

ORDINANCE NO. 2024-10

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, 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); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 562 and Chapter 166, Florida Statutes, is authorized and empowered to adopt ordinances related to the location and business hours of establishments that sell alcoholic beverages; 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 City's Zoning Code generally prohibits the sale of alcoholic beverages within five hundred feet of schools and houses of worship; and

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

WHEREAS, section 16-608(b), as amended, provides 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, upon findings consistent with section 562.45(2), and conditioned upon such requirements as are necessary to protect the public health, safety, and general welfare; and

WHEREAS, the City has received a request specific to the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road) for 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; and

WHEREAS, in Resolution No. 2024-08 and Resolution No. 2024-09, respectively, the City Council granted special exception and site plan approval for a private club and associated outdoor recreational facilities and ancillary club café, retail, and events on the said property; and

WHEREAS, the City Council has determined that, with the conditions set forth herein, the sale of beer, ale, and/or wine 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) would promote the health, safety, and general welfare of the community; 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. The foregoing recitals are incorporated into this Ordinance by reference.

Section 2. The City Council hereby approves the sale of beer, ale, and/or wine 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), subject to the following conditions:

a. All conditions of approval set forth in Resolution No. 2024-08, which is incorporated herein by reference; and

b. All conditions of approval set forth in Resolution No. 2024-09, which is incorporated herein by reference.

Section 3. By approving the property owner's request, subject to the foregoing conditions, the City Council finds that the sale of alcohol at the aforementioned site would promote the health, safety, and general welfare of the community.

Section 4. The approval granted in this Ordinance shall expire if the use of the property as described and approved in Resolution No. 2024-08 is discontinued for a period of 180 days or more.

Section 5. 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 6. 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 7. 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 ____ day of _____, 2024.

Joel Flores, Mayor

John Tharp, Deputy Mayor

Voted:

Attest:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Suzy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Voted:

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney