

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," AT SECTION 4, ENTITLED "LOCATION AND USE RESTRICTIONS," TO ESTABLISH CULTURAL SPECIALTY DISTRICTS THAT REMOVE DISTANCE SEPARATION REQUIREMENTS BETWEEN ALCOHOLIC BEVERAGE ESTABLISHMENTS ALSO OPERATING AS RESTAURANTS WITH FULL KITCHENS AND EDUCATIONAL FACILITIES AND PLACES OF WORSHIP AND ESTABLISHING OPERATING CONDITIONS; AND AT SECTION 6, ENTITLED "MINIMUM SEATS AND HOTEL ROOM REQUIREMENTS," TO REDUCE THE NUMBER OF SEATS REQUIRED FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

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

Section 1. That Chapter 6, entitled "Alcoholic Beverages," Article I, entitled "In General," Section 4, entitled "Location and Use Restrictions," is hereby amended, as follows:

Sec. 6-4. - Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcohol beverages for consumption:

- (1) *Educational facilities.* No alcohol beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina.
- (2) *Places of worship.* No alcohol beverage shall be sold or offered for consumption in an alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.

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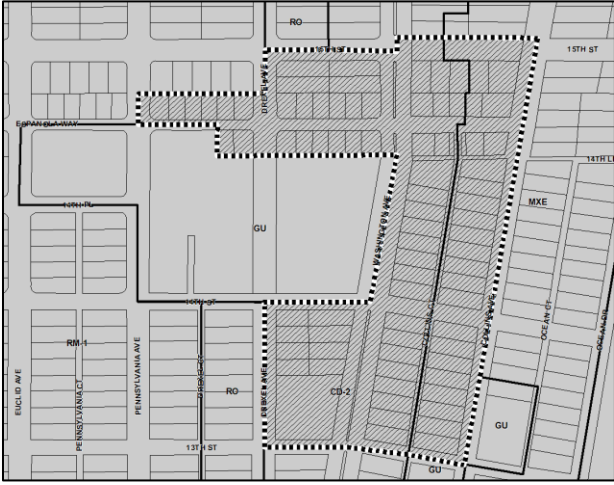
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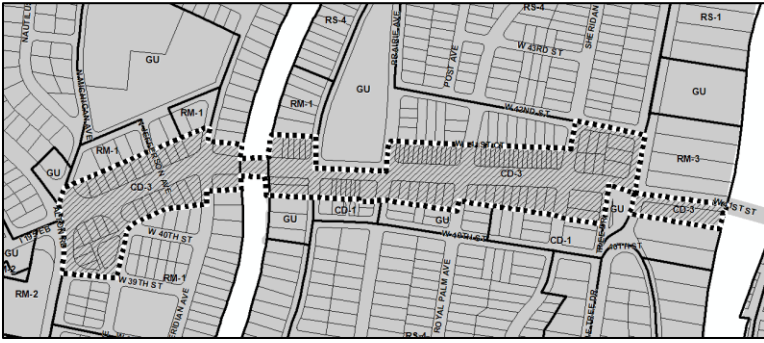
(11) *Cultural specialty districts.* Notwithstanding the foregoing, within the cultural specialty districts identified in this subsection, the following shall apply to alcoholic beverage establishments also operating as restaurants with full kitchens:

- i. The following areas shall be designated as cultural specialty districts:

