

ORDINANCE NUMBER: 88-12

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCES 73-1, 73-4, 73-5, 74-3 and 77-6, WHICH ARE THE ORDINANCES ESTABLISHING AND ENACTING A COMPREHENSIVE ZONING CODE FOR ZONING DISTRICTS A,B,C,D AND E, BEING ALL THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA EXCEPTING THEREFROM THE PONTE VEDRA ZONING DISTRICT, STATE AND NATIONAL PARKS AND ALL INCORPORATED CITIES AND TOWN. THIS AMENDMENT ADDS SECTION 7-16-13 TO THE ZONING CODE WHICH SECTION ESTABLISHES DISTANCE REQUIREMENTS BETWEEN CERTAIN ALCOHOLIC BEVERAGE VENDORS AND ESTABLISHED CHURCHES AND SCHOOLS; PROVIDES FOR VARIANCES FROM THE DISTANCE REQUIREMENTS FOR CERTAIN RESTAURANTS, HOTELS AND MOTELS BASED ON SPECIFIED CRITERIA; AND PROVIDES THAT IN ADDITION TO A VARIANCE FROM DISTANCE REQUIREMENTS AN EXCEPTION MAY ALSO BE REQUIRED IN CERTAIN DISTRICTS; THIS AMENDMENT FURTHER PROVIDES FOR AMENDMENTS TO THE CHT; CG; CI; IW AND OR DISTRICTS PERTAINING TO EXCEPTIONS THEREIN BY INCORPORATING REFERENCES TO THE PROVISIONS OF SECTION 7-16-13; PROVIDES FOR INTERPRETATIONS; PROVIDES FOR ESTABLISHMENT OF NEARBY CHURCHES AND SCHOOLS SUBSEQUENT TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE VENDOR ESTABLISHMENTS; AND PROVIDES EXCEPTIONS; THIS ORDINANCE ALSO REPEALS THAT CERTAIN 1957 COUNTY RESOLUTION PERTAINING TO COUNTY BEVERAGE ZONES BUT THEN RE-ESTABLISHES WITHIN THE ABOVE DESCRIBED AREA OF ST. JOHNS COUNTY MOST OF THE DISTANCE REQUIREMENTS BETWEEN CERTAIN ALCOHOLIC BEVERAGE VENDORS CONTAINED WITHIN SAID RESOLUTION BY INCORPORATING MOST OF SAID DISTANCE REQUIREMENTS INTO SECTION 7-16-13 OF THE ST. JOHNS COUNTY COMPREHENSIVE ZONING CODE; AND PROVIDES AN EFFECTIVE DATE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. St. Johns County Ordinance No. 73-1, 73-4, 73-5, 74-3 and 77-6, which are the ordinances described in the above title, are hereby amended as follows:

A. The following section 7-16-13 is added to said ordinances:

7-16-13 Alcoholic Beverage Establishments:

1. Nearby Church - Nearby School: Except those beer and wine vendors who sell no alcoholic beverages other than malt beverages and wine and who are licensed in accordance with Section 563.02(1)(a) and/or Section

564.02(1)(a) of the Florida Statutes, as may be amended from time to time, no vendor of alcoholic beverages that is located within the unincorporated area of St. Johns County shall maintain a place of business within one thousand (1,000) feet of an established school or within one thousand (1,000) feet of an established church located in the unincorporated or incorporated area of St. Johns County. In the case of a church, this distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities as measured from the main entrance of the place of business.

- a. Interpretation of "Shortest Route" - "The shortest route of ordinary pedestrian travel" as used in this Part, shall mean that route of pedestrian travel nearest to the main entrance of the place of business of the vendor. The purpose of this provision is to prevent the practical evasion of this Chapter by the establishment of a circuitous route of pedestrian travel upon the property of the vendor in order to avoid a measurement of the closest available route of pedestrian travel.
- b. Interpretation of "School" - The word "school" as used in this Part shall mean any public, private or parochial institution conducting and offering to minors a course of general or vocational education and mental training.
- c. Subsequent Establishment of Church or School - Whenever a licensee has procured a license certificate permitting the sale of beverages containing more than one percent of alcohol by weight and has commenced the business of selling such beverages at a properly zoned location and

thereafter a church or school shall be established within a distance otherwise prohibited by this ordinance, the establishment of such church or school shall not be cause for the discontinuance of the business of such licensee at that location.

