ORDINANCE NO. 1730

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR COMPLIANCE WITH STATE OF FLORIDA STATUTE; PROVIDING FOR ADMINISTRATIVE APPROVAL OF ALL ALCOHOLIC BEVERAGE LICENSE APPLICATIONS AND REMOVING THE REQUIREMENT FOR COUNCIL APPROVAL OF SAID APPLICATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITHE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Crestview finds portions of Chapter 6 are not aligned with Florida Statutes; and

WHEREAS, the City Council of the City of Crestview finds that the approval of alcoholic beverage licenses is an administrative task that does not require Council review and approval; and

WHEREAS, the City Council of the City of Crestview finds that the current process of alcoholic beverage license application approval is overburdensome to the applicant; and

WHEREAS, the City Council of the City of Crestview finds that administrative approval of said applications will provide the necessary review to ensure the applicant has met all City of Crestview standards and requirements.

BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this ordinance is Section 166.021 and Section 163.31801, Florida Statutes and Article I, Section 2 of the City Charter.

SECTION 2. That the following sections of Chapter 6, Alcoholic Beverages, City of Crestview, Florida, are hereby amended to read as follows:

Sec. 6-1. - Definitions.

Brewery (also known as a brewhouse, or taproom) a business distinctly different from a bar or nightclub in that it is governed and licensed under Florida Statutes 561.221 and derives its sales from malt beverages, or beer, that are sometimes brewed on site for on-site consumption. Hard liquors or spirits shall not be sold or consumed at a brewery.

Downtown Commercial Business District means all parcels of property located within the original Mainstreet Commercial Business District and the expansion area as provided in Exhibit A of this ordinance. The area is comprised of the area south of Highway 90 of the original Community Redevelopment Area and also the second expansion to the community redevelopment area, that are zoned for commercial use.
Restaurant is a premise that holds itself out to be primarily a restaurant, advertises as a full-service restaurant, offers a complete menu as opposed to snacks or fast food, and where 51 percent of the gross proceeds come from food and non-alcoholic beverages.

Facility means a place, a structure, a building or a space within a building, that has been designed, created, built, installed, or set aside for a particular function or activity. (i.e. health-care facility; a weight room (a facility) in a sports center (a facility)). The three uses of the word within chapter 6 are defined as follows:

1. Place of Worship means a place of public assemble, an area, structure(s), building(s) or space within a building, that has been provided for the purpose of worship.

2. School facility means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under and governed by the rules of the State Board of Education or a private school as defined by statute providing the same.

3. City-owned facility means a public assemble grounds, structure, a building or a space within a building, that is owned and maintained by the city and provided to public for event purposes. See city Code of Ordinances, chapter 58, Parks and Recreation, section 58-1, Use regulations, (2) Alcoholic beverages for further information.

Sec. 6-7. - Distance restrictions for bottle clubs, etc.;

(a) Distance from place of worship. It shall be unlawful for any bottle club, brewery, or private club to operate, or for any vendor to barter, sell, give away, exchange or otherwise dispose of in the nature of a gift or exchange alcoholic and intoxicating liquors for consumption on the premises where sold, bartered, exchanged, given away or disposed of within 500 feet of any place of worship. Areas within the Downtown Commercial Business District are exempt from the provisions of this section, other than areas within 400 feet of any place of worship existing on the date of adoption of this ordinance and located south of Martin Luther King Jr. Avenue in the Downtown Commercial Business District. Distances shall be determined for purposes of this section by measuring a radius from the main public entrance of the establishment. If any portion of the building which is in use as the primary worship area lies within such radius, then the place of worship shall be deemed to be within such distance. A restaurant is exempt from the provisions of this section if it derives at least 51 percent of its gross revenues from the sale of food, restaurant related services and nonalcoholic beverages and may serve alcoholic beverages for consumption on its premises during the hours in which the restaurant provides full menu service to the public.

(b) Distance from school. It shall be unlawful for any bottle club, brewery, or private club to operate, or for any vendor to barter, sell, give away, exchange or otherwise dispose of in the nature of a gift or exchange alcoholic and intoxicating liquors for consumption on the premises where sold, bartered, exchanged, given away or disposed of within the State of Florida mandated distance of any public or private elementary school, middle school, or secondary school. The distance shall be determined by measuring a radius from the main public entrance of the place or establishment. If any portion of a parcel of land in use as a school facility lies within such radius, then the school shall be deemed to be within such distance as stated in Florida Statute 562.45(2)(a).

(c) Reserved.
(d) Distance from similar establishments. It shall be unlawful for any bottle club, brewery, or private club to operate, or for any vendor to barter, sell, give away, exchange or otherwise dispose of in the nature of a gift or exchange alcoholic and intoxicating liquors for consumption on the premises where sold, bartered, exchanged, given away or disposed of within 500 feet of any other such establishment designated unless located in the Downtown Commercial Business District; however, this subsection shall not apply to those establishments which meet the criteria of F.S. § 561.20(2). This subsection shall also not apply to establishments the primary business of which is selling food for consumption on the premises, but which also serve alcoholic and intoxicating liquors for consumption with the food even though these establishments don’t meet the criteria of F.S. § 561.20(2). The distance shall be determined by measuring, along a path of normal and safe pedestrian travel, from the primary public entrance of the establishment to the primary public entrance of the similar establishment.

(e) Reserved

(f) Administrative Fee. Each zoning verification shall be accompanied by an administrative fee as provided in the adopted fee schedule, and shall be executed by the Community Development Services Director, or designee.

(g) Reserved.

(h) Reserved.

(i) Sale of beer or wine for off-premises consumption. Nothing in this section shall prohibit the sale of beer and wine for off-premises consumption as now prescribed by Florida Statutes.

(j) Exception. This section shall not apply to businesses already in operation on the effective date of the change in this section when the businesses are in compliance with this section as it existed prior to this amendment. However, if such use is discontinued for a period of 180 days or more, the provisions and prohibitions in this section shall apply. This shall not apply to prevent the continuance of use after the restoration of a building destroyed to the extent of 75 percent of its assessed value by fire, explosion, casualty, or act of God or public enemy. In the event a place of worship or school should be opened within the distances noted above, the existing establishment selling alcohol shall be allowed to continue to operate as a compliant nonconformity until such a time as the existing establishment discontinues use for a period of 180 days or more.

Sec. 6-8. - Reserved

Sec. 6-10. - Possession of open containers.

(a) It shall be unlawful for anyone to consume or possess open containers of beer, wine, alcoholic beverages or intoxicating liquors off the premises of an establishment dealing in alcoholic beverages and within 500 feet of the premises which is licensed for the sale of alcoholic beverages, or as a bottle club, except within closed buildings or on premises occupied solely by residential structures. The distance set forth herein shall be measured from the shortest route of ordinary pedestrian travel along public thoroughfares from the principal entrance of the establishment dealing in alcoholic beverages or bottle club to the location of the violation of this section. An approved special event held within the Downtown commercial business district is exempt from these provisions.

Sec. 6-11. - Regulations and procedures regarding consumption of alcoholic beverages within the Downtown commercial business district; exemptions for special events; open containers at special events. 

...
(2) Non-profit organizations. Officially registered non-profit organizations (strictly for private, noncommercial functions) may apply to the City Manager’s office, or designee, for the use of the Downtown commercial business district for an event that includes the consumption or sale of alcohol. Application for this use shall be made as part of a special event which shall be subject to review and approval by the City Manager, division of parks and recreation, fire department and the city police department. Users must meet security staff requirements as defined by the city police department.

(6) It shall be unlawful for any person to have, consume or drink any alcoholic beverage, including but not limited to beer or wine, within the designated Downtown commercial business district, unless a special event permit has been approved and issued by the city. Alcoholic beverages may not be served or consumed in glass containers or bottles.

SECTION 3. SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 5. ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON THE 18TH DAY OF NOVEMBER 2019.

ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS 25TH DAY OF DECEMBER, 2019.

J. B. WHITTEN, Mayor
Downtown Commercial Business District - 400' Buffer From Existing Church In New Expansion Area