

INTRODUCED BY:
COUNCILOR WELDON



ORDINANCE NO. 2008-15

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, ARTICLE I IN GENERAL, SECTION 4-4 LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida:

Section 1. Chapter 4 Alcoholic Beverages, Article I In General, Section 4-4 Location Of Establishment is hereby amended as follows:

Sec. 4-4. Location of establishments.

(a) No license shall be granted or issued to any vendor selling alcoholic beverages at retail which derives fifty-one (51) percent or more of its annual gross revenue from the sale of alcoholic beverages ~~to operate a place of business selling alcoholic beverages at retail~~ within eight hundred (800) feet of the location of any business for which an existing license (deriving fifty-one (51) percent or more of its annual gross revenue from the sale of alcoholic beverages) has been issued to a vendor selling alcoholic beverages ~~at retail~~ or within eight hundred (800) feet of any established school or church.

(b) The provisions of subsection (a) above shall not apply to any licensed by the State of Florida Department of Business and Professional Regulation Division of Hotels and Restaurants having or applying for a 2-COP license.

(c) The locations of all places of business licensed to sell at retail alcoholic beverages containing more than one (1) percent of alcohol by weight on June 30, 1972, shall not in any manner be affected by this section, and the distance limitations provided for by this section shall not affect any licensed locations existing on June 30, 1972, issued to and held by any such vendor nor such vendor's right of renewal or transfer of any such license; except that the location of any such license existing on June 30, 1972, shall not be transferred to a new location in violation of this section.

(d) The provisions of this section prescribing distance limitations shall not apply to any bona fide hotel or motel containing not less than thirty-five (35) guest rooms or any restaurant having

two thousand five hundred (2,500) square feet of service area and equipped to serve one hundred fifty (150) persons full-course meals at one (1) time, and deriving not less than fifty-one (51) percent of its gross income from the sale of food and nonalcoholic beverages prepared, served and consumed on the premises, or grocery stores and drugstores licensed to sell ~~alcoholic beverages~~ beer and wine as defined by F.S 563.01 & 364.01 for off-premises consumption only.

(e) The distances provided for by this section in reference to the location or proposed location of a license of a vendor selling any alcoholic beverages ~~at retail~~ shall be measured as follows:

- (1) With respect to the location of another such license of such a business, or the transfer of any such license, by following the shortest route of ordinary pedestrian travel along public thoroughfares from the main entrance of any proposed location of any such business; and
- (2) With respect to the location of any established church or school, by following the shortest route of ordinary pedestrian travel along public thoroughfares from the main entrance of the proposed place of business to the main entrance to the church and, in the case of a school, to the nearest point of the school grounds in use as part of the facilities.

Section 2. The Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Richard A. Brown.	Yes
Vice Mayor Harriet Pruette	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor John Weldon	Yes

Passed on First Reading this 10th day of November, 2008.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette
Councilor Kara Tucker
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon

Passed on Second and Final Reading this day of , 2008.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney