



The Right Use in the Right Location:
Liquor Stores
(& other retail sales of alcoholic beverages)

November 2015

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Need for Study

Introduction and Purpose

Ordinance 2015-67, Temporary Moratorium on Liquor Stores

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses for the citizens of Pompano Beach and to create a long term strategy to ensure adequate access to such services is provided; and,

WHEREAS, the moratorium is intended to allow sufficient time to study the provision and location of these uses does not result in an over-concentration of these uses that will result in the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses to ensure that there is a balance between the existing residential uses and the projected demand for and location of these uses;

Liquor Stores are a valuable component of “Live, Work, Play”. However secondary impacts of establishments which sell alcoholic beverages can be detrimental to both neighboring properties and the community as a whole. This report analyzes the number, appearance and location of liquor stores, reviews the changing types of alcoholic beverage establishments, and proposes new definitions and use specific standards. The purpose of this report is to determine the right place in the city for the right alcoholic beverage retail uses.

Focus: Liquor Stores

“Liquor Stores and Community Health” by the Pacific Institute:

- Neighborhoods with a higher density of liquor stores had higher numbers of childhood accidents, assaults, and child abuse injuries.
- Liquor stores become places where social controls are weaker, increasing the likelihood of criminal and nuisance activities.
- A high density of liquor stores is linked to higher levels of crime and violence.

“Evidence-Based Strategies to Prevent Excessive Alcohol Consumption and Related Harms” by the Centers for Disease Control and Prevention

- The Community Preventive Services Task Force recommends several strategies to prevent excessive alcohol consumption and related harms. These strategies are based on systematic reviews of the scientific evidence on intervention effectiveness.
- Regulating the number of places in a given area where alcohol may be legally sold (outlet density) is an effective way to prevent excessive alcohol use
- The review was led by Community Guide scientists at the Centers for Disease Control and Prevention in collaboration with federal and nonfederal experts in research, practice, and policy.
- Based on this review, the Task Force recommends the use of regulatory authority (e.g., through licensing and zoning) to limit alcohol outlet density, on the basis of sufficient evidence of a positive association between outlet density and excessive alcohol consumption and related harms.
- Excessive alcohol consumption, which includes both binge drinking and heavy average daily alcohol consumption, is the third-leading cause of preventable death in the United States. According to the review, sufficient evidence exists of a positive link between outlet density and excessive alcohol use and related harms.

Report Considerations

- How does city regulate retail sales for:
 - Liquor
 - Beer
 - Wine
- How does the number of liquor stores in Pompano Beach compare to surrounding municipalities?
- Should the city create separate uses for sales of beer and wine?
- What type of liquor / beverage stores, if any, does the city want to encourage?



**Pompano Beach Liquor
Store Regulations**

Pompano Beach Regulations

Standards related to the sales of alcoholic beverages are listed in two Code Chapters:

- Chapter 155 (Zoning)
 - Permitted Zoning Districts
 - Required Separations
- Chapter 110 (Alcoholic Beverages)
 - Hours of Operations
 - Retail sales for consumption off the premises is prohibited between 2:00 a.m. and 7:00 a.m.
 - Unlawful Sales
 - Conduct on Premises

The Zoning Code treat uses with “liquor” more stringently than uses for only beer and/or wine.

BUT

Chapter 110 treats sales of liquor the same as sales of beer and wine.

Zoning Code *Uses*

- Pompano Beach has two uses that specifically include the sales of alcoholic beverages:

155.4220.K.2 - Liquor or Package Store

An alcoholic beverage establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

Permitted Locations: B-1, B-2, B-3, B-4, TO, PCD, PD-TO, LAC, and PD-I

155.4220.F.2 - Grocery or convenience store

A retail establishment engaged in the sale of food and foodstuffs, sundries, tobacco products, beer, wine, papers and magazines.

Permitted Locations: B-1, B-2, B-3, B-4, M-1, TO, RPUD, PCD, PD-TO, LAC, and PD-I

- **Zoning Code does not:**

- Include a specific use solely for the sales of wine and/or beer
- Address package sales at bars
- Address sales of “growlers” from microbreweries or brewpubs

Required “Separations”

TABLE 155.450 I.A: MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES ¹	
EXISTING USE	MINIMUM SEPARATION ²
Any other use involving the sale of alcoholic beverages other than those uses listed in Section 155.450 I.B	1,000 feet (Measurement Type 1)
Sexually oriented business	
Child care facility	500 feet (Measurement Type 2) and 300 feet (Measurement Type 3)
School	
Place of worship	
<p>NOTES:</p> <ol style="list-style-type: none"> 1. Measurement Type 1: Separation shall be measured from main entrance to main entrance of the establishments by airline route 2. Measurement Type 2: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measured along public thoroughfares by the shortest route of ordinary pedestrian traffic. 3. Measurement Type 3: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measure by airline route. 4. All separations shall be measured from establishments located within or outside of the City limits. 5. Compliance with these separation standards shall not be affected by the subsequent rezoning of the site of the alcoholic beverage establishment to AOD, conveyance of city-owned property, or the establishment of one of the uses from which separation is required on a property closer than the required separation distance. In such case, the alcoholic beverage establishment shall be construed as continuing to comply with the separation standards. 	

Exemptions

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES

Use and Criteria	Required Separation	
	Any other use involving the sales of alcoholic beverages; and Sexually oriented business	Child Care Facility; School; and Place of Worship
An establishment limited by its state beverage license to the sale of beer or wine for consumption off the premises.	Exempt	Exempt
A bowling alley that contains more than nine bowling lanes.	Exempt	Exempt
A motion picture theater that contains more than 100 seats.	Exempt	Exempt
A retail sales establishment that is an anchor store containing more than 10,000 square feet of gross floor area.	Exempt	Exempt
A bar or lounge which is operated as an accessory use to a restaurant and therefore meets the following standards: it is operated by the same management, and the restaurant has indoor dining accommodations for service of 150 or more patrons at tables occupying more than 2,500 square feet of customer service area, and deriving at least 51% of the gross revenue from the sale of food and non-alcoholic beverages.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES

Use and Criteria	Required Separation	
	Any other use involving the sales of alcoholic beverages; and Sexually oriented business	Child Care Facility; School; and Place of Worship
A bar or lounge which is operated as an accessory use to a hotel or apartment hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or apartment hotel.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence
An enclosed restaurant which sells only beer and/or wine.	Exempt	Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages
A lodge or club which limits on-premise consumption of alcoholic beverages to only lodge or club members.	Exempt	Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages
A use located on property owned by the city.	Not Exempt	Exempt
Within the Atlantic Boulevard Overlay District (AOD) only, a bar or lounge, brewpub, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory outdoor seating).	Exempt	Exempt



