

ORDINANCE NO. 2024-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 16-608, SPECIAL REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES NEAR A HOUSE OF WORSHIP OR A SCHOOL, TO ALLOW FOR DISTANCE WAIVERS CONSISTENT WITH CHAPTER 562, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, 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; and

WHEREAS, section 562.45(2), Florida Statutes, prohibits the sale of alcoholic beverages for on-premises consumption by establishments located within five hundred feet of schools, unless certain exceptions apply; and

WHEREAS, under section 562.45(2), a municipality may waive the distance requirement upon a finding that such waiver would promote the public health, safety, and general welfare of the community; and

WHEREAS, section 16-608(a) of the Zoning Code prohibits the sale of alcoholic beverages within five hundred feet of schools and houses of worship; and

WHEREAS, subsection 16-608(b) of the Zoning Code provides certain exceptions from the five hundred foot distance requirement; and

WHEREAS, it is the desire of the City Council to amend section 16-608(b) to provide an additional exception for the sale of beer, ale, and/or wine for on-premises consumption within five hundred feet of a school or place of worship, on a site-specific basis and upon findings consistent with section 562.45(2); and

WHEREAS, the Planning and Zoning Board of Appeals at a public hearing reviewed this Ordinance and recommended approval of the same; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Chapter 16, Article IV, Division 1, Section 16-608(b) is hereby amended as follows:

Sec. 16-608. Special requirements for the sale of alcoholic beverages near a house of worship or a school.

- (a) No establishment selling alcoholic beverages within the corporate limits of the city shall be operated or maintained within five hundred (500) feet of any established school or house of worship. The distance requirements within this section shall not apply in instances where houses of worship or schools are established within commercial intensive, commercial general and commercial neighborhood zoning districts. In no case shall the establishment of a new house of worship or school in any of the zoning districts specified above cause an existing business to be in violation of the provisions herein. The distance of five hundred (500) feet shall be measured as follows:
 - (1) Established schools and houses of worship where applicable: five hundred (500) feet from the closest perimeter property line of the overall site containing the establishment selling alcoholic beverages to the closest perimeter property line of the school facility or house of worship building.

- (2) The distance of five hundred (500) feet shall be measured by the shortest airline measurement between the two closest perimeter property lines.
- (b) The above and foregoing subsection (a) shall not apply to:
- (1) Restaurants having at least two thousand five hundred (2,500) square feet of service area and equipped to serve at least one hundred fifty (150) persons full-course meals at one (1) time, and deriving at least fifty-one (51) percent of their gross revenue from the sale of food and nonalcoholic beverages.
 - (2) A restaurant licensed under the Florida Statutes with full kitchen facilities which contain no public bar facilities, and which serve beer, ale and/or wine solely with food served at tables.
 - (3) Retail sales establishments having at least seven thousand five hundred (7,500) square feet of gross leasable area where the sale of beer and wine in packages for off-site consumption is incidental and subordinate to the principal use.
 - (4) An establishment that sells beer, ale and/or wine for on-premises consumption and has been approved by the city council to operate within 500 feet of a school. Such approval shall include the necessary findings and meet the procedural requirements set forth in F.S. § 562.45(2). The approval of a distance waiver under this subsection shall be on a site-specific basis and may be conditioned upon such requirements as the city council deems necessary to protect the public health, safety, and general welfare.

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part

or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

Section 5. Effective Date

The provisions of this Ordinance shall become effective immediately upon its adoption.

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Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this 18th day of March, 2024.

Joel Flores, Mayor

Voted:
John Tharp, Council Member, *District I*

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Deputy Mayor

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney