



# MARTIN COUNTY, FLORIDA

## Growth Management Department

### **Amendment of Chapter 5, Alcoholic Beverages, General Ordinances, Martin County Code**

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| Project             | Update of regulations applicable in the CRAs |
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| Date of this Report | July 1, 2021                                 |

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#### ***I. Background***

Chapter 5, Alcoholic Beverages, General Ordinances, Martin County Code, identifies the zoning districts in unincorporated Martin County in which the sale of alcoholic beverages is permitted. Chapter 5 must be amended to recognize the six Redevelopment Zoning Districts established by the adoption of Article 12, the Community Redevelopment Code, of the Martin County Land Development Regulations.

Chapter 5 of the Martin County Code of Ordinances distinguishes between the sale of alcoholic beverages for on-premises consumption and off-premises consumption. Chapter 5 restricts the sale of alcoholic beverages for on-premises consumption (hereinafter called licensed premises) within certain distances of places of worship, parks, playgrounds, schools, residential districts, and individual dwellings. No minimum separation requirement applies to the sale of alcohol for off-premises consumption. Licensed premises may not be located within 300 feet of a place of worship, park or playground, within 500 feet of a public or private elementary, middle or secondary school, or within 50 feet of any residential zoning district or dwelling. The minimum separation requirements do not apply to licensed premises that existed prior to the establishment of the place of worship, park, playground, school, residential zoning district or dwelling.

All measurements are based on a straight line between closest points. The distance from a place of worship to a licensed premises is measured building to building. The distance from a park, playground, or school is measured from the boundary of the park, playground or school property to the closest point of the building of the licensed premises. The distance from a residential zoning district or a dwelling is measured from the boundary of the zoning district or

the residential lot to the closest point of the licensed premises' building.

Martin County has created several exemptions from these minimum separation requirements. No minimum separation from a school property applies to licensed premises that are also licensed as restaurants which derive at least 51% of their gross revenues from the sale of food and nonalcoholic beverages. Additionally, the County has exempted Jonathan Dickinson State Park (for beer and wine only), the Elliot Museum, the Kane Center, Martin County Airport, the County fairgrounds, and all County parks (subject to approval and control of the BOCC) from the minimum distance requirements.

The State of Florida does not limit the number of licenses that authorize the sale of beer and wine for on-premises consumption. On the other hand, in order to sell liquor for on-premises consumption, the entity must qualify for one of approximately 25 special licenses, purchase an existing license from a licensed premises, or obtain a quota license through a random drawing conducted by the Division of Alcoholic Beverages and Tobacco within the Florida Department of Business and Professional Regulations that occurs based on an increase of 7,500 residents in the County. One special license is for restaurants which have at least 2,500 sq. ft. of service area, are equipped to serve meals to 150 persons at one time and derive at least 51% of revenue from sale of food and non-alcoholic beverages. Other special licenses are for hotels with at least 100 rooms, caterers, golf, tennis and racquet ball clubs, beach clubs, bowling alleys, airports, train stations, events centers, performing arts centers, various fraternal, social and civic clubs.

Currently 327 premises in Martin County, including those located in the incorporated municipalities, are licensed to sell alcoholic beverages for on-premises consumption. That total number includes 37 golf clubs, country clubs, VFWs, American Legions, Moose Lodges, etc. One hundred and sixty-four (164) establishments are licensed to sell beer and wine only and 120 are licensed to sell beer, wine and liquor. Of the 327 premises licensed for the sale of alcoholic beverages for on-premises consumption in Martin County, 54 are in one of the County's six Community Redevelopment Areas (CRA).

### ***III. Analysis***

Staff reviewed the Regulating Plans and approximately measured the distances provided in subsections 5.3.B., 5.3.C. and 5.3.D., General Ordinances, Martin County Code, from places of worship, parks, playgrounds, schools, residential zoning districts and individual dwellings. Several areas were identified where the minimum separation requirements conflict with the goal and vision for vibrant neighborhood commercial centers in the CRAs. This analysis is attached in two reports. One report illustrates the 300-foot minimum distance required from places of worship, parks and playgrounds and the 500-foot minimum distance required from school property. The second report illustrates the 50-foot minimum distance from residential zoning districts and from dwellings. Those reports are included with this staff report.

Restaurants are permitted more widely in the Redevelopment Zoning Districts than are microbreweries and craft distilleries. Restaurants are permitted in all subdistricts which permit commercial use-- Core, Corridor, Waterfront, General, Industrial and Railroad Corridor subdistricts. Restaurants are permitted in all General subdistricts, but craft distilleries and microbreweries are permitted in no General subdistricts. Restaurants are permitted in all five Corridor subdistricts (Rio, Old Palm City, Hobe Sound, Port Salerno and Golden Gate (Jensen Beach has no Corridor subdistrict). Craft distilleries and microbreweries are permitted in just three Corridor subdistricts (Rio, Hobe Sound and Golden Gate). See Table 1 and Table 2.

Table A. Article 12 Subdistricts where restaurants are permitted

|     | General | Core | Corridor | Waterfront | Industrial | Railroad Corridor |
|-----|---------|------|----------|------------|------------|-------------------|
| JB  | P       | P    |          | P          |            |                   |
| Rio | P       | P    | P        | P          | P          |                   |
| OPC |         | P    | P        |            | P          |                   |
| HS  | P       | P    | P        |            |            | P                 |
| PS  | P       | P    | P        | P          | P          |                   |
| GG  | P       | P    | P        |            | P          |                   |

Table B. Article Subdistricts where microbreweries and craft distilleries are permitted

|     | General | Core | Corridor | Waterfront | Industrial | Railroad Corridor |
|-----|---------|------|----------|------------|------------|-------------------|
| JB  | No      | P    |          | P          |            |                   |
| Rio | No      | P    | P        | P          | P          |                   |
| OPC |         | P    | No       |            | P          |                   |
| HS  | No      | P    | P        |            |            | P                 |
| PS  | No      | P    | No       | P          | P          |                   |
| GG  | No      | P    | P        |            | P          |                   |
|     |         |      |          |            |            |                   |

 means the subdistrict is not present in the CRA.

Just as the General subdistrict is treated differently regarding microbreweries and craft distilleries, the General subdistrict is treated differently regarding licensed premises.

## **II. Recommendation**

Staff recommends that Chapter 5, Alcoholic Beverages, Martin County Code of Ordinances, be amended to identify the Jensen Beach, Rio, Old Palm City, Hobe Sound, Port Salerno and Golden Gate redevelopment zoning districts as zoning districts in which the sale of alcoholic beverages for both off-premises and on-premises consumption is allowed.

Staff further recommends that Chapter 5, Alcoholic Beverages, Martin County Code of Ordinances, be amended to modify the applicability of sub-sections 5.3.B. (places of worship, parks and playgrounds), 5.3.C. (schools), and 5.3.D. (residential districts and dwellings) according to CRA subdistricts, as follows:

- a. If also licensed as a restaurant that earn 51% of gross revenue from the sale of food and non-alcoholic beverages, a licensed premises located in a Redevelopment Zoning District is exempt from all distance requirements in sub-sections 5.3.B. (places of worship, parks and playgrounds), 5.3.C. (schools), and 5.3.D. (residential districts and dwellings).
- b. If located in a Core or Waterfront subdistrict, licensed premises are exempt from all distance requirements in sub-sections 5.3.B. (places of worship, parks and playgrounds), 5.3.C. (schools), and 5.3.D. (residential districts and dwellings).
- c. If located in a General, Corridor, Railroad Corridor, or Industrial subdistrict, a licensed premises is exempt from the distance requirements in sub-sections 5.3.B. (places of worship, parks and playgrounds) and 5.3.C. (schools).
- d. A licensed premises shall not be subject to any minimum separation requirement from a dwelling when the dwelling is located in a Corridor, Railroad Corridor, or Industrial subdistricts.
- e. Dwellings located within the General subdistrict shall remain protected by the minimum 50-ft. separation requirement required by 5.3.D. (residential districts and dwellings), except as otherwise provided in paragraph a (licensed premises in the Core or Waterfront subdistrict) and paragraph b (licensed premises also licensed as a restaurant).

The draft ordinance providing these amendments is included with this agenda item.