



Interoffice Memorandum

October 18, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P. E. Director
Community, Environmental and Development Services
Department

CONTACT PERSON: **Alberto Vargas, March, Manager, Planning Division**
(407) 836-5354

SUBJECT: October 30, 2018 2:00 p.m. – Second of Two Public Hearings
Ordinance Amending Chapter 38 ("Zoning")
Package Sale of Alcoholic Beverages in the I-Drive District
Overlay Zone

On July 10, 2018, the Board discussed Commissioner Siplin's Report to consider an amendment to the Code regarding package sale of alcoholic beverages in the I Drive Overlay Zone. The Board directed staff to meet with the stake holders and prepare an ordinance for review. On July 24, 2018, the staff met with alcoholic beverage license holders to review a proposed amendment to Chapter 38 regarding package sale vendors. On June 29, 2018, the proposed ordinance was presented to the I-Drive Steering Review Group. The Steering Review Group acknowledged and by consensus approved moving forward with the amendments. On September 20, 2018, the Planning and Zoning Commission made a finding of consistency with the Comprehensive Plan and recommended adoption of the Ordinance. On October 16, 2018, at 5:01 p.m., the first public hearing was held and the Board heard from several speakers in favor of the proposed ordinance.

The proposed code amendments limit to four the number of package sale vendors in the I-Drive Overlay Zone; only one within subdistrict 2, only one within subdistrict 3, only one within subdistrict 4, and only one within either subdistrict 5 or 6. The one vendor within each of the aforementioned subdistricts may be located within 3500 ft. of another vendor. Additionally the package sale vendor within subdistrict 3 may close and relocate one time to a location outside of the I-Drive Overlay Zone anywhere in unincorporated Orange County and be no closer than 3500 ft. to any existing package sale vendor.

This is the second of two public hearings. The first public hearing was held on October 16, 2018 at 5:01 pm.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt an ordinance amending Chapter 38 regarding Package Sale of Alcoholic Beverages in the I-Drive District Overlay Zone and providing an effective date. All Districts

JVW:AV/CLK
Attachment

ORDINANCE NO. 2018-__

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, REGARDING THE PACKAGE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-1414 OF THE ORANGE COUNTY CODE RELATING TO PROHIBITED AREAS FOR THE PACKAGE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-865 AND SECTION 38-869 OF THE ORANGE COUNTY CODE RELATING TO THE PACKAGE SALE OF ALCOHOLIC BEVERAGES IN THE I-DRIVE DISTRICT OVERLAY ZONE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments to Section 38-1414 ("Prohibited areas for package sale of alcoholic beverages"). Section 38-1414(b) of the Orange County Code is amended to read as follows, with additions being shown by underlines and deletions being indicated with strike-throughs:

Sec. 38-1414. Prohibited areas for package sale of alcoholic beverages.

* * *

(b) *Package sale vendor; distance separation requirements.* Subject to Section 38-865.d(10) of the Orange County Code relating to the I-Drive District Overlay Zone, ~~w~~Within the unincorporated area of the county, a package sale vendor may be permitted to operate its business of package sales at a location no closer than five thousand (5,000) feet of any preexisting package sale vendor's place of business within the unincorporated area of the county, and no closer than seven hundred and fifty (750) feet of any preexisting package sale vendor's place of business within a municipality in the county.

* * *

In all other respects, Section 38-1414 shall remain unchanged.

Section 2. Amendments to Section 38-865 ("Uses [in the I-Drive District Overlay

Zone"). Section 38-865 of the Orange County Code is amended as follows:

(a) Table (27) ("Neighborhood Retail Uses") in subsection c ("Use Table") is amended by deleting "~~Alcohol Sales (off-site consumption)~~" and replacing it with "Package sale vendor."

(b) Subsection d(10) is created to read as follows:

(10) Package sale vendors.

No more than four (4) package sale vendors may be permitted within the I-Drive District Overlay Zone. Only one such package sale vendor may be located within sub-district 2 of the I-Drive District Overlay Zone, only one package sale vendor may be located within sub-district 3, only one package sale vendor may be located within sub-district 4, and only one package sale vendor may be located within sub-district 5 or 6, provided that no package sale vendor within a sub-district may be located within three thousand five hundred (3,500) feet of a package sale vendor in another sub-district. The package sale vendor existing within sub-district 3 as of [insert the date of adoption of this ordinance] may close its location and relocate once to a location outside of the I-Drive District Overlay Zone anywhere within unincorporated Orange County that is no closer than three thousand five hundred (3,500) feet of any existing package sale vendor in the county. Distances referenced in this subsection d(10) shall be measured as described in Section 38-1414(e).

In all other respects, Section 38-865 shall remain unchanged.

Section 3. Amendments to Section 38-869 ("Definitions [for the I-Drive District Overlay Zone]"). Section 38-869 of the Orange County Code is amended as follows:

(a) Subsection b ("Defined terms") is amended by creating a definition for "package sale vendor" at subsection b(34) to read as follows:

(34) **Package sale vendor.** A "package sale vendor" means as defined at Section 38-1414(a).

(b) Existing subsections b(34) through b(65) shall be renumbered as subsections b(35) through b(66), respectively

In all other respects, Section 38-869 shall remain unchanged.

Section 4. Severability. If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or invalid, such holding or declaration shall not affect the remaining portions of this ordinance, and it shall be construed to have been the legislative intent of the board of county commissioners to adopt this ordinance without such unconstitutional, inoperative, or invalid portion, and the remainder of the ordinance after the exclusion of such invalid portion shall be deemed and held to be valid as if such invalid portion had not been included.

Section 5. Effective date. This ordinance shall become effective on [insert month and date], 2018.

ADOPTED THIS ____ DAY OF _____, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk