

R5 S NORTH BEACH COMPREHENSIVE USE REGULATIONS

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 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY; AND BY ESTABLISHING SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY" (1) TO INCORPORATE THE PRE-EXISTING REGULATIONS FROM THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY THAT ARE APPLICABLE TO THE "OCEAN TERRACE/HARDING TOWNSITE AREA," (2) TO PROVIDE LIMITS ON THE NUMBER OF PACKAGE LIQUOR STORES, CHECK CASHING STORES, CONVENIENCE STORES, AND TATTOO STUDIOS LOCATED NORTH OF 63RD STREET, AND (3) TO PROHIBIT TOBACCO AND VAPE DEALERS, OCCULT SCIENCE ESTABLISHMENTS, VITAMIN STORES, PAWN SHOPS, SOUVENIR AND T-SHIRT SHOPS, AND RELATED NUISANCE USES NORTH OF 63RD STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024 5:04 p.m. Second Reading Public Hearing

TITLE: NORTH BEACH COMPREHENSIVE USE REGULATIONS
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 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY; AND BY ESTABLISHING SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY" (1) TO INCORPORATE THE PRE-EXISTING REGULATIONS FROM THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY THAT ARE APPLICABLE TO THE "OCEAN TERRACE/HARDING TOWNSITE AREA," (2) TO PROVIDE LIMITS ON THE NUMBER OF PACKAGE LIQUOR STORES, CHECK CASHING STORES, CONVENIENCE STORES, AND TATTOO STUDIOS LOCATED NORTH OF 63RD STREET, AND (3) TO PROHIBIT TOBACCO AND VAPE DEALERS, OCCULT SCIENCE ESTABLISHMENTS, VITAMIN STORES, PAWN SHOPS, SOUVENIR AND T-SHIRT SHOPS, AND RELATED NUISANCE USES NORTH OF 63RD STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

BACKGROUND/HISTORY

On September 14, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred a proposed amendment pertaining to use regulations in North Beach (C4 X) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On October 28, 2022, the LUSC discussed and continued the item to the January 25, 2023 meeting with direction to the Administration to draft an ordinance based upon the geographical boundaries and types of uses identified in the October 28, 2022 LUSC memorandum.

On January 25, 2023, the LUSC discussed the proposed draft ordinance and continued the item to the March 1, 2023, meeting with the following direction:

1. Identify uses that should remain prohibited.
2. Identify those uses that could be regulated by a cap within the area, as well as the application of distance separation standards. These should include check cashing stores, package liquor stores and convenience stores.
3. Create a map of existing uses in North Beach that would be subject to a cap.
4. Under separate review, develop regulations for massage therapy centers in North Beach.

On March 1, 2023, the LUSC discussed the proposal and recommended the following:

1. Move the ordinance to the Planning Board, with direction to continue to study the cap on the number of allowable convenience stores.
2. Perform public outreach to commercial properties and affected stakeholders in North Beach.
3. Continue the discussion pertaining to potential regulations for massage therapy centers to the May 10, 2023 LUSC meeting.

ANALYSIS

Background

In 2020 the City Commission adopted Ordinance No. 2020-4339 which, among other things, restricted certain uses along Normandy Drive and 71st Street in the TC-C and CD-2 districts. Specifically, the following uses were added to the list of prohibited uses in these areas:

- Tobacco and vape dealers;
- Package liquor stores;
- Check cashing stores;
- Occult science establishments; and
- Tattoo studios.

The following is a summary of the current distance separation requirements for tobacco/vape dealers, vitamin stores and package liquor stores in North Beach:

Tobacco/vape dealers:

- No tobacco/vape dealer shall be located within 1,200 feet of another tobacco/vape dealer.
- Tobacco/vape dealers are currently prohibited within 500 feet of any property used as a public or private, elementary, middle, or secondary school.
- Tobacco/vape dealers are currently prohibited along Normandy Drive and 71st Street, within the TC-C North Beach Town Center Central Core district, and within the Ocean Terrace/Harding Townsite Area.

Vitamin stores:

- Vitamin shops shall not be located within 1,200 feet of another vitamin shop.
- Vitamin shops are currently prohibited within 500 feet of any property used as a public or private elementary, middle, or secondary school.

Package liquor stores:

- The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 1,500 feet.
- No alcohol beverage shall be sold within 300 feet of any property used as a public or private school.
- No alcohol beverage shall be sold within 300 feet of any property used as a place of worship.
- However, package liquor stores are currently prohibited along Normandy Drive and 71st Street, within the TC-C North Beach Town Center Central Core district, and within the Ocean

Terrace/Harding Townsite Area.

In addition to the above uses, the following are other types of uses that have been regulated in other parts of the city, to prevent an over concentration within defined areas:

- Convenience stores;
- Pharmacy stores;
- Medical cannabis dispensaries;
- Stand-alone bars and/or entertainment uses;
- Vitamin stores; and
- Souvenir and T-shirt stores.

