

ORDINANCE NO. 2013-361

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING SECTION 6-32 OF THE CODE OF ORDINANCES RELATING TO BEVERAGE REGULATIONS; PROVIDING SEVERABILITY, CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 6-32 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 6-32. Proximity of places of business.

(a) No person shall sell or offer for sale, at wholesale or retail, any alcoholic beverages at any place or location in the city within 500 feet of any church building, school building or established licensee. The method of measuring the distance from the church building, school building or established licensee to the place of business where alcoholic beverages are to be offered for sale shall be from the front door of the church building, school building or established licensee to the front door of the building where alcoholic beverages are to be offered for sale; and such measurement shall be over the nearest usually traveled pedestrian route. This section shall not apply to the proximity of businesses selling only beer or wine for consumption off the premises.

(b) Notwithstanding the provisions hereof, any person licensed to sell alcoholic beverages on the effective date of Ordinance No. 90-171, or any person obtaining a special permit from the council shall be permitted to make such sales as are authorized on the effective date thereof. In addition, any church permitted to be established and/or operated on the effective date of this Ordinance shall be allowed, notwithstanding the provisions of this Ordinance.

(c) In addition to the permission granted in subparagraph (b) above, any nonconforming use existing as of the date of this section shall be allowed to continue in accordance with the provisions of section 6-3 of the city's land development regulations which are made specifically applicable to this section.

(d) Whenever a licensee has obtained a business license receipt and applicable city permits authorizing the sale of alcoholic beverages, no church shall be permitted to be established within 500 feet of the place of business where alcoholic beverages are or are permitted to be offered for sale. The method of measuring the distance from the place of business where alcoholic beverages are or are permitted to be offered to be sold to the proposed church shall be from the front door of the current permitted business to the front door of the church building. Such measurement shall be over the nearest usually traveled pedestrian route.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Regular Meeting of the City Council of the City of Parker, Florida as of the 5th day of February, 2013.

CITY OF PARKER

Tonya K. Barrow
TONYA K. BARROW, Mayor

ATTEST:

Nancy A. Rowell
Nancy Rowell, City Clerk

Examined and approved by me, this 5th day of Feb., 2013.

Tonya K. Barrow
TONYA K. BARROW, MAYOR