

ORDINANCE NO. 525

AN ORDINANCE OF THE CITY OF PORT ST. JOE REPEALING ORDINANCE 382 AND SECTION 6-3, CODE OF ORDINANCES; ADOPTING A NEW SECTION 6-3 FORBIDDING THE OPERATION OF AN ALCOHOLIC BEVERAGE ESTABLISHMENT WITHIN 100' OF A CHURCH OR SCHOOL LOCATED IN COMMERCIAL, MIXED USE OR INDUSTRIAL ZONING DISTRICTS, FORBIDDING THE OPERATION OF AN ALCOHOLIC BEVERAGE ESTABLISHMENT WITHIN 500 FEET OF A CHURCH OR SCHOOL LOCATED IN ANY OTHER ZONING DISTRICT; ALLOWING FOR EXCEPTION BY THE CITY COMMISSION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED by the City of Port St. Joe, Florida:

1. Ordinance 382 and Section 6-3 of Code of Ordinances of the City of Port St. Joe is repealed.
2. New Section 6-3 of the Code of Ordinances of the City of Port St. Joe is hereby enacted to read as follows:

**Section 6-3. Proximity to church or school.**

1.1 If a church or school is located in any zoning category other than a commercial, mixed use or industrial zone, it shall be unlawful to operate an alcoholic beverage establishment licensed by the state within 500 feet of any church or any school within the city.

1.2 The 500 foot distance exclusion zone from a church or school is reduced to a 100 foot distance exclusion zone from a church or school located in a commercial, mixed use, or industrial zone.

2. It is the zone in which the church or school is located that determines whether the 500 foot exclusion zone or the 100 foot exclusion zone applies.

3. In the event a church or school is located within a commercial, mixed used or industrial zone and an alcoholic beverage establishment wishes to locate within 100 feet of the church or school, the City Commission, by a majority vote, may exempt a properly licensed alcoholic beverage establishment from the 100 foot exclusion zone. The exemption may not be granted by the City Commission until a proper petition to the City Commission has been made by the owner of the alcoholic beverage establishment, a 30 day public notice has been given, and the governing body of any and all church(es) or schools located within the 100 foot exclusion zone has given consent. The petitioner shall bear all costs of the public notice and must serve a copy of the petition upon the governing body of the church or school.

3. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. SEVERABILITY: If any section, subsection, sentence, clause or provision of this

ordinance is held invalid, the remainder shall not be affected by such invalidity.

5. EFFECTIVE DATE: This ordinance shall become effective upon adoption as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 5<sup>th</sup> day of July, 2016.

THE CITY OF PORT ST. JOE

By: James "Bo" Patterson  
JAMES "BO" PATTERSON  
MAYOR-COMMISSIONER

ATTEST:

Charlotte M. Pierce  
CHARLOTTE M. PIERCE  
CITY CLERK

The following commissioners voted yea: Mayor Patterson, Commissioners Ashbrook, Benzett,  
The following commissioners voted nay: 0 Lowry, Thrusbay