Planning Analysis

Currently there are several commercial and multi-family residential districts in North Beach (RM-3, CD-1, CD-2, TC-1, 2 and 3) where certain nuisance uses are allowed in some form. To regulate these uses more comprehensively within the North Beach area, the attached draft ordinance is proposed. Specifically, the Land Development Regulations of the City Code (LDRs) are proposed to be amended by establishing a new overlay entitled the North Beach Commercial Character Overlay, which would apply to all areas located north of 63rd Street (see attached aerial and zoning maps).

The following uses would be prohibited within the entirety of the proposed overlay:

- Tobacco and vape dealers;
- Occult science establishments;
- Vitamin stores;
- Pawn Shops; and
- Souvenir and T-shirt stores.

Other uses have been identified as potentially problematic, particularly when there is an over-concentration of such uses, as the character of commercial areas and the quality of life of residents can be negatively impacted. These uses include package liquor stores, check cashing stores, tattoo studios and convenience stores. However, some of these uses do serve a useful purpose, and provide residents with necessary goods and services. Planning staff surveyed businesses north of 63rd Street and compiled the following regarding existing uses:

- Package liquor stores: 6 existing establishments.
- Check cashing stores: 2 existing establishment.
- Convenience stores: 16 – 19 existing establishments.
- Tattoo studios: 9 existing establishment.

To prevent an over-concentration of these types of uses, the following limits on the total number of uses permitted within the overlay is proposed:

- No more than 6 package liquor stores.

- No more than 4 check cashing stores.
- No more than 25 convenience stores.
- No more than 9 tattoo studios.

As it pertains to check cashing, tattoo studio and liquor store uses, considering the limited number of existing establishments, a smaller cap for such uses is proposed. A distance separation requirement was not included, as the proposed cap on the number of these uses is relatively tight. Also, pursuant to the regulations set forth in Chapter 6 of the City Code, a minimum distance separation of 1,500 feet between package liquor stores is already required.

Regarding convenience stores, the draft ordinance includes a limit of 25 convenience stores within the overlay area. Given the existing number of existing convenience stores (16 - 19), this would allow for a more measured increase in this use. Also, with the amount of new development taking place within the North Beach Town Center-Central Core (TC-C) District, it may be beneficial for there to be a limited number of convenience stores to serve those future residents.

The Art Deco/MiMo Commercial Character Overlay is an overlay that provides similar regulations for the South Beach area, as well as the Ocean Terrace/Harding Townsite Area of North Beach. In order to ensure that there are no overlapping regulations or conflicts, the proposed ordinance removes the Ocean Terrace/Harding Townsite Area and related regulations from the Art Deco/MiMo Commercial Character Overlay and relocates them to the North Beach Commercial Character Overlay. The existing regulations that are applicable to the Ocean Terrace/Harding Townsite Area are not proposed to change.

Most of the uses proposed to be further regulated by the proposed ordinance are already prohibited along 71st Street, Normandy Drive, the North Beach Town Center, and in the Ocean Terrace/Harding Townsite area. The areas that would be most affected by this ordinance are the CD-2 district located between 65th Street and 69th Street and the RM-3 properties that have accessory commercial uses.

PLANNING BOARD REVIEW

On April 25, 2023, the Planning Board discussed and continued action on the proposed ordinance to the May 23, 2023 meeting. On May 23, 2023 the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (5-2). The Planning Board also made a separate motion (7-0) recommending the following:

1. The subject ordinance be revised to remove the proposed prohibition on tattoo studios and instead set a cap of up to the current number of such uses within the overlay. This recommendation has been incorporated into the text of the ordinance for First Reading.
2. Additional community outreach in the form of a hybrid (in person and virtual) workshop in the North Beach area.

UPDATE

On June 28, 2023, the City Commission approved the subject ordinance at First Reading, with no changes, and scheduled Second Reading / Adoption for July 26, 2023. The City Commission also waived the applicable fees based on the proposed amendment implementing best practices in urban planning.

On July 26, 2023 the item was continued to a date certain of September 13, 2023, due to the length of the agenda. On September 13, 2023 the item was deferred to December 13, 2023, with no discussion. On December 13, 2023, the item was deferred to January 31, 2024, with no discussion, and on January 31, 2024, the item was deferred to April 3, 2024, with no discussion. The item was not reached at the April 3, 2024 meeting and was moved to the May 15, 2024

meeting.

On May 15, 2024, at the request of the item sponsor, the City Commission referred the item to the LUSC (R5 H). On June 10, 2024, the item was deferred to the July 9, 2024 LUSC meeting, and on July 9, 2024, the item was deferred to a future LUSC meeting. On September 5, 2024, the LUSC discussed the proposal and recommended that the City Commission adopt the ordinance at Second Reading.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 9/27/2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the City Commission adopt the ordinance.

Applicable Area

North Beach

**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 Alex Fernandez

Co-sponsor(s)

Condensed Title

5:04 p.m. 2nd Rdg, North Beach Comprehensive Use Regulations. (Fernandez) PL

North Beach Comprehensive 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 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY; AND BY ESTABLISHING SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY," (1) TO INCORPORATE THE PRE-EXISTING REGULATIONS FROM THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY THAT ARE APPLICABLE TO THE "OCEAN TERRACE/HARDING TOWNSITE AREA," (2) TO PROVIDE LIMITS ON THE NUMBER OF PACKAGE LIQUOR STORES, CHECK CASHING STORES, CONVENIENCE STORES, AND TATTOO STUDIOS LOCATED NORTH OF 63RD STREET, AND (3) TO PROHIBIT TOBACCO AND VAPE DEALERS, OCCULT SCIENCE ESTABLISHMENTS, VITAMIN STORES, PAWN SHOPS, SOUVENIR AND T-SHIRT SHOPS, AND RELATED NUISANCE USES NORTH OF 63RD STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the area of the City located to the north of 63rd Street is generally known as "North Beach"; 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 following local historic districts: Normandy Isles Historic District, North Shore Historic District, Harding Townsite Historic District, Altos Del Mar Historic District, and the North Beach Resort Historic District; 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 ("City") has undertaken a master planning process for the North Beach area, including the Harding Townsite historic district and North Shore National Register district, 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, regulations regarding formula commercial establishments and formula restaurants that are applicable to Ocean Terrace were established by the City on September 25, 2017 pursuant to Ordinance No. 2017-4137; and

WHEREAS, this Ordinance does not modify the regulations regarding formula commercial establishments and formula restaurants that were established in Ordinance No. 2017-4137, but rather relocates those regulations for improved transparency and clarity; and

WHEREAS, the proliferation of certain uses, such as convenience stores, formula restaurants, formula retail establishments, check cashing stores, pawnshops, souvenir and t-shirt shops, tattoo studios, occult science establishments, massage therapy centers, and package liquor stores, can negatively affect the unique character of the City's North Beach neighborhoods; and

WHEREAS, it is the intent of the City to limit the proliferation of establishments which may negatively affect the character of North Beach neighborhoods; 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 7.3.1, "Art Deco MiMo Commercial Character Overlay District," is hereby amended as follows:

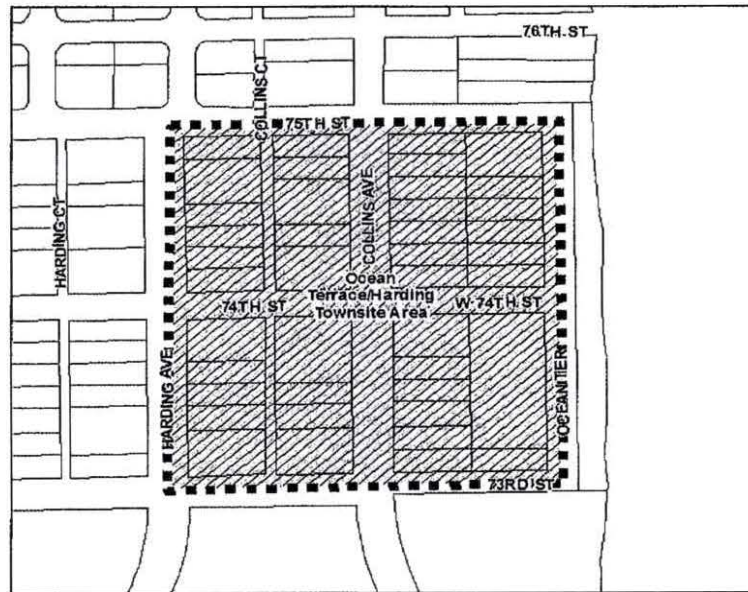
CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

* * *
ARTICLE 3. OVERLAY DISTRICTS
* * *

7.3.1 ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT

7.3.1.1 Location and purpose (Art Deco ~~MIMO~~ Commercial Character Overlay District).

- a. There is hereby created the Art Deco/Mimo Commercial Character Overlay District (the "overlay district"). The overlay district consists of the properties in the South Beach Art Deco Area identified in the map below in this subsection (a), ~~and the properties identified in the Ocean Terrace/Harding Townsite Area described in subsection (b) below~~. The South Beach Art Deco Area is generally located east of the western lot lines of properties fronting the west side of Washington Avenue between 5th Street on the south and 23rd street on the north and located west of the ocean:



