



City of Miami
Legislation
Ordinance 13734

City Hall
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Miami, FL 33133
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File Number: 1374

Final Action Date: 1/25/2018

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ALCOHOLIC BEVERAGES", BY REPEALING SECTIONS 4-1 THROUGH 4-76 IN THEIR ENTIRETY AND REPLACING THEM WITH NEW SECTIONS 4-1 THROUGH 4-11, MORE PARTICULARLY BY ADDING DEFINITIONS; PROVIDING FOR HOURS OF SALES; PROVIDING FOR AN APPROVAL PROCESS; PROHIBITING MINGLING; PROHIBITING ALCOHOL SALES DURING EMERGENCIES; PROVIDING REGULATIONS AND EXCEPTIONS TO DISTANCE SEPARATION; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida expressly shifts power to municipalities to enact ordinances regulating alcoholic beverages with regards to hours of operation, locations of business, and types of entertainment among others; and

WHEREAS, the City of Miami ("City") has incorporated regulations with respect to the sale of alcoholic beverages in Chapter 4 of the Code of the City of Miami, Florida, as amended ("City Code"); and

WHEREAS, the City wishes to restructure Chapter 4 of the City Code to promote clarity and simplicity that will help administer and enforce the appropriate alcoholic beverage standards throughout the City; and

WHEREAS, the City wishes to promote new small business investment associated with restaurants to open within the City and allow them to serve alcoholic beverages if the sale of alcoholic beverages is ancillary to the preparation and service of meals; and

WHEREAS, the City Commission, after careful consideration of this matter, deems it advisable and in the best interest of the general welfare of the City and its citizens to amend Chapter 4 of the City Code as hereinafter set forth;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as fully set forth in this Section.

Section 2. Chapter 4 of the City Code, entitled "Alcoholic Beverages", should further be amended by repealing Articles I and II including Sections 4-1 through 4-76 in their entirety.

Section 3. Chapter 4 of the City Code, entitled "Alcoholic Beverages", should be further amended in the following particulars:¹

"CHAPTER 4

ALCOHOLIC BEVERAGES

Sec. 4-1. Consumption restricted.

Consuming Alcoholic Beverages on the public streets, in vacant lots, or in places solely licensed to vend Alcoholic Beverages for consumption off the premises is unlawful and strictly prohibited.

The City Manager may declare an exemption from the prohibition of consuming Alcoholic Beverages as stated herein and declare the prohibitions inapplicable on special occasions. Such special occasions shall require a special event permit or temporary use permit, as applicable, with any associated notice and fees that may be required.

Sec. 4-2. Definitions.

(a) For the purposes of this Section, the following words and phrases shall have the meanings ascribed to them.

Alcoholic Beverages: Beer, wine, liquor, and any other beverage as defined in and regulated by Title XXXIV of the Florida Statutes, as amended.

Alcohol Service Establishment: Any establishment that sells or offers for sale Alcoholic Beverages for consumption on the premises as a principal use. Alcohol Service Establishments may include, but are not limited to, bars, taverns, cocktail lounges, Nightclubs, supper clubs, and microbreweries. Food service establishments where the sale of food is the primary use are excluded from the definition of Alcohol Service Establishment.

Ancillary Use: Any use which is not the primary use of the establishment.

Bottle Club: An establishment with a valid "bottle club" license issued by the State and where Alcoholic Beverages are not sold but where patrons are allowed to consume Alcoholic Beverages on the premises.

Café: An establishment in which coffee and light meals are served along with the sale of beer or wine for consumption on the premises and that may seat fewer than twenty (20) patrons pursuant to a valid license issued by the State in connection with the operation of said food service establishment. Cafés must derive at least sixty (60) percent of its gross food and beverage revenue from the sale of food and non-Alcoholic Beverages during the first sixty (60) day operating period and each six (6) month operating period thereafter. Cafés may include, but are not limited to, Cafés, coffee shops, sandwich shops, and cafeterias. Cafes shall not sell Alcoholic Beverages after the hours of serving or consumption of food have elapsed.

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Convenience Store: A retail business opened primarily for the sale of products other than beer or wine and which may sell beer or wine in sealed containers only for consumption off premises. Grocery stores are considered to be Convenience Stores for purposes of this Chapter.

Districts – Industrial: The following Transect Zones shall be considered Districts - Industrial for purposes of this Chapter: D1, D2, and D3.

Districts – Mixed-Use: The following Transect Zones shall be considered Districts - Mixed-Use for purposes of this Chapter: T4-L, T4-O, T5-L, T5-O, T6-L, T6-O, and CI-HD.

Districts – Residential: The following Transect Zones shall be considered Districts – Residential for purposes of this Chapter: T3-R, T3-L, T3-O, T4-R, T5-R, and T6-R.

Entertainment District: A district within the Urban Central Business District (“UCBD”) of the City which allows a high concentration of specialized entertainment Alcohol Service Establishments.

Liquor Package Store: An establishment licensed by the State to sell Alcoholic Beverages in sealed containers only for consumption off the premises. Consumption on the premises is strictly prohibited.

Miami 21 Code: The Zoning Ordinance of the City of Miami, Florida, as amended.

Nightclub: An Alcoholic Service Establishment where such business serves as a place of entertainment open at night providing music and space for dancing and often having a floor show. A Nightclub shall provide floor space of at least 400 square feet located in one (1) unit and on the same floor, suitably prepared for dancing, free from tables, chairs, or other obstructions at all times, and generally exceeds 5,000 square feet of total gross floor area.

Private Club: A non-profit establishment whose character is that of a fraternal or social nature and that sells or offers to sell Alcoholic Beverages by the drink for consumption on the premises pursuant to a valid license issued by the State.

Restaurant: A food service establishment that meets all of the following requirements:

- (1) Derives at least fifty-one percent (51%) of its gross food and beverage revenue from the sale of food and non-Alcoholic Beverages during the first sixty (60) day operating period and each twelve (12) month operating period thereafter;
- (2) Licensed by the State’s Division of Hotels and Restaurants;
- (3) Sells or offers for sale Alcoholic Beverages for consumption on the premises pursuant to a valid license issued by the State permitting such activity;
- (4) Equipped to seat at least twenty (20) patrons at one (1) time; and
- (5) Does not sell Alcoholic Beverages after the hours of serving or consumption of food have elapsed.

Retail Specialty Center: A mixed-use development with a minimum of 50,000 square feet of net leasable area made up of a retail mixture of general commercial establishments and Restaurants. In addition to the above, the following are required:

- (1) At least one (1) of the following types of uses: lodging, residential, assembly hall, or office use;
- (2) A unified plan of development which shall include, but not be limited to, plans providing for the different uses in the development to be physically integrated through direct access from one to the other;

- (3) Parking provided by an on-site enclosed garage; and
- (4) All project uses under common management.

Sale and Sell: Any transfer of an Alcoholic Beverage for consideration; any gift of an Alcoholic Beverage in connection with, or as a part of, a transfer of property other than an Alcoholic Beverage for a consideration; or the service of an Alcoholic Beverage pursuant to any license issued by the State pursuant to Florida Statutes.

Schools: Any public or private elementary school, middle school, or secondary school.

Shopfront: A frontage of a building that is aligned close to the frontage line with the building entrance opening to the sidewalk or street.

Specialty District: A district within a unique and distinctive neighborhood in the City which allows a high concentration of Alcohol Service Establishments.

Waterfront Specialty Center: A building or buildings with adjacent on-site parking spaces, under common ownership or common management, abutting or linked to a navigable water body, having a unified commercial plan of development, with a minimum of 50,000 square feet of leasable area, and containing a mixture of Restaurants, entertainment facilities, and general commercial establishments.

(b) None of the preceding provisions shall be deemed to modify, repeal, amend, or supersede any of the provisions in the Miami 21 Code.

Sec. 4-3. Hours during which Sales allowed; Permits and public hearing required.

(a) It shall be unlawful to Sell, serve, offer to Sell, allow to consume, or deliver any Alcoholic Beverage to any person, except during the following hours:

