

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 4, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}
 for TRM

SUBJECT: **PB24-0736. Ocean Terrace MXE Zoning District Change to CD-2 – LDR Overlay**

RECOMMENDATION

Transmit the ordinance to the City Commission with a favorable recommendation.

HISTORY / REQUEST

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and City Commission referred a proposal (C4 AD) to modify the zoning classification of the Ocean Terrace area from MXE to CD-2, 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 (PB24-0727 & PB24-0728) to the City Commission with favorable recommendations.

On January 7, 2025, the Planning Board transmitted the referenced ordinances to the City Commission with favorable recommendations. For purposes of consistency, the subject companion ordinance clarifies the new zoning classification within the Ocean Terrace Overlay regulations for properties fronting Ocean Terrace.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not create isolated districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment does not create an isolated district.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Satisfied – The boundaries are not illogically drawn.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The pending change to the zoning classification from MXE to CD-2, makes passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed ordinance amendment will not affect living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed change will not affect traffic congestion.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will not reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Applicable

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal does not affect the resiliency of the City.

- (3) **Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

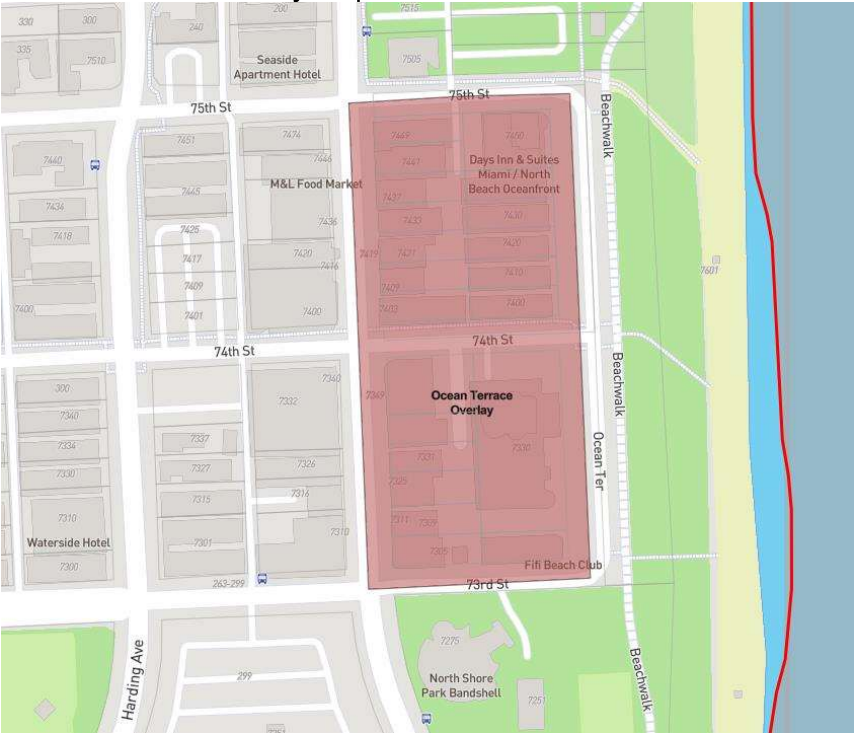
On January 7, 2025, the Planning Board reviewed ordinances changing the zoning map designation, and future land use designation of the MXE district located in North Beach to CD-2. The subject area is also part of the Ocean Terrace Overlay, which has different development and use regulations from the underlying CD-2 and MXE zoning districts.

As the Ocean Terrace Overlay contains regulations specific to the underlying CD-2 and MXE districts, the text of the overlay regulations needs to be updated to reflect the pending zoning district change, which will change the MXE designation to CD-2. The subject ordinance amends the text of the overlay district to reflect this change, and no modifications to the development regulations or uses in the overlay are proposed.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

Ocean Terrace Overlay Map:



Ocean Terraces Overly Map with current CD-2 and MXE zoning districts:



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, ENTITLED “ZONING DISTRICTS AND REGULATIONS, ARTICLE 3, ENTITLED “OVERLAY DISTRICTS,” AT SECTION 7.3.6, “OCEAN TERRACE OVERLAY,” TO CLARIFY REGULATIONS PREVIOUSLY APPLICABLE TO THE PROPERTIES IN THE MXE DISTRICT WILL BE APPLICABLE 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 fronting Collins Avenue are currently zoned CD-2 and the properties fronting Ocean Terrace are currently zoned MXE; and

WHEREAS, companion ordinances will 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, the subject ordinance will amend the Land Development Regulations of the City Code (LDR's) to clarify 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 3, entitled “Overlay Districts,” at Section 7.3.6, “Ocean Terrace Overlay,” is hereby amended as follows:

CHAPTER 7

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE 3. 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

Date

First Reading: February 26, 2025
Second Reading: April 23, 2025

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

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CD2 LDR Overlay - PB ORD 2-4-2025.docx