



COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: January 22, 2014

SUBJECT: **DISCUSSION: ESTABLISHING ACCEPTABLE ACCESSORY USES PERMITTING RESTAURANTS IN CONTRIBUTING HISTORIC STRUCTURES WITHIN THE RM-2 CULTURAL ARTS NEIGHBORHOOD OVERLAY DISTRICT**

HISTORY

On October 16, 2013, at the request of former Commissioner Jorge Exposito, the City Commission referred a discussion item to the Land Use and Development Committee, regarding a potential Ordinance amendment to permit restaurants as an accessory use to apartment buildings classified as Contributing structures, on properties zoned RM-2 and located within the Cultural Arts Neighborhood Overlay District (CANDO).

BACKGROUND / ANALYSIS

The Cultural Arts Neighborhood Overlay District (CANDO) is generally bounded by 24th Street and North Lincoln Lane on the north, Meridian Avenue and Lenox Avenue on the west, Lincoln Lane on the south and the Atlantic Ocean on the east. The purpose of this overlay district is to provide land-use incentives to property owners, developers and commercial businesses to create affordable housing for cultural workers, encourage arts-related businesses to establish within the district, and to create mandatory requirements for new construction and rehabilitation of housing units.

Currently, Apartment uses located within an RM-2 zoning district are not permitted to have restaurants as an accessory use. The only exception to this is for RM-2 properties located in the Collins Waterfront Local Historic District (bounded by Indian Creek Drive, Collins Avenue, 41st Street and 44th Street), which face an RM-3 district.

Within the boundaries of the Museum Local Historic District, which also overlaps a portion of the CANDO district east of Washington Avenue, a number of hotels exist, which are zoned RM-2. The code allows for restaurants as an accessory use to a hotel in the RM-2 district. Within this geographically defined area, some apartment uses exist in 'Contributing' (historic) buildings that were originally designed and built as hotels. In this regard, the introduction of a restaurant use, with certain limitations, could be beneficial.

First, it would allow any historic lobby portion of the building to be accessed by the public. Second, it would provide a walkable, neighborhood type of accessory use. Finally, it would allow areas of a structure that were originally designed with a community room or other assembly space to have a tangible use for that space.

In order to ensure that a restaurant is clearly ancillary to the main permitted use of residential in the RM-2 district, staff would suggest that any future Ordinance amendment include the same provisions applicable to accessory restaurants allowed in RM-2 properties within the Collins Waterfront district. These would include requiring that any accessory restaurant be located on the ground floor only and that the restaurant space not exceed 70% of the total ground floor.

Additionally, dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, open air entertainment establishments and outdoor music (including background music) would be expressly prohibited. The hours of any outdoor dining uses could also be limited to no later than 11:00 p.m. Finally, the total number of seats of any such accessory restaurant could be limited to no more than 90.

CONCLUSION

The Administration recommends that the Land Use Committee refer an Ordinance to the Planning Board that would allow restaurants as an accessory use to existing apartment buildings located in an RM-2 zoning district, which are classified as 'Contributing' in the City's Historic Properties Database and located within the Museum Local Historic District and the Cultural Arts Neighborhood Overlay District (CANDO).

JLM/JMJ/TRM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2014\January 22, 2014\RM2 Restaurants in Apartments- MEMO LUDC.docx



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
Rafael E. Granado, City Clerk
Jose Smith, City Attorney

FROM: Jorge R. Exposito, Commissioner

DATE: October 9, 2013

SUBJECT: Referral to Land Use Committee:
RM2

Please place this item on the October 16, 2013, Commission Meeting Agenda for the referral to Land Use Committee for consideration of establishing acceptable accessory uses permitting restaurants in contributing historic structures within the RM2 cultural arts neighborhood overlay district.

We trust that you will find all in good order. Should you have any questions, please feel free to contact my Aide, Nattaly Cuervo at 6457.

Best regards,

JE/nc