<u>Establishment Type</u>	<u>Hours of Operation</u>	<u>Notes</u>
<u>Alcohol Service Establishment</u>	<u>Mon – Sat:</u> <u>11:00 a.m. – 3:00 a.m.</u> <u>Sun:</u> <u>12:00 noon – 3:00 a.m.</u> <u>Nightclub:</u> <u>7:00 p.m. – 3:00 a.m.</u>	<u>Extension of hours to 5:00 a.m. allowed by Exception as outlined in Section 4-7.</u> <u>Extension of hours to 5:00 a.m. allowed by Right if located within the UCBD, Omni CRA, Central Design District, or Southeast Overtown/Park West CRA.</u> <u>Consumption on premises.</u>
<u>Bottle Club</u>	<u>Mon – Sun:</u> <u>11:00 a.m. – 3:00 a.m.</u>	<u>Consumption on premises.</u>
<u>Liquor Package Store</u>	<u>Mon – Sat:</u> <u>9:00 a.m. – 12:00 midnight.</u>	<u>Hours automatically extended to 10:00 p.m. on Sundays in December.</u>

	<u>Sun:</u> <u>9:00 a.m. – 7:00 p.m.</u>	<u>Consumption off premises.</u>
<u>Convenience Store</u>	<u>Mon – Sun:</u> <u>11:00 a.m. – 10:00 p.m.</u>	<u>Convenience Stores with a gross floor area that exceeds 10,000 s.f. and/or that are Ancillary Uses to the sale of gasoline may sell beer or wine in sealed containers for consumption off the premises during such hours as the stores legally remain open for the sale of other goods.</u> <u>Consumption off premises.</u>
<u>Lodging (Ancillary Use)</u>	<u>Mon – Sun:</u> <u>7:00 a.m. – 3:00 a.m.</u>	<u>Consumption on premises.</u>
<u>Private Club</u>	<u>Mon – Sun:</u> <u>7:00 a.m. – 3:00 a.m.</u>	<u>Consumption on premises.</u>
<u>Restaurant</u>	<u>Mon – Sun:</u> <u>7:00 a.m. – 3:00 a.m.</u>	<u>Consumption on premises.</u>
<u>Café</u>	<u>Mon – Sun:</u> <u>11:00 a.m. – 10:00 p.m.</u>	<u>Consumption on premises.</u>
<u>Other Establishments</u>	<u>Mon – Sun:</u> <u>7:00 a.m. – 3:00 a.m.</u>	<u>Consumption on premises.</u>

*Closing hours may be modified by Sections 4-5 and 4-6 of this Chapter.

(b) The City Commission may extend the hours of sale for any Alcohol Service Establishment for consumption on or off the premises on special occasions by resolution.

(c) In the Coconut Grove Central Commercial District, the hours of sale for Alcoholic Service Establishments are weekdays, including Saturday, from 11:00 a.m. to 3:00 a.m. on the following day and on Sunday, from 12:00 noon to 3:00 a.m. on the following day. The boundaries for the Coconut Grove Central Commercial District are set forth in Exhibit "P."

Sec. 4-4. Distance separation.

(a) For Alcohol Service Establishments, Liquor Package Stores, and Bottle Clubs: For purposes of this Chapter, any distancing requirements set forth shall be measured from the front door of a licensed establishment to the front door of a proposed establishment with the same license type along the route of ordinary pedestrian traffic.

(b) From Alcohol Service Establishments, Liquor Package Stores, and Bottle Clubs to Districts - Residential, religious facilities, or Schools: For purposes of this Chapter, any distancing requirements set forth shall be measured from the front door of a licensed establishment to the nearest point on a parcel of land along the route of ordinary pedestrian traffic.

(c) Distance separation within the City’s boundaries in Districts - Mixed-Use and Districts – Industrial for licensed establishments under the laws of the State that allow for the consumption or sale of liquor on or off the premises and/or beer or wine for consumption on the premises shall be a minimum of 1,500 feet from a license of the same type.

(d) The specified districts as set forth below are subject to the following modifications to distancing and use requirements for Alcohol Service Establishments only:

<u>District</u>	<u>Minimum Distance</u>	<u>Notes</u>
<u>UCBD</u> <u>Exhibit “A”</u>	<u>500 feet</u>	<u>Restaurants and Cafés are allowed by Right.</u> <u>Alcohol Service Establishments are allowed by Right in T6 Transect Zones.</u>
<u>Central Design District</u> <u>Exhibit “B”</u>	<u>500 feet</u>	<u>Restaurants and Cafés are allowed by Right.</u>
<u>Midtown</u> <u>Exhibit “C”</u>	<u>1,500 feet</u>	<u>Alcohol Service Establishments are allowed by Right.</u>
<u>Omni CRA</u> <u>Exhibit “D”</u>	<u>1,500 feet unless within the UCBD where 500 feet shall apply</u>	<u>Alcohol Service Establishments are allowed by Right in T6 Transect Zones.</u>
<u>Southeast Overtown/Park West CRA</u> <u>Exhibit “E”</u>	<u>1,500 feet unless within the UCBD where 500 feet shall apply</u>	<u>Alcohol Service Establishments are allowed by Right in T6 Transect Zones.</u>

