

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 28, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

 For TRM

SUBJECT: **PB25-0776. Liquor Store Prohibition on Lincoln Road**

RECOMMENDATION

Transmit the proposed ordinance amendment to the Mayor and City Commission (City Commission) with a favorable recommendation.

NOTE: Considering potential conflicts with SB 180, which was adopted by the Florida Legislature and recently signed into law by the Governor, the proposed ordinance will require additional review by the City Attorney's office, prior to any future action by the City Commission.

HISTORY

On June 25, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed ordinance to the Planning Board (C4 D). In accordance with the provisions of Resolution No. 2025-33496, the item was referred directly to the Planning Board.

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 change is consistent and compatible 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 change 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 change is not out of scale with the needs of the neighborhood.

- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Not Applicable

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 desire to preserve the distinctive character, economic vitality, and quality of life associated with Lincoln Roads makes the passage of the proposed change necessary.

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

Consistent – The proposed change would not adversely influence living conditions in the neighborhood, and would likely improve living conditions.

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 affect traffic conditions.

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.**

Consistent – The proposed change should not adversely affect property values in the adjacent area.

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 in the district.

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.

Not Applicable

(3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

Not Applicable

ANALYSIS

The prohibition of liquor stores along the Lincoln Road corridor is a policy initiative grounded in the City’s broader goal of preserving the distinctive character, economic vitality, and quality of life associated with this iconic area. Lincoln Road is not only a key commercial and cultural destination within Miami Beach but also a mixed-use corridor that serves both residents and visitors through a combination of residential, service, retail, and dining establishments. The diversity of uses is central to the corridor’s success and its appeal as a walkable, vibrant public space.

The Land Development Regulations of the City Code (LDRs) provide the framework for managing permitted and prohibited uses to ensure that all uses align with the area’s intended character. The addition of liquor stores to the list of prohibited uses is intended to reinforce land use compatibility and prevent the introduction of establishments that may detract from the corridor’s unique identity or contribute to negative secondary impacts such as loitering, noise, or public safety concerns.

Moreover, the proliferation of liquor stores could undermine the City’s efforts to promote sustainable mixed-use development and maintain a high-quality urban environment along Lincoln Road. This policy aims to support the continued success of local retail, cultural venues, and hospitality businesses that collectively define the street’s charm and contribute significantly to the city’s economy.

Staff is supportive of the proposed ordinance as it aligns with the City’s objectives to protect the character of Lincoln Road, support compatible uses, and promote a vibrant, economically resilient corridor that serves the needs of both residents and tourists. Notwithstanding, certain provisions of the proposed ordinance may conflict with SB 180, which was adopted by the Florida Legislature and recently signed into law by the Governor. As such, if the proposed ordinance is transmitted by the Planning Board, additional review by the City Attorney’s office will be required, prior to any future action by the City Commission.

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.

Liquor Store Prohibition on Lincoln Road

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 7 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.12 ENTITLED, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," TO AMEND THE LIST OF PROHIBITED USES TO INCLUDE LIQUOR STORES ON LINCOLN ROAD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Lincoln Road corridor is composed of a mixture of residential, service, restaurant and retail uses, which serve City residents and visitors; and

WHEREAS, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the Lincoln Road corridor and the surrounding neighborhoods; and

WHEREAS, the City's land development regulations include regulations for permitted, accessory, conditional, and prohibited uses in the CD-3 zoning district; and

WHEREAS, provisions for prohibiting certain types of uses within the CD-3 district in the Lincoln Road corridor are necessary and desirable; and

WHEREAS, the Lincoln Road corridor contains unique cultural, retail, and dining experiences that are vital to Miami Beach's local economy; and

WHEREAS, it is the intent of the City to limit the proliferation of establishments that may negatively affect the Lincoln Road corridor and neighboring areas; and

WHEREAS, the proposed changes are necessary in order to promote sustainable mixed-use development within the CD-3 zoning district along the Lincoln Road corridor; 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 7, "Zoning Districts and Regulations," Article II, "District Regulations," is hereby amended as follows:

CHAPTER 7 - ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

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d. Supplemental Prohibited Uses Regulations (CD-3)

The supplemental prohibited uses are as follows:

1. Accessory outdoor bar counter, except as provided in section 7.5.4.13 and in chapter 6;
2. The storage and/or parking of commercial vehicles on lots with frontage on Lincoln Road, Collins Avenue, 41st Street or 71st Street.
3. For properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue, the following additional uses are prohibited: (MAP EXHIBIT-5)
 - A. Check cashing stores;
 - B. Medical cannabis dispensaries (medical marijuana dispensaries);
 - C. Convenience stores;
 - D. Grocery stores;
 - E. Occult science establishments;
 - F. Pharmacy stores;
 - G. Souvenir and t-shirt shops;
 - H. Tattoo studios.
 - I. Retail establishments larger than 45,000 square feet (except as otherwise provided in section 7.2.12.2.a-b and Uses Table) (note: no variances shall be granted from the regulations in this section 7.2.12.2.d.3.I)
 - J. Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic (MAP EXHIBIT-1); notwithstanding the foregoing, this prohibition does not include office uses located in a mezzanine, or set back at least 75 feet back from the storefront.
 - K. Vitamin Shops
 - L. Liquor stores.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 re-numbered or re-lettered 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 _____, 2025.

Steven Meiner
Mayor

Attest:

Rafael E. Granado
City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney Date

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

First Reading: September 3, 2025
Second Reading: October 29, 2025