

RO District Regulations for Alcohol Sales in Nonconforming Uses – LDR Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XII, ENTITLED "NONCONFORMITIES," BY AMENDING SECTION 2.12.5, ENTITLED "NONCONFORMING USE OF BUILDINGS," TO ESTABLISH REQUIREMENTS FOR NONCONFORMING CAFES SERVING ALCOHOL AND LOCATED ON ALTON ROAD; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 7.2.9, ENTITLED "RO RESIDENTIAL/OFFICE DISTRICT," BY AMENDING SECTION 7.2.9.2, ENTITLED "USES (RO)," TO ALLOW ALCOHOL SALES IN EXISTING CAFES SUBJECT TO SPECIFIED CONDITIONS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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

WHEREAS, certain nonconforming café uses located on Alton Road in the Residential Office (RO) zoning district are uniquely valuable neighborhood amenities; and

WHEREAS, nonconforming cafés located on Alton Road in the RO district provide residents with access to food and beverage establishments within walkable distances, which promotes pedestrianism, reduces traffic, and improves quality of life of residents; and

WHEREAS, the amendments set forth below are 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. Chapter 2, "Administration and Review Procedures", Article XII "Nonconformities," is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE XII. NONCONFORMITIES

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2.12.5 NONCONFORMING USE OF BUILDINGS

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d. Notwithstanding the provisions of this article, a nonconforming café located in a Residential Office (RO) district on Alton Road, existing as of January 1, 2025, may be authorized to sell beer and wine, subject to compliance with the following conditions:

1. Alcoholic beverages shall be limited to beer and wine for consumption on premises only. The retail or package 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 within the interior or exterior of the café establishment, nor shall the area of the café be permitted to expand.
4. There shall be no more than 10 seats permitted within the interior and/or exterior of the café establishment.
5. As applicable to any non-conforming café authorized to serve beer and wine under this subsection (d), the permitted hours of sale for alcoholic beverages shall be subject to future modifications by the City Commission, pursuant to the City's express statutory authority to regulate hours of sale for alcoholic beverages as set forth in Sec. 562.14, Florida Statutes.

SECTION 2. Chapter 7, “Zoning Districts and Regulations”, Article II. “District Regulations”, is hereby amended as follows:

CHAPTER 7. ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. DISTRICT REGULATIONS

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7.2.9 RO RESIDENTIAL/OFFICE DISTRICT

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7.2.9.2 Uses (RO)

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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 the foregoing, alcohol sales may be permitted for existing cafes 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.

SECTION 3. 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 4. 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 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.


PASSED AND ADOPTED this ____ day of 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 5/18/2025
City Attorney NK Date

First Reading: May 21, 2025
Second Reading: July 23, 2025

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