

19. PB25-0751. RO District Regulations for Nonconforming Uses and Alcohol Sales – LDR Amendment.

# MIAMI BEACH

## Land Use Boards

### Planning Board

TO: Planning Board  
FROM: Thomas Mooney, Director  
DATE: April 8, 2025  
TITLE: PB25-0751. RO DISTRICT REGULATIONS FOR NONCONFORMING USES  
AND ALCOHOL SALES – LDR AMENDMENT.

#### **PROPERTY**

RO District Regulations for Nonconforming Uses and Alcohol Sales – LDR Amendment.

#### **FILE NO.**

PB25-0751

#### **APPLICANT**

City of Miami Beach

#### **IN RE:**

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 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, "GENERAL TO ALL ZONING DISTRICTS", 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; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

#### **PRIOR ORDER NUMBER:**

#### **Applicable Area**

Citywide

**NEW COMPREHENSIVE PLAN & CODE AMENDMENTS (Filed pursuant to Chapter 2,  
Arti... 1**

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond  
Funds?**

No

# MIAMIBEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

<b>Application Information</b>			
FILE NUMBER PB25-0751		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<b>Planning Board</b> <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		<b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
<b>Property Information – Please attach Legal Description as "Exhibit A"</b>			
ADDRESS OF PROPERTY N/A			
FOLIO NUMBER(S)			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME N/A			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
BUSINESS PHONE 3056737550		CELL PHONE	EMAIL ADDRESS N/A
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
<b>Party responsible for project design</b>			
NAME		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

**Please read the following and acknowledge below:**

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property    ☒ Authorized representative



**SIGNATURE**

David Martinez

**PRINT NAME**

3/20/25

**DATE SIGNED**



**AFFIDAVIT**

I, David Martinez, being duly sworn, depose and say that I am the Assistant City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

**PB25-0751. RO District Regulations for Nonconforming Uses and Alcohol Sales – LDR Amendment. 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 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, "GENERAL TO ALL ZONING DISTRICTS", 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; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.

  
\_\_\_\_\_  
ASSISTANT CITY MANAGER'S SIGNATURE


STATE OF FLORIDA )

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 21<sup>st</sup> day of March, 2025. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires:

  
\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF FLORIDA  
(Type, print or stamp name)

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup>  
 For TRM

SUBJECT: **PB25-0750. RO District Regulations for Nonconforming Uses and Alcohol Sales - Comprehensive Plan Amendment**

**PB25-0751. RO District Regulations for Nonconforming Uses and Alcohol Sales - Land Development Regulations Amendment**

### **RECOMMENDATION**

Review the proposed ordinances amending the Comprehensive Plan and Land Development Regulations and transmit the ordinances to the City Commission with favorable recommendations.

### **HISTORY**

On December 11, 2024, at the request of Commissioner Laura Dominguez, the City Commission referred a proposal pertaining to alcohol sales in the Residential Office (RO) district (C4 J) to the Land Use and Sustainability Committee (LUSC). On January 16, 2025, the LUSC recommended that the City Commission refer applicable amendments to the Planning Board, in accordance with the recommendations in the LUSC memorandum, and the following:

1. The number of seats shall not exceed ten (10).
2. A vesting provision shall be included.

On February 26, 2025, at the request of Commissioner Laura Dominguez, the City Commission referred the subject ordinances to the Planning Board (C4 D).

### **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, as proposed to be amended.

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

**Not applicable** – 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.**

**Not applicable** – 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** – The proposed change does not modify existing district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The proposed change is necessary in order to allow the sale of alcohol to existing cafes, which the overall impact of the proposed amendments expected to be limited.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendments 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.**

**Consistent** – The proposed change will not increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Not Applicable**– The proposed change will affect 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 adjacent properties.

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**

Properties along the east side of Alton Road, between 12th and 14th Streets, are currently zoned Residential Office (RO) on the City's zoning map. This area was rezoned from commercial (CD-2) to RO in 1998. At present, alcoholic beverage establishments, including restaurants serving beer and wine, are not permitted in the RO district.

