

## Lincoln Road – Interior and Exterior Speaker Locations

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 142-336 THEREOF, ENTITLED "LINCOLN ROAD REQUIREMENTS," TO CREATE REGULATIONS PERTAINING TO INTERIOR AND EXTERIOR SPEAKERS ON LOTS FRONTING LINCOLN ROAD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Lincoln Road is a premier street in Miami Beach providing residents and visitors with a unique cultural, retail, and dining experience which are vital to Miami Beach's economy, especially the tourism industry; and

**WHEREAS**, the City recently adopted the new Lincoln Road Master Plan, and in order to ensure compliance with the Master Plan and ensure the integrity of Lincoln Road the City Commission recommends the regulation of noise generated from indoor and outdoor speakers ; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the objectives identified herein; and

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," Is amended as follows:

### **Sec. 142-336. - Lincoln Road requirements.**

The following additional regulations shall apply to the portion of Lincoln Road that is closed to vehicular traffic:

a) Apartments, apartment/hotels, hotels and the conditional uses, as described in this division, ~~which are located on that portion of Lincoln Road that is closed to traffic,~~ may have first floor entrances and lobbies occupying up to 20 percent of their total street frontage(s). The remainder of their first floor frontage shall consist solely of commercial uses, extending back at least 75 feet from the street frontage(s).

b) The following requirements shall apply for speakers:

1) All exterior speakers, and interior speakers within 20 feet of the property boundary facing Lincoln Road or a side street shall be prohibited.

2) Notwithstanding the above, interior speakers may be permitted within the first 20 feet of the boundary facing Lincoln Road or within the first 20 feet of the

boundary of a side street, provided any music being played does not exceed ambient levels. Additionally, music played indoors must be inaudible from the exterior of the premises at all times.

3) In the event that the doors of an establishment are open to the sidewalk, only ambient music shall be permitted within the premises.

4) No variances shall be granted from the requirements of this section 142-336(b).

**SECTION 2. REPEALER.**

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

**SECTION 3. 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 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

First Reading: April 26, 2017  
Second Reading: May 17, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director