Orange County Zoning Division

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

February 6, 2018

Continued by the BCC from January 9, 2018 for decision only

Ordinance Summary

- Proposed amendments to Section 38-1414
  - Would reduce the 5,000 ft. separation requirement to 3,500 ft. between package stores in unincorporated area; and

Ordinance Summary

- Would allow a package store in unincorporated area to be 750 ft. from a package store in a municipality instead of 5,000 ft.
  - Unincorporated package store in proximity to a municipality would benefit from and need to satisfy 750 ft. measurement from package store in municipality *regardless* of whether it abuts the municipality's boundary

Ordinance Summary

- Rationale for recommended 750 ft. "reciprocity" number in Section 38-1414
  - Eight of the 13 municipalities in Orange County have distance separation requirements. Of those 8 municipalities, three have 750 ft., two have 1,000 ft. and one has 500 ft.
  - 750 ft. is an approximate average of those distances
  - Using 750 ft. in every case provides the industry and staff with a certain and constant reciprocity number and makes enforcement and implementation by staff easier

Ordinance Summary

- **Proposed Amendment to Section 38-1415**
  Would measure the distance from a package store's location to a school from the main entrance of proposed package store to "any entrance to the school property that is used by students"
  - Prior to Sept. 2016, distance was measured to "the nearest point of the school grounds in use as part of the school facilities"
  - Since Sept. 2016, distance has been measured to "the main entrance door of the school"
  - In 2017 a package store opened near a school using the post-Sept. 2016 method
  - The package store would not have been able to satisfy the pre-Sept. 2016 method
  - Proposed change is similar to stricter pre-Sept. 2016 regulation

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.

Potential Motion Items

- Amending Section 38-1415
  - Measure the distance from a package sale vendor's location to a school from the main entrance of proposed package store to "any entrance to the school property that is used by students"
- Amending Section 38-1414
  - Reduce the 5,000 ft. separation requirement to 3,500 ft. between package stores in unincorporated area
- Amending Section 38-1414
  - Reduce the 5,000 ft. separation requirement to 750 ft. from a package store in the unincorporated area to a package store in a municipality

Ordinance Approval

- If approved in whole or part, incorporate additional minor amendments into ordinance as advertised, including an effective date of February 19, 2018.