

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 5:00 p.m. First Reading Public Hearing

TITLE: OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 - LDR OVERLAY  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF  
MIAMI BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE MIAMI BEACH  
RESILIENCY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS,"  
ARTICLE III, ENTITLED "OVERLAY DISTRICTS," AT SECTION 7.3.6, "OCEAN  
TERRACE OVERLAY," TO AMEND THE OCEAN TERRACE OVERLAY  
REGULATIONS TO CLARIFY THAT REGULATIONS APPLICABLE TO  
PROPERTIES THAT WERE PREVIOUSLY ZONED MXE WILL CONTINUE TO  
APPLY TO PROPERTIES FRONTING OCEAN TERRACE; 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 May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred a proposal to modify the zoning classification of the Ocean Terrace area (C4 AD) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On September 5, 2024, the LUSC discussed the item and recommended that the Planning Board transmit the proposed ordinances changing the zoning and future land use classifications on Ocean Terrace to the City Commission with favorable recommendations.

These ordinances were subsequently transmitted with a favorable recommendation by the Planning Board and are currently pending before the City Commission. For purposes of consistency, the subject companion ordinance is proposed to clarify the new zoning classification within the Ocean Terrace Overlay regulations for properties fronting Ocean Terrace.

### **ANALYSIS**

The City's zoning map includes two Mixed-Use Entertainment (MXE) zoning districts – one in South Beach, along Collins Avenue and Ocean Drive; and the other in North Beach, along Ocean Terrace. The MXE designation was created, in part, to incentivize redevelopment, especially for hotel and entertainment uses.

The properties to the west of the North Beach MXE district are currently zoned CD-2 (commercial, medium intensity district) and to ensure the consistency and compatibility of future development, separate ordinances are being proposed to re-zone this district from MXE to CD-2 and amend the future land use map designation from MXE to CD-2. This change will not result in more intense development than is currently permitted in the subject area and the redevelopment projects underway along Ocean Terrace would not be impacted by a re-zoning from MXE to CD-2.

The Ocean Terrace Overlay contains regulations specific to the underlying CD-2 and MXE districts. The attached draft ordinance amends the Land Development regulations of the City Code (LDRs) by updating the text of the overlay regulations to reflect the pending zoning district change, which will change the MXE designation to CD-2. No modifications to the development regulations or uses in the overlay are proposed.

### **PLANNING BOARD REVIEW**

On February 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

### **APPLICATION FEE WAIVER**

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**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-notices/>

### **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. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

**Applicable Area**

North 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)**

Commissioner Tanya K. Bhatt

**Co-sponsor(s)**

**Condensed Title**

5:00 p.m. 1st Rdg PH, Ocean Terrace MXE Zoning District Change to CD-2 - LDR Overlay.  
(Bhatt) PL 5/7

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