



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
11/20/2019	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	11/20/2019	Click or tap to enter a date.
		Public Hearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi Judicial:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
N/A	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Vanessa Leroy	Development Services	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Financial	<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Development, Redevelopment and Economic Development	
Implementation Timeline				
Estimated Start Date: Upon Adoption    Estimated End Date: Click or tap to enter a date.				

### SHORT TITLE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 5, "CODE OF ORDINANCES OF THE CITY OF HALLANDALE BEACH, FLORIDA; AMENDING SECTION 5-6, "DISTANCES BETWEEN BUSINESSES AND FROM SCHOOLS, CHURCHES AND PUBLIC PARKS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (First Reading)

## STAFF SUMMARY:

### **Summary**

The location of alcoholic beverage establishments which serve beer, wine or liquor for consumption on premises that are not restaurants, such as bars or lounges, is governed by zoning district regulations. However, when permitted by the zoning of the property, Chapter 5 of the Hallandale Beach Code of Ordinances further restricts the placement of such alcoholic beverage establishments by requiring 1,000 feet distance separation to another alcoholic beverage establishments serving beer, wine or liquor for consumption on premises.

The City of Hallandale Beach Administration is recommending the City Commission amend Chapter 5 of the Hallandale Beach Code of Ordinances to eliminate the present 1,000 feet inter-business restriction for establishments which serve alcoholic beverages for consumption on premises that are not restaurants.

### **Background**

Currently, Chapter 5 of the Hallandale Beach Code of Ordinances establishes interbusiness distance requirements between establishments selling beer, wine or liquor for consumption on or off-premises and to schools, public parks and places of worship.

### **Current Situation**

Pursuant to the provisions of Section 5-6, Section 5-6(b) of the City's Code of Ordinances, no establishment licensed to sell beer, wine or liquor for consumption on-premises may be located within 1,000 feet of another establishment licensed to sell beer, wine or liquor for consumption on or off-premises. The Section provides an exemption for restaurants. The Section defines restaurants as: *a public food service establishment where food is prepared and for immediate consumption on the premises having a full kitchen and more than 50% of its revenue is from a source other than alcoholic beverages*. Accordingly, the present regulations restricts businesses that only serves food incidentally in connection with serving alcoholic beverages, such as a bar or lounge, from locating near a similar business.

Section 5-6(d) also provides minimum distance standards between establishments that sell beer, wine or liquor for consumption on or off-premises in proximity to schools, public parks and churches. The present regulation also restricts businesses that serve food incidentally in connection with serving alcoholic beverages, such as a bar or lounge from locating near a school, park or house of worship.

In the past years, these restrictions have resulted in numerous waivers being requested and granted by the City Commission, such as for Xavier Cigar Lounge, Mas Vino which is no longer in operation, and most recently, Casa de Montecristo Cigar Lounge located in Atlantic Village 1. Applying for a waiver from the distance requirements for such establishments can delay the opening of the business and be costly, as the process involves filing fees, providing certified distance surveys, and a public hearing before the City Commission.

Staff checked with nearby municipalities (Hollywood, Ft. Lauderdale and Davie) and found that they do not have distance separation requirements between businesses which primarily serve alcoholic beverages for consumption on premises as recommended herein. Accordingly, staff is proposing to amend Section 5-6 to eliminate the existing distance separation between businesses that primarily serve sell alcoholic beverages for consumption on-premises and like businesses. The location of alcoholic beverage establishments would still be restricted by the zoning of the property.

### **Analysis**

The following is a summary of the proposed amendments in the attached Ordinance:

1. Eliminates the 1,000 feet distance separation requirements between businesses that serve alcoholic beverages for consumption on premises from another business that serve alcoholic beverages for consumption on premises which are not considered restaurants per the Section.
2. The 600 feet distance separation requirement between businesses that sell alcoholic beverages for consumption off premises (package sales) remains unchanged.
3. The 1,000 feet distance separation between businesses that sell alcoholic beverages for consumption on premises that are not considered restaurants (such as bars and lounges), or which sell alcoholic beverages for consumption off premises (package sales) from schools and houses of worship remains unchanged. The 500 feet distance separation from such businesses to public parks also remains unchanged.
4. An administrative process is created to allow the development services director to grant alcoholic beverage waivers when a proposed alcoholic beverage establishment for consumption on premises is within the specified distance of a house of worship, school or park. The administrative process would also apply to the specified distance of a house of worship and off-premise alcoholic beverage package sales establishment. The waiver would be granted by the director after proper notification and if no written protest is received from the affected party within 20 working days. The application would be submitted to the city commission for consideration at a public hearing if a written protest is received.
5. Waivers for off-premise alcoholic beverage sales within the specified distance to schools and parks would still require notification to the affected parties and city commission approval.

### **Conclusion**

The proposed action would support new alcoholic beverage establishments wishing to locate in Hallandale Beach by simplifying the process for approval to conduct their business in the City.

**Why Action Is Necessary**

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

**Cost Benefit:**

The proposed would also reduce the potential number of applications for waiver of the distance requirement for similar alcoholic beverage establishments, which have historically been consistently approved by the City Commission. However, it would also reduce the staff time spent on review, coordination and processing, equivalent to the potential revenue from such applications.

**PROPOSED ACTION:**

Staff recommends the City Commission approve Second Reading of the attached Ordinance.

**ATTACHMENT(S):**

Exhibit 1 – Ordinance