

DIVISION 11. ALCOHOLIC BEVERAGE USE PERMIT

[Sec. 30-1461. Generally.](#)

[Secs. 30-1462—30-1479. Reserved.](#)

Sec. 30-1461. Generally.

- (a) *Purpose and intent.* This section is designed and intended to provide for reasonable regulations and control over the sale of alcoholic beverages within the village by establishing an alcoholic beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic beverage use enterprises within the village are compatible with adjoining and surrounding land uses and the village's comprehensive plan, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact on the health, safety and welfare of the citizens and residents of the village.
- (b) *Permit required.* All persons desiring to sell alcoholic beverages upon any premises located within the village and who desire to do so upon premises not previously approved for an alcoholic beverage use permit shall obtain an alcoholic beverage use permit utilizing the procedures outlined in subsection (d) of this section.
- (c) *Classifications.* Corresponding to those alcoholic beverage license classifications adopted by the state, as may be amended from time to time, alcoholic beverage use permits issued pursuant to this division shall be classified as follows:
- (1) 1APS: Beer, package only.
 - (2) 1COP: Beer, on-premises and package.
 - (3) 2APS: Beer and wine, package only.
 - (4) 2COP: Beer, and wine, on-premises and package.
 - (5) 5COP: Beer, wine and liquor, on-premises and package.
 - (6) 5COP SRX: Restaurant, no package sales.
 - (7) 5COP SR: Restaurant, package sales.
 - (8) 5COP S: Motel, package sales.
 - (9) 5COP SBX: Bowling, no package sales.
 - (10) 5COP SPX: Boat, no package sales.
 - (11) 3BPS: Beer, wine and liquor, package sales only.
- (d) *Procedure.* The following procedures shall be followed on any application for an alcoholic beverage use permit:
- (1) Applications for alcoholic beverage use permits shall be submitted in a form specified by the planning and development services department for reviewing the application, and shall be accompanied by a fee as established from time to time by the village council to defray the actual cost of processing the application. After an application is submitted, the director of planning and development services shall determine if the application is complete and includes data necessary to evaluate the application. Applications shall be reviewed in accordance with the applicable provisions of article IV, division 2 of this chapter.
 - (2) The director of planning and development services shall ensure that the necessary public hearing is scheduled for the decision-making or advisory body reviewing the

application and that, except as provided herein, proper notice of the public hearing is provided as set forth herein. All notices for public hearings shall include the information required pursuant to [section 30-213](#)

- (3) The director of planning and development services shall provide written notice to all owners of real property within a radius of 500 feet of the affected premises, posting of the property subject to the application, and by publication pursuant to the procedures provided by [section 30-213](#)
 - (4) The public hearing shall be conducted in accordance with article IV, division 3 of this chapter.
- (e) *Criteria.* The village council shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:
- (1) The proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development as represented by property owners within 500 feet of the premises;
 - (2) The proposed use is consistent with the purposes, goals, objectives and policies of the comprehensive plan and this chapter, including standards for building and structural intensities and densities, and intensities of use; and the suitability of the premises in regard to its location, site characteristics and intended purpose;
 - (3) The proposed use complies with article IV, division 5 of this chapter (Concurrency Management); and
 - (4) The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- (f) *Approval by village council.* The village council may grant approval based on reasonable conditions considering the criteria outlined herein.
- (g) *Where permitted.* Alcoholic beverage use permits may be granted in the following zoning districts: village center (VC); tourist commercial (TC); marine use (MR); highway commercial (HC); industrial (I) and neighborhood commercial (NC). Notwithstanding the foregoing, alcoholic beverage sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the zoning district in which they are located. Nothing contained herein shall exempt an application from obtaining a major or minor conditional use approval when such is otherwise required by this chapter.
- (h) *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the application. Such privilege may not be separated from the fee simple interest in the realty.
- (i) *Appeals.* The applicant, or any aggrieved person who has opposed the issuance of the alcoholic beverage permit at the scheduled public hearing, may appeal the decision of the village council by filing a petition for writ of certiorari in the circuit court in and for the county, in accordance with the procedure provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure, within 30 days of the date of the decision by the village council.

(Ord. No. 03-05, § 1(6.10.1), 3-27-2003)