

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: February 3, 2026

PROPERTY/FOLIO: 1244 Ocean Drive / 02-3234-008-0380

FILE NO: PB25-0807

APPLICANT: Ocean Hotels Investments LLC

IN RE: An application has been filed requesting Conditional Use approval for a Neighborhood Impact Establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

LEGAL: Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

CONDITIONAL USE PERMIT

The applicant is requesting a Conditional Use Permit for the operation of a Neighborhood Impact Establishment consisting of a rooftop alcoholic beverage establishment. Notice of the request was given, as required by law, and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the MXE, Mixed-use Entertainment zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter,

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and the staff report and analysis, which is adopted herein, including staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed.

1. This Conditional Use Permit is issued to Ocean Hotels Investments LLC, as the owner and operator of the hotel. Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
2. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements, and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - A. The project authorized by this Conditional Use Permit includes the creation and operation of a rooftop alcoholic beverage establishment, which is located on a property that is within 200 feet of a property containing a residential unit.
 - B. The rooftop shall not be open to the public and is for the exclusive use of hotel guests and their invitees only.
 - C. The hours of operations shall be limited as follows:

Monday through Thursday:	7:00 a.m. until 9:00 p.m.
Friday through Sunday:	7:00 a.m. until 10:00 p.m.
July 4 and December 31:	7:00 a.m. until 2:00 a.m.
 - D. The operator shall designate a contact person to be available by telephone on a 24-hour basis. The telephone number of the contact shall be provided to neighboring residents.
 - E. Entertainment is not permitted.
 - F. The maximum occupancy at any given time on the roof terrace shall not exceed 50 persons, including hotel staff, hotel guests and accompanied invitees. Signage clearly specifying this maximum occupancy shall be installed.

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- G. No bar, service or other type of counter, whether permanent or temporary, shall be placed on the roof at any time.
 - H. Only ambient background music played at a volume that does not interfere with normal conversation may be permitted in the outdoor/rooftop/open air areas and shall be subject to the following conditions:
 - i. The outdoor speaker system shall require the deployment of multiple small, closely spaced speakers, driven at low individual volumes. Subwoofers shall be prohibited anywhere on the exterior of the premises. The system design shall physically distribute sound uniformly within the listening area.
 - ii. All outdoor speakers shall be oriented in such a way as to minimize sound propagation towards abutting properties.
 - iii. Only the outdoor speakers approved as part of the house sound system shall be used.
 - iv. Televisions shall not be located anywhere in the exterior areas of the property.
 - I. Queuing shall be prohibited in the right-of-way at all times.
 - J. Delivery trucks shall not be allowed to idle in the loading zone area.
 - K. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - L. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use. Garbage dumpster covers shall be closed at all times except when in active use.
 - M. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
4. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under Section 2.5.2.5 of the Resiliency Code.
5. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
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6. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
7. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
8. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
9. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
10. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the accessory uses proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
11. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 2.5.2.5 of the Land Development Regulations (LDRs) of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
12. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
14. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 1.3.7 of the Land Development Regulations, entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators to comply

