

**SUNRISE, FLORIDA**

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

**AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 3 “ALCOHOLIC BEVERAGES;” ARTICLE I “ALCOHOLIC BEVERAGES” BY AMENDING SECTION 3-1 “LOCATION OF ESTABLISHMENTS; DISTANCE FROM SCHOOLS AND PUBLIC PARKS, AND PLACES OF WORSHIP” TO PROVIDE AN EXCEPTION TO THE DISTANCE REQUIREMENTS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN LIBRARY SQUARE CONDOMINIUM LOCATED IN THE VILLAGE CENTER AND ADJACENT TO THE VILLAGE ART PLAZA; AND BY AMENDING SECTION 3-2 “CONSUMPTION IN PUBLIC PLACES” TO PROVIDE DESIGNATED AREAS TO ALLOW FOR THE CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 3 of the Code of Ordinances of the City of Sunrise, Florida (Code) for the City of Sunrise (City) was adopted with the stated purpose of regulating the sale of alcoholic beverages within the City; and

**WHEREAS**, Section 562.45(2), Florida Statutes, prohibits local governments, such as the City, from allowing a location for on-premises consumption of alcoholic beverages within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the local government approves the location as promoting the public health, safety, and general welfare of the community; and

**WHEREAS**, pursuant to the aforementioned statute, Section 3-1 of the Code was adopted to prohibit the sale of alcoholic beverages unless the restaurant or merchant involving the sale of alcoholic beverages is located more than 600 feet away from any existing place of worship, public or private school or public park; and

**WHEREAS**, the City Commission adopted the East Sunrise Improvements Master Plan (the “Master Plan”) in March, 2019 to help create a pathway to the revitalization of eastern Sunrise; and

**WHEREAS**, the Master Plan described a Village Center area as that area along Sunset Strip between Northwest 70<sup>th</sup> Avenue and Northwest 64<sup>th</sup> Avenue; and

**WHEREAS**, the Master Plan references the benefits of attracting a brewery to the Village Center area in part as follows: “additional industrial space with light industrial/flex uses (i.e. art gallery or micro-brewery) is ideal for the community.” “Adaptive reuse of existing buildings for a microbrewery and outdoor dining and events space.” “A concerted effort to have a brewery on the ground floor is recommended”; and

**WHEREAS**, the City has been implementing many of the goals of the Master Plan including the renovation of City Park, the development of the upcoming Village Art Plaza, and the acquisition of properties in the Village Center area to be used for programming and to attract vibrant uses; and

**WHEREAS**, one of the uses the City would like to attract that will assist in activating the Village Art Plaza is an adjacent brewery; and

**WHEREAS**, in the interest of implementing the goals of the Master Plan and increasing participation in the proposed Village Art Plaza, Section 3-1 of the Code needs to be amended to allow breweries to operate adjacent to the Village Art Plaza, which will lead to neighborhood economic revitalization; and

**WHEREAS**, there are numerous case studies about the positive effects of breweries in up and coming or untested areas, which demonstrate that the benefits of craft breweries extend beyond the creation of local jobs, business development, and tax revenues and actually serve as catalysts for neighborhood economic revitalization; and

**WHEREAS**, economic revitalization comes from the resurgence of retail activity in neighborhoods previously considered unattractive and sometimes dangerous because it fills vacant spaces and provides jobs to local residents, so that by investing in such neighborhoods, investors signal to the broader market that the area is safe and worthy of investment; and

**WHEREAS**, a brewery in the Library Square Condominium located in Village Center and adjacent to the Village Art Plaza will promote the public health, safety and general welfare of the community, by attracting people to a not-so-vibrant area of the City, so that the area will become more attractive, other businesses will locate nearby, and an atmosphere will be created which will entice more people to live in the neighborhood; and

**WHEREAS**, following an analysis of Chapter 3 of the City’s Code, the City Commission has determined that certain language needs to be updated in order to further implement the Master Plan; and

**WHEREAS**, the City Commission finds that the amendments contained within this ordinance will promote the health, safety and welfare of the residents of the City and the public at large, and serves a valid public purpose.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA, AS FOLLOWS:**