(e) Existing establishments requiring distance requirements as set forth above may be moved to a distance not greater than 300 feet from the original location by Right. If the Alcohol Service Establishment prior to being moved is legal nonconforming to the provisions set forth under the Section identifying Distancing Requirements from Specified Uses to a School or a religious facility, the proposed location shall be located at a greater distance from a School or religious facility than the previous location of the Alcohol Service Establishment.

(f) Distancing Requirements from Specified Uses:

<u>Specified Use</u>	<u>Minimum</u>	<u>Notes</u>
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	<u>Distance</u>	
<u>District - Residential</u>	<u>500 feet</u>	<u>Unless so constructed, arranged, or controlled as to prevent the emission of sounds, vibration, and odors.</u> <u>For consumption on premises only.</u>
<u>Religious Facilities in UCBD*</u>	<u>300 feet</u>	<u>Does not apply to any licensed Alcohol Service Establishment that precedes the establishment of a religious facility.</u>
<u>Schools in UCBD*</u>	<u>300 feet</u>	<u>Does not apply to any licensed Alcohol Service Establishment that precedes the establishment of a School.</u>
<u>Religious Facilities in Districts – Mixed-Use* and Districts - Industrial*</u>	<u>300 feet</u>	<u>Does not apply to any licensed Alcohol Service Establishment that precedes the establishment of a religious facility.</u>
<u>Schools in Districts – Mixed-Use* and Districts - Industrial*</u>	<u>1,000 feet</u>	<u>Does not apply to any licensed Alcohol Service Establishment that precedes the establishment of a School.</u>

* Distance requirements may be modified by Sections 4-5 and 4-6 of this Chapter.

(g) Reductions in distance set forth above for consumption on premises establishments may be reduced by up to fifty percent (50%) by Exception issued by the Planning, Zoning and Appeals Board ("PZAB") with approval by the City Commission pursuant to criteria set forth in Section 4-10 of this Chapter and the requirements of the Miami 21 Code.

(h) The requirements as to distance limitations set out above shall not apply to the following specified uses nor shall establishments meeting the following requirements count as distance impacts to other establishments:

<u>Specified Use</u>	<u>Notes</u>
<u>Restaurants</u>	<ul style="list-style-type: none"> <u>Restaurants that meet the State requirement for the issuance of a 4COP SFS license. A Restaurant meeting the requirements of a 4COP SFS license may substitute said license with a 4COP Quota license.</u> <u>Restaurants not meeting the requirements set forth above shall be allowed the allocation of a 4COP Quota license by Warrant.</u> <u>Restaurants with a 2COP license.</u> <u>Restaurants shall have no signs advertising the sale of Alcoholic Beverages visible from the exterior.</u> <u>Restaurants shall always be subject to audit and inspection by the City for the purpose of determining that such establishments are complying with the requirements set forth in this Code.</u>
<u>Cafés</u>	<ul style="list-style-type: none"> <u>Cafés shall be allowed the use of a 2COP license by Warrant.</u>

	<ul style="list-style-type: none"> • <u>Cafés shall always be subject to audit and inspection by the City for the purpose of determining that such establishments are complying with the requirements set forth in this Code.</u>
<u>Residential or Mixed Use buildings</u>	<ul style="list-style-type: none"> • <u>For mixed use buildings with 100 – 299 dwelling units, one (1) Alcohol Service Establishment is allowed by Exception.</u> • <u>For mixed use buildings with 300 – 399 dwelling units, one (1) Alcohol Service Establishment is allowed by Right and one (1) additional Alcohol Service Establishment is allowed by Exception.</u> • <u>For mixed use buildings with 400 or more dwelling units, two (2) Alcohol Service Establishments are allowed by Right and one (1) additional Alcohol Service Establishment is allowed by Exception.</u> • <u>Alcohol Service Establishments with Shopfronts are not exempt from distance separation requirements.</u>
<u>Lodging</u>	<ul style="list-style-type: none"> • <u>One (1) Alcohol Service Establishment per 50 or more guestrooms or Historic Structures with one (1) or more rooms as provided by Florida Statutes.</u> • <u>Alcohol Service Establishments with Shopfronts not exempt from distance separation requirements.</u>
<u>Office or Work/Live</u>	<ul style="list-style-type: none"> • <u>One (1) Alcohol Service Establishment per 60,000 square feet devoted to and maintained for office space.</u> • <u>Alcohol Service Establishments with Shopfronts are not exempt from distance requirements.</u>
<u>Private Clubs</u>	<ul style="list-style-type: none"> • <u>Must be chartered in the County for not less than three (3) months.</u>
<u>Waterfront Specialty Center</u>	<ul style="list-style-type: none"> • <u>Must be located on City-owned property.</u> • <u>Allowed by Exception with City Commission approval.</u> • <u>Within any one (1) Waterfront Specialty Center, not more than 50 percent of the Waterfront Specialty Center's establishments shall be issued certificates of use or temporary certificates of use as an Alcohol Service Establishment.</u> • <u>If a Waterfront Specialty Center is located within a Specialty District or Entertainment District, the Alcohol Service Establishments within the Waterfront Specialty Center shall not be counted against the total number of Alcohol Service Establishments allowed within the Specialty District or Entertainment District.</u>
<u>Retail Specialty Center</u>	<ul style="list-style-type: none"> • <u>Shall not exceed one (1) Alcohol Service Establishment per 20,000 gross square feet of the retail component.</u> • <u>Shall not exceed five (5) total Alcohol Service Establishments.</u> • <u>If a Retail Specialty Center is located within a Specialty District or Entertainment District, the Alcohol Service Establishments within the Retail Specialty Center shall not be counted against the total number of Alcohol Service Establishments allowed within the Specialty District or Entertainment District.</u> • <u>One (1) security guard per 100 seats when Alcoholic Beverages are served for consumption on the premises is required.</u>

	<ul style="list-style-type: none"> • <u>Retail Specialty Centers are designated by development agreement approved by the City Commission or by determination of the Zoning Administrator as to the requirements set forth in Section 4-2 of this Chapter.</u>
<u>Special Uses for which special Alcoholic Beverage Licenses are issued by the State but for which Uses are not otherwise addressed herein</u>	<ul style="list-style-type: none"> • <u>Must meet State requirements for the corresponding license type.</u> • <u>Allowed as an Ancillary Use to the respective principal use with an active Certificate of Use or Temporary Certificate of Use.</u> • <u>Including, but not limited to, the following State licenses: H, HBX, SBX, SPX, SAL, SCX, SCC, SA, IX, X, SL, PVP, 11-PA-C, 11PA-P, FEX, SWP, 11C, 11CG, 11CGPC, 13CT.</u>

Sec. 4-5. Specialty Districts.

The restrictions as to distances between Alcohol Service Establishments herein shall not be applicable within a Specialty District as defined in Section 4-2 of the City Code as designated by the City Commission and pursuant to Section 562.45(2)(a), Florida Statutes. Location of Alcohol Service Establishments within a Specialty District shall not be utilized when calculating distance requirements of religious facilities and Alcohol Service Establishments located outside the Specialty District, whether existing or new. The following Specialty Districts within the City are described below:

<u>Specialty District</u>	<u>Permit and Cap</u>	<u>Hours of Closing</u>	<u>Notes</u>
<u>8th Street</u> <u>Exhibit "F"</u>	<u>Warrant</u> <u>No Cap</u>	<u>3:00 a.m.</u>	<ul style="list-style-type: none"> • <u>Shall not be located less than 500 feet from a School.</u> • <u>Shall not be located less than 300 feet from a religious facility.</u>
<u>Liberty City</u> <u>Exhibit "G"</u>	<u>Warrant</u> <u>30 Total</u>	<u>3:00 a.m.</u>	<ul style="list-style-type: none"> • <u>Shall be closed during School hours.</u> • <u>Shall not be located less than 300 feet from a School.</u>
<u>Little Haiti</u> <u>Exhibit "H"</u>	<u>Warrant</u> <u>20 Total</u>	<u>3:00 a.m.</u>	<ul style="list-style-type: none"> • <u>Shall be closed during School hours.</u> • <u>Shall not be located less than 300 feet from a School.</u>
<u>Orange Bowl</u> <u>Exhibit "I"</u>	<u>Warrant</u> <u>8 Total</u>	<u>3:00 a.m.</u>	<ul style="list-style-type: none"> • <u>Shall not be located less than 1,000 feet from a School.</u> • <u>Extension of hours to 5:00 a.m. allowed by Exception as outlined in Section 4-7.</u>
<u>Wynwood Café</u> <u>Exhibit "J"</u>	<u>Warrant</u> <u>No Cap</u>	<u>3:00 a.m.</u>	<ul style="list-style-type: none"> • <u>Shall be closed during School hours.</u> • <u>Shall not be located less than 500 feet from a School.</u> • <u>Shall not be located less than 500 feet between other Alcohol Service Establishments.</u>

<u>Flagler</u>	<u>By Right</u>	<u>5:00 a.m.</u>	• <u>Shall have no distance separation requirements from a School or religious facility.</u>
<u>Exhibit "R"</u>	<u>No Cap</u>		
<u>Miami Riverside</u>	<u>Warrant</u>	<u>5:00 a.m.</u>	• <u>Shall be closed during School hours.</u>
<u>Exhibit "S"</u>	<u>7 Total</u>		

Sec. 4-6. Entertainment Districts.

The restrictions as to distances between Alcohol Service Establishments herein shall not be applicable within Entertainment Districts as defined in Section 4-2 of the City Code and as designated by the City Commission. Location of Alcohol Service Establishments within Entertainment Districts shall not be utilized when calculating distance requirements of religious facilities and Alcohol Service Establishments located outside the Entertainment District, whether existing or new. The following Entertainment Districts within the City are described below:

<u>Entertainment District</u>	<u>Permit and Cap</u>	<u>Hours of Closing</u>	<u>Notes</u>
<u>Brickell Village</u>	<u>Warrant</u>	<u>5:00 a.m.</u>	• <u>Shall not be located less than 300 feet from a religious facility or a School.</u>
<u>Exhibit "K"</u>	<u>6 Total</u>		
<u>Brickell Riverside</u>	<u>Warrant</u>	<u>5:00 a.m.</u>	• <u>Shall not be located less than 300 feet from a religious facility or a School.</u>
<u>Exhibit "L"</u>	<u>5 Total</u>		
<u>Park West</u>	<u>Warrant</u>	<u>N/A</u>	• <u>Shall not be located less than 300 feet from a religious facility or a School.</u>
<u>Exhibit "M"</u>	<u>11 Total</u>		
<u>Media</u>	<u>Warrant</u>	<u>5:00 a.m.</u>	• <u>Shall not be located less than 300 feet from a religious facility or a School.</u>
<u>Exhibit "N"</u>	<u>7 Total</u>		
<u>Overtown</u>	<u>Warrant</u>	<u>5:00 a.m.</u>	• <u>Shall not be located less than 300 feet from a School.</u>
<u>Exhibit "O"</u>	<u>12 Total</u>		

4-7. Permits and Public Hearings.

(a) Alcohol Reservation. Any applicant who wishes to open an Alcohol Service Establishment within the City may submit an alcohol reservation letter request identifying the proposed location to the Office of Zoning for analysis along with a distance survey from a licensed and certified surveyor which addresses all distancing requirements from the proposed location within this Chapter if necessary to establish the use and provide payment of \$200.00 for processing. If the requirements as set forth in this Chapter are met, an alcohol reservation letter may be issued by the Zoning Administrator. Said alcohol reservation letter shall be valid for three (3) months from the date of issuance with the possibility of one (1) year extensions if the Zoning Administrator is presented with active building permits, submission of a Warrant application, lease agreement, or any other documentation which the Zoning Administrator deems to be evidence of reasonable progress in acquiring a Certificate of Use for an Alcohol Service Establishment at the proposed location. Each extension requires a letter of intent, the

proposed evidence of reasonable progress, and \$200.00 for processing. The alcohol reservation letter will reserve the location during the approved amount of time from encroachment of newly-proposed Alcohol Service Establishments, religious facilities, or Schools until the acquisition of a Certificate of Use from the Office of Zoning.