- c. The purpose of this overlay district is to limit the proliferation of uses which may diminish the character of historic commercial areas within the city. This overlay district is designed based on and intended to achieve the following ~~facts and intents~~:
- i. Properties fronting Ocean Drive and Collins Avenue that have a zoning designation of MXE mixed use entertainment are located in the Ocean Drive/Collins Avenue historic district, as well as the Miami Beach Architectural National Register Historic District;
 - ii. Properties fronting Washington Avenue that have a zoning designation of CD-2 commercial medium intensity district, are located in the Flamingo Park historic district and the Miami Beach Architectural National Register Historic District;
 - iii. Ocean Drive, Collins Avenue, and Washington Avenue are some of the premier streets in Miami Beach and provide residents and visitors with a unique cultural, retail, and dining experience and are vital to Miami Beach's economy, especially the tourism industry;
 - ~~iv. 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;~~
 - ~~v. Properties fronting Harding Avenue between 73rd and 75th Streets are within North Shore National Register historic district: and~~
 - ~~vi. The City of Miami Beach has undertaken a master planning process for the North Beach area that includes the Harding Townsite historic district and North Shore National Register district, in order to encourage the revitalization of the area by improving cultural, retail, and dining experiences for residents and visitors to the area;~~

- vii. Formula commercial establishments and formula restaurants are establishments with multiple locations and standardized features or a recognizable appearance, where recognition is dependent upon the repetition of the same characteristics of one store in multiple locations;
- viii. Formula commercial establishments and formula restaurants are increasing in number along Ocean Drive and within other historic districts;
- ix. The sameness of formula commercial establishments, while providing clear branding for retailers, conflicts with the city's Vision Statement which includes creating "A Unique Urban and Historic Environment";
- x. Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula commercial establishments detract from the distinctive character and aesthetics of the historic districts;
- xi. The increase of formula commercial establishments hampers the unique cultural, retail, and dining experience in commercial and mixed-use areas of the city's historic districts;
- xii. Specifically, the proliferation of formula commercial establishments may unduly limit or eliminate business establishment opportunities for non-traditional or unique businesses, thereby decreasing the diversity of cultural, retail, and dining services available to residents and visitors;
- xiii. The homogenizing effect of formula commercial establishments, based on their reliance on standardized branding, increases if the size of the establishment, the number of locations or size or use of branded elements is greater;
- xiv. The increased level of homogeneity detracts from the uniqueness of the historic districts, which thrive on a high level of interest maintained by a mix of cultural, retail, and dining experiences that are not found elsewhere in the country;
- xv. Sidewalk cafés are central to the economy of Ocean Drive and enhance the pedestrian experience and historic and cosmopolitan character of the street;
- xvi. It is not the intent of the city to limit interstate commerce, but rather to maintain the historic character of neighborhoods and promote their unique cultural, retail, and dining experiences that are vital to the city's economy;
- xvii. It is the intent of the city that if an establishment that has multiple locations and standardized features or a recognizable appearance seeks to locate within certain areas affected by this division that such establishment provide a distinct array of merchandise, facade, decor, color scheme, uniform apparel, signs, logos, trademarks, and service marks;
- xviii. Convenience stores, pharmacy stores and formula eating establishments have similar impacts to the unique character of this important area of the city as formula stores;

- xix. Check cashing stores, pawnshops, souvenir and t-shirt shops, tattoo studios, fortune tellers (occult science establishments), massage therapy center, and package liquor stores are uses which negatively affect surrounding areas; and
- xx. It is the intent of the city to limit the number of establishments which may negatively affect surrounding areas.

7.3.1.2 Compliance with regulations (Art Deco MIMO 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:

i. Check cashing stores shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Drive ~~and in the Ocean Terrace Harding Townsite Area.~~
2. In areas of the overlay district not included in Section 7.3.7.1.a above, there shall be no more than two (2) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.

ii. Convenience stores shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Drive.
2. ~~In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one (1) such establishment.~~
3. In areas of the Overlay District not included in Section 7.3.7.1. a and b above, there shall be no more than five (5) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.

iii. Formula commercial establishments shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Drive ~~and Ocean Terrace.~~
2. This subsection shall not apply to any establishments in the South Beach Art Deco Area other than establishments fronting Ocean Drive ~~nor to any establishment in the Ocean Terrace/Harding Townsite Area, other than Ocean Terrace.~~

iv. Formula restaurants shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Drive ~~and Ocean Terrace.~~

