

ORDINANCE NO. 2017-12

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XXIV, “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE”, ARTICLE II “DEFINITIONS”, SECTION 24-22 “DEFINITIONS” TO ADD DEFINITIONS OF MICROBREWERY, WINERY OR DISTILLERY AND PHARMACY; AMENDING ARTICLE V “ZONING USE DISTRICTS”, SECTIONS 24-51 “B-1 LIMITED BUSINESS DISTRICT”, SECTION 24-52 “B-2 GENERAL BUSINESS DISTRICT”, SECTION 24-54 “B-4 DISTRIBUTION BUSINESS AND LIGHT INDUSTRIAL DISTRICT”, SECTION 24-54.1 “B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT”, SECTION 24-54.1 “B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT”, SECTION 24-58.1(G)(2) “MU/TC FULFORD MIXED-USE TOWN CENTER DISTRICT”, SECTION 24-58.2 “MIXED-USE EMPLOYMENT CENTER DISTRICT (MU/EC)”, SECTION 24-58.3 “MIXED-USE NEIGHBORHOOD CENTER DISTRICT (MU/NC)”, SECTION 24-58.4 “ARCH CREEK MIXED-USE CORRIDOR DISTRICT (MU/C)”, SECTION 24-58.5 “SOUTHERN MIXED-USE WATERFRONT DISTRICT (MU/SWF)”, SECTION 24-58.6 “NORTHERN MIXED-USE WATERFRONT DISTRICT (MU/NWF)”, AND SECTION 24-58.7 “EASTERN MIXED-USE WATERFRONT DISTRICT (MU/EWF)” ADDING PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES/ MEDICAL MARIJUANA TREATMENT CENTERS AS CONDITIONAL USES, AND ADDING MICROBREWERY, WINERY OR DISTILLERY AS PERMITTED OR CONDITIONAL USES, AND PROVIDING FOR PARKING REQUIREMENTS FOR MICROBREWERY, WINERY OR DISTILLERY USES; AND AMENDING ARTICLE IX “OFF STREET PARKING AND LOADING”, SECTION 24-95 “MINIMUM SPACE REQUIREMENTS” PROVIDING PARKING REQUIREMENTS FOR MICROBREWERY, WINERY OR DISTILLERY USES; AND AMENDING ARTICLE XV “OTHER DEVELOPMENT REVIEW PROCEDURES”, SECTION 24-175 “CONDITIONAL USES” PROHIBITING MEDICAL MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS FROM BEING LOCATED WITHIN FIVE HUNDRED (500) FEET OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR SECONDARY SCHOOL; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City of North Miami Beach Zoning and Land Development Code contains regulations regarding the location of restaurants, bars and lounges, pharmacies, and medical marijuana dispensaries (“MMD”) and medical marijuana treatment centers (“MMTC”); and

WHEREAS, the City’s Comprehensive Plan has established policies which encourage compatible redevelopment in the mixed use and business zoning districts and upon review of the uses permitted, conditionally permitted and prohibited in those districts the regulations for restaurants, bars and lounges was antiquated and the regulations for MMD and MMTC were inconsistent with recent statutory changes; and

WHEREAS, the City would like to modernize and update these regulations, and would like to encourage more restaurants, microbreweries, wineries and distilleries within the City as they add to the desirability of the City and its commercial and retail areas; and

WHEREAS, Section 381.986, *Florida Statutes (2017)*, as amended provides that a municipality may adopt regulations either banning MMTC/MMO from being located in the City OR may adopt regulations governing the location of MMTC/MMO, however, the regulation may not be more restrictive than ordinances governing the location of pharmacies with the exception of the distance separations; and

WHEREAS, Conditional Uses are defined as a use, which when specifically listed as such within the use district regulations, may be permitted with certain stipulated conditions that will serve to insure that said use will assimilate properly into its surrounding neighborhood without deleterious effects; and

WHEREAS, Staff has prepared this ordinance in order to address these issues and bring the City’s code up to date with respect to these businesses; and

WHEREAS, the City’s Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on November 13, 2017, and reviewed the proposed amendment for consistency with the City of North Miami Beach’s Comprehensive Plan, and recommended approval by a vote of 5 to 0; and

WHEREAS, the Mayor and City Commission find the proposed amendments to be consistent with the North Miami Beach Comprehensive Plan and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

SECTION 1. The foregoing "whereas" clauses are hereby ratified and incorporated as the legislative intent of this ordinance.

