

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; SECTION 3.22. ALCOHOLIC BEVERAGES; SECTION 7.3 TOC-C CORRIDOR PERMITTED USES; SECTION 8.4 TOC-G GATEWAY PERMITTED USES; TOC-CC CITY CENTER PERMITTED USES; SECTION 22.3 PERMITTED USES; SECTION 23.3 PERMITTED USES; SECTION 2.2 TERMS DEFINED; PROVIDING FOR DELETION OF ALLOCATION OF LICENSES BY DISTRICTS; PROVIDING FOR DISTANCE RESTRICTIONS; PROVIDING FOR HOURS OF SALE FOR 1APS, 2APS, AND 3APS CLASSIFICATION FROM 7:00 A.M. TO 12:00 MIDNIGHT SUNDAY THROUGH SATURDAY; PROVIDING FOR APPLICATION PROCEDURES; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**SECTION 1:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article III General provisions, Section 3.22 Alcoholic Beverages, is hereby amended to read as follows<sup>1</sup>:

Section 3.22. - Alcoholic beverages.

(I) *Definitions.*

(A) The terms, words and phrases used in this chapter shall be defined as those words, terms and phrases are defined in the alcoholic beverage law of the State of Florida, known as

<sup>1</sup>CODING: Words in ~~struck-through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 Chapters 561, 562, 563, 564, 565, 567 and 568, Florida  
2 Statutes, as amended.

3  
4 (B) The term "license" as used in this chapter shall be  
5 defined as the city approval as is required by the rules and  
6 regulations of the state beverage department.

7 (II) *State beverage law adopted by reference; enforcement*  
8 *authority of city police.*

9  
10 (A) The provisions of Chapters 561, 562, 563, 564, 565,  
11 567, and 568 ~~and 569~~, Florida Statutes, relating to  
12 alcoholic beverages, except those sections thereof which are  
13 by their nature inapplicable to municipalities, are hereby  
14 adopted as a part of this Code as fully as if set forth  
15 herein in full.

16 (B) The city police department shall be charged with the  
17 duty of enforcing the provisions hereof and shall be vested  
18 with such power and authority as necessary in enforcing the  
19 beverage laws of the city and state in carrying out their  
20 duties hereunder.

21 (III) *Public consumption, possession, prohibited.*

22 (A) (1) It shall be unlawful for any person to drink or  
23 consume alcoholic beverages, or have in his/her  
24 possession any open container containing alcoholic  
25 beverages, including liquor, beer, or wine, in any  
26 commercial establishment ~~of bottle club~~ as defined by  
27 state law, on any public street, in any public park, in  
28 any public or quasipublic parking lot, or in any other  
29 public place, unless such place is licensed by the ~~city~~  
30 State of Florida for the sale of alcoholic beverages.

31 (2) For temporary City or Community Redevelopment  
32 Agency events, or outdoor promotional events approved  
33 by the Development Review Committee in accordance with  
34 the criteria contained in Section 3.24, outdoor sales  
35 and/or consumption of alcoholic beverages shall be  
36 permitted where:

37 ~~1-~~ (a) The sale and/or consumption of alcoholic  
38 beverages in a designated outdoor area is approved  
39 by the City Commission or the Development Review  
40 Committee; and

41 ~~2-~~ (b) A license from the State of Florida for said  
42 temporary event has been obtained

1           (3) This section shall not be construed to permit  
2           drinking or consumption of any of the beverages listed  
3           herein in public parking lots or in any other public  
4           place wherein adjacent stores may be licensed by the  
5           Ceity for the sale of alcoholic beverages.

6           (B) For this section, the definition of quasipublic shall  
7           be that private property where a private owner permits the  
8           general and common use of a street or way by the public  
9           such as parking lots, shopping centers, and those areas  
10          where the public is deemed to be invited. Quasipublic shall  
11          also include those portions of private property which are  
12          parking lots, streets, or common areas of apartment  
13          buildings, condominiums, mobile home parks, and like  
14          organizations, where the private owner or organization in  
15          control of said areas has requested ~~form~~ from the Ceity in  
16          writing that this section be enforced.

17       ~~(C) Reserved.~~

18       ~~(D)~~ (C) Those outdoor portions of any established golf  
19          course of which access is limited to only patrons who have  
20          paid the appropriate admission fees shall be considered  
21          private property and therefore exempt from the prohibitions  
22          of this section. The sale and consumption of alcoholic  
23          beverages shall be permitted in these areas upon approval  
24          of the Ceity Ceommission.

25       (IV)       *Exemption of vendors, etc., from city alcoholic*  
26       *beverage license tax.*

27       All vendors, distributors, manufacturers, [and] exporters of  
28       alcoholic beverages, as well as clubs and caterers, shall be  
29       exempt from the payment of a Ceity alcoholic beverage  
30       license tax; provided, this exemption shall not affect the  
31       levy of any ~~occupational license~~ Local Business Tax Receipt  
32       or other Ceity license authorized by state law.

33       (V)       *Authority of administration.*

34       The Director of Economic Development, or designee, is hereby  
35       authorized and directed to execute approvals for applicants  
36       for various types of beverage licenses pursuant to the  
37       provisions of this section.

38       (VI)       *Reserved ~~Enumeration of districts for allocation~~*  
39       *~~of licenses; adoption of alcoholic beverage district map.~~*

40       ~~The city is hereby divided into five (5) alcoholic beverage~~  
41       ~~districts to be designated Districts A, B, C, D and E. The~~  
42       ~~districts enumerated herein are defined as follows:~~

~~District A: All that part of the City of Margate lying west of the center line of the One Mile Canal; south of the center line of Royal Palm Boulevard; and north of the center line of the Cypress Creek (C-14) Canal.~~

~~District B: All that part of the City of Margate lying west of the center line of State Road 7 and north of the center line of Royal Palm Boulevard.~~

~~District C: Bounded on the north by the center line of Royal Palm Boulevard; on the east by the center line of State Road 7; on the south by the center line of the Cypress Creek (C-14) Canal; and on the west by the center line of the One Mile Canal.~~

~~District D: All that part of the City of Margate lying east of the center line of State Road 7; and north of the center line of the Cypress Creek (C-14) Canal.~~

~~District E: All that part of the City of Margate lying south of the center line of the Cypress Creek (C-14) Canal.~~

~~(VII) Reserved Allocation of licenses by district and category.~~

~~(A) The allocation of the various general categories of alcoholic beverage licenses shall be in accordance with the following schedule showing the category of alcoholic beverage licenses allocated per district. No approval shall be granted which would allow licenses in excess of the number allocated per category or allocated per district. In granting or denying a request for an initial, transfer or renewal alcoholic beverage license allocation, the Economic Development Department shall grant alcoholic beverage license allocations to only those establishments that are in compliance with the zoning provisions of this City Code.~~

~~(B) All applications or approvals for allocation of various categories of alcoholic beverage licenses pursuant to this section shall expire on the ninetieth day after application for said license is made unless the following shall transpire:~~

~~(1) That the license issued under this section is actively being utilized for the sale and/or consumption of alcoholic beverages; or~~

~~(2) A bona fide lease for a business contemplating the dispensing of alcoholic beverages pursuant to the license has been executed; or~~

~~(3) Commencement of construction (the granting and maintenance of a building permit) of a building owned by the applicant of the above alcoholic beverage license contemplating use of said alcoholic beverage license.~~

License	Districts				
	A	B	C	D	E
<del>2 APS Beer and wine Package sales only .....</del>	<del>6</del>	<del>11</del>	<del>16</del>	<del>21</del>	<del>10</del>
<del>3 APS Beer, wine and liquor Package sales only .....</del>	<del>3</del>	<del>4</del>	<del>3</del>	<del>5</del>	<del>3</del>
<del>2 COP Beer and wine consumed on premises .....</del>	<del>9</del>	<del>16</del>	<del>16</del>	<del>30</del>	<del>14</del>
<del>4 COP Beer, wine and liquor consumed on premises .....</del>	<del>6</del>	<del>9</del>	<del>7</del>	<del>15</del>	<del>7</del>
<del>4 COP SRX Beer, wine and liquor consumed on premises of 4,000 sf or greater .....</del>	<del>2</del>	<del>3</del>	<del>2</del>	<del>5</del>	<del>2</del>
<del>11 C Club only .....</del>	<del>3</del>	<del>2</del>	<del>5</del>	<del>7</del>	<del>3</del>
<del>11 CG Golf Clubs .....</del>	<del>1</del>	<del>1</del>	<del>0</del>	<del>0</del>	<del>0</del>
<del>Total authorized per district</del>	<del>30</del>	<del>46</del>	<del>49</del>	<del>83</del>	<del>39</del>
<del>Total authorized licenses</del>	<del>247</del>				

~~(C) All approvals for allocation of various categories of alcoholic beverage licenses pursuant to this section shall expire and be deemed abandoned automatically if a state license corresponding to the above granted by this section is not obtained from the Department of Business Regulations (State of Florida), Division of Alcoholic Beverages and Tobacco, and presented to the Economic Development Department within ninety (90) days of the date of approval by the city except as otherwise provided in subsection (B) above.~~

~~(1) A higher allocation may be utilized for a lesser allocation use. COP allocations, may be utilized for the same level or lower level allocation use. A club may only be operated as a club with no sales off premises.~~

