

CITY OF KEYSTONE HEIGHTS, FLORIDA

ORDINANCE 2016-567

BEFORE THE CITY COUNCIL

AN ORDINANCE OF THE CITY OF KEYSTONE HEIGHTS, FLORIDA AMENDING CHAPTER 17 LAND DEVELOPMENT REGULATIONS, ARTICLE IX - ZONING DISTRICTS AND ZONING MAPS, DIVISION 1 - ZONING DISTRICTS, SPECIFICALLY SECTION 17-100 – COMMERCIAL DISTRICTS; AND ADDING ARTICLE XII - SUPPLEMENTARY USE REGULATIONS, SECTION 17-130 ON-PREMISES CONSUMPTION OF ALCOHOL; TO ALLOW ALCOHOL SALES AS A USE BY EXCEPTION; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Keystone Heights seeks to protect the health, safety and well-being of both the citizens of the City as well as visitors; and

WHEREAS, the City Council believes the regulated, on-premises consumption of alcohol may promote and encourage economic growth leading to an improved potential for local businesses; and

WHEREAS, pursuant to the authority in Section 162.03, Florida Statutes, the City Council of Keystone Heights finds it is necessary to amend Chapter 17, Land Development Regulations, Article IX – Zoning Districts and Maps, Division 1 – Zoning Districts of the Ordinances for the City of Keystone Heights; and

WHEREAS, pursuant to the authority in Section 162.03, Florida Statutes, the City Council of Keystone Heights finds it is necessary to add Chapter 17, Land Development Regulations, Article XII – Supplementary Use Regulations, Section 17-130 – On-premises consumption of alcohol to the Ordinances for the City of Keystone Heights; and

WHEREAS, the City Council of Keystone Heights, Florida hereby finds and declares the adoption of this ordinance is appropriate and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KEYSTONE HEIGHTS, FLORIDA:

Section 1. Recitals

The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Land Development Regulations Amended

Chapter 17, Land Development Regulations, Article IX – Zoning Districts and Maps, Division 1 – Zoning Districts of the Ordinances for the City of Keystone Heights is amended to read as follows:

Sec. 17-100. - Commercial districts.

(a) General commercial (CG).

(1) These districts are intended to provide for the name of retail goods and services for the community as a whole. Shopping centers may be developed by grant of special exception. These districts are ordinarily dependent on automotive or mass transit service and should primarily located at intersections of major thoroughfares. Districts should be buffered so as to mitigate adverse impact on single family residential districts. Those commercial uses which are intended for day-to-day shopping activity and are comparable in scale and impact to single family residential uses may be located near or adjacent to such uses. This district is intended to implement the goals, policies and objectives of the commercial land use category of the city's comprehensive plan.

(2) Permitted uses. The uses permitted in these districts are as follows:

- a. Retail outlets for the sale of food and drugs, wearing apparel, toys, sundries, sundries and notions, books and stationery, luggage, jewelry, art, florist including silks, cameras, photographic supplies, sporting goods, hobby shops and pet shops (not animal kennel or veterinarian) , bakery (but not wholesale baker), home furnishings and appliances, office equipment and furniture, hardware, lumber and building materials, auto parts, and similar uses;
- b. Service establishments such as barber or beauty shop, shoe repair, restaurant, gymnasium, laundry or dry cleaner, funeral-home, job printing, radio and television repairs, lawn care service, pest control companies, and similar uses;
- c. Banks, loan companies, mortgage brokers, stockbrokers, and similar financial institutions;
- d. Business and professional offices;
- e. Retail plant nursery;
- f. Retail sale of beer and wine;
- g. Auto service station, maintenance and minor repairs, car wash;
- h. Theater;
- i. Government buildings and facilities;
- j. Produce markets (no outside sales);
- k. Those uses permitted in CB zoning;

(3) Uses by exception. In these districts, uses by exception are as follows:

- a. Animal kennel;