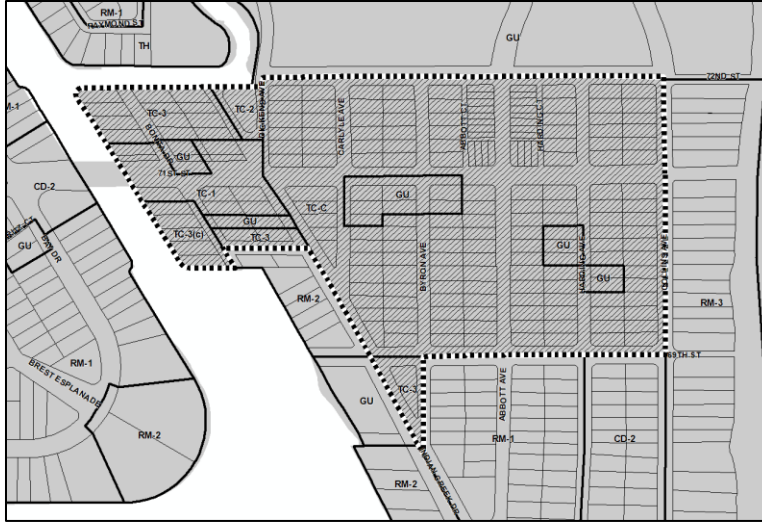
a. Espanola Way & Washington Avenue Area: includes all parcels with a CD-2 and MXE zoning designation located between Collins Avenue on the east, 13th Street on the south, Pennsylvania Avenue on the west, and 15th Street on the north, as depicted in the map below:



b. 41st Street Corridor: includes all parcels with a CD-3 zoning designation that have a property line abutting 41st Street, as depicted in the map below:



c. North Beach Town Center: includes all parcels with a TC-C, TC-1, TC-2, TC-3, TC-3(c), and GU zoning designation, as depicted in the map below:



- ii. Distance separation requirements from educational facilities and places of worship shall not apply to alcoholic beverage establishments operating as a restaurant with a full kitchen.
- iii. The alcoholic beverage establishment operating as a restaurant with a full kitchen shall serve full meals during hours in which alcoholic beverages are sold.
- iv. If the separation exemption is from an educational facility, during school hours, alcohol shall only be served with meals.
- v. There shall be no sale of package goods.
- vi. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk, in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
- vii. 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 also be deemed a violation of this sub-section.
- viii. In addition to other requirements of the City Code, violations of this sub-section shall be subject to the penalties and enforcement provisions in section 6-3 (9).

Section 2. That Chapter 6, entitled "Alcoholic Beverages," Article I, entitled "In General," Section 6, entitled "Minimum Seats and Hotel Room Requirements," is hereby amended, as follows:

Sec. 6-6. - Minimum seats and hotel room requirements.

Vendors shall be permitted to sell alcoholic beverages within zoning districts if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, hall for hire or golf clubhouse pursuant to the following standards:

(1) *Permitted main uses:*

- (a) Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises provided that there are based upon the following: When beer and wine are served, a minimum of 3010 seats shall be provided; and when beer, wine and liquor are served, a minimum of 60 seats shall be provided.
- (b) Outdoor cafes, when visible from or facing a public street and associated with (a) above, shall have a minimum of 2010 seats in order to be permitted to sell alcoholic beverages for consumption of the premises.
- (c) Outdoor cafes, when not visible from or on a public street, alley, or way, and associated with (a) above, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- (d) Golf clubhouses located on a golf course shall be permitted to sell alcoholic beverages only for consumption on the premises.

(2) *Accessory uses.* Hotels, apartment-hotels, or apartments, when permitted under Chapter 142, shall be permitted to have accessory uses on site, which sell alcoholic beverages pursuant to the following minimum standards:

- (a) Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises provided that there are based upon the following: When beer and wine are served, a minimum of 30 seats shall be provided; and when beer, wine and liquor are served, a minimum of 4010 seats shall be provided.
- (b) Outdoor cafes when visible from a public street which have a minimum of 2010 seats are permitted to sell alcoholic beverages for consumption only on the premises.
- (c) Outdoor cafes when not visible from a public street, alley or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- (d) Gulf clubhouse: When located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- (e) Hotels, when requesting a "S" Class State License shall be required to demonstrate that they comply with all applicable Florida Statutes.

SECTION 6. REPEALER.

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

SECTION 7. 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 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

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

PASSED and ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

(Sponsored by: Commissioners John Elizabeth Aleman)