**Research – Municipal
Regulations**

Separation Standards of Neighboring Municipalities

Distance / Separation Requirements for Alcoholic Beverage Establishments with Consumption Off Premises Only				
City	Distance	From	Measurement	Additional Information
Coconut Creek	500 feet	Place of Worship or School	Pedestrian travel on public-right-of way, main entrance to main entrance. Except for school, to the nearest point of the school grounds used as part of the school facilities.	Does not apply to – <ul style="list-style-type: none"> Establishments that are licensed for beer, wine, or beer and wine, only. Beverages containing alcohol of 14% or less by weight.
Coral Springs	Only has separation for consumption on the premises			
Deerfield Beach	Only has separation for consumption on the premises			
Fort Lauderdale	300 feet	Another place of business for sale of alcoholic beverages for consumption on or off site	Main normal public entrances along public thoroughfares by the shortest route of ordinary pedestrian traffic	Schools do not include pre-kindergarten school, nursery school or day care center, or adult education center
	500 feet	Church or public or private school	Main normal public entrance of ABE to the nearest point of the church or school property used as part of such facility along public thoroughfares by the shortest route of ordinary pedestrian traffic	
Hollywood	500 feet	Place of Worship or School	Nearest pedestrian travel on the public right-of-way from main entrance to main entrance, except that in case of a school, to the nearest point of the school grounds used as part of the school facilities	Does not apply to – <ul style="list-style-type: none"> Sale of malt beverages and wine for off-premise consumption.
Lauderdale by the Sea	500 feet	Another such establishment	Airline measurement from main entrance to main entrance	Does not apply to – <ul style="list-style-type: none"> Food Store (which does not include package store)
Lauderhill	1000 feet	Any other alcoholic beverage establishment OR Public or private elementary or secondary school OR Place of Worship	Shortest route of ordinary pedestrian travel along the public thoroughfare or any walkway made available for public use from the main entrance of the establishment in question to the main entrance of the other establishment	Does not apply to – <ul style="list-style-type: none"> grocery store, supermarket, a pharmacy Within the Commercial Entertainment (CE) and Town Center (TC) zoning districts
Margate	No distance separation required but city limits the number of licenses to be issued both city-wide and within five alcoholic beverage districts			
Miami Beach	300 feet	Public or private school operated for the instruction of minors in the common branches of learning OR Place of Worship OR Retail stores primarily selling alcohol beverages for consumption off the premises as a main permitted use	Straight line from the main entrance or exit in which the use associated with alcohol beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcohol beverages for consumption on or off the premises, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.	Liquor can not be sold at filling stations
Oakland Park	500 feet	Church or school	Closest feasible route on public right-of-way from main entrance to main entrance, except, in case of a school, to the nearest point of the school grounds used as part of the school facilities	School shall mean any state-accredited elementary, middle or high school.

Comment: There is no consistent separation standard among neighboring municipalities.

Additional Florida Municipal Regulations

Orange County

- 2002 – Florida Supreme Court Decision (**Orange County vs. Costco Wholesale Corporation**)
- County requires 5,000 ft separation for “package store”: an establishment which sells beer, wine, and liquor for off-site consumption.
- *“The 5000-foot distance separation requirement represents approximately a one-mile radius, which is “typically the distance for a primary market for a store or facility of this nature.” ...that this distance provides residents enough opportunity to use such facilities without allowing such businesses to become so dense that they, along with activities they generate, become a problem.”*
- *“The challenged ordinance is a valid exercise of police power, bearing a substantial relationship to the health, safety, morals, or general welfare of the community... Florida’s counties are diverse, and--absent clear proof that a challenged enactment in the area of liquor license regulation does not bear such a substantial relationship to the health, safety, morals, or general welfare of the community--the legitimate exercise of a governing body’s authority in addressing the particular needs of each community cannot be judicially constrained by requiring conformity to a single, inflexible rule.”*

Fort Lauderdale

- 2013 – Prohibition on Liquor Stores and Convenience Stores in NW RAC
- *“Whereas, City staff has conducted the necessary studies and have found that research generally supports the finding that neighborhoods where liquor and convenience stores are concentrated, have more incidences of violence and other alcohol-related problems and that there is a strong correlation between the density and location of establishments that sell packaged alcohol and incidences of violence”.*

West Palm Beach

- 2012 – Prohibition on all retail sales of beer, wine, or liquor for consumption off the premises within the Northwest Neighborhood District or the Clematis Waterfront District.

Liquor Stores as Special Exception Uses:

- Charlotte County, FL
- Deland, FL
- North Miami, FL
- Palm Springs, FL
- Seminole County, FL
- Sunrise, FL



Primer: Florida Liquor Licenses

Florida Department of Business and Professional Regulations

License Types: Non-Quota

- 1APS = Beer Package Sales
- 2APS = Beer and Wine Package Sales
- 1COP = Beer Consumption on Premises
- 2COP = Beer and Wine Consumption on Premises
- 4COP SRX = Beer, Wine, and Liquor Consumption on Premises, Special Restaurant
 - SRX licenses are available for issuance to restaurants meeting the specific requirements for the special restaurant license.

