

Massage Therapy Centers - North Beach Use Regulations

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 3, ENTITLED "OVERLAY DISTRICTS," AT SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY," TO ESTABLISH REGULATIONS AND REQUIREMENTS FOR MASSAGE THERAPY CENTERS WITHIN THE OVERLAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the North Beach area of the City includes all properties to the north of 63rd Street; and

WHEREAS, a large portion of the North Beach area is located within the North Shore National Register District and the Normandy Isles National Register District; and

WHEREAS, a large portion of the North Beach area is located within the Normandy Isles Historic District, North Shore Historic District, Harding Townsite Historic District, Altos Del Mar Historic District, and the North Beach Resort Historic District, all of which are locally designated; and

WHEREAS, properties fronting Ocean Terrace and Collins Avenue between 73rd and 75th Streets are within the Harding Townsite historic district and the North Shore National Register historic district; and

WHEREAS, properties fronting Harding Avenue between 73rd and 75th Streets are within the North Shore National Register historic district; and

WHEREAS, the City of Miami Beach has undertaken a master planning process for North Beach, in order to encourage the revitalization of the area by improving cultural, retail, and dining experiences for residents and visitors to the area; and

WHEREAS, absent appropriate regulations, massage therapy centers may negatively impact neighborhoods in the North Beach area; and

WHEREAS, the City Commission finds that it is in the best interest of its residents, businesses, and visitors to adopt regulations to protect the public health, safety, welfare, and morals; and

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

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 3, entitled "Overlay

Districts,” at Section 7.3.10, “North Beach Commercial Character Overlay District,” is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

ARTICLE 3 – OVERLAY DISTRICTS

7.3.10 NORTH BEACH COMMERCIAL CHARACTER OVERLAY DISTRICT

7.3.10.2 Compliance with regulations (North Beach Commercial Character Overlay District).

The following regulations shall apply to the overlay district. There shall be no variances allowed from these regulations. All development regulations in the underlying zoning district and any other applicable overlay regulations shall apply, except as follows:

a. The following limitations shall apply to the commercial uses listed below:

v. Massage therapy centers shall comply with the following regulations:

1. Such establishments shall not operate between 9:00 pm and 7:00 am in the Ocean Terrace/Harding Townsite Overlay Area.
2. Such establishments shall be considered a permitted use in accordance with the following:
 - a. State certified schools for obtaining a massage therapy license, as a component of the main use.
 - b. Multi-family residential buildings, apartment hotels, suite hotels or hotels, with at least 50 units, as an accessory use.
 - c. Fitness centers, gyms and wellness centers, as a component of the main use.
 - d. State licensed medical offices and clinics, such as physical therapy centers, as a component of the main use.
3. Such establishments shall be only permitted as a conditional use as follows:
 - a. Within office buildings located in a commercial district, TC district, or TC-C district, provided the massage therapy center is located above the first floor.
 - b. Within multi-family residential buildings, apartment hotels, suite hotels, or hotels, with less than 50 units.

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.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: July 26, 2023

Second Reading: September 13, 2023

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 7-14-23
City Attorney NK Date

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