ORDINANCE NO. 2026-____

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 30, "ZONING," ARTICLE IV, "SUPPLEMENTAL REGULATIONS," DIVISION I, "IN GENERAL," SECTION 30-419, "SIDEWALK CAFÉ AND OPEN-AIR CAFÉ," TO PERMIT OPEN-AIR CAFÉS AS A PERMITTED ACCESSORY USE TO RESTAURANTS LOCATED WITHIN THE LIBERAL BUSINESS (B-3), LIGHT INDUSTRIAL (I-1), MEDIUM INDUSTRIAL (I-2), AND HEAVY INDUSTRIAL (I-3) ZONING DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Homestead, Florida (the "City Council") finds it periodically necessary to amend its Code of Ordinances (the "City Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Section 30-419, "Sidewalk Café and Open-Air Café," of the City Code currently authorizes open-air cafés as a permitted accessory use to restaurants located within the Restricted Retail Commercial (B-1) and Retail Commercial (B-2) zoning districts; and

WHEREAS, the Liberal Business (B-3), Light Industrial (I-1), Medium Industrial (I-2) and Heavy Industrial (I-3) zoning districts is permit full-service restaurants and other food service establishments as principal uses; and

WHEREAS, the City Council finds that permitting open-air cafés as an accessory use to restaurants located within the Liberal Business (B-3), Light Industrial (I-1), Medium Industrial (I-2) and Heavy Industrial (I-3) zoning district will promote economic vitality, and support both the commercial and industrial character of areas zoned Liberal Business (B-3), Light Industrial (I-1), Medium Industrial (I-2) and Heavy Industrial (I-3); and

WHEREAS, the City Council finds it necessary to amend Chapter 30, "Zoning," Article IV, "Supplemental District Regulations," Division 1, "Generally," Section 30-419, "Sidewalk Café and Open-Air Café," of the City Code to permit open-air cafés as a permitted accessory use to restaurants located within the Liberal Business (B-3), Light Industrial (I-1), Medium Industrial (I-2), and Heavy Industrial (I-3) zoning districts; and

WHEREAS, the City Council, sitting as the Local Planning Agency (LPA), has reviewed the proposed Ordinance and found it to be consistent with the City's Code and Comprehensive Plan, and recommended approval and adoption of this Ordinance to the City Council; and

WHEREAS, the City Council has reviewed this Ordinance at a duly noticed public hearing; and

WHEREAS, after reviewing the LPA recommendation, and comments from the public, the City Council finds the proposed Ordinance is consistent with the City's Code and Comprehensive Plan; and

WHEREAS, the City Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and in the public interest of citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA[1]:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. City Code Amended. That Chapter 30, "Zoning," Article IV, "Supplemental District Regulations," Division 1, "Generally," Section 30-419, "Sidewalk Café and Open-Air Café," of the City Code is hereby amended to read as follows:

Chapter 30 – ZONING

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ARTICLE IV. - SUPPLEMENTAL DISTRICT REGULATIONS

* * * * *

DIVISION 1. - GENERALLY

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Sec. 30-419. - Sidewalk café and open-air café.

A sidewalk café or open-air café shall be a permitted ancillary use operated in conjunction with a restaurant in the B-1 and B-2; an open-air café shall also be a permitted ancillary use operated in conjunction with a restaurant in the B-3, I-1, I-2, and I-3 zoning districts, subject to the following restrictions and conditions:

(1) Ancillary open air café dining operated on private property in conjunction with a restaurant located on private property.

* * * * *

[1] Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the City Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____ 2026.

PASSED AND ADOPTED on second reading this ____day of_____, 2026.

_____
Mayor Steven D. Losner

SPONSORED BY: COUNCILWOMAN ERICA G. ÀVILA

Attest:

_____
ELIZABETH SEWELL, MPA, MMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by _____ seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Steven D. Losner	_____
Vice Mayor Jenifer N. Bailey	_____
Councilwoman Erica G. Ávila	_____
Councilwoman Kimberly Konsky	_____
Councilman Clemente Canabal	_____
Councilman Sean L. Fletcher	_____
Councilman Larry Roth	_____