- b. Restaurant Fast food;
- c. Child care center;
- d. On-premises consumption of ~~liquor, beer and wine~~ alcohol or alcoholic beverages consistent with Section 17-130;
- e. Limited wholesale operation;
- f. Contractor, not requiring outside storage;
- g. Limited warehousing, including mini-warehouses;
- h. Motels;
- i. Churches;
- j. Cabinet shops;
- k. Hospital, nursing home;
- l. Sale of new and used automobiles and boats;
- m. Automotive/truck service garage (not including semi tractor trailer repairs);
- n. Hot dog cart consistent with Section 17-129.

(4) Minimum lot or site requirements. The minimum requirements for lots and sites in these districts are as follows:

- a. Lot or site area: None;
- b. Lot width: None;
- c. Lot depth: None.

(5) Minimum yard requirements. The minimum yard requirements in these districts are as follows:

- a. Front yard: 20 feet. If buildings adjacent have produced a lesser front yard, front yard shall be the average of buildings on adjacent lots. Where lot is adjacent to RS and RG districts, front yard shall meet the requirements for such adjacent property;
- b. Rear yard: 20 feet;
- c. Side yard: ten feet.

(6) Building restrictions. The building restrictions in these districts are as follows:

- a. Maximum lot coverage: 50 percent;
- b. Maximum building height: 35 feet.

(b) Central business (CB).

(1) This district is intended for the existing area which forms the center for the business, financial, office and commercial uses within the city. On-site parking requirements are reduced or eliminated in recognition of the availability of on-street or public parking and the relatively short duration of parking by any one user. This district is anticipated to generate high volumes of traffic. This district is also suitable for motel, boarding house, restaurant, night club and similar tourist and commercial uses. This district is intended to implement the goals, policies and objectives of the

commercial land use category of the city's comprehensive plan.

- (2) Permitted uses. The uses permitted in these districts are as follows:
- a. Service establishments such as barber or beauty shops, shoe repair, laundry or dry cleaning pickup, tailors or dressmakers; low intensity retail sales of items such as wearing apparel, toys, sundries and notions, books and stationery, luggage and jewelry; but not sale of lumber, hardware or building materials or similar uses.
 - b. Art galleries, libraries, museums;
 - c. Medical and dental offices, but not clinics or hospitals;
 - d. Professional offices such as accountants, architects, attorneys, engineers, optometrists and similar uses;
 - e. Business offices such as real estate broker, insurance agents, manufacturing agents and similar uses;
 - f. Banks and financial institutions;
 - g. Convenience food stores, but not supermarkets;
 - h. Apothecaries;
 - i. Hardware stores.

- (3) Uses by exception. In these districts, uses by exception are as follows:
- a. Those uses permitted in CG districts;
 - b. Medical or dental, clinics; veterinary hospital;
 - c. Child care centers;
 - d. Limited wholesale operations;
 - e. Convenience food stores with retail sale of gasoline;
 - f. Contractor, not requiring outside storage;
 - g. Automotive/truck service garage (not including semi-tractor trailer repairs);
 - h. Restaurants;
 - i. On-premises consumption of alcohol or alcoholic beverages consistent with Section 17-130.

- (4) Minimum lot or site requirements. The minimum requirements for lots and sites in these districts are as follows:
- a. Lot or site area: 6,000 square feet;
 - b. Lot width: 50 feet;
 - c. Lot depth: 120 feet.

- (5) Minimum yard requirements. The minimum yard requirements for these districts are as follows:
- a. Front yard: five feet. If buildings adjacent have provided a lesser front yard, front yard shall be the average of buildings on adjacent lots. Where lot is adjacent to residential and MU districts, front yard shall meet the requirements for such adjacent property;
 - b. Rear yard: 20 feet;

c. Side yard: Ten feet; when abutting residential

(6) Building restrictions. The buildings restrictions for these districts are as follows:

- a. Maximum lot coverage: 75 percent;
- b. Maximum building height: 35 feet.

