

ORDINANCE NO. 09-118

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 33-151, HOURS AND DAYS OF SALE, OF THE TOWN'S CODE OF ORDINANCES TO MODIFY THE HOURS AND DAYS OF SALE FOR PACKAGE LIQUOR SALES IN THE TOWN OF MIAMI LAKES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") adopted Chapter 33 of the Miami –Dade County Code (2000), entitled "Zoning" as the Town of Miami Lakes Land Development Code ("the Town LDC") by Section 8.3 of the Town Charter; and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the "LDC Ordinances") to better address and serve the needs of the Town; and

WHEREAS, the Town's code currently prohibits the sale of alcoholic beverages for off-site consumption on Sundays; and

WHEREAS, the Town's Code presently allows legally established bars and restaurants to sell alcoholic beverages on Sundays; and

WHEREAS, the Town's Code presently allows establishments operating primarily for the sale of products other than alcoholic beverages to sell alcoholic beverages for off-site consumption on Sundays; and

WHEREAS, the Town seeks to modify standards to allow for the sale of alcoholic beverages for consumption off-site on Sundays in conformance with the Town's Code of Ordinances; and

WHEREAS, the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program; and

WHEREAS, the proposed amendment is in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendment will not result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use; and

WHEREAS, the proposed amendment will not adversely affect property values or adversely affect the general welfare; and

WHEREAS, the proposed amendment will result in an orderly and compatible land use pattern; and

WHEREAS, the proposed amendment will not be in conflict with the public interest, and are in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes; and

WHEREAS, the Local Planning Agency reviewed this request at its November 10, 2009 meeting and voted to recommend approval; and

WHEREAS, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to Section 33-151 of the Town's Land Development Code, entitled, "Hours and days of sale". Section 33-151, Hours and days of sale, of the Town Code is hereby amended as follows¹:

Sec. 33-151. Hours and days of sale.

No alcoholic beverages shall be sold or served within the ~~unincorporated areas of Miami-Dade County~~ Town of Miami Lakes except at such hours and on such days and by such vendors as set forth below:

- (a) *Establishments for package sales only.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption off the premises only, ~~shall make no sale of alcoholic beverages on Sundays, and~~ shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 p.m. and on Sundays between the hours of 12:00 p.m. and 7:00 p.m. ; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

their stores legally remain open for the sale of other goods; provided further, however, that nothing in the foregoing proviso shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a State license from the beverage department for the sale of beer in sealed containers, for consumption off the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Land Development Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town LDC and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Nancy Simon, who moved its adoption on first reading. The motion was seconded by Mary Collins and upon being put to a vote, the vote was as follows:

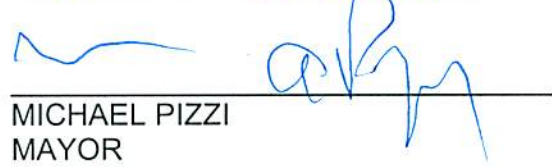
Mayor Michael Pizzi	Yes
Vice-Mayor Nick Perdomo	Yes
Councilmember Mary Collins	Yes
Councilmember George Lopez	Yes
Councilmember Robert Meador	Yes
Councilmember Richard Pulido	Absent
Councilmember Nancy Simon	Yes

PASSED AND ADOPTED on first reading this 10th day of November, 2009.

The foregoing Ordinance was offered by Mayor Michael Pizzi, who moved its adoption on second reading. The motion was seconded by Councilmember Nancy Simon, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	Yes
Vice-Mayor Nick Perdomo	Yes
Councilmember Mary Collins	Absent
Councilmember George Lopez	Yes
Councilmember Robert Meador	Yes
Councilmember Richard Pulido	Yes
Councilmember Nancy Simon	Yes

PASSED AND ADOPTED on second reading this 8th day of December, 2009.



MICHAEL PIZZI
MAYOR

ATTEST:



MARJORIE TEJEDA, TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.