

C-PS2 ENTERTAINMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," SECTION 142-693, "PERMITTED USES," TO CLARIFY THAT ENTERTAINMENT IS NOT PERMITTED IN THE CITY'S PERFORMANCE STANDARD DISTRICTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, most of the South of Fifth Street neighborhood in Miami Beach is located within the City's "Performance Standard" zoning districts; and

WHEREAS, pursuant to Policy 1.2 of the Future Land Use Element of the City's 2025 Comprehensive Plan, the purpose of the City's "Performance Standard" future land use categories is "[t]o provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards"; and

WHEREAS, Objective 2 of the Land Use Element of the City's Comprehensive Plan provides that "[l]and development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses"; and

WHEREAS, over the course of the last two decades, and pursuant to Ordinance Nos. 96-3050, 99-3222, 2003-3417, and 2004-3445, the Mayor and City Commission have adopted a series of land development regulations to restrict, and ultimately prohibit, entertainment uses located South of Fifth Street; and

WHEREAS, currently, the district regulations for the PS "Performance Standard District" allow for limited entertainment uses in the C-PS2 (on the south side of Fifth Street between Michigan Avenue and Alton Road), C-PS3, and C-PS4 zoning districts; and

WHEREAS, the Mayor and City Commission desire to repeal these limited exceptions in order to clarify that entertainment is not permitted in the City's performance standard districts, and to protect the residential character of the area; and

WHEREAS, this Ordinance is consistent with Policy 1.2 of the City's Comprehensive Plan, to the extent that it "enhance[s] the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types"; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

Article II. – DISTRICT REGULATIONS

* * *

DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-693. Permitted uses.

(a) The following uses are permitted in the performance standard districts:

General Use Category	R-PS 1, 2	R-PS 3, 4	C-PS 1, 2, 3, 4	RM-PS1
* * *				
Entertainment establishments, Outdoor outdoor entertainment establishments, and open air entertainment establishments	N	N	N	N
* * *				

P—Main permitted use C—Conditional use N—Not permitted

* * *

(c) For purposes of this section, pawnshops and dance halls and entertainment establishments are not permitted as a main permitted or accessory use south of Fifth Street; ~~however, in the C-PS3 and C-PS4 districts dance halls and entertainment establishments shall be permitted as an accessory use within a hotel of 250 rooms or more with access to the dance hall or entertainment establishment only from the interior lobby and not from the street. Additionally, for restaurants located in the C-PS2 district, on the south side of Fifth Street between Michigan Avenue and Alton Road, non-amplified piano or string instruments, played at a volume that does not interfere with normal conversation, may be permitted as a conditional use within the interior of the premises, in accordance with the requirements of Chapter 118, Article IV, and only during periods in which full meals are being served, and no later than 2:00 am.~~

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SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict are hereby repealed.

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 _____, 2015.

Philip Levine
Mayor

Rafael E. Granado
City Clerk

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

(Sponsored by Commissioner Michael Grieco)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Regt
City Attorney

4/5/17
Date

NK