~~(2) No establishment may hold more than one (1) allocation per location unless another specific license is granted by the State of Florida and is held by said establishment. Should any establishment request and be granted a different classification, then any former classification shall be deemed abandoned upon grant of the different allocation.~~

1 ~~(D) All approvals for various categories of alcoholic~~  
2 ~~beverage licenses pursuant to this section shall expire and~~  
3 ~~be deemed abandoned if the business holding the approval~~  
4 ~~pursuant to this section fails to renew or otherwise~~  
5 ~~maintain a state license issued by the Department of~~  
6 ~~Business Regulations (State of Florida), Division of~~  
7 ~~Alcoholic Beverages and Tobacco, corresponding to the above~~  
8 ~~granted by this section.~~

9 ~~(E) If any establishment selling or serving alcoholic~~  
10 ~~beverages is either destroyed or vacated such that they are~~  
11 ~~no longer selling or serving alcoholic beverages, upon~~  
12 ~~learning of same, the city shall as expeditiously as~~  
13 ~~possible update its records so that the allocation granted~~  
14 ~~to said establishment has been released or abandoned. The~~  
15 ~~city shall notify the holder of the allocation at their~~  
16 ~~last known address as shown on the allocation application~~  
17 ~~on file with the Economic Development Department, said~~  
18 ~~notice shall be sent by certified mail at least fourteen~~  
19 ~~(14) days in advance of the official release or abandonment~~  
20 ~~Each application for beverage allocation shall make note of~~  
21 ~~the above procedure.~~

22 ~~Unless it is shown by tangible evidence that the allocation~~  
23 ~~is being utilized for the serving or selling of alcoholic~~  
24 ~~beverages within a three-month period, said allocation~~  
25 ~~shall be deemed abandoned or released by the City of~~  
26 ~~Margate.~~

27 ~~(F) Transfers. If any business which is granted an approval~~  
28 ~~pursuant to this section shall be transferred or~~  
29 ~~foreclosed, the transferee or foreclosing entity shall be~~  
30 ~~entitled to retain said allocation as long as all criteria~~  
31 ~~for said licenses are met and the allocation is utilized at~~  
32 ~~the same location.~~

33 (VIII) *Distance restrictions.*

34 (A) *Distance restrictions from a house of worship, or*  
35 *school, or daycare.* No liquor license approval or beer and  
36 wine license approval for consumption on the premises shall  
37 be issued where the place of business designated in the  
38 application therefore is within one thousand (1,000) feet  
39 of a house of worship, or a public or private elementary,  
40 middle or high school, or child care center. The distance  
41 shall be measured from the main entrance or front door of  
42 such house of worship, ~~or school, or daycare~~ to the main  
43 entrance of such place of business in accordance with  
44 subsection (IX). For any location within any zone  
45 designated under any business classification to which a

1 license for the sale of liquor or beer and wine for  
2 consumption on the premises has previously been issued, and  
3 which license is subsisting and in use, no house of  
4 worship, ~~nonacademic~~ public or private elementary, middle,  
5 or high school, of instruction or child care center shall  
6 be permitted within one thousand (1,000) feet of said  
7 location. The distance shall be measured from the front  
8 door of the licensee to the main entrance of the house of  
9 worship, ~~nonacademic~~ school, of instruction or child care  
10 center. Any proposed use not meeting the specific distance  
11 restrictions listed above shall be prohibited.

12 (B) *Distance from adult bookstore or adult motion-picture*  
13 *theater.* No establishment for the sale of any alcoholic  
14 beverage for consumption on the premises shall be located  
15 within one thousand (1,000) feet, to be measured from front  
16 door to front door of said establishment by airline route,  
17 of an adult bookstore or adult motion-picture theater  
18 located within or without the corporate limits of the city.

19 (C) *Distance restrictions for 3APS (beer, wine, and liquor*  
20 *package sales only).* No establishment for package sales,  
21 with a 3APS classification, shall be located within one  
22 thousand five hundred feet (1,500) feet of another 3APS  
23 classified establishment.

24 (IX) *Distance measuring generally.* Measuring distances shall  
25 be from the front door of one (1) establishment to the front  
26 door of the other establishment, in determining the distances  
27 called for in this section, and according to the following  
28 rules:

29 (1) Distance will be the result of measured length along  
30 property lines abutting a street, going across the street,  
31 if necessary, in any direction.

32 (2) The starting point for the existing store or location  
33 will be established by drawing a line at ninety (90)  
34 degrees with or to the nearest property line. The starting  
35 point for the proposed store or location for an alcoholic  
36 beverage license will be established by drawing a line at  
37 ninety (90) degrees with or to the nearest property line of  
38 that proposed location.

