

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 5:03 p.m. First Reading Public Hearing\*\*

TITLE: C-PS2 DEVELOPMENT REGULATIONS - 6TH STREET OVERLAY  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS, ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," AT SUB-SECTION 7.2.15.3, ENTITLED "COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS)," TO AMEND THE PERMITTED, CONDITIONAL AND SUPPLEMENTAL USE REGULATIONS, AS WELL AS DEVELOPMENT REGULATIONS, INCLUDING MAXIMUM PERMITTED BUILDING HEIGHT, WITHIN THE C-PS2 ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

### **BACKGROUND/HISTORY**

On July 28, 2021, at the request of then Commissioner, now Mayor Steven Meiner, the City Commission referred a discussion item (C4 T) pertaining to the creation of a 6<sup>th</sup> Street Overlay between Washington Avenue and Alton Road, to the Land Use and Sustainability Committee (LUSC). On September 14, 2021, the LUSC discussed the item and continued it to the October 19, 2021, LUSC meeting.

On October 19, 2021, the item was deferred to the December 2021 LUSC meeting. The December 2021 LUSC meeting did not take place and the item was automatically deferred to the first available meeting of 2022. On March 4, 2022, the LUSC discussed and continued the item to the May 13, 2022, LUSC meeting with the following direction:

1. Engage in follow-up outreach to the affected stakeholders and provide a summary of the applicable comments and input.
2. Modify the northeast boundary of the overlay to remove Washington Avenue.

On May 13, 2022, the item was deferred to the June 6, 2022, LUSC meeting, with no discussion. On June 6, 2022, the item was deferred to the July 7, 2022, LUSC meeting, with no discussion. On July 7, 2022, the item was deferred to the September 28, 2022, LUSC meeting, with no discussion.

On September 28, 2022, the LUSC discussed the proposal, including additional revisions to the draft overlay, and continued the item to the November 18, 2022, LUSC meeting with direction to further explore allowable uses within the proposed overlay, as well as hold a publicly noticed

community meeting in the neighborhood. On November 18, 2022, the item was deferred to the January 25, 2023, LUSC meeting, with no discussion.

On January 25, 2023, the item was discussed and continued to the March 1, 2023, LUSC meeting with direction to the Administration to develop incentives to transfer allowable intensity from the south side of 6<sup>th</sup> Street closer to 5<sup>th</sup> Street. On March 1, 2023, the LUSC recommended that the City Commission refer the Administration version of the proposed overlay ordinance to the Planning Board.

On March 27, 2023, the City Commission referred a draft ordinance to the Planning Board (Item C4 B). On April 25, 2023, the Planning Board discussed the item and continued it to the May 23, 2023, meeting. On May 23, 2023, the Planning Board discussed the item and continued it to the June 27, 2023 meeting. On June 27, 2023, the Planning Board continued the item to the September 26, 2023, meeting.

Prior to the September 26, 2023, Planning Board meeting, the item sponsor requested that the proposal be removed from the Planning Board agenda and placed on the next available City Commission agenda for a new referral to the LUSC. The purpose of referring the item back to the LUSC was to allow for additional study, as well as further input from affected residents and property owners. On October 18, 2023, the City Commission referred the item to the LUSC (C4 A). Additionally, Commissioner Laura Dominguez became a co-sponsor.

On February 26, 2024, the LUSC discussed the proposed overlay and continued the item to the March 19, 2024, meeting. On March 19, 2024, the item was deferred to a future meeting, with no discussion, for the Administration to meet with affected stakeholders.

On July 9, 2024, the LUSC discussed the proposed overlay and continued the item to a future date with the direction to the Administration to include the recommendations from the Flamingo Park Neighborhood Association (FPNA) regarding a hotel prohibition and height restrictions in the proposed ordinance. On September 5, 2024, the LUSC discussed the proposal and recommended that the City Commission refer the revised ordinance to the Planning Board with revised overlay boundaries noted in the LUSC memorandum.

On October 30, 2024, at the request of Mayor Steven Meiner and Commissioner Laura Dominguez, the City Commission referred the attached ordinance to the Planning Board (item C4 L).

## **ANALYSIS**

### **Characteristics of Overlay Area**

The area between 5<sup>th</sup> and 6<sup>th</sup> Streets, from Washington Avenue to Alton Road, is currently zoned Commercial Performance General Mixed-Use (C-PS2). The C-PS2 district permits a range of business, commercial, office and hotel use, as well as medium density residential development.

As noted on the attached map, the north side of 6<sup>th</sup> Street between Washington Avenue and Alton Road is comprised of the following zoning districts:

- Residential Multifamily Medium Intensity (RM-2), between Washington Avenue and Pennsylvania Court;
- Government Use (GU), between Meridian Avenue and Jefferson Avenue;
- Commercial Medium Intensity (CD-2), between Lenox Court and Alton Road; and
- Residential Multifamily Low Intensity (RM-1), between Lenox Court and Jefferson Avenue, as

well as between Meridian Avenue and Euclid Avenue.

