

Rooftop Alcohol Establishments – CUP Requirement

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 “MIAMI BEACH RESILIENCY CODE,” CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II, ENTITLED “DEFINITIONS,” SECTION 1.2.2, ENTITLED “USE DEFINITIONS,” SUBSECTION 1.2.2.4, ENTITLED “COMMERCIAL,” BY AMENDING AND EXPANDING THE DEFINITION OF NEIGHBORHOOD IMPACT ESTABLISHMENT TO INCLUDE ROOFTOP ALCOHOLIC BEVERAGE ESTABLISHMENTS ADJACENT TO PROPERTIES WITH A RESIDENTIAL UNIT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend and enhance the current requirements in the City Code pertaining to rooftop venues; and

WHEREAS, rooftop alcoholic beverage establishments, if not properly regulated, can become a nuisance and negatively impact adjacent residential properties, the impacts of which can be difficult to control; and

WHEREAS, rooftop alcohol establishments can negatively impact the character of neighborhoods and quality of life for surrounding residents and businesses; and

WHEREAS, stronger requirements and Planning Board review for rooftop alcoholic beverage establishments will promote the general health, safety and welfare of the residents of the City; 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 1 of the Miami Beach Resiliency Code, entitled “General Provisions,” Article II, entitled “Definitions,” is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

* * *

ARTICLE II. DEFINITIONS

* * *

SECTION 1.2.2. USE DEFINITIONS

* * *

1.2.2.4 Commercial

* * *

Neighborhood impact establishment means:

- a. An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in Section 1.2.2), with an occupant content of 300 or more persons as determined by the chief fire marshal; or
- b. An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in Section 1.2.2), with an occupant content of 200 or more persons as determined by the chief fire marshal.
- c. An alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit.

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 renumbered or relettered 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 _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

First Reading: July 26, 2023
Second Reading: September 13, 2023



City Attorney NK Date 7-13-23

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