(b) Warrant. Where denoted in this Chapter necessary for approval, the property owner/applicant shall obtain a Warrant as specified in the Miami 21 Code. In reviewing a Warrant application, the Director of Planning shall apply the following supplemental review criteria in addition to the standard criteria for Warrants as specified in Article 4, Table 12 of the Miami 21 Code:

1. Operational plan. An operational/business plan that addresses hours of operation, number of employees, menu items, business goals, and other operational characteristics pertinent to the application.

2. Parking. Regardless of parking requirements specified in the Miami 21 Code, adaptive re-use of existing buildings for the use requested in the Warrant shall not require any additional parking; however, new buildings utilizing this exemption shall be required to provide a parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces, and the manner in which the parking is to be managed. By a separate Warrant (in addition to the Warrant required for the subject Alcohol Service Establishment), one hundred percent (100%) of the required parking may be located offsite within a distance of six hundred feet (600') from the subject Alcohol Service Establishment if the proposed parking is to be "self-park" and a distance of one thousand feet (1,000') from the subject Alcohol Service Establishment if the proposed parking is to be by "valet".

3. For Alcohol Service Establishments proposing capacities over three hundred (300) persons, an indoor/outdoor crowd control plan that addresses how large groups of people waiting to gain entry into the Alcohol Service Establishment and already on the premises will be controlled.

4. A security plan for the Alcohol Service Establishment and any parking facility.

5. For Alcohol Service Establishments proposing capacities over three hundred (300) persons, a traffic circulation analysis and plan that details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the Alcohol Service Establishment.

7. A plan depicting proximity of the proposed Alcohol Service Establishment to Districts - Residential.

8. If the proposed Alcohol Service Establishment is within two hundred feet (200') of any residential use, a noise attenuation plan that addresses how noise will be controlled shall be required.

(c) Exception. Pursuant to the Miami 21 Code, all Alcohol Service Establishments that require an Exception shall be subject to approval by the PZAB, and when required, final approval by City Commission. Alcohol Service Establishments requesting extensions of hours of

operations or variance from distance requirements shall only be permitted by process of Exception with final approval by the City Commission.

In determining the appropriateness of such request, the PZAB and the City Commission, as applicable, shall take into consideration the recommendation of the Department of Planning based on the following materials to be submitted by the applicant as criteria as well as the criteria listed in the Miami 21 Code:

1. An operational/business plan that addresses hours of operation, number of employees, menu items, business goals, and other operational characteristics pertinent to the application.
2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces, and the manner in which the parking is to be managed. The City Commission or the PZAB, as applicable, may grant approval for one hundred percent (100%) of the required parking to be located offsite within a distance of six hundred feet (600') from the subject Alcohol Service Establishment if the proposed parking is to be "self-park" and a distance of one thousand feet (1,000') from the subject Alcohol Service Establishment if the proposed parking is to be by "valet."
3. For Alcohol Service Establishments proposing capacities over three hundred (300) persons, an indoor/outdoor crowd control plan that addresses how large groups of people waiting to gain entry into the Alcohol Service Establishment and already on the premises will be controlled.
4. A security plan for the Alcohol Service Establishment and any parking facility.
5. For Alcohol Service Establishments proposing capacities over three hundred (300) persons, a traffic study and traffic circulation analysis and plan that details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the Alcohol Service Establishment.
7. Proximity of the proposed Alcohol Service Establishment to Districts - Residential.
8. If the proposed Alcohol Service Establishment is within two hundred feet (200') of any residential use, a noise attenuation plan that addresses how noise will be controlled shall be required, especially in the case of indoor/outdoor uses.

Sec. 4-8. Certificate of Use.

In addition to the requirements under Chapter 2 of the City Code and Article 7 of the Miami 21 Code, if upon request by the City proof of an alcohol license issued by the State is not submitted to the City's Zoning Administrator within sixty (60) days of the request, the Alcohol Service Establishment's Certificate of Use, Temporary Certificate of Use, and any approvals obtained under Chapter 4 of the City Code or the Miami 21 Code may be revoked by the Zoning Administrator.

If it is found that an Alcohol Service Establishment is in violation of any laws regarding health, safety, and welfare including but not limited to building codes, fire codes, the Miami 21 Code, or any health department regulations, the Certificate of Use or Temporary Certificate of Use shall be suspended for a period of thirty (30) days to allow the Alcohol Service Establishment to come

into compliance. If the Alcohol Service Establishment fails to come into compliance within thirty (30) days, the Certificate of Use or Temporary Certificate of Use shall be revoked.