SECTION 2. Chapter XXIV of the City of North Miami Beach Code Of Ordinances, “Zoning and Land Development”, Article II “Definitions”, Section 24-22 “Definitions” is amended as follows:

Chapter 24 ZONING AND LAND DEVELOPMENT
Article II DEFINITIONS
Section 24-22 DEFINITIONS

* * *

Marijuana has the meaning given cannabis in Section 893.02(3), *Florida Statutes*, as amended and in addition, “Low-THC cannabis” as defined in Section 381.986(1)(e), *Florida Statutes*, as amended, shall also be included in the meaning of the term “marijuana”.

* * *

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health or its successor agency.

* * *

Medical Marijuana Dispensary means a business that sells or otherwise distributes marijuana through ~~one (1) or more primary caregivers to six (6) or more~~ to patients for medical use, along with any cultivation of marijuana associated with such sale or distribution. The term "medical marijuana dispensary" shall ~~not include any person or entity that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall not include the private possession and medical use of marijuana by an individual patient or caregiver to the extent permitted by any applicable state of Florida law or regulation.~~ include Medical Marijuana Dispensing Facilities authorized by Florida law.

* * *

Microbrewery, winery or distillery A small-scale, licensed manufacturing establishment which produces, processes, ferments, rectifies or blends craft brews, ciders, wines or distilled spirits; may or may not offer tastings, and may or may not provide on-site sale and consumption of the products.

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~~*Store, drug*~~ Pharmacy A ~~pharmacy store~~ or commercial establishment for retail sales and on-site dispensing of prescription drugs.

SECTION 3. Chapter XXIV of the City of North Miami Beach Code of Ordinances, “Zoning and Land Development”, Article V “Zoning Use Districts”, is amended as follows:

Chapter 24 ZONING AND LAND DEVELOPMENT
ARTICLE V. - ZONING USE DISTRICTS

* * *

SECTION 24-51 B-1 Limited Business District.

(B) Uses Permitted.

(3) Retail and service establishments, shall be limited to a maximum of three thousand (3,000) gross square feet and, shall be limited to:

~~(h) Drugstores;~~

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(C) *Uses Permitted Conditionally.*

(2) Pharmacies

(3) Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers

* * *

SECTION 24-52 - B-2 General Business District.

(B) *Uses Permitted.*

(1) All office, retail and service uses permitted in the B-1 district.

(2) Additional retail and service establishments, limited to:

(a) Antique shops, collectibles and vintage;

(b) Apparel shops: men's, women's and children's;

(c) Automobile tag agencies;

(d) Bake shops; Provided that any such use shall have a gross floor area of not more than three thousand (3,000) square feet and shall include baking only for retail sales at the same location.

(e) Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (as amended by §562.45(2)(a) Florida Statutes).

~~(f)~~ (f) Bicycle sales, rental, service and repair;

~~(g)~~ (g) Blueprinting service;

~~(h)~~ (h) Business machine sales and service;

~~(i)~~ (i) Camera and photographic supply stores;

~~(j)~~ (j) Check cashing/cash advance/money wire;

~~(k)~~ (k) Copying services;

~~(l)~~ (l) Department stores;

~~(m)~~ [Reserved;]

(m) Drapery stores;

(n) Driver's license (no road test);

(o) Driving school (classroom only);

(p) Fabric stores;

(q) Flooring and carpeting stores;

(r) Food stores: Super-markets and specialty markets;

(s) Furniture and home furnishing stores;

(t) Garden supply stores;

(u) Gift, novelty and souvenir shops;

(v) Home improvement centers;

(w) Interior decorators;

(x) Jewelry stores;

(y) Leather goods and luggage stores;

(z) Lighting fixture stores;

(aa) Locksmiths;

(bb) Messenger and delivery services;
(cc) Microbrewery, winery or distillery, only within the legal boundaries defined as the Community Redevelopment Agency (CRA) for the City of North Miami Beach.