License Types: Quota*

**Quota license is based on County Population and limited to 1 license per 7,500 residents (FL SS 561.20)*

- 3APS = Beer, Wine and Liquor Package Sales
- 4COP = Beer, Wine, and Liquor Consumption on Premises *and Package Sales*
 - 4COP license allows “bars” to also sell package for off-site consumption.
 - i.e. “Big Daddy’s” on E. Atlantic Blvd has a 4COP license / BEV1600460

Comment: The City currently does not regulate package stores in conjunction with a 4COP license as a “Liquor Store”. There is a separate quote for 3APS (liquor store) and 4COP (bar with accessory package sales).

Number of 3APS Licenses: Broward County and Pompano Beach

Broward County

- 2015 = 180 3PS licenses issued
- 2014 Population = 1,869,235 = 249 3APS licenses max.
- 69 additional 3APS licenses are available for Broward County

Pompano Beach

- 2014 Population is 104,410 = 13.9 3PS licenses
- Currently there are 15 3APS licenses = 1 per 6,942 residents

Comment: Based on the County's existing population, there are 69 additional 3APS licenses available for the County. Currently, the city's amount of 3APS licenses is in-line with the state's quota ratio.



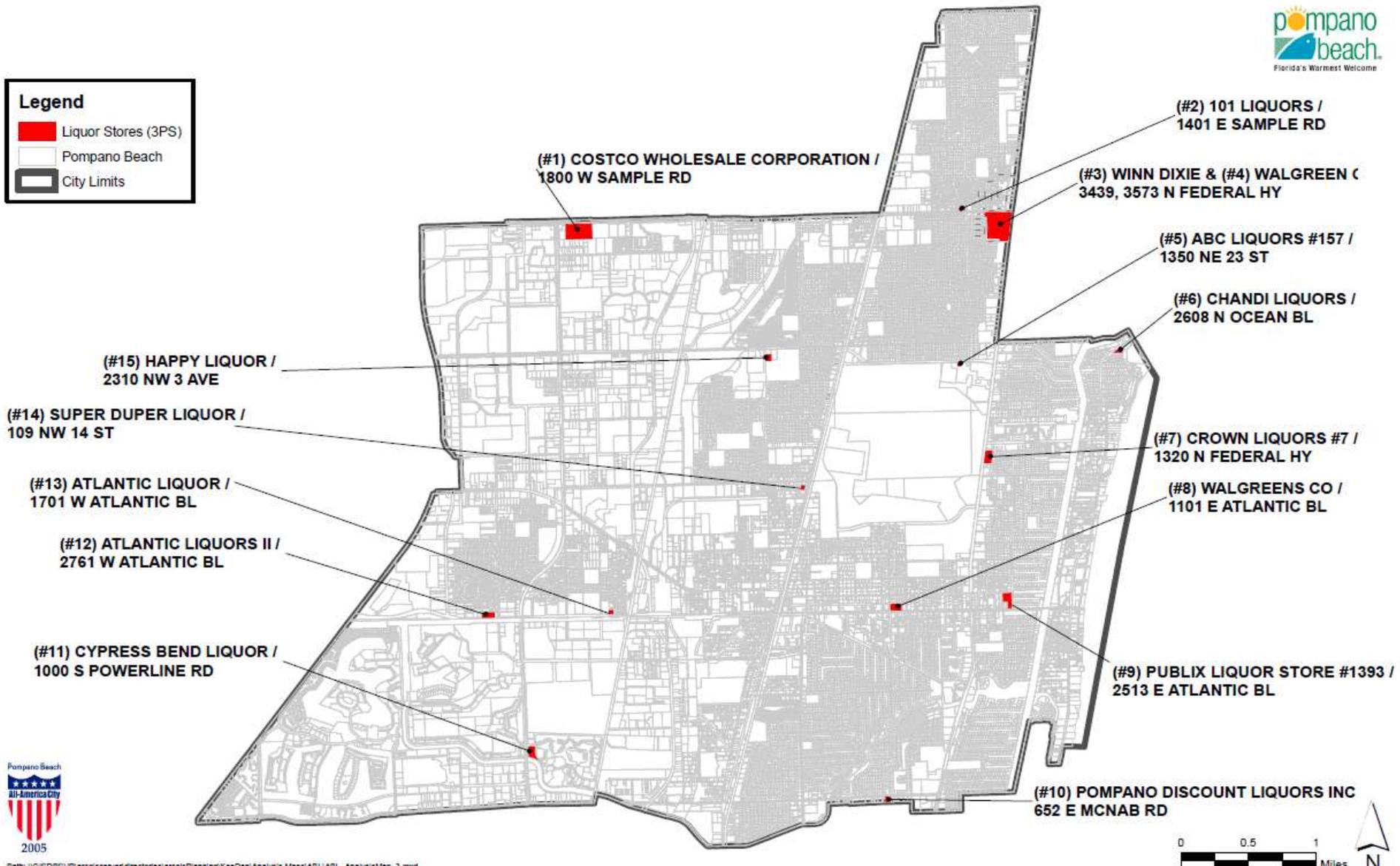
Overview: Existing Liquor Stores in Pompano Beach

