

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: (305) 673-7550, Fax: (305) 673-7559

August 2, 2016

Kent Harrison Robbins
242 NE 27th Street
Miami, FL 33137

Subject: Request for Zoning Interpretation
6801 Collins Avenue
Miami Beach, FL 33140

Dear Mr. Robbins:

This letter is in response to your July 14, 2016 request (attached) for a zoning determination letter concerning the hours of operation of a proposed outdoor bar counter (described in HPB File No. 7624) at the center tower of the Carillon located at 6801 Collins Avenue, Miami Beach, FL. The subject property is currently zoned **RM-3, Residential Multifamily, High Intensity**. The main permitted uses in the RM-3 residential multifamily, high intensity district are single-family detached dwelling; townhomes; apartments; apartment-hotels; and hotels.

Based upon City records, 6801 Collins Avenue contains three primary towers; a 35-story north tower with 105 residential apartment units (BCO09009), the 16-story restored original Carillon central tower with 150 hotel units and 80 residential apartment units (BCO09026), and the 21-story south tower with 143 residential apartment units (BCO11185). The central tower and south tower are connected with a lower multistory pedestal base, and the north tower is physically separated from the central and south towers. In total, the site contains 328 apartment units (69% of the total 478 units) and 150 hotel units (31% of the total 478 units). All are part of one unified development site, and no single building has a certificate of occupancy solely for a hotel. The central tower is the only portion of the property which contains hotel units, in addition to residential apartment units.

The subject site contains stand-alone residential apartment buildings (the north and south towers) and an apartment-hotel (the central tower). Notwithstanding the shared pedestal between the central and south tower, the central tower would still be classified as an apartment-hotel. The site does not contain a structure that would be classified as a stand-alone hotel. As per Section 114-1 of the City Code, Apartment building, Apartment hotel, and Hotel are defined below:

Apartment building means a building with or without resident supervision occupied or intended to be occupied by more than two families living separately with separate

cooking facilities in each unit.

Apartment hotel means a building containing both apartment units and hotel units, under resident supervision, and having an inner lobby through which all tenants must pass to gain access.

Hotel means a building occupied or intended to be occupied by transient residents, with all residents occupying hotel units and where ingress or egress may or may not be through a common lobby or office that is supervised by a person in charge at all times.

Per Section 142-1109 of the City Code, outdoor bar counters are allowed as an accessory use only. Included in the above referenced application (HPB File No. 7624), is an outdoor café with an accessory outdoor bar counter. Section 142-144(3) and (4) of the City Code provides the following specific requirements for permitted accessory outdoor bar counters in the RM-3 district:

(3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

(4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

Based upon the foregoing, any accessory outdoor bar counter on the subject site may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

If we may be of any further assistance, please do not hesitate to contact this department again.

Sincerely,



Thomas R. Mooney, AICP
Planning Director



The Law Offices of Kent Harrison Robbins

July 14, 2016

By Email to ThomasMooney@miamibeachfl.gov

By Email to SWilliams2@miamibeachfl.gov

Mr. Thomas Mooney
Planning and Zoning Director
Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Zoning Determination Letter
Concerning Accessory Outdoor Bar Counter at 6801 Collins Avenue.

Dear Mr. Mooney:

I represent the South Carillon Beach Condominium Association, Inc. and its President Rasi Boaz. The condominium is within 375 feet of the property that is the subject of this request.

This is a request for a zoning determination letter concerning the hours of operation of a proposed outdoor bar counter (described in HPB File No. 7624) at the center tower of the Carillon Hotel located at 6801 Collins Avenue, Miami Beach, FL.

On July 12, 2016, at the Historic Preservation Board hearing on HPB File No. 7624, the Planning and Zoning Manager opined that the operating hours of the proposed outdoor bar counter would be limited to 8:00 am to 8:00 pm.

Further, given that the Central Carillon Tower, where the proposed accessory outdoor bar counter would be located, is a building with a mix of hotel and apartment uses with not all of its units being occupied by transient residents and, therefore, does not meet the definition of a "hotel" and that the outdoor bar counter is adjacent to a property with apartment units, §142-144 of the Miami Beach Code provides that the accessory outdoor bar counter shall not be operated between 8:00 pm and 8:00 am.

My office is enclosing the required filing fee of \$250.00 pursuant to §118-7 (i) (2) Zoning verification letter.

Sincerely,

Kent Harrison Robbins
Attorney for South Carillon Beach Condominium Association, Inc.

Enclosure

cc: Raul Aguila, City Attorney by email to RaulAguila@miamibeachfl.gov

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