

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2021-01**

**CODE AMENDMENT FOR ALCOHOLIC BEVERAGES**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3: ALCOHOLIC BEVERAGES, SEC. 3-3.-DISTANCE RESTRICTIONS BETWEEN LICENSES, PROVIDING FOR UPDATED DISTANCE RESTRICTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

**WHEREAS**, Chapter 3: Alcoholic Beverages, Sec. 3-3.-Distance restrictions between licenses, of the Village of El Portal Code of Ordinances, currently prohibits the issuance of a license to establishments selling and offering for sale beverages containing alcohol within 2,500 feet of the location of an existing place of business licensed and operated within the Village; and

**WHEREAS**, there are developments requesting to sell alcoholic beverages within Zone 5 of the Village of El Portal; and

**WHEREAS**, this regulation effectively prohibits any establishment from selling alcoholic beverages within Zone 5 because of the existing Big Daddy's Wine & Liquors store at 8600 Biscayne Boulevard; and

**WHEREAS**, the Village desires to aid and encourage the Village's economic vitality and the growth and success of businesses within the Village; and

**WHEREAS**, the Village of El Portal desires to amend Chapter 3: Alcoholic Beverages, Sec. 3-3.-Distance restrictions between licenses, of the Village of El Portal Code of Ordinances in order to allow all businesses within Zone 5 holding a State of Florida license to sell or serve alcoholic beverages;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

**SECTION 2.** The provisions and language currently contained in Chapter 3 - Alcoholic Beverages, Sec. 3-3. - Distance restrictions between licenses, of the Village of

El Portal Code of Ordinances is hereby amended to read as set forth below:  
**CHAPTER 3 - Alcoholic Beverages**

**Sec. 3-3. – Distance restrictions between licenses.**

Unless approved as a special exception, No no licenses shall be issued to any person for the sale of intoxicating liquors and beverages containing alcohol, and the operation of liquor package stores, cocktail lounges, nightclubs, restaurants, and dining rooms, within 2,500 feet of the location of any existing place of business licensed and operated hereunder in the village 300 feet of a church, school, or childcare facility. The method of measurement shall be made by straight line from the main front entrance of the one to the main front entrance of the other.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2021-XX as amended and known as the "Code of Ordinances" of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention, and same shall be codified whenever the Code is re-codified.

**SECTION 6.** If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This ordinance shall become effective immediately upon approval on second reading.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this 25  
day of May, 2021.



Omarr C. Nickerson, Mayor  
Village of El Portal

**VILLAGE OF EL PORTAL, FLORIDA**

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**SECTION 1.** The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

**SECTION 2.** The provisions and language currently contained in Chapter 3 - Alcoholic Beverages, Sec. 3-3. – Distance restrictions between licenses, of the Village of

ATTEST:

*Yenise Jacobi*  
Yenise Jacobi CMC, Village Clerk

Approved as to form and legal

Interim Village Attorney

Greenspoon Marder, LLP

By:

*Joseph S. Geller*  
Joseph S. Geller, Esq.

sufficiency:

Vote:

Vice Mayor Urbom:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Lightfoot-Ward:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Martin:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Pirela:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)

*Councilperson Ward yes*  
*Councilperson Martin yes*  
*MOTION: Urbom*  
*2nd Pirela:*

I, Yenise Jacobi, CMC, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: 2021-\_\_ adopted on this 25 day of May, 2021, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 25 day of May, 2021.