

Alcohol Sales – Distance Separation and Delivery Hours

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED “ALCOHOLIC BEVERAGES,” ARTICLE I, ENTITLED “IN GENERAL,” BY AMENDING SECTION 6-3 THEREOF, ENTITLED “HOURS OF SALE/VIOLATIONS,” TO CLARIFY THAT PACKAGE STORES AND RETAIL STORES (INCLUDING, BUT NOT LIMITED TO, GROCERY, CONVENIENCE STORES, AND GASOLINE SERVICE/FILLING STATIONS), MAY ONLY MAKE DELIVERIES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION DURING HOURS WHEN RETAIL SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ARE PERMITTED; AND BY AMENDING SECTION 6-4, ENTITLED “LOCATION AND USE RESTRICTIONS,” TO AMEND THE REGULATIONS PERTAINING TO MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR PACKAGE STORES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (“City”) regulates the location, size, hours of operation, minimum distance separation and minimum patron age for uses that permit the sale and consumption of alcoholic beverages in Chapter 6 of the City Code, entitled “Alcoholic Beverages”; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the City, and it serves the health, safety, and welfare of the City’s residents and visitors, to amend the distance separation requirements and clarify delivery hours for the sale of alcoholic beverages for off-premises consumption; and

WHEREAS, this Ordinance strikes a balance between (i) the public safety concerns associated with the sale of alcoholic beverages; (ii) the convenience of the City’s residents and visitors who desire to purchase alcoholic beverages, as well as the economic vitality of the City’s retail stores; and (iii) the City’s interest in enforcing uniform regulations throughout particular neighborhoods and commercial districts; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 6-3, entitled “Hours of Sale,” of Article I, of Chapter 6, of the City Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 6
ALCOHOLIC BEVERAGES
ARTICLE I. In General

* * *

Sec. 6-3. Hours of sale/violations.

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a state license, and shall be according to the following schedule:

(1) Retail stores for package sales only-Off-premises consumption. Vendors may make sales of alcohol only for off-premises consumption, including, if permitted by State law, for delivery, between the hours of 8:00 a.m. and midnight.

A. Notwithstanding subsection (a)(1), vendors located in the MXE mixed use entertainment district, that portion of the CD-2 commercial medium intensity district adjoining the MXE district along Washington Avenue between 5th Street and 16th Street, and that portion of the CD-2 district adjoining the MXE district along the east side of Collins Avenue (between 73rd and 75th Streets) may make sales of alcohol only for off-premises consumption, including, if permitted by State law, for delivery, between the hours of 10:00 a.m. and 8:00 p.m.

(2) Retail stores, including, but not limited to, grocery, convenience stores, and gasoline service/filling stations. Retail stores, including, but not limited to, grocery, convenience stores, and gasoline service/filling stations, which primarily offer for sale products other than alcoholic beverages may only make sales of beer and wine only for off-premises consumption, including, if permitted by State law, for delivery, between the hours of 8:00 a.m. and midnight.

A. Notwithstanding subsection (a)(2), retail stores, including, but not limited to, grocery, convenience stores, and gasoline service/filling stations, that are located in the MXE mixed use entertainment district, that portion of the CD-2 commercial medium intensity district adjoining the MXE district along Washington Avenue, between 5th Street and 16th Street, and that portion of the CD-2 district adjoining the MXE district along the east side of Collins Avenue (between 73rd and 75th Streets), and which primarily offer for sale products other than alcoholic beverages may only make sales of beer and wine, including, if permitted by State law, for delivery, ~~only~~ between the hours of 10:00 a.m. and 8:00 p.m.

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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:

* * *

(3) Retail stores for off-premises consumption. The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 1,500 feet. ~~A retail store primarily selling~~

~~alcoholic beverages may obtain conditional use approval from the planning board to operate at a lesser distance from an existing store, but in no event shall such a store open at a distance less than 700 feet from an existing store. There shall be no variances from this distance separation requirement.~~

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 Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered 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 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 ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND LANGUAGE
AND FOR EXECUTION



City Attorney

11-17-21
Date

NK

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

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