

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: January 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 16-0081. Liquor Store Exterior Appearance – Minimum Design Standards**

REQUESTS

PB 16-0081. LIQUOR STORE EXTERIOR APPEARANCE – MINIMUM DESIGN STANDARDS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 3, "SUPPLEMENTARY USE REGULATIONS," BY CREATING SECTION 142-1112, "PACKAGE LIQUOR STORE DESIGN STANDARDS"; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On September 14, 2016, the City Commission referred this item to the Land Use and Development Committee (Item R5R). On September 21, 2016, the item was discussed and continued to a date certain of November 16, 2016. On November 16, 2016 the Land Use Committee discussed the item and recommended that the City Commission refer the attached ordinance to the Planning Board for consideration.

On December 14, 2016, the City Commission referred the item to the Planning Board (Item C4 G). The item is sponsored by Vice-Mayor Joy Malakoff & co-sponsored by Commissioner Ricky Arriola.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The uses proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not Applicable – The proposed Ordinance will not modify the scale of development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed will not modify the intensity of development.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable – The existing boundaries are not proposed to be modified by the proposed Ordinance.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to enhance the City's commercial areas makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change will not adversely affect living conditions in the neighborhood, and is intended to safeguard commercial areas from potential impacts of liquor stores.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposal does not modify the scale of development and will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposal will not be a deterrent to the improvement or development of adjacent property.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

ANALYSIS

At the September 21, 2016 Land Use Committee meeting, the Administration was instructed to draft standards for the appearance of package stores. Attached is a draft ordinance, creating Sec. 142-1112, and establishing minimum design standards for package liquor stores, as follows:

- (a) No more than 35% of the square footage of storefront windows and doors may contain the display of alcoholic beverage products and the container size of said products shall be no smaller than a standard “fifth of liquor” size bottle.
- (b) Notwithstanding the regulations in Chapter 138, no more than 2% of storefront windows may be covered with alcoholic beverage products.
- (c) Subject to the approval of the Historic Preservation or Design Review Board, as applicable, art display walls may be proposed. The proposed display areas in any storefront windows facing a street or sidewalk shall only contain artwork; retail merchandise or signage shall not be displayed at any time in conjunction with artwork display.

Additionally, the proposal establishes the following minimum standards for the interior layout and signage for accessory uses within liquor stores:

- (1) No stacking of boxes within 10'-0" of the storefront.
- (2) No shelving within 10'-0" of the storefront.
- (3) The interior layout of the cashier and check-out counter shall be located a minimum distance of 10'-0" from all storefront glass and the main entrance.
- (4) One 10 square foot table display or case display may be located up to 5'-0' from the storefront glass.
- (5) No ATM, currency service, lottery, check cashing services, or other ancillary use signage shall be permitted.
- (6) All coolers and or refrigerated cases shall be located a minimum of 20 feet from any storefront glass.

The proposed amendment will improve the aesthetic quality of package liquor stores, thus enhancing the quality and appeal of the City's commercial districts.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM

Liquor Store Exterior Appearance – Minimum Design Standards

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 IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 3, "SUPPLEMENTARY USE REGULATIONS," BY CREATING SECTION 142-1112, "PACKAGE LIQUOR STORE DESIGN STANDARDS"; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, retail stores for off-premises consumption in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, Alton Road and Ocean Drive; and

WHEREAS, the City Code allows certain uses within commercial districts, which, absent mitigation, could be incompatible with dense urban landscape of the community; and

WHEREAS, it is in the best interest of the City to develop and enforce minimum design standards relating to the appearance of package liquor stores, city wide in order to further protect and enhance the general health, safety and welfare of the community; 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 IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," Is Amended as follows:

Sec. 142-1112. - Package Liquor Store Design Standards.

- (a) No more than 35% of the square footage of storefront windows and doors may contain the display of alcoholic beverage products and the container size of said products shall be no smaller than a standard "fifth of liquor" size bottle.
- (b) Notwithstanding the regulations in Chapter 138, no more than 2% of storefront windows may be covered with alcoholic beverage products.
- (c) Subject to the approval of the Historic Preservation or Design Review Board, as applicable, art display walls may be proposed. The proposed display areas in any storefront windows facing a street or sidewalk shall only contain artwork; retail merchandise or signage shall not be displayed at any time in conjunction with artwork display.
- (d) The following minimum standards shall apply to all package stores:
 - (1) No stacking of boxes within 10'-0" of the storefront.
 - (2) No shelving within 10'-0" of the storefront.
 - (3) The interior layout of the cashier and check-out counter shall be located a minimum distance of 10'-0" from all storefront glass and the main entrance.
 - (4) One 10 square foot table display or case display may be located up to 5'-0' from the storefront glass.
 - (5) No ATM, currency service, lottery, check cashing services, or other ancillary use

- signage shall be permitted.
- (6) All coolers and or refrigerated cases shall be located a minimum of 20 feet from any storefront glass.

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 _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: _____, 2017
Second Reading: _____, 2017

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