

R5 Y OCEAN TERRACE MXE DISTRICT CHANGE TO CD-2 – FLUM AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE
COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY
PURSUANT TO SECTION 2.4.1 OF THE MIAMI BEACH RESILIENCY CODE, AND
PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA
STATUTES, FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH
BEACH LOCATED ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH
STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE
CURRENT DESIGNATION OF MXE, “MIXED USE ENTERTAINMENT,” TO THE
FUTURE LAND USE CATEGORY OF CD-2, “COMMERCIAL, MEDIUM
INTENSITY”; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE
PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 5:01 p.m. First Reading Public Hearing**

TITLE: OCEAN TERRACE MXE DISTRICT CHANGE TO CD-2 – FLUM AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 2.4.1 OF THE MIAMI BEACH RESILIENCY CODE, AND PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA STATUTES, FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH BEACH LOCATED ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF MXE, "MIXED USE ENTERTAINMENT," TO THE FUTURE LAND USE CATEGORY OF CD-2, "COMMERCIAL, MEDIUM INTENSITY"; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, 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 June 10, 2024 the item was deferred to the July 9, 2024 LUSC meeting with no discussion and on July 9, 2024, the item was deferred to the September 5, 2024 meeting, with no discussion.

On September 5, 2024, the LUSC discussed the item and recommended that the Planning Board transmit the proposed ordinances to the City Commission with favorable recommendations.

ANALYSIS

The City's zoning and future land use maps includes two Mixed-Use Entertainment (MXE) 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). To ensure consistency and compatibility of future development, the attached ordinance proposes to change the future land use classification of this district in North Beach from MXE to CD-2. A separate, companion amendment will change the zoning classification from MXE to CD-2. For reference, maps illustrating the existing and proposed zoning and future land use designations are attached.

This change will not result in more intense development than is currently permitted in the subject area. The redevelopment projects underway along Ocean Terrace would not be impacted by a re-zoning from MXE to CD-2.

The existing **Mixed Use Entertainment (MXE)** future land use designation in the 2040 Comprehensive Plan provides for the following:

POLICY RLU 1.1.13 MIXED USE ENTERTAINMENT (MXE)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development.

Uses which may be permitted: Apartments, apartment hotels, hotels and various types of commercial uses including, business and professional offices (but not medical or dental offices), retail sales and service establishments, and eating and drinking establishments..

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 2.0

The proposed **Medium Intensity Commercial Category (CD-2)** future land use designation in the 2040 Comprehensive Plan provides for the following:

POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use; 3.25 in the Wolfsonian Arts District.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The total land area involved in this application is approximately 2.41 acres (105,000 SF), not including portions within a right-of-way. Under Section 163.3187 F.S., land use map amendments of less than 10 acres in size may be considered “small-scale” amendments, which require only

one public hearing before the City Commission, which shall be an adoption hearing. Upon adoption, the local government shall send a copy of the adopted small-scale amendment to the State Land Planning Agency so that the Agency can maintain a complete and up-to-date copy of the City's Comprehensive Plan.

The proposed FLUM amendment is required to be processed concurrently with the companion Zoning Map amendment, as they are interrelated; however, separate motions must be made for each ordinance.

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).

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

5:01 p.m. 1st Rdg PH, Ocean Terrace MXE District Change to CD-2–FLUM Amendment.
(Bhatt) PL

Previous Action (For City Clerk Use Only)



MIAMI BEACH
PLANNING DEPARTMENT

**ZONING MAP / FUTURE
LAND USE MAP (EXISTING)**

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov





MIAMI BEACH
PLANNING DEPARTMENT

**ZONING MAP / FUTURE
LAND USE MAP (PROPOSED)**

1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov



Ocean Terrace MXE District Change to CD-2 – FLUM Amendment

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 2.4.1 OF THE MIAMI BEACH RESILIENCY CODE, AND PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA STATUTES, FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH BEACH LOCATED ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF MXE, "MIXED USE ENTERTAINMENT," TO THE FUTURE LAND USE CATEGORY OF CD-2, "COMMERCIAL, MEDIUM INTENSITY"; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, this Ordinance pertains to properties located in North Beach, along Ocean Terrace between 73rd and 75th Streets; and

WHEREAS, the district is currently classified on the zoning map and future land use map as MXE (Mixed Use Entertainment) (the "District"); and

WHEREAS, the properties to the west of the District are currently zoned CD-2 (Commercial, Medium Intensity district); and

WHEREAS, a companion Ordinance will change the zoning classification of the District to CD-2, Commercial, Medium Intensity; and

WHEREAS, to ensure the consistency and compatibility of future development, this Ordinance changes the Future Land Use Map classification of the District to CD-2, Commercial, Medium Intensity; and

WHEREAS, the proposed amendment affects less than 10 acres and is a small scale amendment, pursuant to section 163.3187(1), Florida Statutes.

WHEREAS, the amendment set forth below is necessary to formally accomplish the proposed change to the Future Land Use Map.

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

SECTION 1. FUTURE LAND USE MAP AMENDMENT

The following amendments to the City's Future Land Use Map designation for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the Future Land Use Map of the City:

Lots 1-7, Block 10, and Lots 1-7, Block 1, of Harding Townsite, as recorded in Plat Book 34, Page 4 of the public records of Miami-Dade County, Florida, shall be changed from the current Future Land Use Map classification of MXE "Mixed Use Entertainment," to CD-2, "Commercial, Medium Intensity."

SECTION 2. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional, and county agencies as required by applicable law.

SECTION 3. REPEALER

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

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

The ordinance shall take effect 31 days after adoption pursuant to Section 163.3187(1), Florida Statutes.

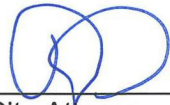
PASSED AND ADOPTED this _____ day of _____, 2025

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney

2/18/2025

Date

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

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

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – FLUM AMENDMENT ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH BEACH LOCATED ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF MXE, “MIXED USE ENTERTAINMENT,” TO THE FUTURE LAND USE CATEGORY OF CD-2, “COMMERCIAL, MEDIUM INTENSITY”
FEBRUARY 26, 2025 AND APRIL 23, 2025
CITY COMMISSION MEETINGS

NOTICE IS HEREBY GIVEN that on **February 26, 2025, at 5:01 p.m.**, or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a First Reading/Public Hearing on the following proposed Ordinance:

OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – FLUM AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 2.4.1 OF THE MIAMI BEACH RESILIENCY CODE, AND PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA STATUTES, FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT IN NORTH BEACH LOCATED ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF MXE, “MIXED USE ENTERTAINMENT,” TO THE FUTURE LAND USE CATEGORY OF CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

If this proposed Ordinance is approved on First Reading, then on **April 23, 2025, at 9:15 a.m.**, or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing** on the proposed Ordinance.

During the February 26, 2025, and April 23, 2025 Hybrid Commission Meetings, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.**

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who want to participate or provide comment virtually during the Commission Meeting may join the webinar at <https://miamibeachfl.gov.zoom.us/j/81392857671> or via telephone at 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting must click the “raise hand” icon if using the Zoom app or press *9 on the telephone to raise their hand.

INTERESTED PARTIES are invited to participate in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the “Current and Upcoming Meetings” section or by emailing CityClerk@miamibeachfl.gov with the Agenda Item Number in the subject line. Comments received in either format will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent from the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City’s website at <https://www.miamibeachfl.gov/government/mbtv/>, Breezeline Cable channel 660 or 2004 (H-D), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, Florida 33139.

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411
AD: 02262025-01 / 04232025-01

BEACH