



## ITEM SUMMARY

**MEETING DATE:** March 4, 2024

**FROM:** Tanya Earley, Esq., Torcivia, Donlon, Goddeau & Rubin, P.A.

**SUBJECT:** **Ordinance 2024-10:**

Approving the sale of alcohol for on-premises consumption at the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road).

## BACKGROUND

Section 562.45(2), Florida Statutes, authorizes municipalities to enact ordinances to regulate the business hours and locations of establishments licensed to sell alcoholic beverages within the state. The statute prohibits the sale of alcohol for consumption on-premises within five hundred feet of a school, while allowing municipalities to waive the distance requirement upon a finding that such waiver promotes the public health, safety, and general welfare of the community. The same section requires waivers to be adopted utilizing the procedure for ordinances adopted under section 166.041(3)(c).

City code section 16-608(b), as amended, allows the City Council to grant a distance waiver, on a site-specific basis, and in accordance with state law. Sales for on-premises consumption approved under the proposed amendment to section 16-608(b) would be limited to beer, wine, and ale. The proposed ordinance allows the City Council to impose conditions of approval for the protection of health, safety, and the general welfare.

The owner of the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road) has requested a distance waiver under section 16-608(b), as amended, for the sale of beer, ale, and/or wine for consumption on-premises at the site.

On February 5, 2024, the City Council approved a special exception (Resolution 2024-08) and site plan (Resolution No. 2024-09) for the development of the site as a private club and associated outdoor recreational facilities with ancillary club café, retail, and events.

The City Council approved this petition on first reading March 4, 2024 by a vote of 4-0.

## ANALYSIS

The requested waiver would allow the sale of beer, wine, and ale for consumption on the premises. Planning staff have determined that such sales would be consistent with the existing special exception and site plan approvals for the property. In accordance with section 16-608(b), as amended, staff further recommends conditions of approval tailored to ensure the

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protection of health, safety, and the general welfare. The waiver would expire if the previously approved use of the site is discontinued for a period of 180 days or more.

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**FINANCIAL INFORMATION**

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There is no anticipated financial impact on the City.

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**LEGAL**

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City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

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**STAFF RECOMMENDATION**

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Staff recommends approval of Ordinance 2024-10.