Locations of 15 Existing 3APS Establishments



Legend

- Liquor Stores (3PS)
- Pompano Beach
- City Limits



Pictorial Review - Existing 3APS Establishments

#1 - Costco Liquor Store
1800 W. Sample Rd.



#2 - 101 Liquors
1401 E. Sample Rd.
(2,694 sq ft)



Pictorial Review - Existing 3APS Establishments

#3 - Winn Dixie
3439 N. Federal Hwy.



#4 - Walgreens
3573 N. Federal Hwy.



Pictorial Review - Existing 3APS Establishments

#5 - ABC Fine Wines & Spirits
1350 NE 23rd St.
(7,575 sq ft)



#6 - Chandi Liquors
2608 N. Ocean Blvd.
(~850 sq ft)



Pictorial Review - Existing 3APS Establishments

7 - Crown Wine & Spirits
1320 N. Federal Hwy.
(5,023 sq ft)



#8 - Walgreens
1101 E. Atlantic Blvd.



Pictorial Review - Existing 3APS Establishments

9 -Publix Liquor Store
2513 E. Atlantic Blvd.



#10 - Pompano Discount Liquors
652 E. McNab Rd.
(3,600 sq ft)



Pictorial Review - Existing 3APS Establishments

#11 - Cypress Bend Liquor
1000 S. Powerline Rd.
(1,770 sq ft)



#12 - Atlantic Liquor II
2761 W. Atlantic Blvd.
(~1,250 sq ft /drive-thru)



Pictorial Review - Existing 3APS Establishments

#13 - Atlantic Liquor
1701 W. Atlantic Blvd.
(2,192 sq ft / drive-thru)



**#14 – Super Duper
Liquor**
109 NW 14 St
(not shown / 5,665 sq ft)

#15 - Happy Liquors
2310 NW 3 Ave.
(2,400 sq ft)





