Orange County Zoning Division

Public Hearing: Amendments to Sections 38-1414 and 38-1415

January 9, 2018

Background

- July 2016 – PZC Public Hearing – I Drive
- August 2016 – BCC Public Hearing – I Drive
- September 2016 – BCC Public Hearing - Chap 38
- November 2016 – BCC work session
- May 2017 – BCC work session
- July 2017 – PZC work session
- August 2017 meeting with package store license holders
- October 2017 PZC Public Hearing

Current Regulations

- Section 38-1414 of the Code requires 5000 feet separation between package liquor stores regardless of the jurisdiction
- Section 38-1414 provides that distance be measured from the main entrance of the proposed package store to the main entrance of existing package store by following the shortest route of ordinary pedestrian travel along public thoroughfare

Current Regulations

- Section 38-1415 requires 1000 ft. separation from the proposed package store to school, and provides that distance is measured from the main entrance of the proposed package store to main entrance door of the school

State Lottery for Quota Licenses

- Each year the State of Florida holds a lottery drawing for new quota licenses.
- For every 7,500 people residing in the county according to the census bureau, one quota license may be issued.

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The 2017 Florida Statutes

Title XXXIV	Chapter 561	View Entire Chapter
ALCOHOLIC BEVERAGES AND TOBACCO	BEVERAGE LAW: ADMINISTRATION	

561.19 License issuance upon approval of division.—

(1) Upon the completion of the investigation of an application, the division shall approve or disapprove the application. If approved, the license shall be issued upon payment to the division of the license tax hereinafter provided.

(2)(a) When beverage licenses become available by reason of an increase in the population of a county, by reason of a county permitting the sale of intoxicating beverages when such sale had been prohibited, or by reason of the revocation of a quota beverage license, the division, if there are more applicants than the number of available licenses, shall provide a method of double random selection by public drawing to determine which applicants shall be considered for issuance of licenses. The double random selection drawing method shall allow each applicant whose application is complete and does not disclose on its face any matter rendering the applicant ineligible an equal opportunity of obtaining an available license. After all applications are filed with the director, the director shall then determine by random selection drawing the order in which each applicant's name shall be matched with a number selected by random drawing, and that number shall determine the order in which the applicant will be considered for a license. This paragraph does not prohibit a person holding a perfected lien or security interest in a quota alcoholic beverage license, in accordance with s. 561.65, from enforcing the lien or security interest against the license within 180 days after a final order of revocation or suspension. A revoked quota alcoholic beverage license encumbered by a lien or security interest, perfected pursuant to s. 561.65, may not be issued under this subsection until the 180-day period has elapsed or until such enforcement proceeding is final.

(b) Any portion of the drawing results of a particular county which reveals the rank order of

Previous Work Session

Reduces the 5000 ft separation as follows:

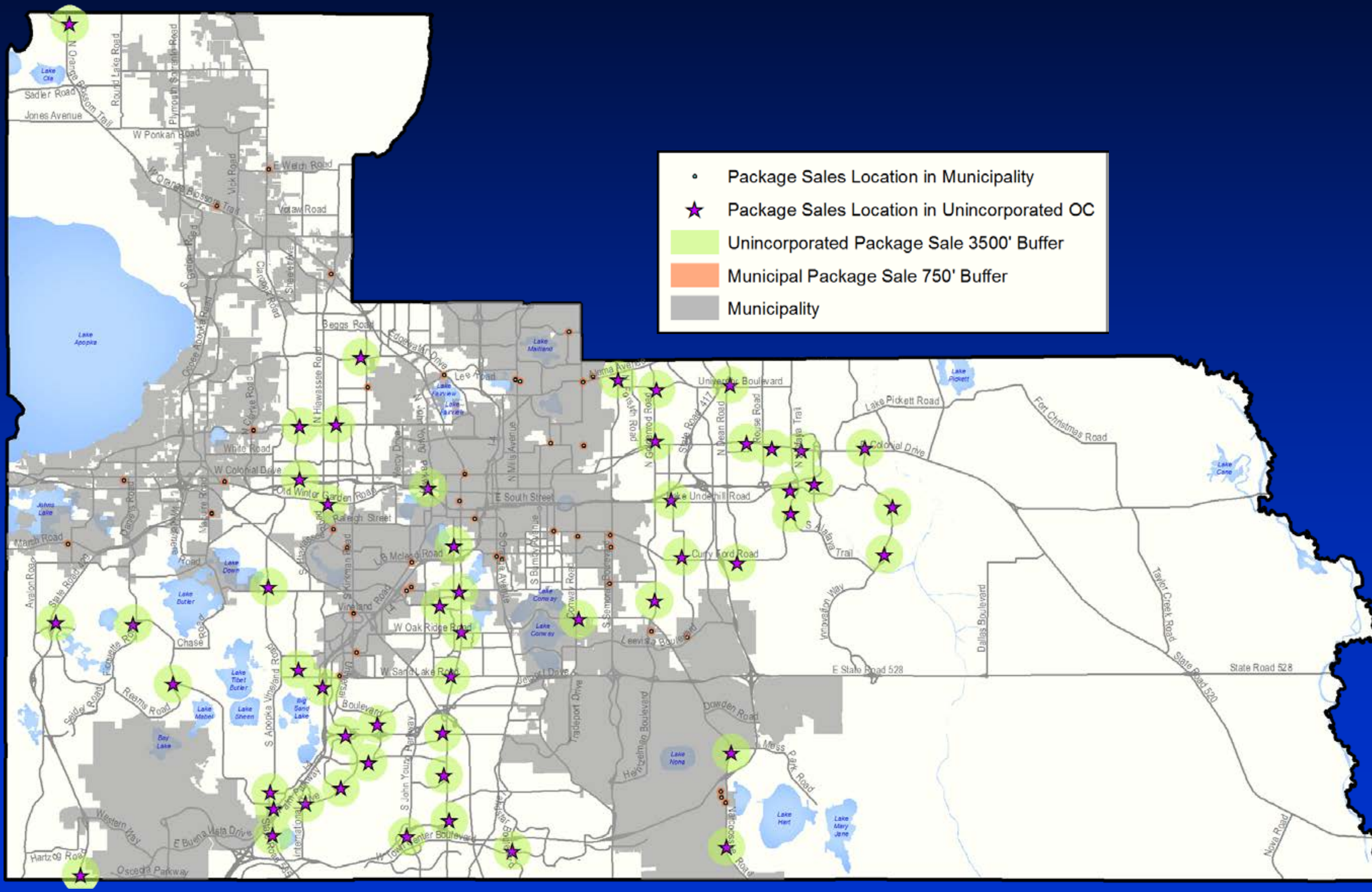
- New Licenses
  - 2500 ft. from all quota license locations
- Existing Licenses*
  - 1250 ft. from all quota license locations
- Reciprocity
  - 750 ft. from quota license locations in the municipal limits

* defined as those located, licensed and established at the time of the adoption of the ordinance

Proposed Amendments

- Section 38-1414
  - Reduces the 5000 ft. separation requirement to 3500 ft. for package stores in unincorporated area
  - States that a package store in unincorporated area shall be no closer than 750 ft. from a package store in a municipality

Package Sale Locations 3500 ft. and 750 ft. Buffer



Orange County Municipalities

Jurisdiction	Distance Separation
Apopka	750 ft
Bay Lake	None
Belle Isle	5000 ft
Eatonville	None
Edgewood	1000 ft
Maitland	750 ft
Lake Buena Vista	None
Oakland	500 ft
Ocoee	None
Orlando	None
Windermere	1000 ft
Winter Garden	5000 ft
Winter Park	750 ft

Proposed Amendments

- Section 38-1415
  - The distance from a package sale vendor's location to a school shall be measured from the main entrance of proposed package store to any entrance to the school property that is used by students.

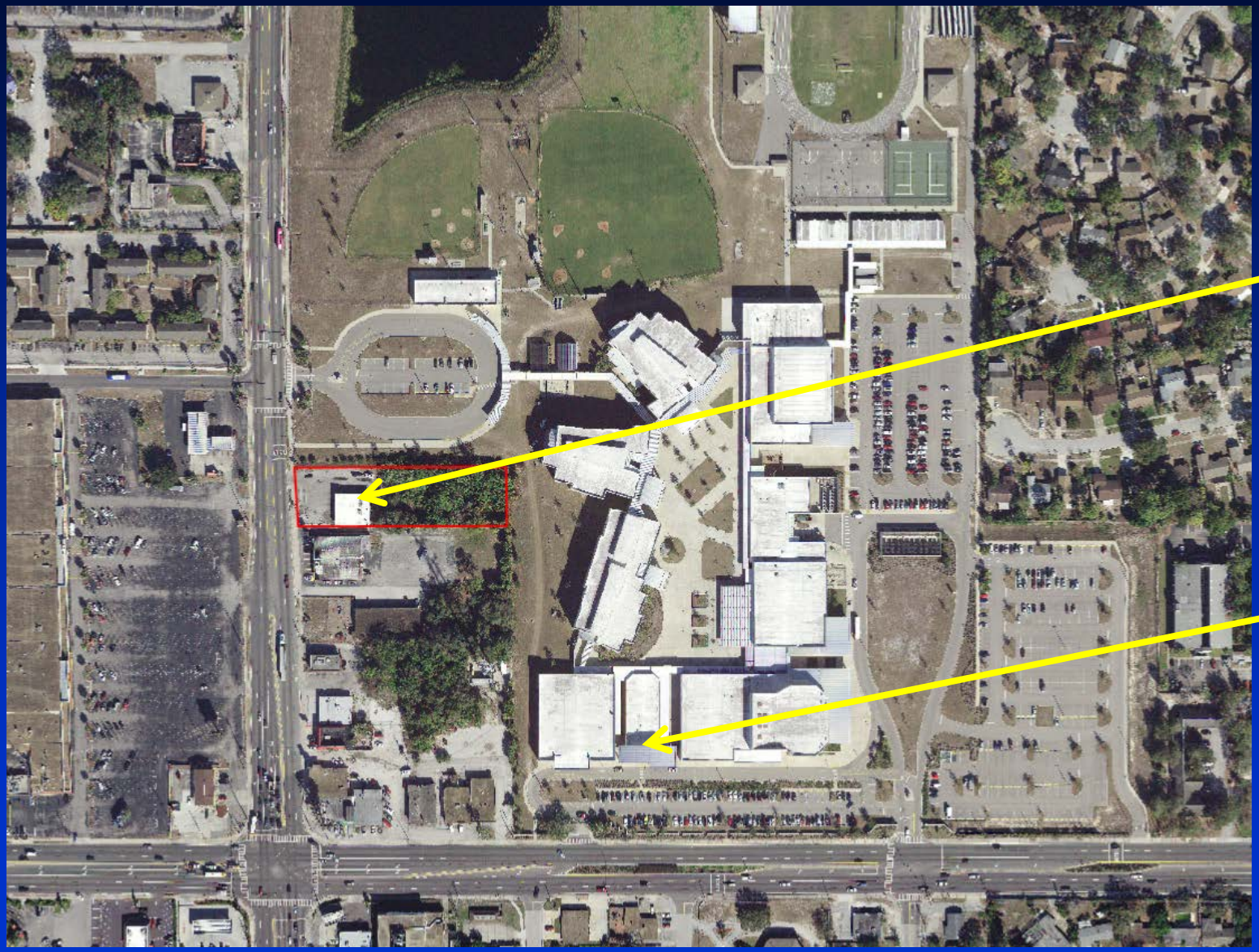
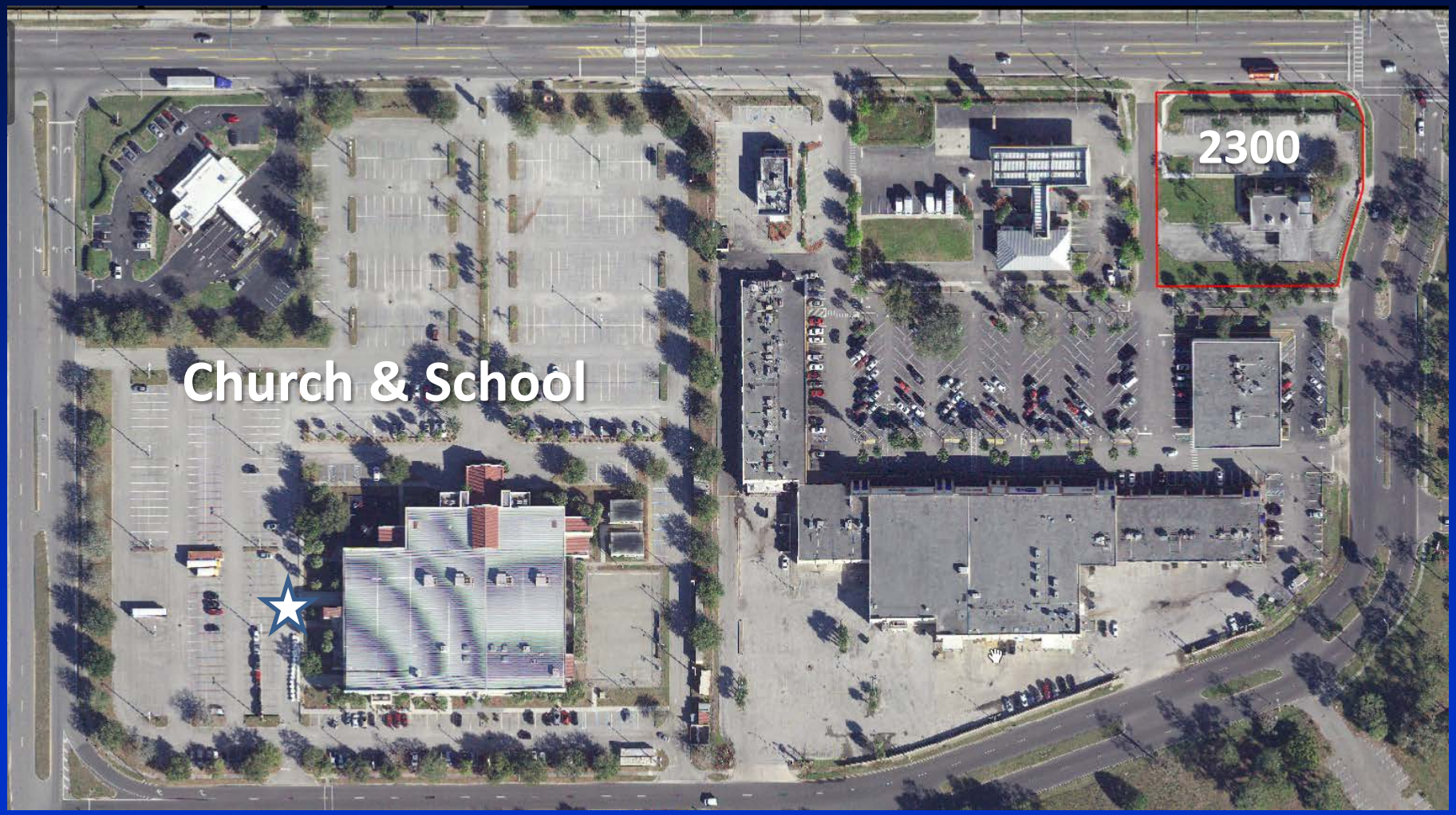
Recommended Ordinance

- Draft Ordinance prepared consistent with BCC direction
- Held Community Meeting with the stakeholders in August 2017
  - The majority of stakeholders opposed any reduction in the separation requirement
- Public hearing with the Planning and Zoning Commission October 2017
  - 2500 ft/1250 ft. changed to 3500 ft.
  - PZC recommended approval of the ordinance (7-1)

Requested Action

- Adopt an ordinance affecting the use of land in Orange County, Florida, regarding the sale of alcoholic beverages; amending Section 38-1414 of the Orange County Code relating to prohibited areas for the sale of alcoholic beverages; amending Section 38-1415 of the Orange County Code relating to distances between places selling alcoholic beverages and religious institutions, schools and adult entertainment establishments; and providing an effective date

Royalty Liquors & Evans High School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