

**Common Variances
Chapter 6 - Alcoholic Beverages**

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 6-4, ENTITLED "LOCATION AND USE RESTRICTIONS," TO ESTABLISH CULTURAL SPECIALTY DISTRICTS, PROVIDE THAT THERE SHALL BE NO DISTANCE SEPARATION REQUIREMENTS IN SUCH DISTRICTS BETWEEN ALCOHOLIC BEVERAGE ESTABLISHMENTS (ALSO OPERATING AS RESTAURANTS WITH FULL KITCHENS) AND EDUCATIONAL FACILITIES AND PLACES OF WORSHIP, AND TO ESTABLISH OPERATING CONDITIONS; AND AT SECTION 6-6, ENTITLED "MINIMUM SEATS AND HOTEL ROOM REQUIREMENTS," TO REDUCE THE NUMBER OF SEATS REQUIRED FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, 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, the City has observed that a large number of variances from certain Code sections are routinely sought in conjunction with land development applications; and

WHEREAS, the City has analyzed these variance applications, which are frequently sought and granted; and

WHEREAS, the approved variances frequently contain similar conditions for the protection of surrounding neighbors; and

WHEREAS, the granting of such variances has no negative impact on surrounding areas; and

WHEREAS, the City has determined that amendments to the City Code are necessary to reduce the frequency of such variance applications; and

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. Chapter 6, entitled "Alcoholic Beverages," Article I, entitled "In General," is hereby amended, as follows:

CHAPTER 6 ALCOHOLIC BEVERAGES

* * * ARTICLE I. – IN GENERAL * * *

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:

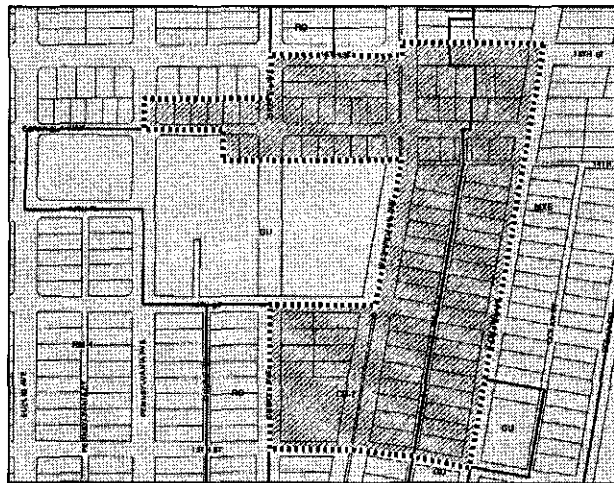
- (1) *Educational facilities.* No alcohol beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (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.

* * *

(11) *Cultural specialty districts.* Notwithstanding the foregoing, within the cultural specialty districts identified in this subsection, the following regulations 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.* All parcels with a CD-2 or 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:



This map shows a residential area with numerous lots and streets. A prominent road, likely Highway 101, runs vertically through the center. Another road, likely Highway 1, runs horizontally across the top. A proposed development area is highlighted with a dashed line and hatching, located in the central part of the map. Various lots are labeled with numbers and letters, such as GU, RM-1, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, RM-8, RM-9, RM-10, RM-11, RM-12, RM-13, RM-14, RM-15, RM-16, RM-17, RM-18, RM-19, RM-20, RM-21, RM-22, RM-23, RM-24, RM-25, RM-26, RM-27, RM-28, RM-29, RM-30, RM-31, RM-32, RM-33, RM-34, RM-35, RM-36, RM-37, RM-38, RM-39, RM-40, RM-41, RM-42, RM-43, RM-44, RM-45, RM-46, RM-47, RM-48, RM-49, RM-50, RM-51, RM-52, RM-53, RM-54, RM-55, RM-56, RM-57, RM-58, RM-59, RM-60, RM-61, RM-62, RM-63, RM-64, RM-65, RM-66, RM-67, RM-68, RM-69, RM-70, RM-71, RM-72, RM-73, RM-74, RM-75, RM-76, RM-77, RM-78, RM-79, RM-80, RM-81, RM-82, RM-83, RM-84, RM-85, RM-86, RM-87, RM-88, RM-89, RM-90, RM-91, RM-92, RM-93, RM-94, RM-95, RM-96, RM-97, RM-98, RM-99, RM-100, RM-101, RM-102, RM-103, RM-104, RM-105, RM-106, RM-107, RM-108, RM-109, RM-110, RM-111, RM-112, RM-113, RM-114, RM-115, RM-116, RM-117, RM-118, RM-119, RM-120, RM-121, RM-122, RM-123, RM-124, RM-125, RM-126, RM-127, RM-128, RM-129, RM-130, 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- ii. Distance separation requirements from educational facilities and places of worship set forth in this section 6-4 shall not apply to alcoholic beverage establishments operating as a restaurant with a full kitchen.
- iii. An 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 distance separation exemption is from an educational facility, during the respective educational facility's school hours, alcohol shall only be served with meals.
- v. There shall be no package sales of alcoholic beverages.

- vi. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk, in excellent and clean condition, free of all refuse, at all times.
- vii. A violation of this subsection (a)(11) shall be subject to the penalties and enforcement provisions set forth in section 6-3(9).

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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 based upon the following: When beer and wine are served, a minimum of ~~30~~ 10 seats shall be provided; and when beer, wine and liquor are served, a minimum of ~~60~~ 40 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 ~~20~~ 10 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 based upon the following: When beer and wine are served, a minimum of ~~30~~ 10 seats shall be provided; and when beer, wine and liquor are served, a minimum of ~~40~~ 20 seats shall be provided.
- (b) Outdoor cafes when visible from a public street which have a minimum of ~~20~~ 10 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 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 (10) days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2019.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

First Reading: October 16, 2019

Second Reading: October 30, 2019

(Sponsored by: Commissioner John Elizabeth Aleman)

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10-8-19

Date

NK