

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.

WHEREAS, the Ocean Terrace Overlay contains properties currently classified on the zoning map and future land use map as MXE (Mixed Use Entertainment) and CD-2 (Commercial, Medium Intensity); and

WHEREAS, the properties within the Overlay fronting Collins Avenue are currently zoned CD-2, and the properties fronting Ocean Terrace are currently zoned MXE; and

WHEREAS, companion Ordinances have been drafted to change the zoning and future land use map classifications from MXE to CD-2 for properties fronting Ocean Terrace; and

WHEREAS, to ensure the consistency and compatibility of future development, this Ordinance will amend the Land Development Regulations of the City Code (LDRs) to reflect the new zoning classification in the Ocean Terrace Overlay for properties fronting Ocean Terrace; and

WHEREAS, the amendment set forth below is necessary to accomplish the above.

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

SECTION 2. Chapter 7, entitled “Zoning Districts and Regulations, Article III, entitled “Overlay Districts,” at Section 7.3.6, “Ocean Terrace Overlay,” is hereby amended as follows:

CHAPTER 7

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE III. OVERLAY DISTRICTS

* * *

7.3.6 OCEAN TERRACE OVERLAY

* * *

7.3.6.2 Compliance with regulations (Ocean Terrace Overlay).

a. Setbacks.

* * *

2. Pedestal. Pedestal shall mean that portion of a building or structure which is equal to or less than 40 feet in height. The Historic Preservation Board may allow for an increase in the pedestal height not to exceed 45 feet in height in accordance with the certificate of appropriateness criteria in chapter 2, article XIII of these land development regulations.

A. *Front:*

- I. For buildings situated on properties ~~with an underlying designation of CD-2 fronting Collins Avenue~~, 0 feet for the first 25 feet of building height, or the height of the existing building, whichever is greater. 5 feet for those portions of new buildings within the remaining pedestal height.
- II. For buildings situated on properties ~~with an underlying designation of MXE fronting Ocean Terrace~~, 5 feet for the first 20 feet of building height, or the height of the existing building, whichever is greater, 20 feet for those portions of new buildings within the remaining pedestal height.

- ##### B. *Side street.*
- For properties fronting 75th Street, zero (0) feet, regardless of the underlying zoning designation. For properties fronting 73rd or 74th Street, regardless of the underlying zoning designation, zero (0) feet for the first 20 feet of building height, or the height of the existing building, whichever is greater and 20 feet for those portions of new buildings within the remaining pedestal height.

C. *Side interior.*

- I. For buildings situated on properties ~~with an underlying designation of CD-2 fronting Collins Avenue~~, zero (0) feet.
- II. For buildings situated on properties ~~with an underlying designation of MXE fronting Ocean Terrace~~, 7.5 feet.

3. Tower. Tower means that portion of a building or structure which exceeds 40 feet in height. Notwithstanding the foregoing, should the Historic Preservation Board allow for an increase in the pedestal height not to exceed 45 feet in height, in accordance with the certificate of appropriateness criteria in chapter 2, article XIII of these land development regulations, the tower height shall be measured from the pedestal height approved by the Historic Preservation Board.

A. Front.

- I. For buildings situated on properties with an underlying designation of ~~CD-2 fronting Collins Avenue~~, 30 feet.
- II. For buildings situated on properties with an underlying designation of ~~MXE fronting Ocean Terrace~~, 55 feet.

* * *

b. ***Allowable encroachments and projections, consistent with section 7.5.3.2.o, within required yards.***

1. Exterior unenclosed private balconies and pool decks.

- A. For buildings situated on properties with an underlying designation of ~~CD-2 fronting Collins Avenue~~, allowable encroachment is 7 feet and 6 inches into any required yard.
- B. For buildings situated on properties with an underlying designation of ~~MXE fronting Ocean Terrace~~:

I. Allowable front yard encroachments are:

1. 12 feet for the pedestal, and
2. 10 feet for the tower.

II. Allowable side interior yard encroachment is 6 feet.

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 _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK 2/10/2025
Date

First Reading: February 26, 2025

Second Reading: April 23, 2025

Verified by: _____
Thomas R. Mooney, AICP
Planning Director