

R5 K RO DISTRICT REGULATIONS FOR ALCOHOL SALES IN NONCONFORMING  
USES – COMPREHENSIVE PLAN AMENDMENT  
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.  
Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 10:05 a.m. First Reading Public Hearing

TITLE: RO DISTRICT REGULATIONS FOR ALCOHOL SALES IN NONCONFORMING USES – COMPREHENSIVE PLAN AMENDMENT  
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.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.

### **BACKGROUND/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).

### **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, separate amendments to the City's Land Development Regulations (LDRs) and the Comprehensive Plan are proposed. The following is a summary of the proposed amendments to the LDRs, which are part of a companion ordinance:

1. Chapter 2, Article VII of the LDRs, 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 cafés in the RO district, in accordance with the specified requirements and criteria in Chapter 2.

Additionally, the attached ordinance amends Policy RLU 1.1.1 of the Comprehensive Plan, pertaining to the RO future land use classification, to include a provision for nonconforming cafés to offer the sale of beer and wine, as an accessory use to the café, 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.

#### **PLANNING BOARD REVIEW**

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

#### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

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

**If applicable, the Business Impact Estimate (BIE) was published on:**  
**See BIE at:** <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

#### **FINANCIAL INFORMATION**

Not Applicable

#### **CONCLUSION**

The Administration recommends that the City Commission approve the subject ordinance at First

Reading and schedule a Second Reading public hearing for July 23, 2025.

**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**

10:05 a.m. 1st Rdg PH, RO Dist Regs for Alcohol Sales in Nonconforming Uses-Comp Plan Amendment. (LD) PL

**Previous Action (For City Clerk Use Only)**

**RO District Regulations for Alcohol Sales in  
Nonconforming Uses – 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 portions of Alton Road designated Residential Office (RO) on the Future Land Use Map are uniquely valuable neighborhood amenities; and

**WHEREAS**, nonconforming café uses located on Alton Road in areas designated “RO” 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 proposed amendment affects less than 10 acres and is a small scale amendment, pursuant to section 163.3187(1), Florida Statutes; 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.** 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 that are existing as of January 1, 2025, may be authorized to sell beer and wine, as an accessory use to the cafe, subject to 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.

### **ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Steven Meiner, Mayor

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
City Attorney NK

5/18/2025  
Date