- d. Exception to Distance Requirements For Certain Restaurants and Motels - The provisions relating to distance requirements shall not apply to a vendor location wherein the vendor owns and operates a restaurant containing all necessary equipment and supplies for and serving full meals regularly and having accommodations for service for 150 or more patrons at tables and occupying more than 2,500 sq. feet. of space and the sale of such alcoholic beverages is solely for on premise consumption in said restaurant; or to a vendor who owns and operates a hotel or motel containing 100 or more guest rooms, and the sale of alcoholic beverages is to be conducted and carried on in such hotel or motel by the hotel or motel owner or operator solely for on premise consumption; and, provided further, that when such business is conducted by the hotel or motel owner or operator, such business shall be conducted in a location within such hotel or motel which has no direct entrance or exit on a public street.
- e. Variance from Distance Requirement - A license applicant and holder who is engaged in conducting a bona fide restaurant establishment which has tables capable of seating no less than 30 persons simultaneously for the purpose of serving meals, but who is otherwise prohibited from the sale of beer and wine due to the location of such business within a certain distance from a school or a church, may apply for a variance to permit the sale of beer

and/or wine. The consideration of such application for a variance will be administered and considered in accordance with Section 11-9-2 of this code. Any variance granted a vendor to permit the sale of beer and/or wine to be consumed on the premises is subject to the following circumstances and conditions:

- (i) The license applicant and holder is engaged at the subject location in conducting a bona fide restaurant establishment which has tables capable of seating not less than 30 persons simultaneously, for the purpose of serving meals.
- (ii) All sales of beer and wine are to be made to persons patronizing the establishment for the main purpose of ordering and consuming food.
- (iii) To qualify as a bona fide restaurant hereunder, the establishment must have permanent kitchen facilities located within the premises in which meals regularly are prepared for service to patrons of the establishment.
- (iv) No person shall attempt to circumvent the intent of this Section by an artifice or scheme, such as the serving of stock meals. Stock meals as hereinabove used are defined to include and refer to the service of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer.

f. Zoning Exception Required in Certain Districts

Where the sale of alcoholic beverages for on site and or off site consumption is a permitted use by Exception within the various zoning districts contained in this

code, a request for such an exception shall be submitted, reviewed and acted upon in accordance with the provisions of Section 11-9 of this code.

2. Nearby Alcoholic Beverage Vendor: Except those beer and wine vendors who (i) sell no alcoholic beverages other than malt beverages and wine and (ii) who are licensed in accordance with Section 563.02(1)(a) and/or Section 564.02(1)(a) of the Florida Statutes, as may be amended from time to time, no vendor of alcoholic beverages that is located within the unincorporated area of St. Johns County shall maintain a place of business that sells alcoholic beverages except in accordance with the following:

- a) All of those certain areas of land outside of any incorporated town or city in St. Johns County, which lie within and 3000 feet distance therefrom of a vendor's place of business as now or hereafter established, located and licensed under the provisions of the Florida Beverage Law to sell at retail all alcoholic beverages containing more than fourteen per centum alcohol, by weight, are hereby zoned and each such area is hereby designated and shall be known as a "County Beverage Zone".
- b) No additional place of business licensed under the beverage laws of the State of Florida to sell at retail all alcoholic beverages containing more than fourteen per centum alcohol, by weight, shall be established, located or maintained in any "County Beverage Zone" and the use of the area within such County Beverage Zone by such additional vendor of alcoholic beverages is prohibited. It is hereby provided that the zoning of the areas mentioned in the immediately preceding subparagraph is to provide and to require that no additional vendor or establishment shall be licensed or permitted to operate in said "County Beverage Zone" at a location therein

for the sale, at retail of all alcoholic beverages containing alcohol of more than fourteen per centum by weight, within a distance of 3000 feet of the location of any vendor now or hereafter established, existing and licensed under the provisions of the Florida Beverage Law. If there is an existing location of a place of business of a vendor licensed under said beverage law, and it is located in a municipality of said County, then in that event in determining the distances from a location where a vendor may operate, the distance from the City limit boundary lines to the place of business and location of a vendor in the municipality shall be counted in reckoning the aforesaid 3000 feet distance.

- c) The location of all places of business in the unincorporated area of St. Johns County, licensed to sell all beverages containing alcohol of more than fourteen per centum by weight and legally zoned to sell same at such location on the date of the adoption of this ordinance, shall not in any manner be affected by section 7-16-13 (2) and this section 7-16-13 (2) shall not apply to such existing licensed and zoned locations, or the renewal thereof, or to transfers thereof, and the distance limitation provided for in this subsection (2) shall not affect any existing licensed and zoned location issued to and held by any such vendor, nor such vendor's right of renewal or transfer of any such license, provided however, that the location of any such existing license shall not be transferred to a new location in violation of this subsection (2), except that the location of any presently existing license or renewal thereof, may be transferred to a location which is a distance not in excess of 500 feet from the present location of said existing license.

- d) The distances provided for by this subsection (2) of section 7-16-13 shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the front door of any present location of any such place of business to the front door of any proposed location of any such place of business.
- e) The provisions of this subsection (2) of section 7-16-13 shall not apply to incorporated clubs, including social clubs, and caterers at horse or dog racing plants, as defined in the "Florida Beverage Law".
- f) If the sale of alcoholic beverages as defined in this subsection (2) of section 7-16-13 at a location within a County Beverage Zone is discontinued for 3 months, then the County Beverage Zone created by this subsection (2) and by reason of the sale of such alcoholic beverages at such location shall cease to exist.
- g) This subsection (2) of section 7-16-13 shall not apply to cases arising under the provisions of Section 561.20(2) Florida Statutes 1955.
- B. The following section (c) is added to section 5-7-3 of said ordinances pertaining to CHT Permissible Uses by Exception
- c. The sale of alcoholic beverages for on or off site consumption in accordance with the provisions of Sections 6-1-26 and 7-16-13.
- C. Subparagraph (d) of section 5-8-4 of said ordinances pertaining to CG Permissible Uses By Exception is deleted and the following subsection (d) is added and substituted in its stead:

d. Nightclubs, package store or sale of alcoholic beverages, bar or tavern for on premise consumption of alcoholic beverages in accordance with the provisions of Sections 6-1-26 and 7-16-13.

D. Subparagraph (e) of section 5-9-3 of said ordinances pertaining to CI Permissible Uses By Exception is deleted and the following subsection (e) is added and substituted in its stead:

e. Establishments or facilities for retail sale and service of all alcoholic beverages, either for on or off premises consumption or both in accordance with the provisions of Sections 6-1-26 and 7-16-13.

E. The following section (e) is added to section 5-10-3 of said ordinances pertaining to IW Permissible Uses By Exception.

e. Sale of alcoholic beverages for on or off site consumption, or both in accordance with the provisions of Sections 6-1-26 and 7-16-13.

F. Subparagraph (q) of section 5-11-3 of said ordinances pertaining to OR Permissible Uses by Exception is deleted and the following subsection (q) is added and substituted in its stead:

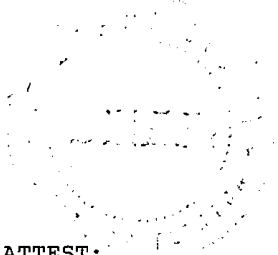
q. The sale of alcoholic beverages for on or off site consumption, or both in accordance with the provisions of Sections 6-1-26 and 7-16-13.

