

## ORDINANCE 23-

**AN ORDINANCE AMENDING TITLE XI, “BUSINESS REGULATIONS”, CHAPTER 110 “ALCOHOLIC BEVERAGES; SALE OF DRUG PARAPHERNALIA”, ARTICLE II – “GENERAL PROVISIONS”, SEC. 110.02- “PROXIMITY TO RELIGIOUS INSTITUTION OR SCHOOL” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE (P23-187); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida adopted amendments to the City of Port St. Lucie Comprehensive Plan by Ordinance 12-19 (the “Comprehensive Plan”); and

**WHEREAS**, Section 163.3202, Florida Statutes, provides for the amendment and enforcement of land development regulations that are consistent with and implement the adopted comprehensive plan; and

**WHEREAS**, Section 163.3174, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P23-187) and submitted its recommendations thereon to the City Council; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Board, the Port St. Lucie City Council has found and determined that the adoption of an amendment to Chapter 110 will foster and preserve the public health, safety, and welfare; improve and protect the environment, value and character of the community; and implement the adopted comprehensive plan.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1.** **Ratification of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

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**Section 2.**     **Amendment.** Section 110.02 entitled “Proximity to religious institution or school” of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

**Sec. 110.02. Proximity to religious institution or school.**

- (a) Except as provided in section 110.06, no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution.
- (b) Any person entitled to a special license as of the effective date of this chapter, shall be exempt from the distance limits provided in sub-section (a) of this section. The limitations of sub-section (a) of this section shall apply to any person who shall become entitled to a special license after such effective date. However, the limitation of subsection (a) of this section shall not apply to any person who shall become entitled to a special restaurant license as defined by Section 561.20(2)(a)(4), Florida Statutes.
- (c) Distance measurement. Except as provided in sub-section (d), ~~the~~ distances specified in this section shall be determined by the horizontal distance measured in a straight line from the closest property line to the closest property line of the lot on which the proposed commercial establishment at which alcoholic beverages are present is located, without regard to intervening structures. ~~In the case of a multi-use building located upon a single tract of land, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit within the multi-use building intended for use as a commercial establishment at which alcoholic beverages are present and the outermost wall of the unit of the religious institution or school.~~
- (d) Where the alcoholic beverages vendor will be located in a multi-use commercial building or shopping plaza, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit where the alcoholic beverages vendor is located and the outermost wall of the religious institution or school.
- ~~(d)~~ (e) The limitations of subsection (a) of this section as they relate to schools shall not apply to vendors of malt beverages and wines containing alcohol no more than 22% by volume.

**Section 3. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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**Section 5. Codification.** The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon final adoption on second reading.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: \_\_\_\_\_  
Shannon Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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Richard A. Berrios, Interim City Attorney