

From: [Frank DelVecchio](#)
To: [Commissioner Mark Samuelian](#)
Cc: [Mooney, Thomas](#); [Kallergis, Nick](#); [Rafael A. Paz](#); [Mayor Dan Gelber](#); [Meiner, Steven](#); [Commissioner Ricky Arriola](#); [Richardson, David](#); alexfernandez@miamibeachfl.gov; KristenRosenGonzalez@miamibeachfl.gov; [Keith Marks](#); [Ronald Starkman](#); [Clare McCord](#); [Kelly Oneil-Holding](#); [Alyson](#)
Subject: Existing Alcoholic Beverage Hours South of Fifth: Already Latest Consumption Limit is 2AM.
Date: Tuesday, February 8, 2022 4:58:08 PM

NOTE FOR COMMISSIONER SAMUELIAN at al.

There is no need for further legislation restricting service and consumption of alcoholic beverages south of Fifth Street other than that already codified, after significant effort by residents, the planning department and city attorney.

Any ordinances being considered for alcoholic beverage service and consumption hours should leave intact the regulations successfully in place on which residents and commercial establishments south of Fifth have relied for years.

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City Code. Performance Standard Districts Sec. 142-693. Permitted uses....

- (i) Additional regulations for alcoholic beverage establishments located south of 5th Street.
- (1) The following additional regulations shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located south of 5th Street:
 - (i) Operations shall cease no later than 2:00 a.m., except as otherwise provided herein.
 - (ii) Operations in outdoor or open air areas of an alcoholic beverage establishment shall cease no later than 12:00 a.m., except as otherwise provided herein.
 - (iii) Alcoholic beverage establishments with sidewalk cafe permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served, shall cease sidewalk cafe operations no later than 12:00 a.m. (except as otherwise provided herein), and shall not be permitted to have outdoor speakers.
 - (iv) Outdoor bar counters shall be prohibited.
 - (v) No special events permits shall be issued.
 - (vi) The provisions of this subsection (i)(1) shall not apply, to the extent the requirements of this subsection are more restrictive, to an alcoholic beverage establishment with a valid business tax receipt that is in application status or issued prior to June 28, 2016; or an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired prior to June 28, 2016.
- A. Existing sidewalk cafes issued a sidewalk cafe permit as of June 28, 2016, for alcoholic

beverage sales after 12:00 a.m., with food service, may continue to be renewed, but shall not serve alcoholic beverages later than 1:30 a.m., and alcoholic beverages may not be consumed at sidewalk cafes after 2:00 a.m.

B. Should an alcoholic beverage establishment with a sidewalk cafe permit under (A), above, be delinquent in a payment obligation to the city, and/or receive two final adjudications of violations of [section 12-5](#) (special event permit), [section 46-152](#) (noise ordinance), or [chapter 82](#), article IV, division 5 (sidewalk cafe ordinance), that alcoholic beverage establishment shall only be allowed to serve alcoholic beverages at its sidewalk cafe until 12:00 a.m. for a 12-month period.