39 (X) *Persons to whom sale prohibited.*

40 No person licensed under the provisions of this section or of  
41 state law shall give, sell, deliver, serve or permit to be  
42 served any alcoholic beverages or liquors, including wines or  
43 beers, as follows:

(1) To any person less than twenty-one (21) years of age, actually or apparently.

(2) To any person who is intoxicated.

(XI) *Hours of operation, sale and consumption on the premises.*

(A) *Generally.* The hours of sale of alcoholic beverages at any establishment, except for 1APS, 2APS, and 3APS classifications within the City shall be 8:00 a.m. to 12:00 midnight Monday through Saturday. Hours of sale for 1APS, 2APS, and 3APS classification within the City shall be 7:00 a.m. to 12:00 midnight Sunday through Saturday. Sunday hours for 2COP and 4COP classifications shall be 12:00 noon to 12:00 midnight. Sunday hours for 4COP SRX and 11C classifications shall be 10:00 a.m. to 12:00 midnight. Hours for establishments with special permit for extended hours shall be as provided in subsection (B) below. Hours for establishments with Sunday morning hours permit shall be as provided in subsection (C) below.

(B) *Special permits for extended hours.* The privilege to sell, serve or permit the consumption of alcoholic beverages at any commercial establishment between the hours of 12:00 midnight and 8:00 a.m. the following day is hereby declared to be a privilege subject to termination by the City Commission, and no person may reasonably rely on the continuance of said privilege. Any establishment which has not been granted or been approved for renewal of an extended hours permit by the City Commission may not operate beyond the hours provided in subsection (A) above. Any person or business entity which sells or serves alcoholic beverages for consumption on the premises may apply for a special permit for extended hours. ~~This subsection shall not apply to those establishments governed by subsection (XII) of this section.~~

*Presumption.* The presence of any alcoholic beverage not within an unopened container, along with individuals who are not employees, within an establishment serving alcoholic beverages after closing hour shall be presumed the unlawful sale or service of alcoholic beverages after permitted hours.

(1) *Vendors.* A special permit granted to a vendor of alcoholic beverages shall permit said vendor to sell, serve and allow consumption of alcoholic beverages on the premises.

The hours of sale of alcoholic beverages consumed or served on the premises where a state liquor license ~~and~~

city allocation for consumption on the premises has been approved, if a special permit pursuant to this section has been approved, are as follows:

*Special permit for extended hours:*

(a) From 8:00 a.m. until 2:00 a.m. of the following day, Monday through Thursday;

(b) From 8:00 a.m. Friday until 4:00 a.m. the following Saturday;

(c) From 8:00 a.m. Saturday until 4:00 a.m. the following Sunday;

(d) From 12:00 noon Sunday until 2:00 a.m. the following Monday;

(e) On New Year's Eve, the hours of sale shall be from 8:00 a.m. until 4:00 a.m. on New Year's Day;

(f) On March 17 (St. Patrick's Day), the hours of sale shall be from 8:00 a.m. until 4:00 a.m. on March 18; and

Extended hours shall not be permitted for sale at retail as package goods or for any other reason than consumption on the premises.

- (C) *Sunday morning hours permit.* Establishments with a 2COP or 4COP alcohol allocation that wish to serve alcohol before noon on Sunday may apply to the City Commission for a Sunday morning hours permit.

*Sunday morning hours permit:*

(a) Starting at 10:00 a.m. on Sunday, as an accompaniment to a full-course meal. If it is determined that alcohol is being served without food, then the Sunday morning hours permit shall be subject to revocation.

~~Extended hours shall not be permitted for sale at retail as package goods or for any other reason than consumption on the premises.~~

- (D) *Approval process and criteria for special permit for extended hours permit and Sunday morning hours permit.* The following criteria for granting, applying and renewing a special permit for extended hours and/or a Sunday morning hours permit:

(1) *Criteria for granting.* Each special permit for extended hours and each Sunday morning hours permit

1 shall expire on September 30 of each year or upon the  
2 change in ownership or location of any permitted  
3 establishment. The City Clerk shall place all  
4 applications for such permits on the agenda for the  
5 first regular Ceity Ceommission meeting to be held in  
6 September, or as soon thereafter as may be heard, and  
7 shall notify all qualified applicants of the place which  
8 their applications will be heard. ~~All initial~~  
9 ~~applications which are made pursuant to this section two~~  
10 ~~(2) weeks prior to September 30 of each year may be~~  
11 ~~considered by the City Commission on an individual basis~~  
12 ~~and if granted shall expire on September 30 of each~~  
13 ~~year.~~

14 All applications for transfer of ownership or location  
15 shall be deemed initial applications. However,  
16 applications for transfer of ownership or locations  
17 shall be automatically approved for a temporary period  
18 of thirty-five (35) days from the date of either the  
19 initial opening of an establishment serving alcoholic  
20 beverages or date transfer of ownership or location  
21 occurs.

22 At the end of the thirty-five (35) days proceeding,  
23 establishments shall be prohibited from serving  
24 alcoholic beverages except by permission of the City  
25 Commission pursuant to subsections (XI)(B) and (C).

26 The City Commission may grant or deny such special  
27 permits for extended hours or Sunday morning hours  
28 permit.

29 The criteria which the City Commission shall consider in  
30 making a decision whether to grant or deny a special  
31 permit for extended hours to an applicant shall be as  
32 follows:

33 (a) The amount of parking demands created by the  
34 establishment being considered, especially with  
35 regard to the adverse impact on adjacent residential  
36 areas or any illegal or hazardous parking, and  
37 whether the establishment being considered meets the  
38 criteria for current parking.

39 (b) The amount and degree of law and code  
40 enforcement activities being generated by the  
41 establishment being considered, both inside and  
42 outside the location, with emphasis on vandalism,  
43 noise, vehicular use by patrons and illegal activity  
44 of any kind by employees (including municipal

violations), patrons and others associated with the establishment during and immediately after the hours of operation.

(c) The adverse effect, if any, that the establishment will have on the neighboring properties, especially with respect to the effects of noise, parking, glare from headlights or exterior lighting on neighborhood residential properties.

(d) That an establishment be wholly enclosed, soundproofed and air conditioned, and any windows, doors or other openings kept closed except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood.

(e) Those criteria specified in the City Code.

(f) Conformance with property maintenance standards and municipal codes directly related to the establishment requesting extended hours.

The criteria which the City Commission shall consider in making a decision whether to grant or deny a Sunday morning hours permit to an applicant shall be as follows:

(a) That any alcohol served on Sunday between 10:00 a.m. and 12:00 noon shall only be served as an accompaniment to a full course meal.

(b) The amount and degree of law and code enforcement activities being generated by the establishment being considered, both inside and outside the location, with emphasis on vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees (including municipal violations), patrons and others associated with the establishment during and immediately after the hours of operation.

(2) *Applications.* Any person, vendor or place of business which has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages may apply for a special permit for extended hours. Any person, vendor or place of business which offers food service and has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages with a 2COP or 4COP allocation may apply for a Sunday morning hours permit. Any person, vendor or place of business desiring a special permit for extended hours or a Sunday

1 morning hours permit shall file with the Ceity Celerk a  
2 typewritten or printed application ~~to conduct business~~  
3 ~~at a specified location. Such application shall be made~~  
4 ~~upon the~~ on forms provided by the City. Such  
5 application, among other things, shall state the  
6 location where such business is to be conducted; the  
7 name of the applicant together with the names of the  
8 individuals operating a business under their own or  
9 under a trade name; the names of the officers or members  
10 of the firms engaged in any such business; the names of  
11 all individuals or business entities owning five (5) per  
12 cent or more of the assets of a business (excluding  
13 publicly owned corporations); the type of business  
14 license issued by the State of Florida and the number  
15 thereof. The applicant shall also furnish such other  
16 information as may be deemed reasonable by the City and  
17 shall pay the necessary license fee together with one  
18 hundred fifty dollars (\$150.00) application fee. No  
19 application may be deemed completed until the  
20 requirements of this paragraph are met.

21 The City Commission may require, as a condition of the  
22 privilege of extending hours of operation, compliance  
23 with any reasonable conditions deemed by the commission  
24 to be necessary to mitigate or eliminate the adverse  
25 effects of such extended hours. These conditions may  
26 include, without being limited to, provision by the  
27 owner or operator of the premises to provide at his  
28 expense additional off-street parking, security  
29 personnel, off-duty police personnel, screening and  
30 buffering from nearby properties. The City Commission  
31 may also require a cash bond in an amount they deem  
32 appropriate, but not in excess of two thousand five  
33 hundred dollars (\$2,500.00) to ensure that the  
34 conditions which have been required are faithfully  
35 performed. No bond as provided herein will be forfeited  
36 unless a hearing before the Ceity Ceommission is held  
37 and it is determined that the conditions which have been  
38 required have not been performed.

39 The granting of a special permit to a particular  
40 licensee has been and continues to be a privilege  
41 subject to modification or termination by the City  
42 Commission each year at renewal time, and no person may  
43 reasonably rely on a continuation of that privilege.

44 The licensee shall be deemed the owner of an  
45 establishment for which application has been made and  
46 any transfer of ownership or location shall necessitate

1 a new application to be made pursuant to this section.  
2 Should an establishment owned by an entity transfer five  
3 (5) per cent or more of its assets, said transfer shall  
4 be deemed to be a transfer of ownership, pursuant to  
5 this section -. ~~(This shall exclude~~ publicly owned  
6 corporations.)

- 7 (3) *Renewals.* The renewal of any special permit shall be  
8 determined by the City Commission in the manner  
9 specified in subsection (2) above. ~~All applications for~~  
10 ~~renewal shall be as provided in [subsection] (2) above.~~  
11 Applications shall be received by July 15 of each year.  
12 Completed applications for renewal which are not  
13 received by the City Commission by July 15 of each year  
14 shall pay a fee of three hundred dollars (\$300.00).

15 If prior to renewal time the city administration  
16 determines that any licensee has either violated a  
17 condition of renewal or is operating in a manner harmful  
18 to the public health, safety or welfare based upon the  
19 criteria specified in subsection (2) above, it may place  
20 on the City Commission agenda the matter of revoking the  
21 special permit issued. Such agenda items shall be  
22 publicly advertised in a newspaper of local circulation,  
23 and written notice of the charges against the licensee  
24 shall be sent to him at least fourteen (14) days in  
25 advance and shall also contain the day, time and place  
26 of such agenda item.

27 After consideration of the matter and allowing the  
28 licensee to be heard, the City Commission may revoke,  
29 modify or condition the special permit. The criteria to  
30 be used by the administration and City Commission in  
31 such matters shall be the criteria specified in  
32 subsection (2) above. Should the license or privilege be  
33 revoked, conditioned or modified, the licensee may seek  
34 review of such action, after three (3) months, before  
35 the City Commission. The commission may then modify or  
36 refuse to modify its action. Only one (1) such review  
37 shall be given within a twelve-month period.

38 No person, vendor or distributor of any place of  
39 business licensed under the provisions of this section  
40 or by the State of Florida, or any employee thereof,  
41 shall permit any person who is not a proprietor,  
42 licensed vendor or employee thereof to remain on the  
43 licensed premises beyond the legally authorized closing  
44 hour; provided however, if said premises are divided so  
45 that the portion of said premises where alcoholic

1 beverages are kept, stored or dispensed is segregated by  
2 partition and locked doors after the legal hour, then  
3 such prohibition shall not apply.

4 (XII) *Reserved.*

5 (XIII) *Violations declared, prohibited; penalty.*

6 It shall be unlawful for any person, firm or corporation to  
7 violate any of the provisions of this section or the state  
8 beverage laws incorporated herein; and said violation is  
9 declared to be a misdemeanor of the second degree, punishable  
10 as otherwise provided in the Florida Statutes.

11 (XIV) *Right of commission to recommend revocation and*  
12 *suspension of state licenses to state beverage department.*

13 The Ceity Ceommission retains the right to recommend to the  
14 state beverage department the revocation or suspension of any  
15 license upon cause appearing to the violation by any licensee  
16 of any of the laws of the State of Florida or of the United  
17 States or of any of the provisions of this section or  
18 ordinances of the Ceity or of his maintaining a nuisance or  
19 unsanitary premises, disorderly conduct on the premises where  
20 such beverage business is conducted, or permitting loud and  
21 boisterous noises to be made or loud and disturbing music to  
22 be played on said premises.

23 (XV) *Exceptions to section provisions.*

24 The following exceptions are made from the terms of this  
25 section or subsections as referred to:

26 (1) Vendors holding licenses for off-premises sales of beer  
27 or malt beverages, ~~shall not be subject to the distance~~  
28 ~~restrictions contained in subsection (VIII) of this section;~~

29 ~~(2) Vendors holding licenses for off-premises sale of wine,~~  
30 ~~fortified wine or beverages made of fresh fruits, berries~~  
31 ~~or grapes, either by natural fermentation or by natural~~  
32 ~~fermentation with brandy added, including all sparkling~~  
33 ~~wines, champagnes, combinations of the aforesaid beverages,~~  
34 ~~vermouths and like products, shall not be subject to the~~  
35 ~~distance restrictions contained in subsection (VIII) of~~  
36 ~~this section.~~

37 The exemption from distance regulations granted by this  
38 subsection shall not, however, permit the issuance of  
39 alcoholic beverage licenses to those persons or places or  
40 establishments excepted, where said establishment is  
41 located in a zoning district as defined in the zoning  
42 classification ordinances of the city, unless said

1 establishment qualifies as a previously existing  
2 nonconforming use in that district.

3 (XVI) Bottle clubs, as defined in Florida Statute 561.01, are  
4 prohibited within the City of Margate. ~~Applicability of~~  
5 ~~section provisions to bottle clubs.~~

6 ~~Except as where specifically exempted, bottle clubs shall~~  
7 ~~comply with all subsections of this section.~~

8 (XVII) *Prohibition of minors.*

9 (1) Definitions.

10 *Establishment whose primary business is the sale and*  
11 *consumption of alcoholic beverages:* A business where  
12 consumption of alcoholic beverages on the premises is  
13 permitted and where the sale of alcoholic beverages amounts  
14 to fifty (50) per cent or more of the gross receipts of the  
15 business in any given month.

16 *Adult:* An individual over the age of twenty-one (21) years.

17 *Minor:* An individual under the age of twenty-one (21)  
18 *years.*

19  
20 (2) Minors unaccompanied by an adult are prohibited from  
21 entering establishments whose primary business is the sale  
22 and consumption of alcoholic beverages.

23 (3) In establishments whose primary business is not for the  
24 sale and consumption of alcoholic beverages, but where an  
25 area has been set aside or separated for the sale of  
26 alcoholic beverages, minors are prohibited from entering  
27 said area unless accompanied by an adult.

28 (XVIII) *Nuisance abatement related to establishments*  
29 *serving alcoholic beverages.*

30 (1) Any place or premises serving alcoholic beverages  
31 pursuant to this chapter [appendix] may be declared to be a  
32 public nuisance, and such nuisance may be abated pursuant  
33 to the procedures provided in this section. The violations  
34 constituting a nuisance are as follows:

35 (a) On more than two (2) occasions within a six-month  
36 period as a site of a violation of F.S. § 796.07;

37 (b) On more than two (2) occasions within a six-month  
38 period as the site of the unlawful sale, delivery,  
39 manufacture, or cultivation of any controlled  
40 substance;

(c) On one (1) occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by [F.S.] § 874.03; or

(e) On more than two (2) occasions within a six-month period as the site of a violation of F.S. § 812.019 relating to dealing in stolen property.

(2) An administrative board composed of the Ceity Ceommission is hereby empowered to hear complaints regarding nuisances described in subsection (1). The administration of the Ceity may bring a complaint before the Ceity Ceommission after giving not less than three (3) days' written notice of such complaint to the owner of the place or premises at his or her last known address. After the hearing, in which the Ceommission may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises or place shall have an opportunity to present evidence in his or her defense, the Ceommission may declare the place or premises to be a public nuisance as described in subsection (1).

(3) If the City Ceommission declares the place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedures as may be appropriate under the circumstances to abate any such nuisance, or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises; or any part thereof; or

(c) The conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.

(4) An order entered under subsection (3) shall expire after one (1) year or at such earlier time as is stated in the order.

(5) An order entered under subsection (3) may be enforced pursuant to the procedure contained in F.S. § 120.69. However, no other section of F.S. chapter 120 shall be applicable.

(6) The Ceity may bring a complaint under F.S. § 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (1).

(7) As used in this subsection (XVIII), the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of F.S. § 817.563, or any imitation controlled substance defined in F.S. § 817.564.

(8) The City Ceommission, upon a hearing and appropriate finding, may provide:

(a) For imposition of a fine on the establishment or place declared a nuisance, not to exceed two hundred fifty dollars (\$250.00) per day;

(b) Reasonable costs, including reasonable attorney's fees associated with investigations and hearings for public nuisances;

(c) Continuing jurisdiction for a period of one (1) year over any place or premises that has been declared to be a public nuisance;

(d) Fines for recurring violations may be made up to and including five hundred dollars (\$500.00) per day.

Orders of the Ceommission pursuant to this section shall be reduced to writing. The Ceity Celerk, upon the order of the Ceity Ceommission, shall record a certified copy of the order of the Ceity Ceommission with the public records of Broward County. Recorded orders on public nuisances shall become liens against the real property that is subject to the order. Upon order of the Ceity Ceommission, the lien may be foreclosed subject to a lien with recoverable costs including reasonable attorneys' fees associated with the recording of orders and foreclosure.

**SECTION 2:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article VII Transit Oriented Corridor - Corridor (TOC-C) District, Section 7.3 TOC-C Corridor permitted uses, is hereby amended to read as follows<sup>1</sup>:

. . .

Bars, ~~bottle clubs~~, and taverns. Not permitted within one thousand (1,000) feet of any church, school, or adult bookstore/theater.

Package store. Not permitted within one thousand five hundred  
~~(1,000)~~ (1,500) feet of any other package store.  
Subject to requirements of section 33.11 of this Code.

**[Note to Municipal Code: The rest of this section shall  
remain as codified.]**

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from  
existing text, words in underscored text are additions to  
existing text, and **shaded** text are changes between First and  
Second Readings.

**SECTION 3:** The Code of Ordinances of the City of  
Margate, Florida, Appendix-A Zoning, Article VIII Transit  
Oriented Corridor - Gateway (TOC-G) District, Section 8.4  
TOC-G Gateway permitted uses, is hereby amended to read as  
follows<sup>1</sup>:

Bars, ~~bottle clubs~~, and taverns. Not permitted within one  
thousand (1,000) feet of any church, school, or adult  
bookstore/theater.

Package store. ~~Minimum separation like uses is one thousand~~  
~~(1,000) feet.~~ Not permitted within one thousand five  
hundred (1,500) feet of any other package store.  
Subject to requirements of section 33.11 of this Code.

**[Note to Municipal Code: The rest of this section shall  
remain as codified.]**

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from  
existing text, words in underscored text are additions to

existing text, and shaded text are changes between First and Second Readings.

**SECTION 4:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article IX Transit Oriented Corridor - City Center (TOC-CC) District, Section 9.5 TOC-CC City Center permitted uses, is hereby amended to read as follows<sup>1</sup>:

. . .  
Bars, ~~bottle clubs~~, and taverns. Not permitted within one thousand (1,000) feet of any church, school, or adult bookstore/theater.

. . .  
Package store. ~~Minimum separation like uses is one thousand (1,000) feet. Not permitted within one thousand five hundred (1,500) feet of any other package store.~~  
Subject to requirements of section 33.11 of this Code.

. . .  
[Note to Municipal Code: The rest of this section shall remain as codified.]

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscored text are additions to existing text, and shaded text are changes between First and Second Readings.

**SECTION 5:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XXII Community Business B-2 District, Section 22.3 Permitted uses, is hereby amended to read as follows<sup>1</sup>:

. . .  
Package store, subject to the following limitation(s):

(1) Not permitted within one thousand five hundred ~~(1,000)~~ (1,500) feet of any other package store.

. . .  
[Note to Municipal Code: The rest of this section shall remain as codified.]

1  
2 <sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from  
3 existing text, words in underscored text are additions to  
4 existing text, and **shaded** text are changes between First and  
5 Second Readings.  
6

7 **SECTION 6:** The Code of Ordinances of the City of  
8 Margate, Florida, Appendix-A Zoning, Article XXIII Liberal  
9 Business B-3 District, Section 23.3 Permitted uses, is hereby  
10 amended to read as follows<sup>1</sup>:  
11 . . . . .  
12

13 Bars, ~~bottle clubs~~ and taverns, subject to the  
14 following limitation(s):

- 15 (1) Not permitted within one thousand (1,000) feet  
16 of any church, school, or adult  
17 bookstore/theater.  
18 . . . . .  
19  
20

21 Package store, subject to the following limitation(s):  
22

- 23 (2) Not permitted within one thousand five hundred  
24 ~~(1,000)~~ (1,500) feet of any other package store.  
25 . . . . .  
26  
27

28 **[Note to Municipal Code: The rest of this section shall**  
29 **remain as codified.]**  
30

31 <sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from  
32 existing text, words in underscored text are additions to  
33 existing text, and **shaded** text are changes between First and  
34 Second Readings.  
35

36 **SECTION 7:** The Code of Ordinances of the City of  
37 Margate, Florida, Appendix-A Zoning, Article II Definitions,  
38 Section 2.2 Terms defined, is hereby amended to read as  
39 follows<sup>1</sup>:  
40 . . . . .  
41  
42

43 Package store: A business establishment licensed to  
44 sell liquor ~~place where alcoholic beverages are dispensed or~~

1 ~~sold~~ in containers for consumption off the premises,  
2 including but not limited to, any business with a 3APS  
3 alcohol license.

4  
5 . . .  
6  
7 [Note to Municipal Code: The rest of this section shall  
8 remain as codified.]  
9

10 <sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from  
11 existing text, words in underscored text are additions to  
12 existing text, and **shaded** text are changes between First and  
13 Second Readings.

14  
15 **SECTION 8:** All ordinances or parts of ordinances  
16 in conflict herewith are and the same is hereby repealed to  
17 the extent of such conflict.  
18

19 **SECTION 9:** If any section, sentence, clause, or  
20 phrase of this ordinance is held to be invalid or  
21 unconstitutional by a court of competent jurisdiction, then  
22 said holding shall in no way affect the validity of the  
23 remaining portions of this ordinance.  
24

25 **SECTION 10:** It is the intention of the City  
26 Commission that the provisions of this ordinance shall become  
27 and be made a part of the City of Margate Code, and that the  
28 sections of this ordinance may be renumbered or relettered  
29 and the word "ordinance" may be changed to "section",  
30 "article" or such other appropriate word or phrase in order  
31 to accomplish such intentions.  
32

33 **SECTION 11:** This ordinance shall become effective  
34 immediately upon adoption at its second reading.  
35

36 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

37 PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

38 ATTEST:

39  
40  
41 \_\_\_\_\_  
42 JOSEPH J. KAVANAGH  
43 CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

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RECORD OF VOTE - 1<sup>ST</sup> READING RECORD OF VOTE - 2<sup>ND</sup> READING

Caggiano	_____	Caggiano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____