2. This subsection shall not apply to any establishments in the South Beach Art Deco Area other than establishments fronting Ocean Drive ~~nor to any establishment in the Ocean Terrace/Harding Townsite Area, other than Ocean Terrace.~~
- v. Massage therapy centers shall not operate between 9:00 pm and 7:00 am in the overlay district.
 - vi. Marijuana dispensaries shall be prohibited in the overlay district.
 - vii. Occult science establishments shall be prohibited in the overlay district.
 - viii. Package stores shall comply with the following regulations:
 1. Such establishments shall be prohibited on lots in the South Beach Art Deco Area with an underlying MXE zoning designation ~~and in the Ocean Terrace/Harding Townsite Area.~~
 2. In areas of the overlay district not included in Section 7.3.7.1.a above, there shall be no more than three (3) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
 - ix. Pawnshops shall be prohibited in the overlay district.
 - x. Pharmacy stores shall comply with the following regulations:
 1. Such uses shall be prohibited on lots fronting Ocean Drive.
 2. ~~In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one (1) such establishment.~~
 3. In areas of the overlay district not included in Section 7.3.7.1. a and b above, there shall be no more than five (5) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
 - xi. Souvenir and t-shirt shops shall comply with the following regulations:
 1. Such establishments shall be prohibited on lots fronting Ocean Drive ~~and in the Ocean Terrace/Harding Townsite Area.~~
 2. In areas of the overlay district not included in Section 7.3.7.1.a above, there shall be no more than five (5) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
 - xii. Tattoo studios shall comply with the following regulations:
 1. Such uses shall be prohibited on lots fronting Ocean Drive ~~and in the Ocean Terrace/Harding Townsite Area.~~

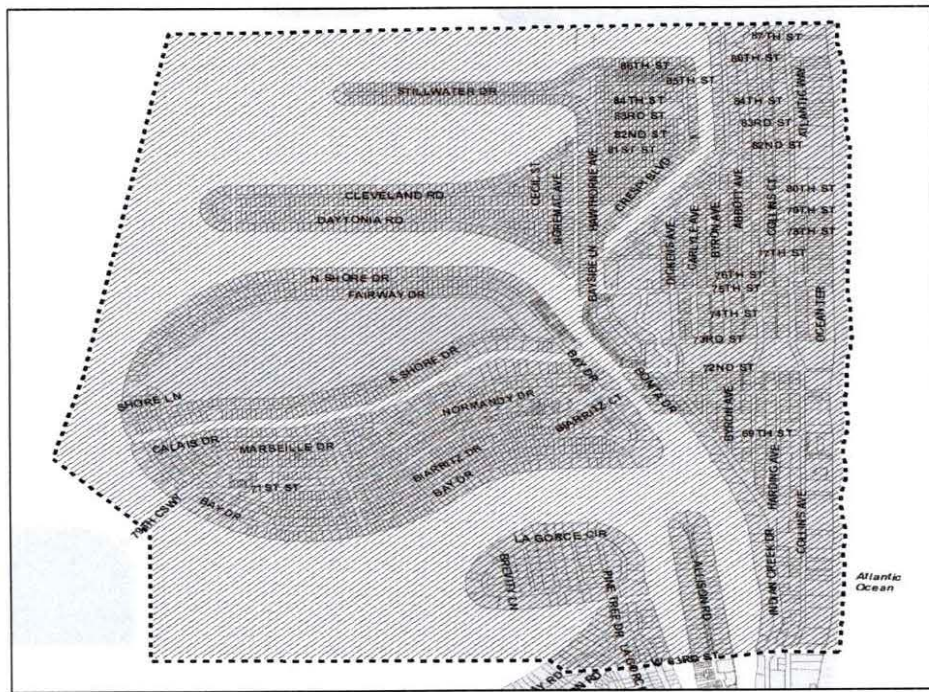
2. In areas of the overlay district not included in Section 7.3.7.1.a above, there shall be no more than three (3) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
- xiii. Grocery stores shall comply with the following regulations:
1. Such establishments shall be prohibited on lots fronting Ocean Drive (MAP EXHIBIT-3).
 2. In areas of the overlay district not included in Section 7.3.7.1.a above, there shall be no more than five (5) such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment, ~~with the exception of such uses in the Ocean Terrace/Harding Townsite Area.~~
- xiv. Tobacco/vape dealers shall be prohibited in the overlay district.

SECTION 2. 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 established as follows:

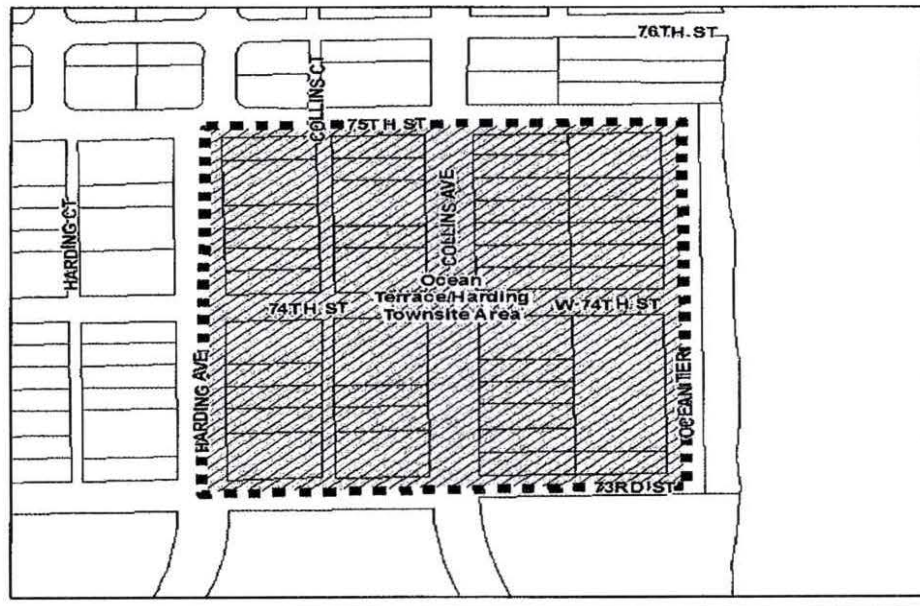
7.3.10 NORTH BEACH COMMERCIAL CHARACTER OVERLAY DISTRICT

