



## ITEM SUMMARY

**MEETING DATE:** March 4, 2024

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

**SUBJECT: Ordinance 2024-09:**

Amending code section 16-608(b) to allow a distance waiver for the sale of alcohol for on-premises consumption within five hundred feet of a school or house of worship

### 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.

Section 16-608(a) of the City's zoning code prohibits the sale of alcohol at establishments that locate within five hundred feet of an existing school or place of worship. Section 16-608(b) sets forth exceptions to these distance requirements. Currently, these exceptions apply only to table-service restaurants and retail establishments that are 7,500 square feet or larger. The proposed ordinance would provide an additional exception.

The Planning and Zoning Board of Appeal recommended approval at their meeting on February 8, 2024.

### ANALYSIS

The proposed ordinance would amend section 16-608(b) to allow the City Council to grant a distance waiver to other types of establishments, 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.

### FINANCIAL INFORMATION

There is no anticipated financial impact on the City.

### 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 2024-09.