~~(ee)~~ (dd) Modeling agency;

~~(dd)~~ (ee) Moped sales;

~~(ee)~~ (ff) Movie theaters;

~~(ff)~~ (gg) Museums;

~~(gg)~~ (hh) Music and record, video stores;

~~(hh)~~ (ii) Office supply stores;

~~(ii)~~ (jj) Optical stores;

~~(jj)~~ (kk) Paint and wallpaper stores;

~~(kk)~~ (ll) Pet supplies and pet groomers, provided that all activities relating to pet groomers are conducted entirely within an air conditioned, soundproofed building;

~~(H)~~ (mm) Photography studios;

~~(mm)~~ (nn) Recording studios and radio stations, provided that that any such use shall be located entirely within an air conditioned, soundproofed building;

~~(nn)~~ (oo) Restaurants, including fast food, excluding drive-thru, including outdoor dining;

~~(oo)~~ (pp) Sporting goods stores;

~~(pp)~~ (qq) Tanning salons;

~~(qq)~~ (rr) Television, radio and stereo sales and service;

~~(rr)~~ (ss) Toy stores;

~~(ss)~~ (tt) Trade schools for real estate, tax preparation and similar vocations;

~~(tt)~~ (uu) Watch and clock repair shops;

~~(uu)~~ (vv) Variety stores.

(3) Public parks and playgrounds.

(4) Places of public assembly.

(5) Public utilities.

(6) Other uses which are similar in nature to the uses permitted above but which are not specifically permitted in the B-3, B-4, or B-5 districts.

(C) *Uses Permitted Conditionally.*

(1) Animal hospitals, veterinarians, kennels, and pet shops; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.

(2) Automobile parts and accessories stores; provided that any such use shall sell new merchandise only and that it shall not provide any on-premises installation services.

(3) Barbeque restaurants (Open Air).

(4) ~~Bars, lounges and package~~ Package liquor stores; provided that any such use shall not be located within one thousand five hundred (1,500) feet of any other bar, lounge or package liquor store.

(5) Bonding companies (Bail).

(6) Drug/alcohol rehabilitation service, including residential detoxification service.

(7) Funeral homes; provided that any such use shall have a site area of not less than fifteen thousand (15,000) square feet, that it shall be located not less than three hundred (300)

- feet from any residential district, and that the front yard setback area shall be entirely landscaped.
- (8) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.
- (9) Microbrewery, winery or distillery.
- (9) (10) Pain management clinic.
- (10) (11) Parking garages; provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and that any such structure shall be well landscaped.
- (11) (12) Psychiatric and psychological services (drug/alcohol and violent/dangerous behavior, counseling or treatment).
- (12) (13) Residential detoxification services.
- (13) (14) Residential, multifamily or mixed use: In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.
- (14) (15) Restaurants, fast food with drive-thru.
- (15) (16) Service stations as defined in Article II; provided that any such use shall not have any outside display of merchandise, that there shall not be any rental, sale or storage of trucks, trailers, motorcycles or automobiles, that there shall be no major mechanical repairs or body work conducted on-premises, and that automobile washing be limited to washing by hand in one (1) bay only as an accessory use to gasoline sales.
- (16) (17) Social Service Agencies.
- (17) (18) *Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers.* ~~When considering an application for medical marijuana dispensaries/medical marijuana treatment centers the approving body must consider the conditional use criteria listed below, in addition to that criteria listed in Section 24-175, Conditional Uses. The approving body may deny the request, approve the request, or approve the request subject to conditions. The approving body may assign additional conditions and safeguards as deemed necessary:~~
- (a) ~~Whether the request will cause damage, hazard, nuisance or other detrimental impacts to persons or property.~~
- (b) ~~Any parking demand created by a medical marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the City's parking regulations. An applicant shall be required to demonstrate, with a current traffic and parking study prepared by a certified professional, that on site traffic and parking attributable to the medical marijuana dispensary/medical marijuana treatment center will be sufficient to accommodate the traffic and parking demands generated by the medical marijuana dispensary/medical marijuana treatment center.~~
- (c) ~~No medical marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500') feet of any residentially zoned property, as further defined herein. No medical marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500') feet of any school, day care center, place of worship, bars, lounges, or package liquor stores, as further defined herein. No medical marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500') feet of any other medical marijuana dispensary/medical~~

~~marijuana treatment center as defined herein. Distances shall be measured by drawing a straight [line] between the closest point of the medical marijuana dispensary/medical marijuana treatment center structure to the closest property line of edge of leased space, whichever is closer, of the school, day care center, place of worship, residentially zoned property, or other medical marijuana dispensary/medical marijuana treatment center.~~