The owner of a plant and garden nursery, located at 1239 Alton Road, which also operates an accessory café and bakery, has proposed adding the sale of alcoholic beverages (beer and wine only) to the café. The nursery and café are considered non-conforming uses, as they predate the

1998 zoning change. Although these uses are allowed to continue, they cannot be expanded. Therefore, permitting alcohol sales at the premises would constitute an expansion of a non-conforming use.

To facilitate the sale of alcohol at this location, proposed amendments to the City's Land Development Regulations (LDRs) and the Comprehensive Plan are being presented. The following is a summary of the proposed amendments:

1. Chapter 2, Article VII of the LDR's, pertaining to nonconformances, will be amended to permit the expansion of a non-conforming café in the RO district and allow the limited sale of beer and wine, in accordance with specified requirements and criteria.
2. Chapter 7, Article II of the LDRs, regarding the development regulations in the RO district, will be amended to permit, on a limited basis, the sale of alcoholic beverages within existing cafes in the RO district, in accordance with the specified requirements and criteria in Chapter 2.
3. Policy RLU 1.1.1 of the Comprehensive Plan, pertaining to the RO future land use classification, will be amended to include a provision for nonconforming cafés to include the sale of beer and wine, as an accessory use to the cafe, in accordance with the requirements more specifically described in the LDRs.

The area along the east side of Alton Road, between 12th and 14th Streets, was re-zoned to RO primarily due to its proximity to an established single-family zoning district to the east. The alley (Lenox Court) separates the properties in the RO district from the residential homes on Lenox Avenue. Given this context, careful consideration has been given in drafting the proposed amendments to regulate alcohol sales in this area. Since the proposal is limited to existing cafés and the sale of alcohol would only be allowed under specific conditions, the overall impact of these changes is anticipated to be minimal.

### **COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS**

The total land area involved in this application is less than 10 acres. 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.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed comprehensive plan and land use amendments to the City Commission with favorable recommendations.

**RO District Regulations for Nonconforming Uses and Alcohol Sales – Comprehensive  
Plan Amendment**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, BY AMENDING GOAL RLU 1: LAND USE; OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES; POLICY RLU 1.1.11: RESIDENTIAL / OFFICE (RO), TO ESTABLISH REQUIREMENTS FOR NONCONFORMING CAFES SERVING ALCOHOL AND LOCATED ON ALTON ROAD; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; 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 café uses located on Alton Road in the RO district provide residents with food and beverage uses within walkable distances, which promotes pedestrianism, reduces traffic, and improves quality of life of residents; and

**WHEREAS**, the proposed amendment affects less than 10 acres and is a small scale amendment, pursuant to section 163.3187(1), Florida Statutes.

**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.** The following amendments to the City’s 2040 Comprehensive Plan Future Land Use Element are hereby adopted:

**RESILIENT LAND USE AND DEVELOPMENT ELEMENT**

\*

\*

\*

**GOAL RLU 1: LAND USE**

\*

\*

\*

**POLICY RLU 1.1. 11 RESIDENTIAL / OFFICE (RO)**

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new office residential areas which are compatible with single family and other residential development.

Uses which may be permitted: Offices and certain residential uses including single family detached dwellings, single family attached dwellings, townhouse dwellings and multiple family dwellings.

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.

Nonconforming cafés located on Alton Road, existing as of January 1, 2025, may include the sale of beer and wine, as an accessory use to the cafe, in accordance with the requirements more specifically described in the Land Development Regulations.

**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 31 days after adoption pursuant to Section 163.3187(1), 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: \_\_\_\_\_, 2025  
Second Reading: \_\_\_\_\_, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

**RO District Regulations for Nonconforming Uses and Alcohol Sales – 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 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, "GENERAL TO ALL ZONING DISTRICTS", 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; 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 café uses located on Alton Road in the RO district provide residents with food and beverage uses 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**

\* \* \*

**ARTICLE XII – NONCONFORMITIES**

\* \* \*

**2.12.5 NONCONFORMING USE OF BUILDINGS**

\* \* \*



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 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 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**

\* \* \*

### **ARTICLE II - DISTRICT REGULATIONS**

\* \* \*

#### **7.2.9 RO RESIDENTIAL/OFFICE DISTRICT**

\* \* \*

##### **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 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.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

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.

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

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

Steven Meiner, Mayor

Rafael E. Granado, City Clerk.

City Attorney

Date \_\_\_\_\_

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director