

**6th Street Overlay - C-PS2 Development Regulations  
(Administration Version)**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, ENTITLED "PS PERFORMANCE STANDARD DISTRICT," BY AMENDING SECTION 142-693, ENTITLED "PERMITTED USES," TO AMEND PERMITTED USES WITHIN THE C-PS2 ZONING DISTRICT; BY AMENDING SECTION 142-698, ENTITLED "COMMERCIAL PERFORMANCE STANDARD AREA REQUIREMENTS," BY AMENDING MAXIMUM PERMITTED HEIGHT WITHIN THE C-PS2 ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS, ; and**

**WHEREAS, ; and**

**WHEREAS, ; and**

**WHEREAS, ; 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," at Article II, entitled "District Regulations," at Division 18, entitled "PS Performance Standard District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

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

\* \* \*

- (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 R-PS or C-PS 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 R-PS or C-PS district south of Fifth Street.
- (d) For purposes of this section, dance halls and entertainment establishments, including outdoor entertainment establishments and open air entertainment establishments, shall not be permitted as a main permitted or accessory use within any R-PS or C-PS district, except for properties fronting directly on Washington Avenue as of January 1, 2022 and located north of Fifth Street.

\* \* \*

(j). The following additional regulations shall apply to properties located from 5th Street to 6th Street, between the east side of Lenox Avenue and the west side of Washington Avenue, within the C-PS2 district, except for those lots with frontage on Washington Avenue as of January 1, 2022; where there is conflict within this division, the following shall control:

(1) In the event a lot with frontage on Washington Avenue is unified with a lot that does not have frontage on Washington Avenue, such unified site shall therein after be subject to the regulations herein.

(2) 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 not be permitted to have outdoor speakers abutting or adjacent to any public sidewalks.

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

(iv) Within 100 feet of the south side of 6th 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

(v) Within 200 feet of the south side of 6<sup>th</sup> Street, outdoor restaurant and/or bar seating located above the ground floor 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. Notwithstanding the foregoing, the Planning Board, pursuant to the Conditional Use criteria, may allow for the following as it pertains to outdoor restaurant and/or bar seating located above the ground floor:

a. For outdoor restaurant and/or bar seating located within 100 feet of the south side of 6<sup>th</sup> Street, the Planning Board may allow for an increase in the number of seats, but not to exceed 200 seats.

b. For outdoor restaurant and/or bar seating that is more than 100 feet from the south side of 6<sup>th</sup> Street, but less than 200 feet from the south side of 6th Street, the Planning Board may allow for an increase in the number of seats, but not to exceed 300 seats, as well allow for an increase in the permitted hours of operation, not to exceed 12:00 am.

(3) Outdoor music, whether amplified or nonamplified, and television sets, shall be prohibited within 100 feet of the south side of 6<sup>th</sup> Street.

(4) For properties with frontage on 6<sup>th</sup> Street, with the exception of required emergency egress, all entry and exit doors, as well as access points to hotels, apartment hotels and suite hotels, and food and beverage establishments serving alcohol, 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 such entry and exit doors, as well as access points, shall be required. Notwithstanding the foregoing, subject to the approval of the Historic Preservation Board, the location of such entry and exit doors, and access points, may be permitted on 6<sup>th</sup> Street for existing contributing structures.

(5) For properties with frontage on 6<sup>th</sup> Street, which contain 200 feet or more of frontage along Euclid, Meridian, Jefferson, Michigan or Lennox Avenues, with the exception of emergency egress, all entry and exit doors, as well as access points to hotels, apartment hotels and suite

hotels, and food and beverage establishments serving alcohol, shall not be permitted on 6<sup>th</sup> Street. Additionally, a minimum setback of 100 feet from the south side of 6<sup>th</sup> Street, for all such entry and exit doors, as well as access points, shall be required. Notwithstanding the foregoing, subject to the approval of the Historic Preservation Board, the location of such entry and exit doors, and access points, may be permitted on 6<sup>th</sup> Street for existing contributing structures, and the minimum setback of 100 feet from the south side of 6<sup>th</sup> Street may be waived or modified by the Historic Preservation Board.

(6) For properties with frontage on 6<sup>th</sup> Street, the storage or parking of vehicles above the ground level shall be setback a minimum of 100 feet from the south side of 6<sup>th</sup> Street.

(7) The following uses shall be prohibited:

- (i) The sale, lease or rental of any motor vehicles, including, but not limited to, automobiles, golf carts, low-speed vehicles, mopeds, motorcycles, motorized bicycles, and motorized scooters.
- (ii) Hostels.
- (iii) Convenience stores.
- (iv) Smoke shops and vape stores.
- (v) Package stores and the retail sale of alcohol for off premise consumption.

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

\* \* \*

(e) Notwithstanding the above, the following regulations shall apply to properties located between 5th Street and 6th Street, within the C-PS2 district, except for those lots with frontage on Washington Avenue as of January 1, 2022; where there is a conflict within this division, the following shall control:

- (1) In the event a lot with frontage on Washington Avenue is unified with a lot that does not have frontage on Washington Avenue, such unified site shall therein after be subject to the regulations herein.
- (2) The maximum permitted height within the first two platted lots south of 6th Street shall not exceed 50 feet, regardless of property use.
- (3) 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.
- (4) 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.
- (5) 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.

#### **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 2023

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2023

Second Reading: \_\_\_\_\_, 2023

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