



## Legislation Details (With Text)

**File #:** 21-1071

**Type:** Public Hearing

**Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 9/14/2021

**Final action:** 9/14/2021

**Title:** PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, GENERAL ORDINANCES, MARTIN COUNTY CODE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. StaffReport.8.17.21.pdf, 2. Institutional Distance Analysis.8.17.21.pdf, 3. Residential distance analysis.pdf, 4. ORDINANCE.Chap.5.pdf, 5. Community Outreach.pdf, 6. PublicComment.pdf, 7. LPA Minutes.2021\_07.15.pdf, 8. published ad.BOCC public hearing.pdf, 9. SUPP MEMO, 10. Revised draft ORDINANCE.pdf

Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings

**TITLE:**

**PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, GENERAL ORDINANCES, MARTIN COUNTY CODE**

**EXECUTIVE SUMMARY:**

Chapter 5, Alcoholic Beverages, General Ordinances, Martin County Code, identifies the zoning districts in which the sale of alcoholic beverages is permitted. Chapter 5 also restricts the sale of alcoholic beverages for on-premises consumption within stated distances of certain land uses. The proposed ordinance amends Chapter 5 to recognize the redevelopment zoning districts established by Article 12 of the Martin County Land Development Regulations and modifies the limitation on the sale of alcoholic beverages for on-premises consumption within stated distances of certain land uses.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Irene A. Szedlmayer, AICP  
**Title:** Principal Planner

**REQUESTED BY:** staff

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Chapter 5, Alcoholic Beverages, Code of Ordinances, identifies the zoning districts in which the sale

of alcoholic beverages is permitted. Between September 2019 and November 2020, Article 12 of the Martin County Land Development Regulations was adopted by the Board of County Commissioners. Divisions 2 through 7 of Article 12 created the Jensen Beach, Rio, Old Palm City, Hobe Sound, Port Salerno, and Golden Gate Redevelopment Zoning Districts. These redevelopment zoning districts are not yet recognized by Chapter 5, Alcoholic Beverages, General Ordinances.

Chapter 5 also restricts the sale of alcoholic beverages for on-premises consumption 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. These minimum distance requirements conflict with the vibrant mix of uses within walking distance of each other that is envisioned for certain subdistricts within the redevelopment zoning districts.

### **ISSUES:**

None

### **LEGAL SUFFICIENCY REVIEW:**

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's actions must be upheld if reasonable minds could differ as to the propriety reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board adopt the proposed ordinance amending Chapter 5, Alcoholic Beverages, General Ordinances, Martin County Code, to permit the sale of alcoholic beverages in the Redevelopment Zoning Districts and to modify sub-sections 5.3.B., 5.3.C. and 5.3.D., Code of Ordinances, Martin County Code.

#### **ALTERNATIVE RECOMMENDATIONS**

Direct staff to make changes to the proposed ordinance.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

Staff time.

#### **ALTERNATIVE RECOMMENDATIONS**

Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☒ Ordinance   ☐ Resolution  
☐ Other: