



TOWN OF DAVIE  
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES  
JUNE 22, 2016

**1. ROLL CALL**

The meeting was called to order at 6:32 p.m. Board members present were Vice Chair (Acting Chair) Tom Jacob, Jodi Davidson, and Mike Bender. Chair Ken DeArmas and Christopher Cory were absent. Also present were Planning and Zoning Manager David Quigley, Town Administrator Richard Lemack, Board Attorney Allan Weinthal, and Mona Laventure/Prototype Inc. recording the meeting.

**2. MOTION TO EXCUSE BOARD MEMBERS**

**Motion** made by Mr. Bender to excuse Ken DeArmas and Christopher Cory, seconded by Ms. Davidson. In a voice vote, the motion passed unanimously (3-0).

**3. PUBLIC HEARING**

**3.1 Code Amendment - (ZB-TXT15-340) Alcoholic Beverages**

*Townwide*

Mr. Quigley gave a power point presentation regarding Town Code provisions for hours of operation to serve alcoholic beverages, and providing an extended hours license. For bars and lounges, it is currently restricted between 2:00 a.m. and 7:00 a.m. and 3:00 a.m. to noon on Sunday. The proposal is to change the hours restricted to 2:00 a.m. to 7:00 a.m. and 2:00 a.m. to 10:00 a.m. on Sunday. An extended hours license would be the exception.

There is no proposed change for retail sales.

An extended hours license will cover the period between 2:00 a.m. and 4:00 a.m. regardless of whether a bar or restaurant.

If approved and a business is issued an extended hours license, the license would need to be renewed October 1 of each year. The Town would consider for any application past business operations and the surrounding area as to both the zoning capability issues and also how the business has co-existed with its neighbors. Provisions are built in for suspension and revocation, as well as appeals of any aggrieved party.

No grandfathering is proposed, irrespective of any prior existing rules or agreements.

Slides were shown for various zoning distance separations, existing and proposed.

No changes in distance separations for retail sales of beer and wine are proposed.

An effort is being made to consolidate and simplify distance separations so that for any on-premises consumption whether bar or restaurant, there will be no distance separation among uses, but there will be a separation distance of 1,200 feet from a school or place of public assembly. A new provision will include a 500 foot distance separation between outdoor alcoholic beverage serving areas and residential lots.

Distance separation for RAC and residential outdoor serving area will be 100 feet.

An existing bar or liquor store will not be negatively affected by a new church or school which moves into the distance separation range.

Two informal workshops were held on April 4 and May 26; notices were mailed to all businesses with an alcoholic beverage license for consumption on premises or for liquor sales.

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Major issues discussed were with regard to application and renewal fees, a waiting period for extended hours licensing, Sunday morning hours, and requirements for on-premises security.

The next step will be to bring the Amendment before Town Council for two hearings. As there are two distinct issues, the zoning provisions are proposed to go in effect immediately upon adoption while all other changes would go into effect 12/19/16.

Comments posed by the Board members included:

- Distance between residents and bar/restaurant and activity center being close at 100 feet.
- Effect on carnivals, etc., being handled via an event or temporary use permit.
- The definition of “public assembly”

Mr. Quigley stated that all affected local businesses had been notified of the change.

Mr. Lemack stated that extensive communications and conversations were held with both business owners and residents regarding the new ordinance and he felt that staff did a good job in communicating the change to the community. Mr. Lemack further stated the new ordinance ensures that everyone is aware of the rules and regulations; however, should something go wrong, there is a review process.

Acting Chair Jacob then opened the meeting for public comment.

Mr. Michael Rodicel, sports bar owner, inquired as to the time he can legally start serving alcohol during a football game, for example. He also inquired regarding fundraiser activities which may start early and was advised by Mr. Quigley that the earliest alcoholic beverages can be served is at 10:00 a.m. on Sundays and at 7:00 a.m. any other days.

Acting Chair Jacob then closed public comment as there was no one else wishing to speak on this item.

Ms. Davidson expressed concern regarding law enforcement for alcoholic beverage consumption by minors during holiday celebrations. Mr. Quigley noted that he could not respond to Ms. Davidson’s comments on behalf of the police department.

**Motion** made by Mr. Bender to approve Code Amendment (ZB-TXT15-340), seconded by Ms. Davidson. In a roll call vote, the motion passed 3-0.

4. **OLD BUSINESS** - none.
5. **NEW BUSINESS** - none.
6. **COMMENTS AND/OR SUGGESTIONS** - none.
7. **ADJOURNMENT**

Hearing no further business, Acting Chair Jacob adjourned the meeting at 7:05 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member