Section 3. Land Development Regulations Added

Chapter 17, Land Development Regulations, Article XII – Supplementary Use Regulations, Section 17-130 of the Ordinances for the City of Keystone Heights is created to read as follows:

Sec. 17-130. – On-premises consumption of alcohol.

(a) Definitions. For purposes of this article, the following words and phrases shall have the following meanings.

Alcohol or alcoholic beverage means any distilled spirit and all beverages containing one half (1/2) of one percent (1%) or more alcohol by volume, or as defined by the Florida Beverage Law, See Chapters 561-565, 567 and 568, Florida Statutes.

On-premises prepared meals means food cooked and assembled on the restaurant premises and may include traditional meals featuring more than one course, informal food such as pizza and sandwiches, and “bar food”. Complimentary snacks are excluded from this definition.

Restaurant means any business or establishment licensed by the state hotel and restaurant commission which obtains the majority of its annual gross income from the sale of food and nonalcoholic beverages prepared, served and consumed on the premises.

Sale or sell means more than the action of selling, but also consuming, serving and permitting to be served or consumed any alcohol or alcoholic beverages.

(b) Businesses operating bona fide restaurants, licensed by the state division of alcoholic beverages, and tobacco holding either a Beer/Wine Only license or a Special Restaurant licenses (commonly referred to as SRX licenses) allowing Beer, Wine & Liquor consumption on-premises sales, shall be permitted to sell and serve alcoholic beverages by the drink to its patrons. The following criteria shall be used to determine whether or not the establishment is operating a bona fide restaurant:

- (1) Tables shall be of adequate size and number to accommodate the service of on-premises prepared meals.

(2) The restaurant shall derive at least fifty-one percent (51%) of its gross revenue from the sale of on-premises prepared meals and nonalcoholic beverages. "Gross revenue" includes actual sales receipts and the retail value of items of food or beverage discounted or given to patrons, but shall not include sales tax or tips. The percentage shall be determined by calculating the gross revenue from the sale of food and nonalcoholic beverages for the establishment for the immediately preceding six (6) month period. If the restaurant has been open for business less than six (6) months, the monthly gross receipts shall be averaged each month from the date the restaurant begins the sale of alcoholic beverages until six (6) months have elapsed. Such calculations shall be completed and verified by the restaurant manager or owner, and then reported to the City in a format prescribed by the City.

(3) The restaurant, if advertised, shall be advertised and held out to the public to be a place where meals are prepared and served.

(4) The restaurant shall have for kitchen and dining room equipment and employ such number and kinds of employees necessary for preparing, cooking, and serving on-premises prepared meals for guests. The restaurant shall be equipped with the necessary dishes or china, tableware and seating to handle the maximum seating capacity allowed by law.

(5) Alcohol sales may only occur when the restaurant is offering the preparing and serving of on-premises prepared meals.

(6) Alcohol sales may only occur between the hours of 10:00 AM and Continue until 12:00 AM of the following day.

Secs. 17-~~130~~131—17-135. - Reserved.

Section 4. Direction to the Codifier

The codifier is instructed to place the provisions of this Ordinance within the Code of Ordinances of the City of Keystone Heights and make any modifications necessary to place the provisions in a form that complies with the Code.

Section 5. Conflict

If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

Section 6. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date

This Ordinance shall take effect immediately upon adoption.

DULY APPROVED on First Reading this 1st day of August, 2016, by the City Council of the City of Keystone Heights, Florida.

DULY APPROVED AND ADOPTED on Second Reading this 8th day of September, 2016, by the City Council of the City of Keystone Heights, Florida.

**CITY COUNCIL OF KEYSTONE HEIGHTS,
FLORIDA**

By: _____
R. Tony Brown, Mayor

ATTEST:

Lynn Rutkowski, City Clerk

FORM APPROVED:

Rich Komando, City Attorney