

R5 X 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.  
Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

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

TITLE: OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 - LDR OVERLAY  
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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)**

## **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