**Permitted Locations for 3APS
establishments in Pompano Beach**

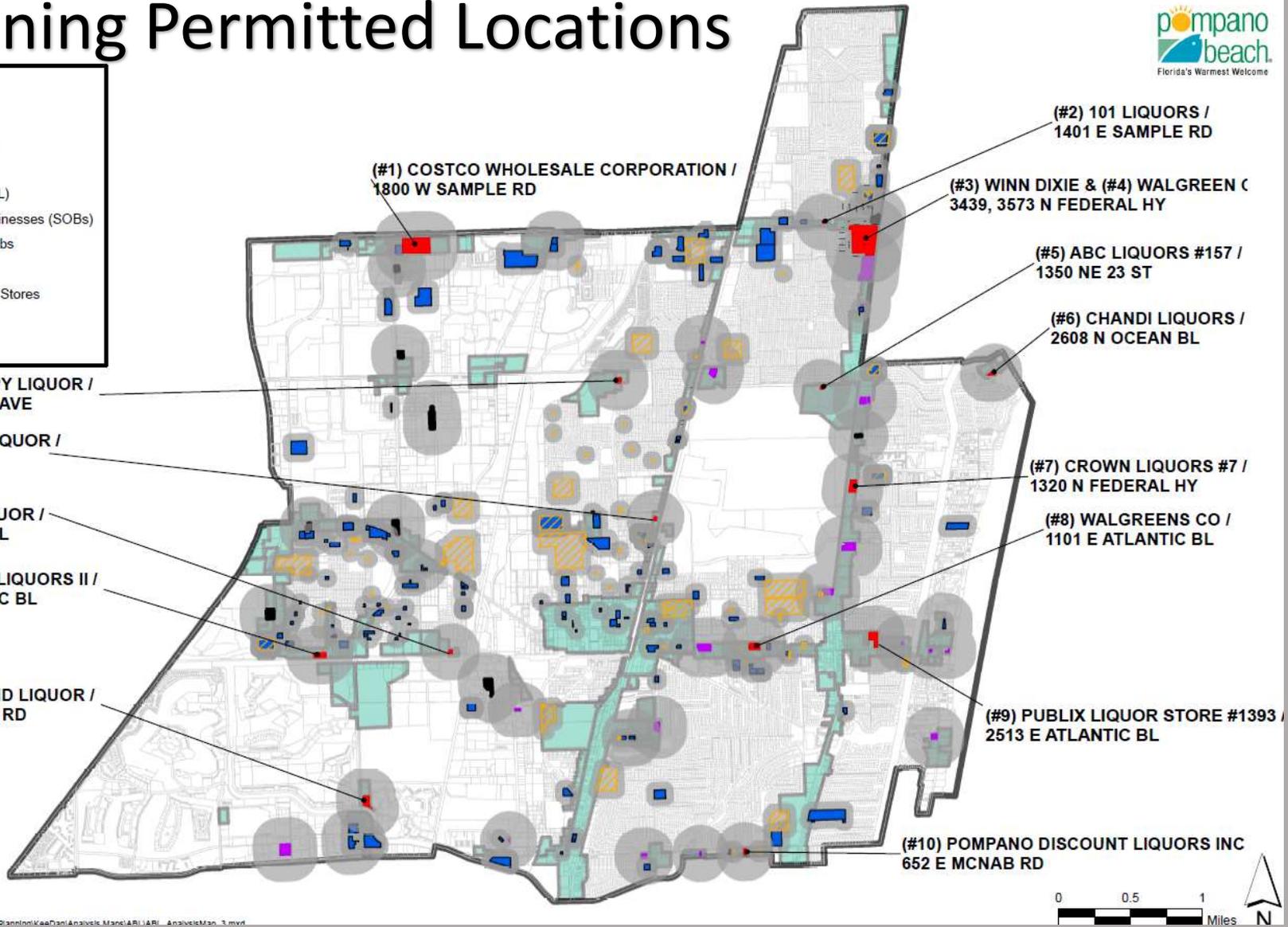
Remaining Permitted Locations

Legend

- Liquor Stores (3PS)
- Schools / Day Cares
- Churches
- Buffer (Airline, from P/L)
- Sexually Oriented Businesses (SOBs)
- Existing Bars/ Nightclubs

