

MIAMI BEACH

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 16-0082. PROPOSED ORDINANCE AMENDMENT TO INCREASE
DISTANCE SEPARATION FOR PACKAGE STORES.**

REQUESTS

PB 16-0082. AMENDMENT TO INCREASE DISTANCE SEPARATION FOR PACKAGE STORES. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL", SECTION 6-4, "LOCATION AND USE RESTRICTIONS", TO AMEND AND INCREASE THE DISTANCE SEPARATION BETWEEN RETAIL STORES FOR OFF-PREMISES CONSUMPTION FROM 300 FEET TO 1500 FEET; 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 H). The item was 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 too many package sales 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 directed to research the locations of existing package stores citywide. Attached is a list of such establishments, as well as a map showing the locations. Additionally, attached is a draft ordinance, amending Chapter 6 of the City Code, which increases the minimum distance separation of package stores from the current 300 feet to 1500 feet, as recommended by the Land Use Committee.

The current distance separation of 300 feet would allow for a package store on almost every block in the commercial districts. The measurement of the distance separation is from door to door as outlined below in the city code Chapter 6, Section 6-4. "Location and use restrictions:"

(b)

Determination of minimum distance separation.

(1)

For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcohol beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcohol beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

As a point of reference, the words liquor store, package sales, and retail store for off premises consumption are used interchangeably. The threshold to determine if an establishment is subject to the distance separation regulations is if the establishments are "retail stores primarily selling alcohol beverages." If the establishment's floor plan uses more than 50% of the floor area to sell alcohol it is subject to these regulations. Otherwise, if the sale of alcohol in less than 50% of the floor area, it is considered a convenience store or other type of retail establishment, which does not have a distance separation requirement in the code for alcohol sales.

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/TUI

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**Increase the Distance Separation Between Retail Stores for Off-premises
Consumption Citywide**

ORDINANCE NO. _____

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER
6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL",
SECTION 6-4, "LOCATION AND USE RESTRICTIONS", TO
AMEND AND INCREASE THE DISTANCE SEPARATION
BETWEEN RETAIL STORES FOR OFF-PREMISES
CONSUMPTION FROM 300 FEET TO 1500 FEET; 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, Chapter 1, of the Land Use Element, Objective 2, "Land Use Compatibility," of the City's 2025 Comprehensive Plan (hereinafter "Plan"), specifies that the City's land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses; and

WHEREAS, Policy 2.1 of the Plan provides that the land development regulations shall continue to address the location and extent of nonresidential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in [the Future Land Use] Element; and

WHEREAS, Policy 2.2 of the Plan provides that development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility; and

WHEREAS, compatibility shall be achieved by one or more of the following: (1) enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts; (2) enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval; (3) *enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible*; and (4) the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings; and,

WHEREAS, it is in the best interest of the City to create a distance separation, city wide, for certain uses, as there is a proliferation of certain uses, which can result in incompatibility with the residential districts, and 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 6, "Alcoholic Beverages," Article I, "In General," Section 6-4, "Location and use restrictions," is hereby amended as follows:

CHAPTER 6

ALCOHOLIC BEVERAGES

* * *

ARTICLE I. – IN GENERAL

* * *

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 alcohol beverages for consumption off the premises as a main permitted use shall be ~~300~~ 1,500 feet.

* * *

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. 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 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. 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

(Sponsored by Commissioner Michael Grieco)

