

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members
FROM: Eric Carpenter, City Manager
DATE: October 10, 2024
TITLE: ENTERTAINMENT AND SUPPER CLUB REGULATIONS

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed modifications to the ordinance and provide a favorable recommendation to the Mayor and City Commission (City Commission).

BACKGROUND/HISTORY

On September 11, 2024, the Mayor and City Commission approved item R5 F, at First Reading, which is a proposed amendment to the Land Development Regulations of the City Code (LDRs) pertaining to entertainment and supper club regulations city wide. The City Commission also referred the proposed ordinance amendment to the LUSC for additional discussion prior to Second Reading, which is scheduled for October 30, 2024.

ANALYSIS

Attached is item R5 F from the September 11, 2024, City Commission meeting, which includes the ordinance approved at First Reading and the corresponding commission memorandum summarizing the proposal. Based on the direction of the City Commission at First Reading, the attached ordinance for Second Reading has been revised with the following modifications:

1. The following applicability provisions have been added, to address specific, pending applications:

- a. *Any existing business that by July 30, 2024, had a permit process number with the City of Miami Beach, for the expansion of seating or occupancy, shall be exempt from the limitations of enlargement and expansion listed in Section 7.5.5.4 hereof, and shall be permitted to enlarge or expand its occupancy and/or seating capacity consistent with all applicable regulations in place prior to July 30, 2024, as well as the permit application, and retain its legal nonconforming entertainment establishment status. If the permit is abandoned or becomes expired, for any reason, the business shall be subject to all the limitations and regulations enumerated herein.*
- b. *This Ordinance shall not apply to properties in the RM-3 district that have an active land use board application with a hearing file number and where a notice to proceed to public hearing has been issued by the City prior to September 1, 2024. For future revisions to any such application, or a new application at the property, the Land Development Regulations existing at the time shall apply.*

2. A clarification pertaining to the existing prohibition of entertainment in the Sunset Harbor neighborhood has been added to section 7.5.5.4.

3. The regulations specific to entertainment uses in supper clubs along Washington Avenue in the CD-2 district have been extended to applicable properties on Espanola Way.
4. A geographic boundary along the east side of Washington Avenue, from 8th Street to 14th Street, has been proposed, which would permit non-supper club entertainment venues serving alcohol until 5:00 A.M.

The Administration is supportive of the above noted modifications and recommends inclusion of the changes in the ordinance for Second Reading.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the LUSC endorse the proposed modifications to the ordinance and provide a favorable recommendation to the City Commission.

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

Entertainment and Supper Club Regulations