Zoning Districts

- Zoning Permits Liquor Stores
- Pompano Beach
- City Limits

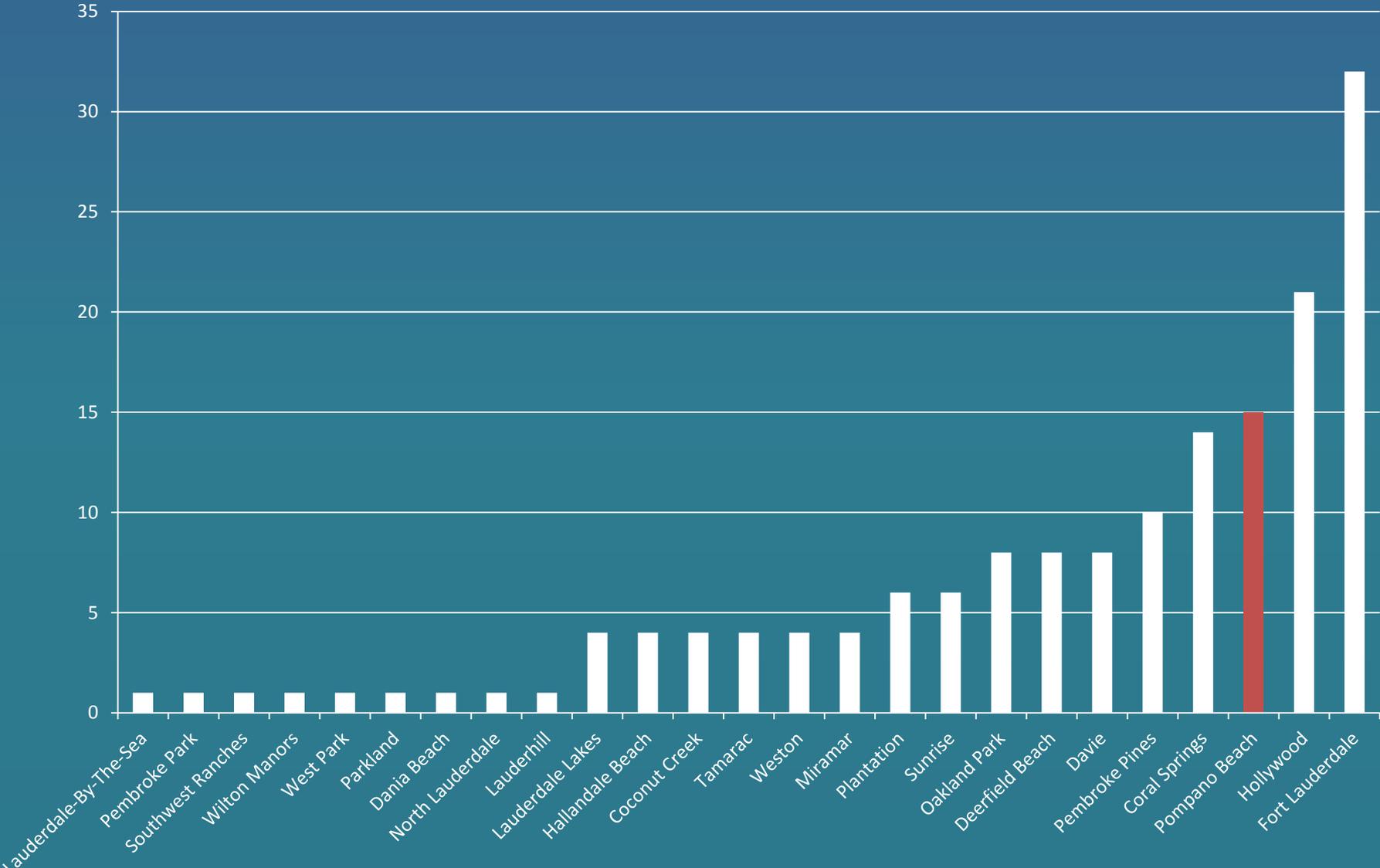


Comments: The “permitted” locations are those green areas not covered by a grey buffer. The buffers shown are an approximation based on existing locations of separated uses and measurements from property line. Also, the Zoning Code exempts liquor stores which are greater than 25,000 sq ft from separation requirements. Therefore the actual “permitted” locations may be slightly different than those shown in green. Finally, while the AOD and DPOD do not require separation for bars, brewpubs, etc..., these districts do not exempt Liquor Stores from separation requirements.