First Reading: _____, 2017

Second Reading: _____, 2017

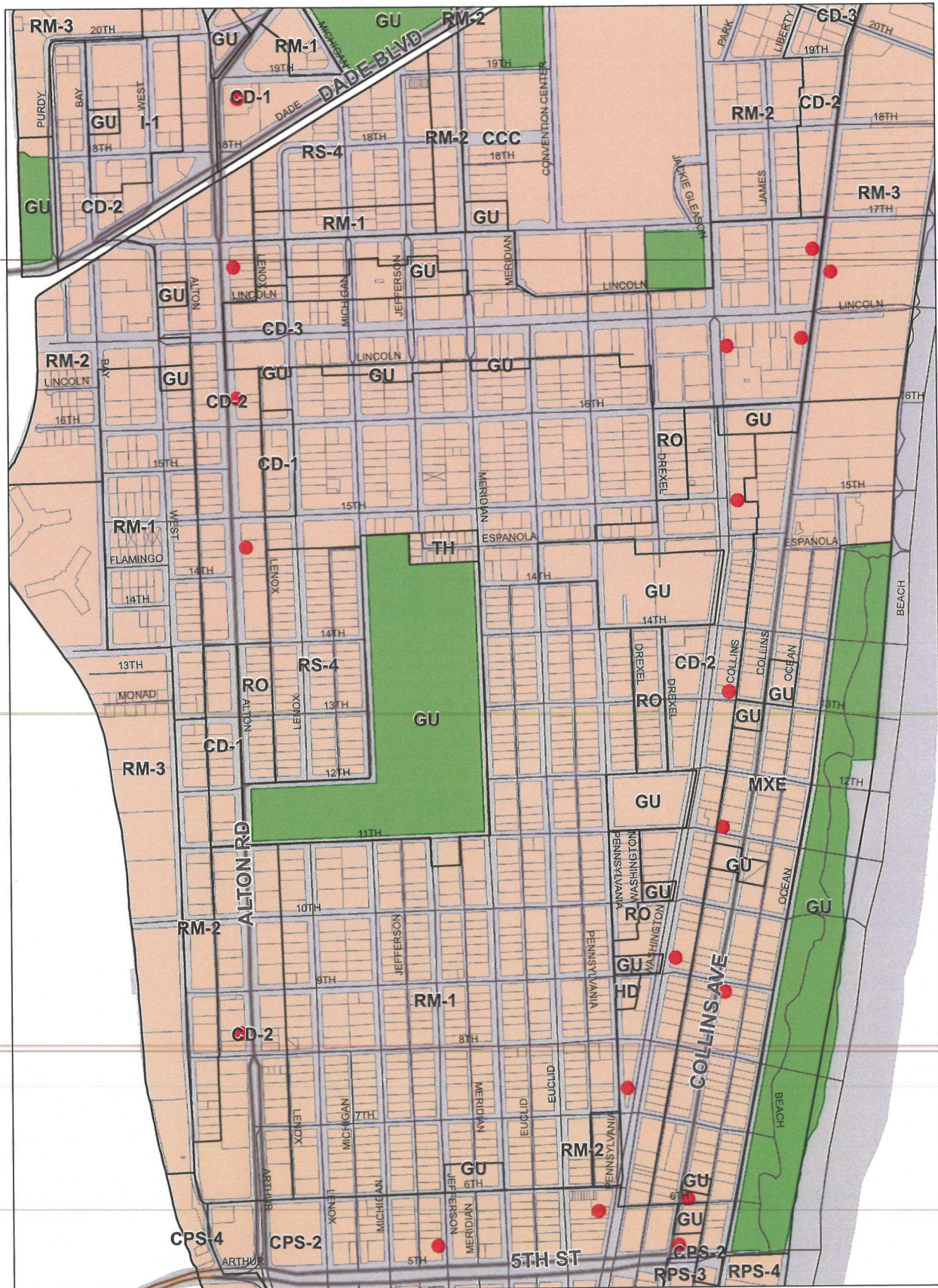
Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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Existing Licensed Package Liquor Stores - Citywide

1491 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
2401 COLLINS AVENUE	MIAMI BEACH, FL 33140
211 71ST STREET	MIAMI BEACH, FL 33141
710 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
1445 ALTON ROAD	MIAMI BEACH, FL 33139
865 COLLINS AVENUE	MIAMI BEACH, FL 33139
6604 COLLINS AVENUE	MIAMI BEACH, FL 33141
7317- 7319 COLLINS AVENUE	MIAMI BEACH, FL 33141
3801 COLLINS AVENUE	MIAMI BEACH, FL 33140
1632 COLLINS AVENUE	MIAMI BEACH, FL 33139
601 COLLINS AVENUE	MIAMI BEACH, FL 33139
1681 ALTON ROAD	MIAMI BEACH, FL 33139
1678 COLLINS AVENUE	MIAMI BEACH, FL 33139
814 ALTON ROAD	MIAMI BEACH, FL 33139
1631 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
227 13TH STREET	MIAMI BEACH, FL 33139
915 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
2897 COLLINS AVENUE	MIAMI BEACH, FL 33140
865 COLLINS AVENUE	MIAMI BEACH, FL 33139
500 SOUTH POINT DRIVE	MIAMI BEACH, FL 33139
2236 COLLINS AVENUE	MIAMI BEACH, FL 33139
6880 COLLINS AVENUE	MIAMI BEACH, FL 33141
1609 ALTON ROAD	MIAMI BEACH, FL 33139
2401 COLLINS AVENUE	MIAMI BEACH, FL 33140
1000 71ST STREET	MIAMI BEACH, FL 33141
1678 COLLINS AVENUE	MIAMI BEACH, FL 33139
544 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
211 11 STREET	MIAMI BEACH, FL 33119
1631 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
524 JEFFERSON AVENUE	MIAMI BEACH, FL 33139
1845 ALTON ROAD	MIAMI BEACH, FL 33119
2000 NORMANDY DRIVE	MIAMI BEACH, FL 33141
6700 COLLINS AVENUE	MIAMI BEACH, FL 33119
7340 COLLINS AVENUE	MIAMI BEACH, FL 33141
1669 COLLINS AVENUE	MIAMI BEACH, FL 33139
501 COLLINS AVENUE	MIAMI BEACH, FL 33139

