~and~~
- v. 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-; and
- vi. Convenience stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and Section 7.3.7.2, 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~~ 12 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be 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.


Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

10-11-23
Date
NK

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

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