

Package Store Prohibition on Alton Road

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," SECTION 142-275, "PROHIBITED USES," AND DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-305, "PROHIBITED USES," TO AMEND THE LIST OF PROHIBITED USES TO INCLUDE PACKAGE LIQUOR STORES ALONG THE ALTON ROAD CORRIDOR; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Alton Road corridor is composed of a mixture of residential, light industrial, and low-intensity service, restaurant and retail uses, which primarily serve City residents; and

WHEREAS, the City Code currently permits certain uses within the CD-1 and CD-2 zoning districts along the Alton Road corridor that are incompatible with adjacent residential neighborhoods; and

WHEREAS, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the Alton 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-1 and CD-2 zoning districts; and

WHEREAS, provisions for prohibiting certain types of uses within the CD-1 and CD-2 district in the Alton Road corridor are necessary and desirable; and

WHEREAS, the Alton Road corridor boasts 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 which may negatively affect the Alton Road corridor and neighboring residential areas; and

WHEREAS, the proposed changes are necessary in order to promote sustainable mixed-use development within the CD-1 and CD-2 zoning districts along the Alton 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 142, "Zoning Districts and Regulations," Article II, "District Regulations," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. DISTRICT REGULATIONS

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DIVISION 4. CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

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Sec. 142-275. Prohibited uses.

The prohibited uses in the CD-1 commercial, low intensity district are accessory outdoor bar counter; outdoor entertainment establishment; open air entertainment establishment, dance hall, and entertainment establishment. Except as otherwise provided in these land development regulations, prohibited uses in the CD-1 commercial low intensity district along the Alton Road corridor, generally bounded by West Avenue, Michigan Avenue, 5th Street, and 20th Street include package liquor stores.

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DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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Sec. 142-305. Prohibited uses.

- (a) The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in article IV, division 2 of this chapter and in chapter 6.
- (b) Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, are the following:
 - (1) Hostels;
 - (2) Outdoor entertainment establishments;
 - (3) Neighborhood impact establishments;
 - (4) Open air entertainment establishments;
 - (5) Bars;
 - (6) Dance halls;
 - (7) Entertainment establishments (as defined in section 114-1 of this Code);
 - (8) Pawnshops;
 - (9) Tobacco and vape dealers;
 - (10) Check cashing stores;
 - (11) Convenience stores;
 - (12) Occult science establishments;
 - (13) Souvenir and T-shirt shops;
 - (14) Tattoo studios.

(c) Except as otherwise provided in these land development regulations, prohibited uses along Normandy Drive and 71st Street are the following:

- (1) Tobacco and vape dealers;
- (2) Package liquor stores;
- (3) Check cashing stores;
- (4) Occult science establishments;
- (5) Tattoo studios.

(d) Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district along the Alton Road corridor, generally bounded by West Avenue, Michigan Avenue, 5th Street, and 20th Street include the following:

- (1) Package 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 _____, 2021.

ATTEST:

Rafael E. Granado, City Clerk

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

First Reading: December 8, 2021
Second Reading: January ____, 2022

Mayor Dan Gelber

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney NK
11-2-21
Date