- ~~(d) Medical marijuana dispensaries/medical marijuana treatment centers shall not be permitted within the legal boundaries defined as the Community Redevelopment Agency (CRA) for the City of North Miami Beach.~~
- ~~(e) Medical marijuana dispensaries/medical marijuana treatment centers shall ensure that there is no queuing of vehicles in the rights of way.~~
- ~~(f) No medical marijuana dispensaries/medical marijuana treatment centers shall have a drive through or drive service aisle.~~
- ~~(g) Medical marijuana dispensaries/medical marijuana treatment centers may be required to appear before the City Commission for annual progress reports prior to the issuance of business tax receipts and/or renewals.~~
- ~~(h) Medical marijuana dispensaries/medical marijuana treatment centers shall, at all times, be in compliance with federal and state regulations, Miami Dade County Code of Ordinances, and the City of North Miami Beach Code of Ordinances, as may be amended.~~

(18) Pharmacies

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SECTION 24-53 - B-3 Intensive Business District.

(B) Uses Permitted.

- (1) All uses permitted in the B-2 district.
- (2) Additional retail and service establishments, limited to:
 - (a) Amusement arcades (indoor);
 - (b) Automobile sales and display (new and used);
 - (c) Automobile parts and accessory stores;
 - (d) Automobile radio and CB sales and installation;
 - (e) Automobile rental and leasing agencies;
 - (f) Bait and tackle shops;
 - (g) Billiard and poolrooms;
 - (h) Bingo hall;
 - (i) Boat sales and display;
 - (j) Bonding companies (Bail);
 - (k) Bowling alleys;
 - (l) Car washes;
 - (m) Check cashing/cash advance/money wire; providing such use shall not be located on Biscayne Boulevard, State Road 826, or Northeast 164 Street or within two hundred (200) feet of any residential use or zone;
 - (n) Drug/alcohol rehabilitation services;
 - (o) Funeral homes;

- (p) Laundries/Self-serve coin operated, provided that no such use be located on Biscayne Boulevard, State Road 826 or N.E. 164 Street, or within two hundred (200) feet of residential use or zone.
- (q) Marinas, commercial;
- (r) Microbrewery, winery or distillery;
- ~~(r)~~ (s) Miniature golf courses;
- ~~(s)~~ (t) Modeling agencies;
- ~~(t)~~ (u) Motion picture theaters, drive-in;
- ~~(u)~~ (v) Moped rental, service and repair;
- ~~(v)~~ (w) Motorcycle sales, rental, service and repair;
- ~~(w)~~ (x) Night clubs and discotheques;
- ~~(x)~~ (y) Psychiatric/Psychological services;
- ~~(y)~~ (z) Recording studios;
- ~~(z)~~ (aa) Recreational vehicles sales, rental, service and repair;
- ~~(aa)~~ (bb) Service stations, as defined in Article II;
- ~~(bb)~~ (cc) Social service agencies;
- ~~(cc)~~ (dd) Skating rinks, roller or ice;
- ~~(dd)~~ (ee) Tanning salons;
- ~~(ee)~~ (ff) Taxi and limousine services;
- ~~(ff)~~ (hh) Tennis and racquetball courts (indoor).

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SECTION 24-54 B-4 Distribution Business and Light Industrial District.

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(C) *Uses Permitted Conditionally.*

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(13) ~~Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers. When considering an application for medical marijuana dispensaries/medical marijuana treatment centers the approving body must consider the conditional use criteria listed in Section 24-52 B-2 General Business District, in addition to that criteria listed in Section 24-175 Conditional Uses. The approving body may deny the request, approve the request, or approve the request subject to conditions. The approving body may assign additional conditions and safeguards as deemed necessary.~~

(14) Pharmacies

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SECTION 24-54.1 B-5 Distribution Business and Medium Industrial District.

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(C) *Uses Permitted Conditionally.*

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(11) ~~Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers. When considering an application for medical marijuana dispensaries/medical marijuana treatment centers the approving body must consider the conditional use criteria listed in Section 24-52 B-2 General Business District, in addition to that criteria listed in Section 24-175~~

<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa; Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa; Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>
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Section 24-58.2, Mixed Use Employment Center District (MU/EC).