7.3.10.1 Location and purpose (North Beach Commercial Character Overlay District).

- a. There is hereby created the North Beach Commercial Character Overlay District (the "overlay district"). The overlay district consists of the properties located to the north of 63rd Street, identified in the map below in this subsection (a). and the properties identified in the Ocean Terrace/Harding Townsite Area described in subsection (b) below:



- b. The Ocean Terrace/Harding Townsite Area is identified in the map below and is generally located between Harding Avenue to the west and Ocean Terrace to the east, between 73rd and 75th Streets:



- c. The purpose of this overlay district is to limit the proliferation of uses which may diminish the character of historic commercial areas within the city. This overlay district is designed based on and intended to achieve the following:
- i. The North Beach area of the City is located to the north of 63rd Street;
 - ii. A large portion of the North Beach area is located within the North Shore National Register District and the Normandy Isles National Register District;
 - iii. A large portion of the North Beach area is located within the locally designated Normandy Isles Historic District, North Shore Historic District, Harding Townsite Historic District, Altos Del Mar Historic District, and the North Beach Resort Historic District;
 - iv. 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;
 - v. Properties fronting Harding Avenue between 73rd and 75th Streets are within North Shore National Register historic district;
 - vi. The City of Miami Beach has undertaken a master planning process for the North Beach area that includes the Harding Townsite historic district and North Shore National Register district, in order to encourage the revitalization of the area by improving cultural, retail, and dining experiences for residents and visitors to the area;

- vii. Formula commercial establishments and formula restaurants are establishments with multiple locations and standardized features or a recognizable appearance, where recognition is dependent upon the repetition of the same characteristics of one store in multiple locations;
- viii. Formula commercial establishments and formula restaurants are increasing in number within many historic districts;
- ix. The sameness of formula commercial establishments, while providing clear branding for retailers, conflicts with the city's Vision Statement which includes creating "A Unique Urban and Historic Environment";
- x. Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula commercial establishments detract from the distinctive character and aesthetics of the historic districts;
- xi. The increase of formula commercial establishments hampers the unique cultural, retail, and dining experience in commercial and mixed-use areas of the city's historic districts;
- xii. Specifically, the proliferation of formula commercial establishments may unduly limit or eliminate business establishment opportunities for unique businesses, thereby decreasing the diversity of cultural, retail, and dining services available to residents and visitors;
- xiii. The homogenizing effect of formula commercial establishments, based on their reliance on standardized branding, increases if the size of the establishment, the number of locations or size or use of branded elements is greater;
- xiv. The increased level of homogeneity detracts from the uniqueness of the City's historic districts, which thrive on a high level of interest maintained by a mix of cultural, retail, and dining experiences that are not found elsewhere in the country;
- xv. It is not the intent of the city to limit interstate commerce, but rather to maintain the historic character of neighborhoods and promote their unique cultural, retail, and dining experiences that are vital to the city's economy;
- xvi. It is the intent of the city that if an establishment that has multiple locations and standardized features or a recognizable appearance seeks to locate within certain areas affected by this division that such establishment provide a distinct array of merchandise, facade, decor, color scheme, uniform apparel, signs, logos, trademarks, and service marks;
- xvii. Convenience stores, pharmacy stores and formula eating establishments have similar impacts to the unique character of this important area of the city as formula stores;
- xviii. Check cashing stores, pawnshops, souvenir and t-shirt shops, tattoo studios, fortune tellers (occult science establishments), massage therapy center, and

package liquor stores are uses which negatively affect surrounding areas; and

xix. It is the intent of the city to limit the number of establishments which may negatively affect surrounding areas.

