

MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 7, 2025

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB24-0727. Comprehensive Plan FLUM Amendment for the MXE (Mixed Use Entertainment) District in North Beach**
PB24-0728. Zoning District Change for The MXE (Mixed Use Entertainment) District in North Beach.

RECOMMENDATION

Review the proposed ordinances amending the Future Land Use Map (FLUM) of the Comprehensive Plan and changing the zoning district classification for the MXE (Mixed Use Entertainment) district in North Beach and transmit both ordinances to the City Commission with favorable recommendations.

HISTORY

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and 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.

ZONING / SITE DATA

Legal Description:	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.
Site Area:	2.41 acres (105,000 SF)
Existing Zoning Designation:	MXE, Mixed Use Entertainment
Proposed Zoning Designation:	CD-2, Commercial, Medium Intensity
Existing FLUM Category:	MXE, Mixed Use Entertainment
Proposed FLUM Category:	CD-2, Commercial, Medium Intensity

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 desire to have more consistent regulations for the area make the 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

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, the attached ordinances propose 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. 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 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 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.

SUMMARY

The proposed amendment to the Zoning Map is required to be processed concurrently with the companion FLUM amendment, as they are interrelated; however, separate motions must be made for each application. Staff is supportive of the proposal and recommends that the Planning Board transmit both ordinances to the City Commission with a favorable recommendation.

RECOMMENDATION

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





Comprehensive Plan FLUM Amendment
For The MXE (Mixed Use Entertainment) District in North Beach.

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

WHEREAS, the properties to the west of the district are currently classified on the zoning map and future land use map as CD-2 (Commercial, Medium intensity district); and

WHEREAS, to ensure the consistency and compatibility of future development, the subject ordinance will change the future land use map to CD-2, Commercial, Medium Intensity; and

WHEREAS, a companion ordinance will change the zoning district to CD-2, Commercial, Medium Intensity; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

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

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

SECTION 1. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

The following amendment to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map designation for the properties described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map:

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. REPEALER

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

SECTION 3. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. INCLUSION IN COMPREHENSIVE PLAN

It is the intention of the City Commission that the Comprehensive Plan's Future Land Use Map be amended in accordance with the provisions of this Ordinance.

SECTION 5. 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 6. EFFECTIVE DATE

This Ordinance shall not take effect until 31 days after the state land planning agency notifies the City that the plan amendment package is complete following adoption, pursuant to Section 163.3184(3), 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

Date

First Reading:
Second Reading:

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

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MXE North Beach Zoning District Change to CD-2

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, the district is currently classified on the zoning map and future land use map as MXE (Mixed Use Entertainment); 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 future land use map to CD-2, Commercial, Medium Intensity; and

WHEREAS, to ensure the consistency and compatibility of future development, the subject ordinance will change the zoning district to CD-2, Commercial, Medium Intensity; and

WHEREAS, the amendment set forth below is necessary to formally accomplish the proposed zoning district change.

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

SECTION 1. ZONING MAP AMENDMENT

The following amendments to the City's zoning map designations for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning 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 zoning classification of MXE "Mixed Use Entertainment," to CD-2, "Commercial, Medium Intensity."

SECTION 2. REPEALER

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

SECTION 3. SEVERABILITY