Table	MU/EC-1		
PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT			
P= PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED			
Uses	Use Areas		
	Core	Transition	Edge
Light Industrial/Warehouse (1)			
<u>Microbreweries-Microbrewery, winery or distillery</u>	P	P	NP P
General Business			
<u>Pharmacies</u>	C	C	C
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	C	C	C

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Section 24-58.2(L), Mixed Use Employment Center District (MU/EC), On-Site Parking Standards.

Table MU/EC-5 Minimum and Maximum Parking Requirements by use		
	Min	Max
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa; Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa; Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>

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Section 24-58.3, Mixed Use Neighborhood Center District (MU/NC).

Table	MU/NC-1		
PERMITTED USES IN THE MIXED-USE NEIGHBORHOOD CENTER (MU/NC) DISTRICT			

P=PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED		
Uses (1)	Use Areas	
	Core	Transition
Eating and Drinking Establishments		
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P	P
Barbeque restaurants, open air	C	C
<u>Microbrewery, winery or distillery</u>	<u>P</u>	<u>P</u>
Restaurants including fast food, excluding drive through, including outdoor dining	P	P
Restaurant fast food with drive through provided drive through is inside parking garage	C	C
General Business		
<u>Pharmacies</u>	<u>C</u>	<u>C</u>
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	<u>C</u>	<u>C</u>
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Section 24-58.3(L), Mixed Use Neighborhood Center District (MU/NC).

Table MU/NC-5 Minimum and Maximum Parking Requirements by use		
	Min	Max
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa;</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa;</u>
	<u>Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>
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SECTION 24-58.4 - Arch Creek Mixed-Use Corridor District (MU/C).

Table		MU/C-1
PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT		
P=PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED		
Uses (1)	Use Areas	
	Core	Center Edge

Eating and Drinking Establishments

Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P	P	NP
Barbeque restaurants, open air	C	C	NP
<u>Microbrewery, winery or distillery</u>	<u>P</u>	<u>P</u>	<u>NP</u>
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business			
<u>Pharmacies</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	<u>C</u>	<u>C</u>	<u>C</u>

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SECTION 24-58.4(L) - Arch Creek Mixed-Use Corridor District (MU/C).

Table MU/C-5 Minimum and Maximum Parking Requirements by use

	Min	Max
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>

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SECTION 24-58.5 - Southern Mixed-Use Waterfront District (MU/SWF).

Table MU/SWF-1

PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT (MU/WF) DISTRICT

P= PERMITTED BY RIGHT C = CONDITIONAL USES

Uses	South MU/WF
	P= PERMITTED BY RIGHT C =

	CONDITIONAL USES
Eating and Drinking Establishments	
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P
Barbeque restaurants, open air	C
<u>Microbrewery, winery or distillery</u>	<u>P</u>
Restaurants including fast food, excluding drive through, including outdoor dining	P
Restaurant fast food with drive through provided drive through is inside parking garage	C
General Business	
<u>Pharmacies</u>	<u>C</u>
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	<u>C</u>

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SECTION 24-58.5(K) - Southern Mixed-Use Waterfront District (MU/SWF).

Table MU/SWF-5 Minimum and Maximum Parking Requirements by use		
	Min	Max
<u>Microbrewery, winery or distillery</u>	Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa;	Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa;
	Manufacturing/Processing: 1 per 1,000 sq. ft. gfa	Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa

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SECTION 24-58.6 - Northern Mixed-Use Waterfront District (MU/NWF).

Table	MU/NWF-1
PERMITTED USES IN THE NORTH MIXED-USE WATERFRONT (MU/WF) DISTRICT	
P= PERMITTED BY RIGHT C = CONDITIONAL USES	
Uses	North MU/WF P= PERMITTED BY RIGHT

	C CONDITIONAL USES
Eating and Drinking Establishments	
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P
Barbeque restaurants, open air	C
<u>Microbrewery, winery or distillery</u>	P
Restaurants including fast food, excluding drive through, including outdoor dining	P
Restaurant fast food with drive through provided drive through is inside parking garage	C
General Business	
<u>Pharmacies</u>	C
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	C

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SECTION 24-58.6(K) - Northern Mixed-Use Waterfront District (MU/NWF).

Table MU/NWF-5 Minimum and Maximum Parking Requirements by use

	Min	Max
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>

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SECTION 24-58.7 - Eastern Mixed-Use Waterfront District (MU/EFW).