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 the provisions of this section. 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:

i. Check cashing stores shall comply with the following regulations:

1. Such establishments shall be prohibited in the Ocean Terrace/Harding Townsite Area.
2. In areas of the overlay district not identified in Section 7.3.10.1.b above, there shall be no more than four (4) such establishments.

ii. Convenience stores shall comply with the following regulations:

1. In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one (1) such establishment.
2. In areas of the Overlay District not identified in Section 7.3.10.1.b above, there shall be no more than 25 such establishments.

iii. Formula commercial establishments shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Terrace.
2. This subsection shall not apply to any establishment in the Ocean Terrace/Harding Townsite Area, other than those fronting Ocean Terrace.

iv. Formula restaurants shall comply with the following regulations:

1. Such establishments shall be prohibited on lots fronting Ocean Terrace.
2. This subsection shall not apply to any establishment in the Ocean Terrace/Harding Townsite Area, other than those fronting Ocean Terrace.

v. Massage therapy centers shall not operate between 9:00 pm and 7:00 am in the Ocean Terrace/Harding Townsite Area.

vi. Occult science establishments shall be prohibited in the overlay district.

vii. Package stores shall comply with the following regulations:

1. Such establishments shall be prohibited in the Ocean Terrace/Harding Townsite Area.
 2. In areas of the Overlay District not identified in Section 7.3.10.1.b above, there shall be no more than six (6) such establishments.
- viii. Pawnshops shall be prohibited in the overlay district.
- ix. Souvenir and t-shirt shops shall be prohibited in the overlay district.
- x. Tattoo studios shall comply with the following regulations:
1. In areas of the Overlay District not included in Section 7.3.10.1.b above, there shall be no more than nine (9) such establishments.
- xi. Tobacco/vape dealers shall be prohibited in the overlay district.
- xii. Vitamin stores shall be prohibited in the overlay district.
- b. Review procedures.
- i. Commercial establishments in the overlay district that are not identified in Section 7.3.10.2.a shall comply with the following regulations:
 1. A signed affidavit, in a form approved by the City Attorney and Planning Director, indicating that the business is not an establishment that is regulated by Section 7.3.10.2.a shall be provided to the city as part of the application for a certificate of use and building permit, as applicable.
 2. If the establishment operates in violation of this section, or in a manner that is otherwise inconsistent with the provisions of the signed affidavit, the business tax receipt will be subject to suspension or revocation, as provided in the City Code, and shall immediately cease operation.
 - ii. Commercial establishments in the overlay district that are identified in Section 7.3.10.2.a shall comply with the following regulations:
 1. If applicable, the applicant shall provide a survey that is signed and sealed on a date no earlier than six (6) months prior to the application date, indicating the number, location, name, business tax receipt numbers, and distance separation of the applicable type of establishments within the overlay district. A distance separation shall be measured as a straight line between the principal means of entrance of each establishment and the proposed establishment.
 2. Establishments existing as of the date of the enactment of this ordinance shall count towards the maximum number of such establishments permitted within Section 7.3.10.2.a.
 3. A signed affidavit, in a form approved by the City Attorney and Planning Director, indicating compliance with the regulations of Section 7.3.7.10.a for the applicable type of establishment shall be provided to the city prior to obtaining a business

tax receipt.

4. If the establishment operates in violation of this section, or in a manner that is otherwise inconsistent with the provisions of the signed affidavit, the business tax receipt will be subject to suspension or revocation, as provided in the City Code, and shall immediately cease operation.
5. If a particular establishment meets more than one definition (i.e., formula commercial establishment and pharmacy store), it must meet the requirements for each use, and if there is a conflict between two or more regulations, the more stringent code requirement shall control.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. 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 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: June 28, 2023
Second Reading: October 30, 2024

