

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: May 5, 2026

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB26-0824, **GU Zoning District – LDR Amendment.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.16 ENTITLED “GU GOVERNMENT USE DISTRICT,” TO MODIFY SECTION 7.2.16.3, ENTITLED, “DEVELOPMENT REGULATIONS (GU),” BY MODIFYING THE DEVELOPMENT REGULATIONS TO CLARIFY SETBACK REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

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

BACKGROUND

On February 25, 2026, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred to the Planning Board (C4 I) a proposed amendment to the LDRs pertaining to modifications to the GU development regulations and a proposal to modify the future land use classification of 1 Ocean Drive (Pier Park) from Recreation and Open Space Including Waterways (ROS) to Public Facility: Governmental Uses (PF).

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 amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

Consistent

The proposed amendment does not modify district boundaries.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Consistent
The proposed Ordinance does not affect the overall scale of development.
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.
Not Applicable
6. Whether changed or changing conditions make the passage of the proposed change necessary.
Consistent
The proposed change is necessary to allow for additional flexibility with regard to GU zoned properties adjacent to PS zoning districts which have both minimum and maximum front yard and side yard facing a street setbacks.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
Consistent
The proposed ordinance amendment will not adversely 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.
Not Applicable
9. Whether the proposed change will seriously reduce light and air to adjacent areas.
Not Applicable
10. Whether the proposed change will adversely affect property values in the adjacent area.
Not Applicable
11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.
Not Applicable
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

Generally, required setbacks are a minimum requirement. The Performance Standard (PS) zoning districts (located south of 6th Street), however, include both a minimum and maximum required setback within the front and side facing a street yards. This regulation mandates that any portion of a building be located at a 5-foot setback without any flexibility to increase such setback.

For GU zoned properties, the zoning regulations, including setbacks, are an average of the surrounding zoning districts. As such, the minimum and maximum front yard and side yard facing a street setbacks are applicable. The proposed ordinance eliminates the maximum setback requirement for GU zoned properties. This amendment will allow for greater flexibility when redeveloping public properties, which often have unique characteristics.

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.

GU Zoning District Regulations

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICT REGULATIONS,” ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.16, ENTITLED “GU GOVERNMENT USE DISTRICT,” SECTION 7.2.16.3 THEREOF, ENTITLED, “DEVELOPMENT REGULATIONS (GU),” BY MODIFYING THE DEVELOPMENT REGULATIONS TO CLARIFY SETBACK REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the development regulations for properties zoned Government Use (GU) shall be the average of the requirements contained in the surrounding zoning districts as set forth in the Land Development Regulations of the City Code (“LDRs”); and

WHEREAS, on February 25, 2026, the Mayor and City Commission referred an item to the Planning Board at the request of Commissioner Alex J. Fernandez to consider an amendment to the LDRs to allow for flexibility on maximum setbacks on public properties in the GU zoning district; and

WHEREAS, the Mayor and City Commission recognize that allowing more flexibility with setbacks will encourage innovative and more-compatible design within government-owned properties; and

WHEREAS, removing the requirement for a maximum setback on properties in the GU zoning district will allow for additional pedestrian amenities and landscape opportunities; and

WHEREAS, in order to provide adequate public facilities while maintaining a high quality of urban design, the Mayor and City Commission desire to amend the GU district regulations; and

WHEREAS, the amendments set forth below are necessary to achieve 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. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article II, entitled, “District Regulations,” Section 7.2.16 entitled, “GU Government Use District,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II – DISTRICT REGULATIONS

* * *

Section 7.2.16 GU Government Use District

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7.2.16.3 Development Regulations (GU)

- a. Unless development regulations in the GU government use district are provided, The the development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission. Notwithstanding the foregoing, there shall be no required maximum setback within the GU government use district.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 _____, 2026.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: May 20, 2026
Second Reading: June 24, 2026

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

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