Sec. 4-9. Employees not to mingle with customers.

It shall be unlawful for employees or entertainers in places dispensing Alcoholic Beverages for consumption on the premises to mingle or fraternize with the customers or patrons of such Alcohol Service Establishment.

Sec. 4-10. Prohibiting sales, etc., during emergency.

Whenever in the opinion and judgment of the Mayor, a public emergency shall be created or exist in the City causing or tending to cause public disorder, lawbreaking, and confusion, the City Manager is hereby authorized and empowered to prohibit by and through the issuance of his official decree the sale, serving, or consumption of Alcoholic Beverages for and during a period of twenty four (24) hours or such longer period of time as may be described in such decree at all commercial establishments and at all other places in the City where Alcoholic Beverages are licensed to be sold, served, or otherwise dispensed. In the issuance of such decree, the City Manager shall have the fact of the issuance and the contents of such decree broadcast by law enforcement communication device and by commercial radio stations and otherwise given publicity as quickly and as widely as shall be feasible. It is hereby declared to be illegal for any person operating, employed at, or otherwise controlling any of the establishments or other places described in this Section to sell, serve, or permit the consumption on the premises of Alcoholic Beverages during the period described in the decree of the City Manager provided for in this Section. Each violation of or noncompliance with any of the provisions of this Section shall constitute a separate offense and shall subject every person guilty thereof to the penalty prescribed in Section 1-13 of the City Code.

Sec. 4-11. Nightclub.

The additional regulations set forth below shall be applicable to all Alcoholic Service Establishments that have been designated as Nightclubs.

- (a) It shall be unlawful for any person to refuse or prevent or attempt to prevent reasonable inspection of any portion of any Nightclub premises by any City official during any hour in which a Nightclub is open for business.
- (b) A Nightclub business tax receipt issued by the City Manager's designee is required in addition to any other requirement to qualify that the applicant is of good moral character. In making such determination, the an applicant shall present to the City Manager's designee the following qualifications:
 - 1. *Certificate of Use*: Issued by the Office of Zoning.
 - 2. *State Licensure*: Issued by the Florida Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco.
 - 3. *Business tax receipt history*: Whether such applicant in previously operating in this or another state under a business tax receipt has had such business tax receipt revoked or suspended, and the reasons therefor.
 - 4. *General Personal History*: Such other facts relevant to the general personal history of the applicant as necessary to make a fair determination of the eligibility of the applicant.
- (c) Nonrenewal for certain convictions during a preceding year.
 - 1. No Nightclub business tax receipt shall be issued, renewed, or allowed a business name change at any time during a business tax receipt year at the location of any Nightclub that previously possessed a Nightclub business tax receipt when the holder or any managing agent or employee of the holder of a Nightclub business tax receipt at such location has been convicted of a violation of this Chapter or the alcoholic beverage laws of the State during the then-current business tax year or during a one-

year period to any application request therefor or during the City's tax year immediately preceding such new licensing year.

2. A designation of the conviction relied upon by the City under the foregoing paragraph may be obtained at or before the start of the business tax year or prior to the date such business tax receipt is sought by request made to the City Manager or designee.

3. Any person subject to the foregoing provision may request and obtain a hearing before the City Commission. After a public hearing, the City Commission may authorize or deny the issuance or renewal of new Nightclub business tax receipt to such person or grant or refuse the request for a change of name on a Nightclub business tax receipt providing any applicable provision of Section 31-35 is fulfilled relative to such request. A holder of a Nightclub business tax receipt for the year preceding the new business tax year, subject to the provisions of this Section, shall not be considered to be operating without a current Nightclub business tax receipt pending the hearing.

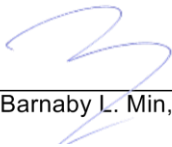
Sec. 4-12. Violation of State law.

It is intended that the provisions of this Chapter shall apply solely to those beverages constituting Alcoholic Beverages under the laws of the State. Every violation of the laws of the State relating to the sale of Alcoholic Beverages is hereby specifically made a violation of this Chapter with the same force and effect as if the provisions of such laws were fully set forth herein."

Section 4. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption.²

APPROVED AS TO FORM AND CORRECTNESS:



Barnaby L. Min, Deputy City Attorney

1/9/2018

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