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

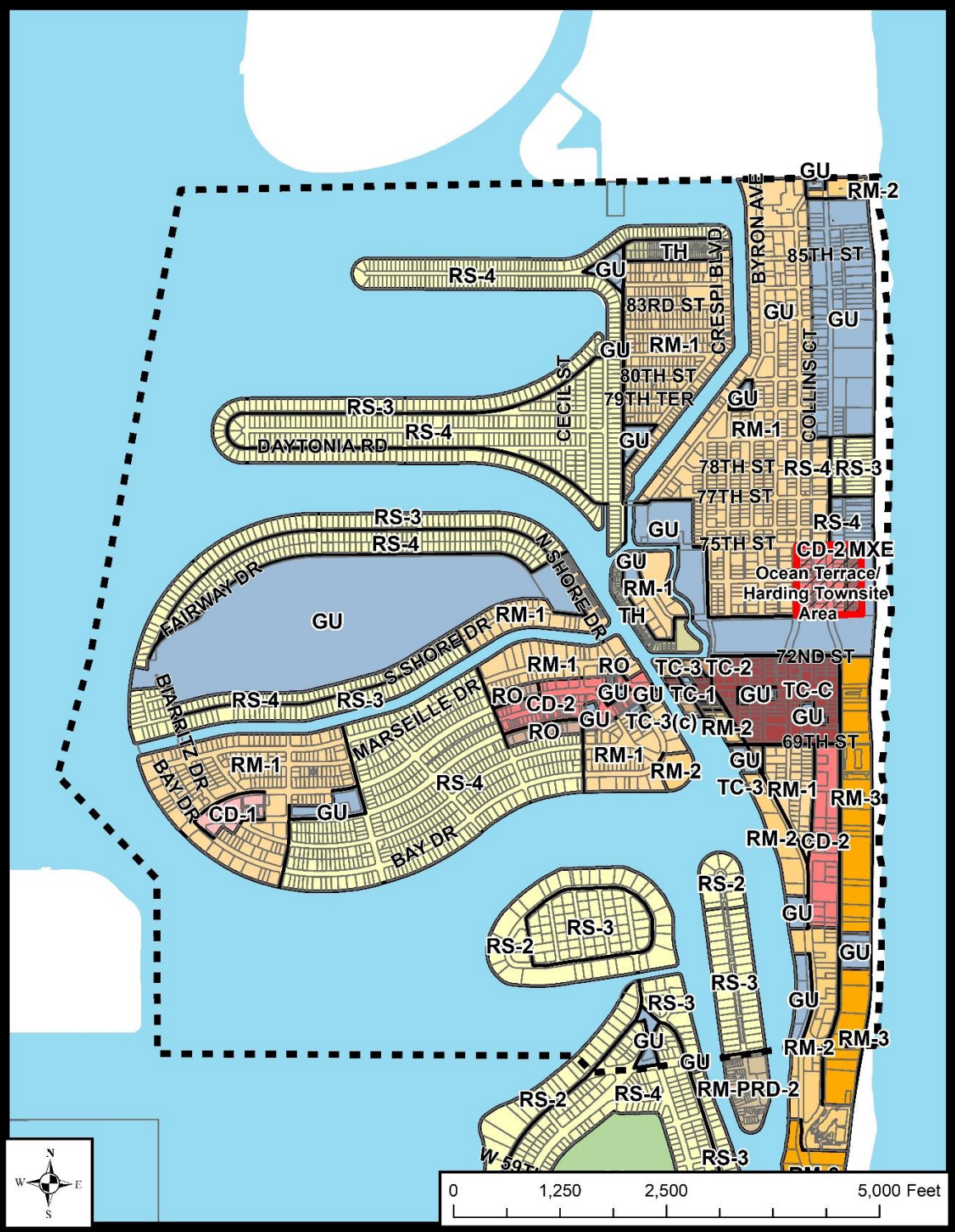
City Attorney NK

10/17/2024
Date

AERIAL



ZONING



**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

NORTH BEACH COMPREHENSIVE USE REGULATIONS

ORDINANCE AMENDING THE RESILIENCY CODE ENTITLED "OVERLAY DISTRICTS" AT SECTION 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT" TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY AND BY ESTABLISHING SECTION 7.3.10 ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY"

**OCTOBER 30, 2024
CITY COMMISSION MEETING**

NOTICE IS HEREBY GIVEN that on **October 30, 2024**, at 5:04 p.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing** on the proposed Ordinance.

NORTH BEACH COMPREHENSIVE USE REGULATIONS

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 7.3.7, "ART DECO MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT," TO REMOVE THE "OCEAN TERRACE/HARDING TOWNSITE AREA" FROM THE BOUNDARIES OF THE OVERLAY; AND BY ESTABLISHING SECTION 7.3.10, ENTITLED "NORTH BEACH COMMERCIAL CHARACTER OVERLAY" (1) TO INCORPORATE THE PRE-EXISTING REGULATIONS FROM THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY THAT ARE APPLICABLE TO THE "OCEAN TERRACE/HARDING TOWNSITE AREA," (2) TO PROVIDE LIMITS ON THE NUMBER OF PACKAGE LIQUOR STORES, CHECK CASHING STORES, CONVENIENCE STORES, AND TATTOO STUDIOS LOCATED NORTH OF 63RD STREET, AND (3) TO PROHIBIT TOBACCO AND VAPE DEALERS, OCCULT SCIENCE ESTABLISHMENTS, VITAMIN STORES, PAWN SHOPS, SOUVENIR AND T-SHIRT SHOPS, AND RELATED NUISANCE USES NORTH OF 63RD STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

During the **October 30, 2024**, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.**

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing CityClerk@miamibeachfl.gov with the Agenda Item Number in the subject line. Comments received, in either format, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Breezeline Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139.

MIAMIBEACH

AD: 10302024-09

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING
ELIMINATE 0.5 FAR BONUS FOR HOTELS LOCATED
WITHIN CD-2 DISTRICTS IN SOUTH BEACH**

ORDINANCE AMENDING THE RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT

**OCTOBER 30, 2024
CITY COMMISSION MEETING**

NOTICE IS HEREBY GIVEN that on **October 30, 2024**, at 5:02 p.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing** on the following proposed Ordinance:

ELIMINATE 0.5 FAR BONUS FOR HOTELS LOCATED WITHIN CD-2 DISTRICTS IN SOUTH BEACH

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 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO MODIFY THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

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Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

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MIAMIBEACH

AD: 10302024-07

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411