

ORDINANCE NO. 65

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ADOPTED AUGUST 3, 1964, BY THE TOWN OF CINCO BAYOU, FLORIDA, AS AMENDED, BEING AN ORDINANCE ESTABLISHING A ZONING PLAN WITHIN THE TOWN OF CINCO BAYOU, FLORIDA; CREATING THREE DISTRICTS, REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES OR OTHER PURPOSES, THE HEIGHT AND SIZE OF STRUCTURES, THE SIZE OF OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID DISTRICTS, DEFINING TERMS USED; PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT AND AMENDMENT THEREOF; DESCRIBING PENALTIES FOR VIOLATIONS THEREOF; SAID AMENDING ORDINANCE PROVIDING THAT SECTION 6, C-1 LIMITED COMMERCIAL DISTRICT, SUBSECTION (A) "USES PERMITTED", PARAGRAPH 20 AND SECTION 7, C-2 GENERAL COMMERCIAL DISTRICT, SUBSECTION (A) "USES PERMITTED" PARAGRAPH 8 DO NOT PREVENT THE SALE OF BEER, WINE, LIQUOR OR OTHER INTOXICATING BEVERAGES BY A RESTAURANT ON THE PREMISES IN CONJUNCTION WITH THE CONSUMPTION OF FOOD; DEFINING RESTAURANT; SEVERING INVALID PORTIONS OF SAID AMENDING ORDINANCE; REPEALING ORDINANCES INCONSISTENT WITH SAID AMENDING ORDINANCE; AND PRESCRIBING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Florida, as follows:

SECTION 1: Section 6, C-1 Limited Commercial District, subsection (a) "Uses Permitted", paragraph 20 of an ordinance enacted on the 3rd day of August, 1964, by the Town Council of the Town of Cinco Bayou, Florida, as previously amended, reads as follows:

(20) Retail stores, including department stores, drugstores, but excluding lumberyards, junk dealers, auto wrecking mechanical garages, or any business where the materials sold are not housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor, or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer and wine by a restaurant on the premises in conjunction with the consumption of food.

SECTION 2: Section 7, C-2 General Commercial District, subsection (a) "Uses permitted", Paragraph 8 of an ordinance enacted on the 3rd day of August, 1964, by the Town Council of the Town of Cinco Bayou, Florida, as previously amended, reads as follows:

(8) Retail stores where the merchandise sold is housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer and wine by a restaurant on the premises in conjunction with the consumption of food.

SECTION 3: Section 6, C-1 Limited Commercial District, sub-

section (a) "Uses permitted", Paragraph 20 of the Ordinance set forth above is hereby amended to read as follows:

(20) Retail stores, including department stores, drugstores, but excluding lumberyards, junk dealers, auto wrecking mechanical garages, or any business where the materials sold are not housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer, wine, liquor or other intoxicating beverages by a restaurant on the premises in conjunction with the consumption of food. Restaurant, for the purpose of liquor sales, shall be defined as having five-thousand (5,000) square feet of service area and equipped to serve two-hundred (200) persons full-course meals at one time, and deriving at least fifty-one percent (51%) of its gross revenue from the sale of food and non-alcoholic beverages.

SECTION 4: Section 7, C-2 General Commercial District, sub-

section (a) "Uses permitted", Paragraph 8 of the Ordinance set forth above is hereby amended to read as follows:

(8) Retail stores where the merchandise sold is housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church

to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer, wine, liquor or other intoxicating beverages by a restaurant on the premises in conjunction with the consumption of food. Restaurant, for the purpose of liquor sales, shall be defined as having five-thousand (5,000) square feet of service area and equipped to serve two-hundred (200) persons full-course meals at one time, and deriving at least fifty-one percent (51%) of its gross revenue from the sale of food and non-alcoholic beverages.

SECTION 5: Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall become effective immediately upon its passage and approval of the Mayor.

ADOPTED: *January 18, 1979*

APPROVED:

Jim Kendrick
MAYOR

ATTEST:

James H. King
Town Clerk