The entire south side of 6<sup>th</sup> Street between Washington Avenue and Alton Road is zoned C-PS2. The center line of 6<sup>th</sup> Street between Washington Avenue and Lenox Court serves as the boundary for the Flamingo Park Historic District to the north and the Ocean Beach Historic District to the south.

The Flamingo Park neighborhood is bounded on the south by 6<sup>th</sup> Street, and on the north by Lincoln Lane south, and is generally between Alton Road and Washington Avenue. The Flamingo Park neighborhood is within a designated local historic district, and is composed predominantly of low scale, multi-family residential apartment buildings.

The low scale residential neighborhood within Flamingo Park is currently buffered from the higher intensity zoning CD-2 district on the west (Washington Avenue) by the Residential Office (RO) zoning district on Pennsylvania and Drexel Avenues. Additionally, in 2014, the Alton Road Historic District Buffer Overlay was created along the east side of Alton Road, to create a transition area between that CD-2 and RM-1 districts in Flamingo Park. Over time, these transition areas have helped to mitigate the impacts of higher intensity commercial uses adjacent to lower intensity residential uses on the east and west sides of the Flamingo Park neighborhood.

### **Planning Analysis**

Recently there have been several large, high intensity projects approved within the C-PS2 area between 5<sup>th</sup> and 6<sup>th</sup> Streets, from Alton Road to Meridian Avenue. Most recently, a new hotel with a rooftop amenity deck and accessory outdoor café was approved for the property located at the southeast corner of 6<sup>th</sup> Street and Lenox Avenue. Given that there are a number of non-contributing properties, including several surface parking lots, in this area, as well as the potential future use of the 5<sup>th</sup> Street as a transit corridor, it is likely there will be an increase in new development proposals in this C-PS2 area.

To ensure that future development proposals within the C-PS2 area north of 5<sup>th</sup> Street are compatible with and sensitive to the established, low scale area of Flamingo Park north of 6<sup>th</sup> Street, additional development regulations have been proposed. To this end, the proposed amendments to the Land Development Regulations of the City Code (LDRs) contained in the attached ordinance are intended for properties and uses that front on or are near the south side of 6<sup>th</sup> Street. The intention of the proposal is to foster a more compatible relationship in terms of scale, massing and land uses between the south side of 6<sup>th</sup> Street and the Flamingo Park residential neighborhood.

The proposed overlay is intended to create a meaningful buffer along the south side of 6<sup>th</sup> Street and has been carefully formed, as the make-up of existing properties between 5<sup>th</sup> and 6<sup>th</sup> Streets is unique and includes variations in overall lot sizes and unified development sites. Also, this area contains several less than desirable uses, including surface parking lots, gas stations and other automobile related uses, and the proposed overlay takes into consideration the ability for multiple lots to be developed in a tangible manner.

Attached are additional maps showing the following:

1. Existing unified development sites (current property owners map); and
2. Existing properties with buildings classified as 'contributing' in the City's historic properties database (contributing buildings map).

These maps show how dispersed the area between 5<sup>th</sup> and 6<sup>th</sup> Street is both from a property ownership and unified site standpoint. Additionally, there is no strong concentration of contributing structures along 5<sup>th</sup> Street and the mid portions of most blocks.

Considering this, the overlay regulations have been drafted to prevent creating a barrier to establishing desirable unified sites, even if some of the lots within a unified site are close to or fronting 6<sup>th</sup> Street. Additionally, as 5<sup>th</sup> Street is a major commercial corridor there is an opportunity to maximize the development potential of these properties, including unification efforts with properties immediately north of 5<sup>th</sup> Street. Currently there are a number of highly underutilized parcels fronting on and north of 5<sup>th</sup> Street, as well as a number of existing uses that do not allow for the potential of the area to be realized.

The following is a summary of the proposed overlay regulations included in the attached ordinance:

1. The overlay applies to properties bounded by 6<sup>th</sup> Street to the north and 5<sup>th</sup> Street to the south, between the west side of Lenox Avenue and the west side of Washington Avenue. Properties with frontage on Washington and Lenox Avenues as of January 1, 2022 have been removed from the overlay. However, in the future, if a lot with frontage on Washington or Lenox Avenue is unified with another lot, such unified site shall therein after be subject to the overlay regulations.
2. The following shall apply to alcoholic beverage establishments within the proposed overlay:
  - a. 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.
  - b. Alcoholic beverage establishments participating in the Outdoor Dining Concession Program shall not be permitted to have outdoor speakers abutting or adjacent to any public sidewalks.
  - c. Outdoor bar counters shall be prohibited within the overlay.
  - d. Outdoor restaurant seating is limited to 100 seats within 200 feet of the south side of 6<sup>th</sup> Street.
  - e. Outdoor seating above the ground floor (rooftop seating) within 200 feet within the south side of 6<sup>th</sup> Street is prohibited.
3. Recorded music and television sets are prohibited in any outdoor area within 200 feet of the south side of 6<sup>th</sup> Street.
4. For properties with frontage on 6<sup>th</sup> Street, entry and exit doors, as well as access points (except for required emergency egress) to hotels, apartment hotels and suite hotels, and food and beverage establishments serving alcohol, shall be subject to the following regulations:
  - a. Entry and exit doors, as well as access points, shall not be permitted on 6<sup>th</sup> Street.
  - b. 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.
  - c. For properties that contain 200 feet or more of frontage along Euclid, Meridian, Jefferson, Michigan or Lennox Avenues, all entry and exit doors, as well as access points shall be setback a minimum setback of 100 feet from the south side of 6<sup>th</sup> Street.
  - d. Subject to the approval of the Historic Preservation Board, for existing contributing structures the minimum setbacks from the south side of 6<sup>th</sup> Street may be waived or modified by the Historic Preservation Board, and the location of such entry and exit doors, and access points, may be permitted on 6<sup>th</sup> Street.
5. 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.
6. The following uses shall be prohibited within the overlay:
  - a. 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.

