

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION AND CITY ATTORNEY'S OFFICE TO INCLUDE A 2:00 A.M. TERMINATION TIME FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN OUTDOOR AREAS ON PRIVATE PROPERTY, WITHOUT EXCEPTION, IN THE COMPREHENSIVE ALCOHOL LEGISLATION TO BE PREPARED AT THE DIRECTION OF THE CITY COMMISSION AT ITS JANUARY 12, 2022 MEETING.

WHEREAS, on November 2, 2021, pursuant to Resolution No. 2021-31824, the following ballot question was submitted to the City's voters:

Non-Binding, Straw Ballot Question: Citywide - Changing Alcoholic Beverage Establishments Sales/Consumption Termination Time

City law allows, subject to exceptions, the sale and consumption of alcoholic beverages at Alcoholic Beverage Establishments throughout the City, from 8:00 a.m. until 5:00 a.m. the following day.

Would you support changing this 5:00 a.m. termination time to 2:00 a.m. throughout the City, with specific locations and related restrictions and exceptions, to be determined by City Commission by Ordinance?; and

WHEREAS, the ballot question was approved by 56.52% of the voters; and

WHEREAS, on January 12, 2022, a Special City Commission meeting was held to discuss the results of the straw ballot referendum and consider different options to implement the will of the voters; and

WHEREAS, at the meeting, the Administration presented several options to facilitate a discussion and obtain policy direction; and

WHEREAS, all of the proposed options contemplated a 2:00 a.m. termination time for outdoor areas, without exception; and

WHEREAS, the City Commission also discussed whether to adopt a 2:00 a.m. termination time for certain residential neighborhoods, without exception; and

WHEREAS, separate items have been placed on the January 20, 2022 City Commission meeting agenda to eliminate existing exceptions in the Land Development Regulations from the 2:00 a.m. termination time for the South of Fifth neighborhood, the Alton Road/West Avenue corridors, and the 41st Street corridor; and

WHEREAS, in addition to the other items on the January 20, 2022 agenda, and pursuant to the discussion on January 12, 2022, the City Commission desires to provide clear direction to the City Administration and City Attorney's Office to include a 2:00 a.m. termination time for all outdoor areas, without exception, in the comprehensive alcohol legislation to be drafted and presented to

the City Commission either at a Special Commission Meeting called by the Mayor, or at such other time as directed by the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration and City Attorney's Office to include a 2:00 a.m. termination time for the sale and consumption of alcoholic beverages in outdoor areas on private property, without exception, in the comprehensive alcohol legislation to be prepared at the direction of the City Commission at its January 12, 2022 meeting.

PASSED and ADOPTED this ____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Nick Kellegis 1/19/2022
for City Attorney Date

(Sponsored by Commissioner Alex Fernandez)