

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: October 16, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB25-0805, **Temporary Conditional Use Regulations in Commercial Districts.**

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 "MIAMI BEACH RESILIENCY CODE," BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS," SECTION 2.5.2 ENTITLED "CONDITIONAL USE," BY CREATING AN EXCEPTIONS PROVISION FOR CONDITIONAL USE REGULATIONS IN DESIGNATED COMMERCIAL DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

BACKGROUND

On July 23, 2025, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred a proposal pertaining to temporary regulations for vacant storefronts in commercial districts (C4 J) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On September 11, 2025, the LUSC recommended that the Planning Board transmit an ordinance to the City Commission, with a favorable recommendation, in accordance with the draft text in the LUSC memo, including a penalty provision.

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.

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.

Consistent

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 should not increase loads on public facilities or infrastructure.

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 creates temporary exceptions to the conditional use process for restaurant uses in defined commercial areas of the City filling vacant commercial spaces.

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

Consistent

The proposed ordinance amendment should 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 should not increase traffic congestion.

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

Consistent

The proposed change will not reduce 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

As noted in the Background Section of this report, on September 11, 2025, the LUSC discussed and considered amendments to the Land Development Regulations of the City Code (LDRs) to establish a temporary deregulation initiative that would suspend or relax certain zoning regulations, including a review of CUP thresholds that apply to small bars, restaurants, or venues with music. This proposed time-limited initiative is intended to catalyze the reactivation of vacant storefronts and buildings by streamlining the development review process.

The attached draft ordinance amends the LDRs to forgo Planning Board review of CUPs for a limited time for commercially zoned properties within the following areas of the City:

- Washington Avenue between 5th Street and Lincoln Road
- Lincoln Road between Collins Avenue and Alton Road
- Collins Avenue between 65th and 75th Streets
- 71st Street or Normandy Drive, between Collins Avenue and Rue Notre Dame

Additionally, to qualify for the initiative, the establishment must be located within an existing building with a certificate of occupancy that was issued on or before January 1, 2025 and shall not include outdoor entertainment. Further, the establishment must operate as a restaurant, or a bar if no entertainment is provided. If entertainment is provided, the establishment must operate as a restaurant supper club as defined in Section 1.2.2 of the LDRs. Finally, this initiative is proposed to sunset and stand automatically repealed on December 31, 2026, unless extended by the City Commission.

STAFF 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.

Temporary Conditional Use Regulations in Commercial Districts

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS,” SECTION 2.5.2, ENTITLED “CONDITIONAL USE,” BY AMENDING SECTION 2.5.2.1, ENTITLED “PURPOSE,” TO PROVIDE FOR EXCEPTIONS FROM CONDITIONAL USE REGULATIONS FOR CERTAIN NEIGHBORHOOD IMPACT ESTABLISHMENTS IN DESIGNATED COMMERCIAL DISTRICTS, AND PROVIDE FOR ADMINISTRATIVE REVIEW AND ENFORCEMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, conditional uses are subject to the review of the Planning Board in all commercial zoning districts within the City; and

WHEREAS, in response to recommendations from the Land Use and Sustainability Committee (LUSC), land use incentives aimed at filling vacant commercial spaces have been developed; and

WHEREAS, this Ordinance temporarily creates exceptions to the conditional use process for restaurant uses in defined commercial areas of the City, and provides for administrative review and enforcement; and

WHEREAS, the City Commission finds that these land use incentives will promote desirable activity within vacant buildings and align with the City’s planning goals.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 2, entitled “Administration and Review Procedures”, Article V, entitled “Rezoning and Development Approvals”, Section 2.5.2, entitled “Conditional Use”, is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE V. Rezoning and Development Approvals

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2.5.2 Conditional Use

* * *

2.5.2.1 Purpose and exceptions

a. Purpose. The purpose of this subsection is to establish a process and standards to determine if certain uses, referred to as conditional uses, should be permitted at a given location. Special review of conditional uses is required not only because these generally are of a public or semi-

public character and are essential and desirable for the general convenience and welfare of the community, but also because the nature of the uses and their potential impact on neighboring properties requires the exercise of planning judgment as to location and site plan.

b. Exceptions.

1. Definitions. For the purposes of this subsection, the following definitions shall apply:
 - A. "NIE applicant" means a person or entity seeking administrative review of a proposed Neighborhood Impact Establishment.
 - B. "NIE approval" means an administrative approval for a Neighborhood Impact Establishment.
2. Criteria. Notwithstanding the applicable use regulations set forth in Chapter 7, Neighborhood Impact Establishments shall not require conditional use approval from the Planning Board if the following criteria are satisfied:
 - A. The NIE applicant is located on a commercially zoned property within one of the following geographic boundaries:
 - I. Washington Avenue between 5th Street and Lincoln Road;
 - II. Lincoln Road between Collins Avenue and Alton Road;
 - III. Collins Avenue between 65th and 75th Streets;
 - IV. 71st Street or Normandy Drive, between Collins Avenue and Rue Notre Dame.
 - B. The NIE applicant is located within an existing building, which has a certificate of occupancy that was issued on or before January 1, 2025.
 - C. No outdoor entertainment is proposed.
 - D. The NIE applicant may operate the business as a restaurant or a bar, as those terms are defined in Chapter 1, if no entertainment is provided. The NIE applicant may operate the business as a restaurant or a restaurant supper club, as those terms are defined in Chapter 1, if only indoor entertainment is provided.
3. Administrative approval of Neighborhood Impact Establishments. The planning department may administratively review a request for a Neighborhood Impact Establishment authorized under this subsection b. For purposes of this paragraph, the application requirement for a NIE approval shall be satisfied by the submission of a corresponding building permit application, certificate of use application, or such other permit application form required by the planning department.
4. Enforcement and penalties. In the event that a Neighborhood Impact Establishment fails to operate in the manner specified in this subsection b.; or upon an adjudication of a violation of chapter 12, article II (special events), or chapter 46, article IV (noise) of the city code, the Neighborhood Impact Establishment's administrative approval shall be subject to revocation by the city manager. The city manager shall be authorized to issue an immediate notice to the Neighborhood Impact Establishment revoking the NIE approval and suspending any activities conducted in furtherance thereof, and the Neighborhood Impact Establishment must cease any such activities. The issuance of a notice revoking administrative approval may be appealed to the board of adjustment pursuant to article I, section 2 of the Related Special Acts. In the event the NIE approval is revoked by the city manager, the NIE applicant may apply for conditional use approval by the planning board for the Neighborhood Impact Establishment.
5. Sunset and automatic repealer. This Subsection 2.5.2.1.b shall sunset and stand automatically repealed on December 31, 2026, unless extended by the City Commission as an amendment to these 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 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

First Reading: _____, 2025

Second Reading: _____, 2025

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