Package Liquor Stores South Beach



Legend

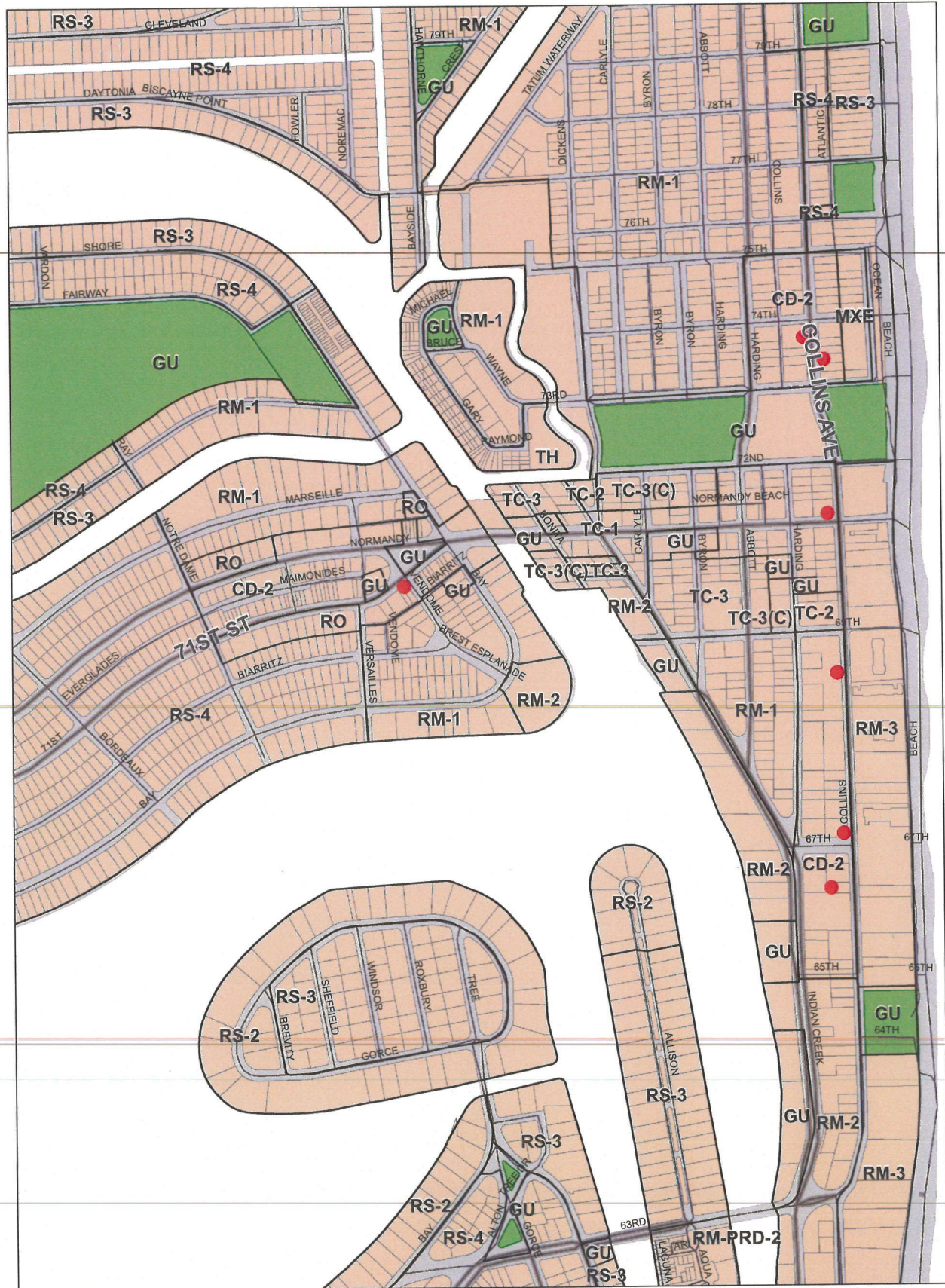
- ZONING
- Parks
- Package Liquor Stores
- Streets
- Parcels

0 300 600 900 1,200 1,500 Feet

This map has been created by the Planning Department for informational use ONLY



Package Liquor Stores North Beach



Legend

- ZONING
- Parks
- Package Liquor Stores
- Streets
- Parcels

0 300 600 900 1,200 1,500 Feet

This map has been created by the Planning Department for informational use ONLY