Section 2. Repeal of 1957 County Beverage Zone Resolution:

The St. Johns County Resolution entitled: "Resolution of The Board of County Commissioners of St. Johns County, Florida Relating To Zoning Of Certain Areas Against The Use Thereof For Sale Of Alcoholic Beverages" that created "County Beverage Zones" and was passed and adopted in 1957 is hereby repealed.

Section 3. This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 26th day of January, 1988.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY Laurance O. Hartley
Its Chairman

ATTEST:

Sybil M. McDonald
Clerk

Adopted regular meeting January 26, 1988

Effective February 9, 1988

The St. Augustine Record

PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
KRISTI ROBERTSON who on oath says that he is
ACCOUNTING CLERK of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a _____
LEGAL NOTICE OF PUBLIC HEARING
_____ in the matter of _____
PASSAGE OF ORDINANCE
_____ in the _____ Court,
was published in said newspaper in the issues of _____
DECEMBER 18, 1987

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
this 21 st day of DECEMBER
A.D. 19 87

Zee Ann Jones
(SEAL) Notary Public

(Notary Public, State of Florida)
My Commission Expires Aug. 4, 1989
Bonded thru Troy Fain - Insurance, Inc.

COPY OF ADVERTISEMENT

LEGAL NOTICE
NOTICE IS HEREBY GIVEN
THAT THE BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA,
AT ITS REGULAR MEETING
ON JANUARY 29, 1988 AT 11:00
O'CLOCK A.M., IN THE COUNTY
AUDITORIUM, COUNTY
ADMINISTRATION BUILD-
ING, LEWIS SPEEDWAY
AND COUNTY ROAD 16A) AND
U.S. #1 NORTH, ST. AUGUS-

TINE, FLORIDA, WILL HOLD
A PUBLIC HEARING TO CON-
SIDER THE PASSAGE OF ONE
OF THE FOLLOWING THREE
ORDINANCES:

VERSION #1
AN ORDINANCE OF THE
COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMEND-
ING ST. JOHNS COUNTY OR-
DINANCES 73-1, 73-4, 73-5, 74-3
AND 74-4 WHICH ARE THE
ORDINANCES ESTABLISHING
AND ENACTING A COMPRE-
HENSIVE ZONING CODE FOR
ZONING DISTRICTS A, B, C, D
AND E, BEING ALL THE UN-
INCORPORATED AREAS OF
ST. JOHNS COUNTY, FLORI-
DA EXCEPTING THERE-
FROM THE PONTE VEDRA
ZONING DISTRICT, STATE
AND NATIONAL PARKS AND
ALL INCORPORATED CITIES
AND TOWN. THIS AMEND-
MENT ADDS SECTION 7-16-13
TO THE ZONING CODE
WHICH SECTION ESTAB-
LISHES DISTANCE REQUIRE-
MENTS BETWEEN CERTAIN
ALCOHOLIC BEVERAGE VEN-
DORS AND ESTABLISHED
CHURCHES AND SCHOOLS;
PROVIDES FOR VARIANCE
FROM THE DISTANCE RE-
QUIREMENTS FOR CERTAIN
RESTAURANTS, HOTELS AND
MOTELS BASED ON SPECI-
FIED CRITERIA; AND PRO-
VIDES THAT IN ADDITION TO
A VARIANCE FROM DISTANCE
REQUIREMENTS AN
EXCEPTION MAY ALSO BE
REQUIRED IN CERTAIN DIS-
TRICTS; THIS AMENDMENT
FURTHER PROVIDES FOR
AMENDMENTS TO THE CHT;
CG; CI; IW AND OR DIS-
TRICTS PERTAINING TO EX-
CEPTIONS THEREIN BY IN-
CORPORATING REFER-
ENCES TO THE PROVISIONS
OF SECTION 7-16-13; PRO-
VIDES FOR INTERPRETA-
TIONS; PROVIDES FOR ES-
TABLISHMENT OF NEARBY
CHURCHES AND SCHOOLS
SUBSEQUENT TO THE ES-
TABLISHMENT OF ALCOHOL-
IC BEVERAGE VENDOR ES-
TABLISHMENTS; AND PRO-
VIDES EXCEPTIONS; THIS
ORDINANCE ALSO REPEALS
THAT CERTAIN 1987 COUNTY
RESOLUTION PERTAINING
TO COUNTY BEVERAGE
ZONES AND REPEALS THE
DISTANCE REQUIREMENTS
THEREIN BETWEEN CERTAIN
COMPETING ALCOHOL-
IC BEVERAGE VENDORS;
AND PROVIDES AN EFFECTIVE DATE:

