

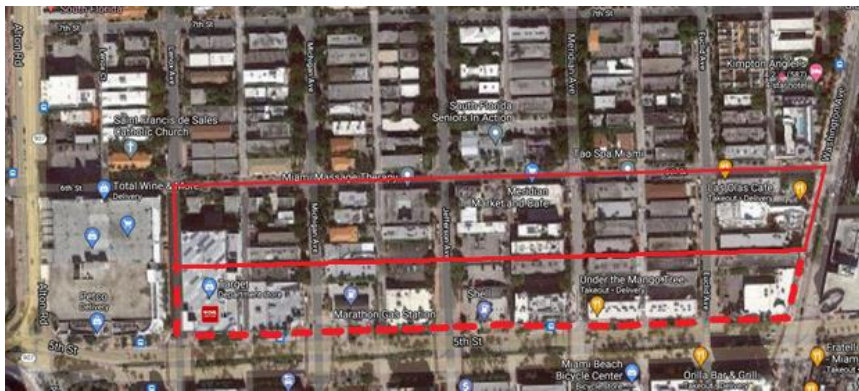
## Flamingo Park Neighborhood Association Resolution

– Approved by FPNA July 2022; modifications by FPNA land use committee for consideration at September FPNA meeting

**The 6<sup>th</sup> Street Historic District Buffer addresses the failure to include the south side of 6<sup>th</sup> Street in the original Flamingo Park Local Historic District.** On the south side of 6<sup>th</sup> Street, which is part of the Ocean Beach Historic District, we call for protections to that prevent new infill development from overwhelming the historic pattern of development in that area and the historical and residential character of the north side of 6<sup>th</sup> Street.

The changes below are adapted from the **Alton Road Historic District Buffer Overlay** (Sec. 142-864) and the **Flamingo Park Local Historic District infill regulations** (Sec. 142-155(4)) of the Miami Beach Code, including a restriction on new transient hotel or short-term rental uses. We are not proposing new restrictions for the north side of 5<sup>th</sup> Street, but the City administration has recommended that the north side of 5th Street be included in the proposed Overlay district for purposes of establishing clear boundaries to the district. We do not propose any changes except for properties within 200 feet of 6th Street. We are firmly opposed to any changes to zoning that would relax current development rules, including height and FAR.

To support the stepping back of building height from 6<sup>th</sup> Street, we support the development of massing studies by City Planning staff and we urge that these be completed in a timely manner.



**Sec. 142-693. Permitted uses.**

(a) The following uses are permitted in the performance standard districts:

[Table omitted]

(b) For purposes of this section, a car wash, filling station and any use that sells gasoline, automobiles or automotive or related repair uses are considered as industrial uses and are not permitted within any district in the redevelopment area.

(c) For purposes of this section, pawnshops and dance halls and entertainment establishments are not permitted as a main permitted or accessory use within any district south of Fifth Street.

[(d)-(i) omitted]

(j). The following additional regulations shall apply to properties located between 5th Street and 6th Street, excluding lots with frontage on Washington Avenue, within the C-PS2 district; where there is conflict within this division, the following shall control:

(1) The following additional regulations shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use:

(i) Operations in outdoor or open-air areas of an alcoholic beverage establishment shall cease no later than 12:00 a.m., except as otherwise provided herein.

(ii) Alcoholic beverage establishments with sidewalk cafe permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served, shall cease sidewalk cafe operations no later than 12:00 a.m. (except as otherwise provided herein), and shall not be permitted to have outdoor speakers.

(iii) Outdoor bar counters shall be prohibited within 200 feet of the south side of 6<sup>th</sup> Street.

(iv) Within 200 feet of the south side of 6<sup>th</sup> Street, outdoor restaurant and/or bar seating shall not exceed 100 seats, and only when associated with an indoor venue. Additionally, such outdoor seating shall only be permitted until 10:00 p.m. The Planning Board, pursuant to the Conditional Use criteria, may allow an increase in the number of seats, but not to exceed 200 seats.

(2) Outdoor music, whether amplified or nonamplified, and television sets shall be prohibited within 200 feet of the south side of 6<sup>th</sup> Street.

(4) For properties with frontage on 6<sup>th</sup> Street, access points to hotels, apartment hotels and suite hotels, as well as food and beverage establishments serving alcohol, shall be limited to side streets only, and shall not be permitted on 6<sup>th</sup> Street. Additionally, a minimum setback of 20 feet from the south side of 6<sup>th</sup> Street, for all public entry points shall be required; a minimum setback of 100 feet shall be required for four or more aggregated lots, which may be waived by the Historic Preservation Board as necessary to preserve contributing buildings.

(5) The following uses shall be prohibited: hostels, convenience stores, smoke shops and vape stores, package stores and the retail sale of alcohol for off premise consumption.

(6) Uses related to motorized vehicles shall be prohibited within 100 feet of 6th Street including above-ground parking and parking entry or egress.

(7) For properties within 200 feet of 6th Street, hotels shall be prohibited and any transient uses or unified projects over 20,000 square feet shall be subject to Conditional Use approval by the Planning Board.

**Sec. 142-698. Commercial performance standard area requirements.**

[(a)-(d) omitted]

(e) Notwithstanding the above, the following regulations shall apply to properties located between 5th Street and 6th Street, excluding lots with frontage on Washington Avenue, within the C-PS2 district; where there is a conflict within this division, the following shall control:

(1) The maximum permitted height within the first 100 feet south of 6th Street shall not exceed 28 feet, regardless of property use, and the maximum permitted height between 100 feet and 140 feet south of 6<sup>th</sup> Street shall not exceed 40 feet. This height limit may be waived by the Historic Preservation Board to preserve contributing buildings or for a development whose primary use is affordable, workforce, or senior housing. The maximum permitted height within the first two platted lots south of 6th Street shall not exceed 50 feet, regardless of property use.

(2) A minimum setback of five (5') feet shall be required along all front and side facing a street yards, in order to provide a clear pedestrian path that exceeds the width of the abutting sidewalk. This requirement may be waived by the historic preservation board for portions of a property containing a contributing building.

(3) If an alley exists, no front or street side curb cut shall be permitted. If no alley exists, any curb-cut required shall not exceed 12 feet in width.

(4) Notwithstanding the provisions of section 142-1161 of these land development regulations, roof-top additions shall not exceed the applicable maximum building height setforth in the C-PS2 district.