

WASHINGTON AVENUE INCENTIVES – ALLOWABLE USE CLARIFICATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR's) OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," TO MODIFY SECTION 142-309, "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO MODIFY THE DEVELOPMENT REGULATIONS FOR PROPERTIES FRONTING WASHINGTON AVENUE BETWEEN 6TH STREET AND 7TH STREET; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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

WHEREAS, the City has reviewed the conditions of Washington Avenue and the concerns raised by residents, property owners, and businesses as it relates to the condition of Washington Avenue; and

WHEREAS, the City has studied various mechanisms for improving the quality of life and quality of business improvements within the area; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the Planning Board, at its meeting dated _____, 2017, by a vote of ____, recommended in favor of the Ordinance; and

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

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

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-309 – Washington Avenue development regulations and area requirements:
The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street, including those properties between 6th and 7th Streets that may have frontage on Pennsylvania Avenue; where there is conflict within this division, the criteria below shall apply:

* * *

(7) For properties between 6th and 7th Streets that abut residential zoning districts, the following additional regulations shall apply:

- a. The following shall be prohibited as a main permitted or stand-alone use:
 - i. Restaurants, cafes and/or eating & drinking establishments;
 - ii. Bars, Dance Halls, Open-Air Entertainment Establishments, Outdoor Entertainment Establishments and/or Entertainment Establishments;
 - iii. Alcoholic beverage establishments;
 - iv. Convenience stores, grocery stores and similar retail sales of food products;
 - v. Retail sales of alcoholic beverages for off-premises consumption;
- b. The maximum height for new construction or additions shall not exceed the height specified in Sec. 142-306.

SECTION 2. 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 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" 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 _____, 2017.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____, 2017

Second Reading: _____, 2017

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