Table MU/EFW-1

PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/WF) DISTRICT

P= PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED

Uses	Use Areas		
	Core	Center	Edge

Eating and Drinking Establishments			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P	P	NP <u>P</u>
Barbeque restaurants, open air	C	C	NP
<u>Microbrewery, winery or distillery</u>	<u>P</u>	<u>P</u>	<u>P</u>
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business			
<u>Pharmacies</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers</u>	<u>C</u>	<u>C</u>	<u>C</u>

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SECTION 24-58.7(L) - Eastern Mixed-Use Waterfront District (MU/EFW).

Table MU/EFW-5 Minimum and Maximum Parking Requirements by use

	Min	Max
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 2 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1 per 1,000 sq. ft. gfa</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa;</u> <u>Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>

SECTION 4. Chapter XXIV of the City of North Miami Beach Code of Ordinances, “Zoning and Land Development”, Article IX “Off Street Parking and Loading”, Section 24-95 “Minimum Space Requirements” is amended as follows:

Article IX – Off-Street Parking and Loading
Section 24-95, Minimum Space Requirements

(B) *Commercial and Industrial Uses.*

Use	Parking Space Requirement
<u>Microbrewery, winery or distillery</u>	<u>Retail/Tasting Room: 4 spaces per 1,000 sq. ft. gfa</u> <u>Manufacturing/Processing: 1.5 per 1,000 sq. ft. gfa</u>

* * *

SECTION 5. Chapter XXIV of the City of North Miami Beach Code of Ordinances, "Zoning and Land Development", Article XV, "Other Development Review Procedures," Section 24-175 "Conditional Uses" is amended as follows:

* * *

SECTION 24-175 - Conditional Uses.

* * *

(B) Conditional Use Review Standards.

- (1) The proposed use will be compatible with the existing natural environment and other properties within the neighborhood;
- (2) The proposed use will create no substantial detrimental effects on neighborhood property values;
- (3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities;
- (4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use;
- (5) The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems;
- (6) The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;
- (7) The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof; and
- (8) Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
 - (a) Limitations on the hours of commercial or industrial operations,
 - (b) Limitations on the number of occupants of any building at any one time.

(9) Medical Marijuana Dispensary/Medical Marijuana Treatment Centers.

No Medical Marijuana Dispensaries/Medical Marijuana Treatment Centers shall be located within five hundred (500) feet of the real property that compromise a public or private elementary school, middle school, or secondary school.

* * *

SECTION 6. The Director of Community Development is hereby directed to make all necessary changes to the City of North Miami Beach Zoning and Land Development Code to implement the intent of this Ordinance.

SECTION 7. All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed.

SECTION 8. If any section, subsection, clause or provision of this Ordinance is held invalid, the reminder shall not be affected by such invalidity.

SECTION 9. It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the

City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word Ordinance” may be changed to “Section”, “Article”, or other appropriate word as the Codifier may deem fit.

SECTION 10. This Ordinance shall become effective ten days after adoption on second reading.

APPROVED on first reading this 19th day of December, 2017.

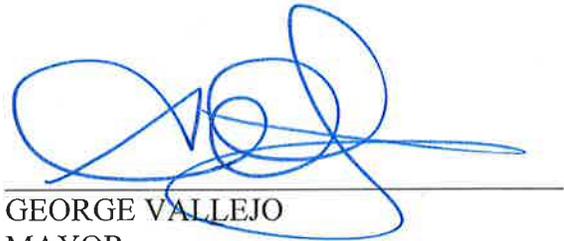
APPROVED AND ADOPTED on second reading this 16th day of January, 2018.

ATTEST:



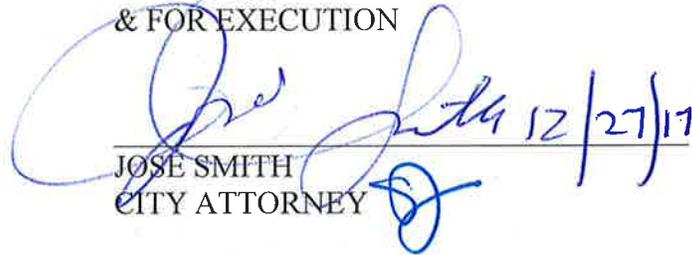
PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)



GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

Note: Proposed additions to existing City Code text are indicated by underline.