- b. Hostels.
  - c. Convenience stores.
  - d. Smoke shops and vape stores.
  - e. Package stores and the retail sale of alcohol for off premise consumption.
  - f. Hotels within 200 feet of the south side of 6<sup>th</sup> Street.
7. 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 6th 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 or workforce housing.
  8. A minimum setback of five (5') feet shall be required along all front and side facing a street yards, 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.
  9. 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.
  10. Roof-top additions shall not exceed the applicable maximum building height set forth in the C-PS2 district.

### **Community Meeting**

At the previous direction of the LUSC, on December 19, 2022, the city held an evening public meeting at the Miami Beach Police Department Community Room within the Flamingo Park neighborhood. The hybrid meeting was advertised and well attended by residents and property owners both in person and via Zoom.

After a brief presentation, some residents expressed concerns regarding potential proliferation of transient and commercial uses along the south side of 6th Street across from the Flamingo Park residential neighborhood. More specifically, the members of the public requested that the city explore the following:

- Prohibit the introduction of balconies facing 6<sup>th</sup> Street or any side street, for transient uses;
- Explore the introduction of zoning incentives that would encourage residential development; and
- Explore the possibility of rezoning the south side of 6<sup>th</sup> Street to the RM-1 zoning district.

### **PLANNING BOARD REVIEW**

On January 7, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Planning Board also recommended that the threshold for lower building height be applicable to development sites consisting of more than 2 platted lots.

### **SUMMARY**

The Administration is supportive of the proposed overlay ordinance, as it will establish an effective transition area between the more intense C-PS2 district south of 6<sup>th</sup> Street, and the lower scale residential area north of 6<sup>th</sup> Street. However, the Administration does have concerns with the proposal to limit building height to less than 50 feet within the proposed overlay and would urge caution regarding this modification.

Lower height limits on properties closer to 6<sup>th</sup> Street, which are part of larger unified development sites, would be appropriate, as they would result in a higher level of compatibility between new construction and the lower scale Flamingo Park Neighborhood to the north. However, the

Administration believes that the lower height regulations should be applicable to unified development sites that consist of at least five (5) platted lots.

Although the Planning Board recommended a minimum threshold of more than two (2) platted lots for the lower height proposed, the Administration recommends that this threshold be increased to at least five (5) platted lots. In this regard small development sites (lots that contain less than 5 platted lots) typically do not have enough area to distribute the maximum allowable FAR and could be disproportionately affected. To address this, the following building height standards are recommended:

- *The maximum permitted height within the first two platted lots south of 6th Street shall not exceed 50 feet, regardless of property use.*
- *For a unified development site consisting of five (5) or more platted lots, the maximum permitted height within 100 feet of the south side of 6th Street shall not exceed 28 feet and the maximum permitted height between 100 feet and 140 feet from the south side of 6th Street shall not exceed 40 feet. The foregoing height limits may be waived by the Historic Preservation Board to preserve contributing buildings.*

### **FISCAL IMPACT STATEMENT**

No Fiscale Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on:**

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.
2. Prior to Second Reading, Section 7.2.15.3(12)f of the proposed ordinance be amended as follows:

~~c. 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 6th 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.~~

c. The maximum permitted height within the first two platted lots south of 6th Street shall not exceed 50 feet, regardless of property use. Notwithstanding the foregoing, for a unified development site consisting of five (5) or more platted lots, the maximum permitted height within 100 feet of the south side of 6th Street shall not exceed 28 feet and the maximum

permitted height between 100 feet and 140 feet from the south side of 6th Street shall not exceed 40 feet. The foregoing height limits may be waived by the Historic Preservation Board to preserve contributing buildings.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Mayor Steven Meiner  
Commissioner Laura Dominguez

**Co-sponsor(s)**

**Condensed Title**

5:03 p.m. 1st Rdg PH, C-PS2 Development Regs-6th Street Overlay. (Meiner/Dominguez) 5/7

**Previous Action (For City Clerk Use Only)**