

PRIORITY ITEMS 1

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: January 16, 2025

TITLE: DISCUSS AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDRS) FOR THE RO, RESIDENTIAL/OFFICE DISTRICT ALONG ALTON ROAD, BETWEEN 12TH AND 14TH STREETS, AS WELL AS APPLICABLE SECTIONS OF THE NON-CONFORMANCE USE REGULATIONS, TO PERMIT ALCOHOLIC BEVERAGE ESTABLISHMENTS ON A LIMITED BASIS, AS AN ACCESSORY USE.

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer draft ordinances to the Planning Board.

BACKGROUND/HISTORY

On December 11, 2024, at the request of Commissioner Laura Dominguez, the City Commission referred the item (C4 J) to the LUSC.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and consider an amendment to the RO district regulations to allow for alcoholic beverage establishments on a limited basis, as an accessory use, as well as any applicable amendments to the non-conformances section of the LDRs. As part of this discussion, the sponsor has requested that the LUSC consider including conditions on such establishments to ensure neighborhood compatibility and mitigate impacts to residents' quality of life.

Currently, properties along the east side of Alton Road, between 12th Street and 14th Street, are designated Residential Office (RO) on the City's zoning map. This area was rezoned from commercial (CD-2) to RO in 1998. Alcoholic beverage establishments (including restaurants that serve beer and wine) are currently prohibited in the RO district.

The owner of an existing plant and garden nursery, with an accessory café and bakery, at 1239 Alton Road has proposed adding the sale of alcoholic beverages (beer and wine only) to the café use. The subject nursery, and accessory café, are non-conforming uses that existed prior to the change in zoning in 1998; as such, these existing uses are permitted to remain but cannot be expanded. The allowance for the sale of alcohol at the premises would be considered an expansion of a non-conforming use.

To accommodate the sale of alcohol at the subject premises, the following sections of the LDRs will need to be amended:

1. Chapter 2, Article VII, pertaining to non-conformities. Specifically, an amendment to permit

the expansion of a non-conforming café in the RO district.

2. Chapter 7, Article II, regarding the development regulations in the RO district. Specifically, the table of uses will need to be revised to permit, on a limited basis, the sale of alcoholic beverages within existing cafés in the RO district.

For purposes of advancing this discussion, the following are draft text amendments for consideration by the LUSC:

Chapter 2, Article VII

2.12.5 NONCONFORMING USE OF BUILDINGS

* * *

d. Notwithstanding the provisions of this article, a non-conforming café located in a Residential Office (RO) district on Alton Road, existing as of January 1, 2025, may include the sale of beer and wine, subject to the following:

1. Alcoholic beverages shall be limited to beer and wine for consumption on premises only. The retail sale of beer or wine, for off premises consumption, shall be prohibited.
2. The sale of beer and wine shall not commence prior to 11:30 a.m. and shall conclude no later than 10:00 p.m. for existing indoor seating and no later than 8:00 p.m. for existing outdoor seating, seven days a week, including holidays.
3. There shall be no increase in the patron occupancy or number of seats within the café establishment, nor shall the area of the café be permitted to expand.

Chapter 7, Article II

7.2.9.2 Uses (RO)

* * *

d. Supplemental Prohibited Uses Regulations (RO)

The Supplemental Prohibited Uses Regulations are as follows:

1. *Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6 in General Ordinances, are a prohibited use. Notwithstanding, alcohol sales may be permitted for existing cafés meeting the criteria set forth in section 2.12.5.d.*
2. *All uses not listed as a main permitted or conditional use are also prohibited, unless otherwise specified.*

The east side of Alton Road, from 12th to 14th Streets, was re-zoned to RO primarily due to its proximity to an established single family zoning district to the immediate east. An alley (Lenox Court) separates the RO zoned properties fronting Alton Road from the residential homes on Lenox Avenue. As such, particular care is needed regarding any amendment to allow alcohol sales in this area.

Given that a café use currently exists, and the allowance for the sale of alcohol is limited to existing cafés, the overall impact of the proposed amendments identified above is expected to be limited. Should this proposal move forward, in some capacity, input from affected single family homeowners would be important, as part of the legislative process.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

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 that the LUSC endorse the proposed amendments to the LDRs and recommend that the City Commission refer a draft ordinance to the Planning Board.

Applicable Area

South 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? Yes

If so, specify the name of lobbyist(s) and principal(s): Gus Gutierrez, Alton Road Nursery

Department

Planning

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Discuss Amending The Land Development Regulations Of The City Code (LDRs) For The RO, Residential/Office District Along Alton Road, Between 12th And 14th Streets, As Well As Applicable Sections Of The Non-conformance Use Regulations, To Permit Alcoholic Beverage Establishments On A Limited Basis, As An Accessory Use.