



AGENDA ITEM MEMORADUM

Development Services

Linda Connors *LC*

Department

Town Planner *EB*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> April 24, 2012	April 13, 2012

**Subject to Change*

- Presentation Reports Consent **Ordinance**
- Resolution Quasi-Judicial Old Business New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Proposed Amendments to Chapter 3. Alcoholic Beverages to Remove Distance Separation Requirement.

EXPLANATION: The proposed Ordinance 2012-09 (**Exhibit 1**) removes the existing 500' distance separation requirement between a church or school and a new business that wants to sell or serve alcohol.

The Commission approved this ordinance on first reading at their March 27, 2012 meeting.

RECOMMENDATION: Staff recommends approval of Ordinance 2012-09.

EXHIBIT 1: Ordinance 2012-09

Ordinance Prepared by Town Attorney
 Yes No

Town Manager Initials *CA*

1
2
3
4
5
6
7
8
9
10
11

ORDINANCE 2012-09

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE TOWN'S CODE OF ORDINANCES BY DELETING SECTION 3-3 "DISTANCE FROM CHURCH OR PUBLIC SCHOOL" TO ELIMINATE CERTAIN DISTANCE REQUIREMENTS FOR ALCOHOL SALES; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

12 **WHEREAS**, the Town of Lauderdale-By-The-Sea (the "Town") desires to encourage
13 and support the local tourism industry which is vital to the economic stability of the Town, and
14 has implemented policies encouraging the establishment of additional restaurants as a means of
15 supporting the tourism industry and increasing the viability of its economy; and

16 **WHEREAS**, the Town Code of Ordinances ("Town Code") does not permit bars or
17 nightclubs, and alcohol sales are limited to restaurants or stores located in the B-1-A and B-1
18 Business zoning districts which are mapped in the downtown/Commercial Boulevard corridor
19 ("commercial areas"); and

20 **WHEREAS**, the Town Code currently requires that there be a minimum distance
21 separating uses licensed to sell alcohol from churches and public schools; and

22 **WHEREAS**, several churches already exist within the commercial areas in close
23 proximity to establishments which serve alcohol; and

24 **WHEREAS**, the unavailability of development sites suitable for public school
25 development makes the existing distance requirement for public schools moot; and

26 **WHEREAS**, the Town finds the elimination of the distance requirement for alcohol sales
27 and service from churches and public schools is in the best interests of the Town.

28 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
29 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

ORDINANCE 2012-09

30 **SECTION 1. Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as
31 being true, correct and reflective of the legislative intent underlying this Ordinance and are
32 hereby made a specific part of this Ordinance.

33 **SECTION 2. Amending Section 3-3.**Section 3-3“Distance from church or public
34 school.” of Chapter 3 “Alcoholic Beverages” is hereby deleted in its entirety as follows:

35 **Sec. 3-3. Distance from church or public school.**

36 ~~No license shall be issued to any location within 500 feet, by airline~~
37 ~~measurement, from any established church or school, measured from~~
38 ~~main entrance to main entrance, except that in case of a school to the~~
39 ~~nearest point of the school grounds used as part of the school facilities.~~
40 ~~Whenever a license has been lawfully procured and thereafter a church or~~
41 ~~school be established within a distance otherwise prohibited by law, the~~
42 ~~establishment of such church or school shall not be cause for the~~
43 ~~revocation of the license or prevent the subsequent renewal of same.~~
44

45 **SECTION 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance
46 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
47 shall in no way affect the validity of the remaining portions of this Ordinance.
48

49 **SECTION 4. Codification.** This Ordinance shall be codified.

50 **SECTION 5. Conflicts.** All prior ordinances or resolutions or parts thereof in conflict
51 herewith are hereby repealed to the extent of such conflict.

52 **SECTION 6. Effective Date.** This Ordinance shall become effective upon adoption on
53 second reading.

54 Passed on the first reading, this ____ day of _____, 2012.

55
56 Passed and adopted on the second reading, this ____ day of _____, 2012.

57
58
59
60
61
62

Mayor Roseann Minnet

ORDINANCE 2012-09

	First Reading	Second Reading
63		
64		
65	Mayor Minnet	_____
66	Vice-Mayor Sasser	_____
67	Commissioner Brown	_____
68	Commissioner Dodd	_____
69	Commissioner Vincent	_____
70	Attest:	

71
72
73 _____
74 **Town Clerk, June White, CMC**
75 **(CORPORATE SEAL)**

76 **Approved as to form:**
77
78
79 _____
80 **Town Attorney, Susan L. Trevarthen**