

ORDINANCE NO. 1025-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CODE OF ORDINANCE SECTION 150-005, ALCOHOLIC BEVERAGES; BY REPEALING THE CURRENT ORDINANCE PROVISIONS AND ENACTING NEW CODE OF ORDINANCE SECTION 150-005, AUTHORIZATION FOR ENDORSEMENT OF APPLICATIONS FOR STATE OF FLORIDA ALCOHOLIC BEVERAGE LICENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE.**

**WHEREAS**, the limitations and restrictions related to the approval of State of Florida Alcoholic Beverage License applications by the City have existed for many years; and,

**WHEREAS**, up to the present time, virtually every application for the issuance of an Alcoholic Beverage License has required the granting of a variance by the City Board of Adjustment; and,

**WHEREAS**, as the years have passed, the variance approval process has become an unnecessary burden to the business community and the City; and,

**WHEREAS**, in many cases, the license application approval process has been sought numerous times for the same location; and,

**WHEREAS**, the current policy of the City Council is to encourage and assist business owners in the revitalization and redevelopment of the City business districts; and,

**WHEREAS**, the removal of the antiquated and unnecessary limitations and restrictions applicable to the issuance of zoning approvals for State of Florida Alcoholic Beverage Licenses in the City is consistent with the current "business friendly" policy of the City; and,

**WHEREAS**, the City Council has determined that it is both proper and appropriate, and in the best interests of the City and its citizens, to repeal the current ordinance provisions which limit and restrict the issuance of State of Florida Alcoholic Beverage Licenses in the City, and to replace the ordinance provisions with updated and more appropriate legislation:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That Code of Ordinance Section 150-005, Alcoholic Beverages, is hereby repealed and replaced by new Code of Ordinance Section 150-005, Authorization for Endorsement of Applications for State of Florida Alcoholic Beverage Licenses, as follows:

~~Sec. 150-005. Alcoholic beverages:~~

- ~~(A) Any of the following license categories allow the sale or consumption, on or off premises, of alcoholic beverages within specific area limitations:~~
- ~~(1) 1-APS-State of Florida License to sell beer only in sealed containers, only for consumption off premises:~~
- ~~(2) 1-COP-State of Florida license to sell beer only for consumption on premises, and in sealed containers for consumption off premises:~~
- ~~(3) 2-APS-State of Florida license to sell beer and wine in sealed containers, only for consumption off premises:~~
- ~~(4) 2-COP-State of Florida license to sell beer and wine for consumption on premises, and in sealed containers for consumption off premises:~~
- ~~(5) 3-PS-State of Florida license to sell beer, wine, and liquor in sealed containers only for consumption off premises:~~
- ~~(6) 4-COP (commonly referred to as "quota licenses" issued in accordance with the population within Dade County) State of Florida license to sell beer, wine, and liquor for consumption on premises, and in sealed containers for consumption off premises:~~

- ~~(7) 4-COP-S, 4-COP-SR, 4-COP-SRX—State of Florida license to sell beer, wine, and liquor for consumption on premises in conjunction with the operation of a bona fide restaurant, and to sell beer, wine, and liquor for consumption on premises in conjunction with the operation of a bona fide hotel, motel, or motor court.~~
- ~~(8) 11-C (club license)—State of Florida license to subordinate lodges or clubs of national fraternal or benevolent associations; golf clubs municipally or privately owned or leased; nonprofit corporations or clubs devoted to promoting community, municipal, or county development, or any phase of community, municipal, or county development; clubs fostering and promoting the general welfare and prosperity of members of showmen and amusement enterprises; clubs assisting, promoting, and developing subordinate lodges or clubs of national fraternal or benevolent associations; and clubs promoting, developing, and maintaining cultural relations of people of the same nationality.~~
- ~~(B) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under a 1-APS, 1-COP, 2-COP, or 2-APS State of Florida alcoholic beverage license in any district within 300 feet of any R district or within 500 feet of any church or public school.~~
- ~~(C) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under a 3-PS, 4-COP (quota license), 4-COP-S, 4-COP-SR, 4-COP-SRX, or 11-C State of Florida alcoholic beverage license in any district within 800 feet of any R district, or within 1,000 feet of any church or public school.~~
- ~~(D) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under any State of Florida alcoholic beverage license if the premises is located within 1,000 feet of any other licensed premises already in operation.~~
- ~~(E) The distances shall be measured in a direct air line between the nearest point on the boundary of the premises involved and the nearest point on the boundary of the district, school, church, or licensed premises.~~
- ~~(F) Should the City grant its zoning approval either by variance or otherwise, for the issuance of any State of Florida liquor license in any location within the City, the approval shall continue for the approved location as long as the use of the premises remains substantially the same as when the approval is granted. Should the approved premises change its use, either through change of ownership or otherwise, the zoning approval of the City must again be sought and given by the City within 60 days of be change of use through the appropriate City procedures.~~

150.005      Authorization for Endorsement of Applications for State of Florida Alcoholic Beverage Licenses.

- (A) Intent - It is the intent of this Ordinance to authorize the City Manager or Designee of the City to provide the required zoning approval endorsement on applications for the issuance of the State of Florida Alcoholic Beverage Licenses for business establishments in the Commercial Districts of the City.
- (B) Covenant Required - Zoning approval endorsement by the City Manager or Designee of the City shall be specifically conditioned upon the agreement of each license holder that at least fifty-one (51%) percent of all revenues received by the licensed establishment shall be from the sale of food and food products. The aforesaid agreement shall be memorialized in a "Covenant Running with the Land" which shall be recorded in the public records of Miami-Dade County contemporaneously with the City's endorsement of the application for the Alcoholic Beverage License.
- (C) Covenant Exceptions - The execution and recording of a "Covenant Running with the Land" shall not be required from applicants for Alcoholic Beverage Licenses for the following uses:
1. Supermarkets or other retail food sale establishments.
  2. Convenience stores; stand alone or in conjunction with a gas/service station.
  3. Restaurants operating under an SRX State of Florida Alcoholic Beverage License.
  4. Package stores; where permitted by District Boundary Regulations.
  5. Bars; where permitted by District Boundary Regulations.
  6. Entertainment establishments and private clubs; where permitted by District Boundary Regulations.
- (D) Review and Approval Process - All applicants seeking zoning approval endorsement by the City shall provide the City Manager's office with a sworn letter of intent/explanation of the business venture seeking the issuance of a beverage license and the State of Florida Alcoholic Beverage application requiring endorsement. The City Manager or Designee of the City shall review the documentation submitted and advise the applicant of the decision of the City within ten (10) business days.
- (E) Elimination of Prior Restrictions and Limitations. The enactment of this Ordinance will eliminate all the prior distance restrictions and limitations previously utilized by the City to withhold or condition the City's endorsement

of zoning approval application provisions for the issuance of State of Florida Alcoholic Beverage Licenses in the City.

**Section 2:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 3:** That the codifiers are hereby directed to codify this Ordinance in the proper manner and format of the City of Miami Springs Code of Ordinances

**Section 4:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs,

Florida this 22 day of AUGUST, 2011.

The motion to adopt the foregoing Ordinance was offered by  
VICE MAYOR BEST  
seconded by COUNCILMAN ESPINO  
and on roll call the following vote ensued:

Vice Mayor Best : AYE  
Councilwoman Ator: AYE  
Councilman Espino : AYE  
Councilman Lob : AYE  
Mayor Garcia: : AYE



Xavier M. Garcia  
ZAVIER GARCIA, MAYOR

ATTEST:

APPROVED AS TO LEGALITY AND FORM:

Magali Valls  
MAGALI VALLS, CMC  
City Clerk

JAN K. SEIDEN  
CITY ATTORNEY

*Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.*