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 3-1(a) of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Section 3-1. Location of establishments; distance from schools and public parks, and places of worship.**

*(a) This section applies to areas outside the Western Sunrise Entertainment District, as defined in section 16-82 of City Code. No restaurant or merchant involving the sale of alcoholic beverages shall receive city approval for the sale of alcohol unless the restaurant or merchant is within a B-2, B-3, B-3A, B-4, B-5, B-6, B-7, PDD or I-1 zoned area, and unless it is more than six hundred (600) feet from any existing place of worship, public or private school or public park. The distance measurement shall be by air line from property line to property line, using the closest property lines of the parcels, if the establishment occupies its own parcel, or, from door to door, if measuring to a place of worship, school or public park located on the same parcel or if the establishment is located within a shopping center; such measurement shall also apply to existing places of worship, schools, and public parks in another municipality adjoining the city. Notwithstanding the foregoing, having determined that an exception to the distance requirement for the Village Art Plaza promotes the public health, safety, and general welfare of the community, a brewery located in Library Square Condominium within the Village Center and adjacent to the Village Art Plaza is authorized to sell alcoholic beverages and allow consumption of alcoholic beverages within the brewery and Village Art Plaza. Notwithstanding the foregoing, having determined that an exception to the distance requirement for certain special events within City Park as determined by Section 3.2 promotes the public health, safety, and general welfare of the community, the City may authorize the sale and consumption of alcoholic beverages at such special events within City Park. Whenever a restaurant or merchant involving the sale of alcoholic beverages has procured a local business tax receipt and thereafter a place of worship, school, or public park*

is established within the distance otherwise provided by the provision of this chapter, the establishment of the place of worship, or school or public park shall not be cause for the revocation of the local business tax receipt and shall not prevent the subsequent renewal or issuance of the local business tax receipt. Businesses with 1APS and 2APS alcoholic beverage licenses are exempt from the requirements of this section. Restaurants are exempt from the distance requirements provided that bar seating, if any, does not exceed ten (10) percent of total restaurant seating, including bar seating, or provided that sales from alcoholic beverages do not exceed ten (10) percent of total restaurant sales, including bar sales, as certified annually to the city by the restaurant. Alcoholic beverage sales by a restaurant shall end when full food service ends or as provided for in section 3-4, whichever time occurs first. Restaurants and merchants who locate in a shopping center (as defined in section 16-277) which existed prior to May 8, 2012 are exempt from the requirement that they be six hundred (600) feet from any place of worship.

\* \* \*

Section 3. That section 3-2 of the Code of the City of Sunrise, Florida is hereby amended to read as follows:

**Section 3-2. Consumption in public places.**

- (a) No person in the city shall drink or consume alcoholic beverages, including liquor, beer or wine, on any public street, in any public park, or in any other public place, unless special permission is obtained from the city commission.
- (b) Notwithstanding the prohibition set forth in subsection (a) above, the city manager or designee may designate specific areas and/or times in which alcoholic beverages may be purchased, sold, possessed and/or consumed on City owned property, including but not limited to public parks, amphitheatres, areas reserved for large groups, or facilities for food service.

Section 4. Conflict. All ordinance or part of ordinances, all City Code sections or part of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 6. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 7. Effective Date. This Ordinance will become immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 24TH DAY OF JANUARY, 2023.

PASSED AND ADOPTED upon this second reading this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Michael J. Ryan

Authentication:

\_\_\_\_\_  
Felicia M. Bravo  
City Clerk

FIRST READING

MOTION: DOUGLAS  
SECOND: GUZMAN

DOUGLAS: YEA  
GUZMAN: YEA  
KERCH: YEA  
SCUOTTO: ABSENT  
RYAN: YEA

Approved by the City Attorney  
as to Form and Legal Sufficiency

SECOND READING

MOTION: \_\_\_\_\_  
SECOND: \_\_\_\_\_

DOUGLAS: \_\_\_\_\_  
GUZMAN: \_\_\_\_\_  
KERCH: \_\_\_\_\_  
SCUOTTO: \_\_\_\_\_  
RYAN: \_\_\_\_\_

\_\_\_\_\_  
Kimberly A. Kisslan