VERSION #2
AN ORDINANCE OF THE
COUNTY OF ST. JOHNS,
STATE OF FLORIDA AMEND-
ING THE COUNTY COMPRE-
HENSIVE ZONING CODE (OR-
DINANCES 73-1, 73-4, 73-5, 74-3
AND 74-4) IN THE SAME MAN-
NER AS VERSION #1; THIS
ORDINANCE ALSO REPEALS
THAT CERTAIN 1987 COUNTY
RESOLUTION PERTAINING
TO COUNTY BEVERAGE
ZONES BUT THEN RE-ESTAB-
LISHES WITHIN THE ABOVE
DESCRIBED AREA OF ST.
JOHNS COUNTY MOST OF
THE DISTANCE REQUIRE-
MENTS BETWEEN CERTAIN
ALCOHOLIC BEVERAGES
VENDORS CONTAINED WITH-
IN SAID RESOLUTION BY IN-
CORPORATING MOST OF
SAID DISTANCE REQUIRE-
MENTS INTO SECTION 7-16-13
OF THE ST. JOHNS COUNTY
COMPREHENSIVE ZONING
CODE; AND PROVIDES AN
EFFECTIVE DATE.

VERSION #3
AN ORDINANCE OF THE
COUNTY OF ST. JOHNS,
STATE OF FLORIDA AMEND-
ING THE COUNTY COMPRE-
HENSIVE ZONING CODE (OR-
DINANCES 73-1, 73-4, 73-5, 74-3
AND 77-6) IN THE SAME MAN-
NER AS VERSION #1, THIS
ORDINANCE ALSO REPEALS
THAT CERTAIN 1957 COUNTY
RESOLUTION PERTAINING
TO COUNTY BEVERAGE
ZONES BUT THEN RE-ESTAB-
LISHES WITHIN THE ABOVE
DESCRIBED AREA OF ST.
JOHNS COUNTY A FEW OF
THE DISTANCE REQUIRE-
MENTS BETWEEN CERTAIN
ALCOHOLIC BEVERAGE VEN-
DORS CONTAINED WITHIN
SAID RESOLUTION BY IN-
CORPORATING SOME OF
SAID DISTANCE REQUIRE-
MENTS INTO SECTION 7-16-13
OF THE ST. JOHNS COUNTY
COMPREHENSIVE ZONING
CODE) AND PROVIDES AN
EFFECTIVE DATE:

The proposed Ordinances
are on file in the office of the
Clerk of the Circuit Court, St.
Johns County, Florida, St. Johns
County Administration Building,
Lewis Speedway, and may be
examined by parties interested
prior to said public hearing.

All parties having any inter-
est in said Ordinances will be af-
forded an opportunity to be
heard at the public hearing.

If a person decides to appeal
any decision made by the Board
of County Commissioners with
respect to any matter consid-
ered at the meeting or hearing,
he will need a record of the pro-
ceedings, and for such purpose
he may need to ensure that a
verbatim record of the proceed-
ings is made, which record in-
cludes the testimony and evi-
dence upon which the appeal is
to be based.

BOARD OF
COUNTY COMMISSIONERS
OF ST. JOHNS
COUNTY, FLORIDA
Carl "Bud" Markel, Its Clerk
By: Cheryl Kent
Deputy Clerk
L760 Dec. 18, 1987