

Sunset Harbour Outdoor Restaurant Seating Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-310, ENTITLED "SPECIAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO ALLOW ADDITIONAL OUTDOOR SEATING FOR RESTAURANTS THAT FRONT ALTON ROAD AND ARE LOCATED SOUTH OF 18TH STREET, SUBJECT TO SPECIFIC CRITERIA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, 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 Sunset Harbour neighborhood is composed of a mixture of residential, light industrial, and low intensity service, restaurants and retail uses; and

WHEREAS, the Mayor and City Commission desire to encourage uses that are compatible with the scale and character of the neighborhood; and

WHEREAS, the City has reviewed the condition of CD-2 properties in the Sunset Harbour neighborhood that front Alton Road, including existing restaurant establishments; and

WHEREAS, Sunset Harbour has unique cultural, retail, and dining experiences that are vital to Miami Beach's local economy; however, the City Commission desires to attract new, high-quality restauranters to the east side of the neighborhood, along Alton Road; and

WHEREAS, the City, with input from residents and businesses, has determined that the restrictions on outdoor dining that apply generally to the Sunset Harbour neighborhood are not applicable to the limited number of properties that front Alton Road, south of 18th Street; and

WHEREAS, the amendments set forth below provide additional seating capacity and extended hours of operation for restaurants in the subject area; and

WHEREAS, the amendments set forth below are necessary to accomplish the objectives above.

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," Division 5, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

DIVISION 5. CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-310. Special regulations for alcoholic beverage establishments.

* * *

- (b) *Sunset Harbour neighborhood.* The following additional requirements shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located in the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south.
- (1) Operations shall cease no later than 2:00 a.m., except that outdoor operations (including sidewalk cafe operations) shall cease no later than 12:00 a.m.
 - (2) Alcoholic beverage establishments may not operate any outside dining areas or accessory bar counters above the ground floor of the building in which they are located; however, outdoor restaurant seating, associated with indoor venues, not exceeding 40 seats, may be permitted above the ground floor until 8:00 p.m. Notwithstanding the foregoing, the provisions of this subsection (b)(2) shall not apply to the following:
 - a. As it pertains to outside dining areas only, but not outdoor bar counters (which are prohibited), restaurants that front Alton Road and are located south of 18th Street, provided the total number of outdoor dining seats located above the ground floor, which must be associated with an indoor restaurant, shall not exceed 100 seats. Additionally, the combined total number of seats within the outdoor and indoor portions of restaurants above the ground floor shall not exceed 240 seats.
 - b. Any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that was issued prior to August 23, 2016, or to a proposed establishment that has submitted a completed application for an alcoholic beverage establishment to a land use board prior to August 23, 2016, or to 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 August 23, 2016.
 - (3) Except as may be required by any applicable fire prevention code or building code, outdoor speakers shall not be permitted. Notwithstanding the foregoing, the provisions of this subsection (b)(3) shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that was issued prior to August 23, 2016, or to a proposed

establishment that has submitted a completed application for an alcoholic beverage establishment to a land use board prior to August 23, 2016, or to 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 August 23, 2016.

- (4) Special events shall not be permitted in any alcoholic beverage establishment.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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 10 days after passage


PASSED AND ADOPTED this ____ day of 2023.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK 3-10-23
Date

Underline denotes additions
~~Strike through~~ denotes deletions

First Reading: March 27, 2023
Second Reading: April 28, 2023

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