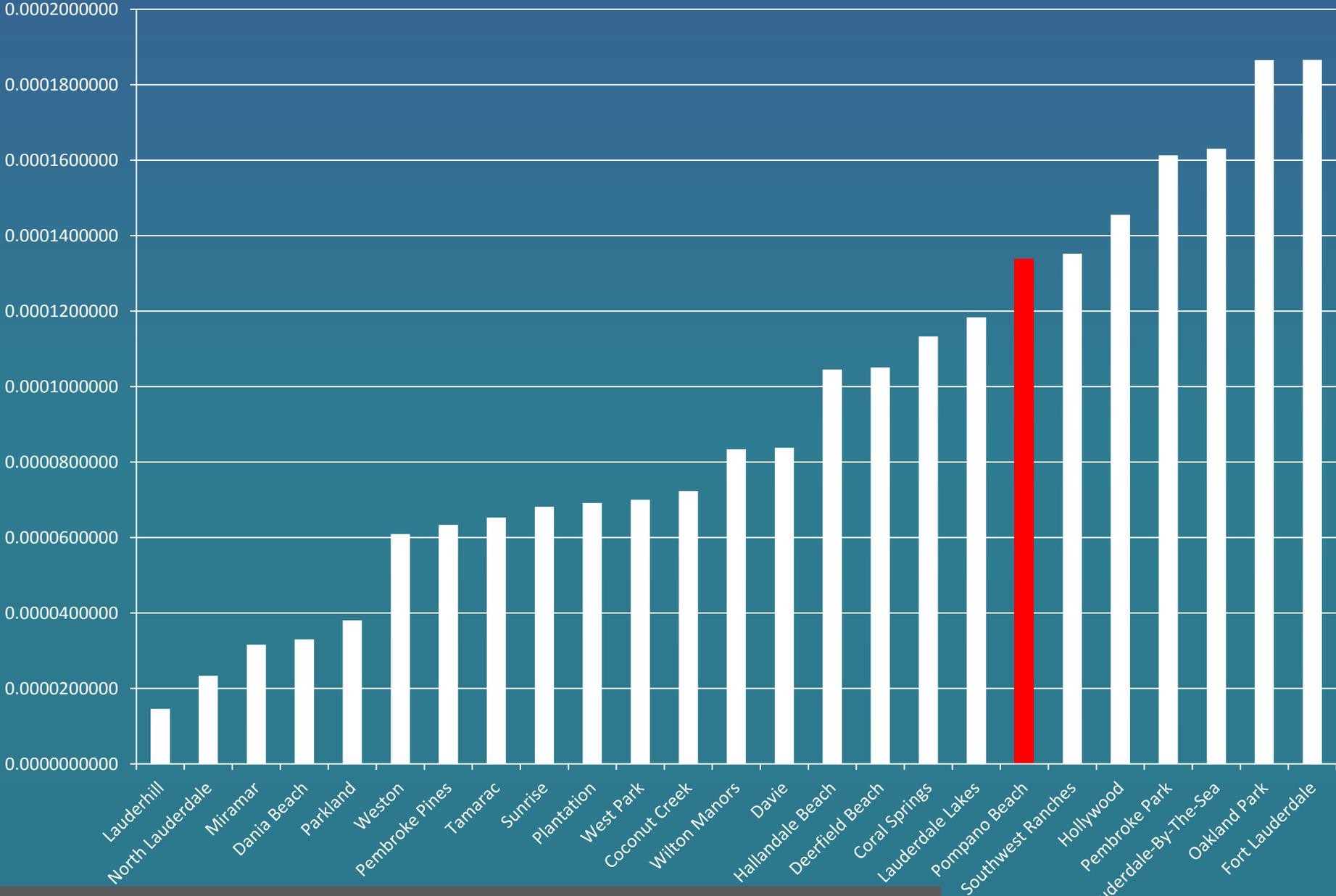
Analysis: Number of Liquor Stores in Pompano Beach vs. other Broward County Municipalities

Number of 3APS Establishments for Broward County Municipalities – March 2015



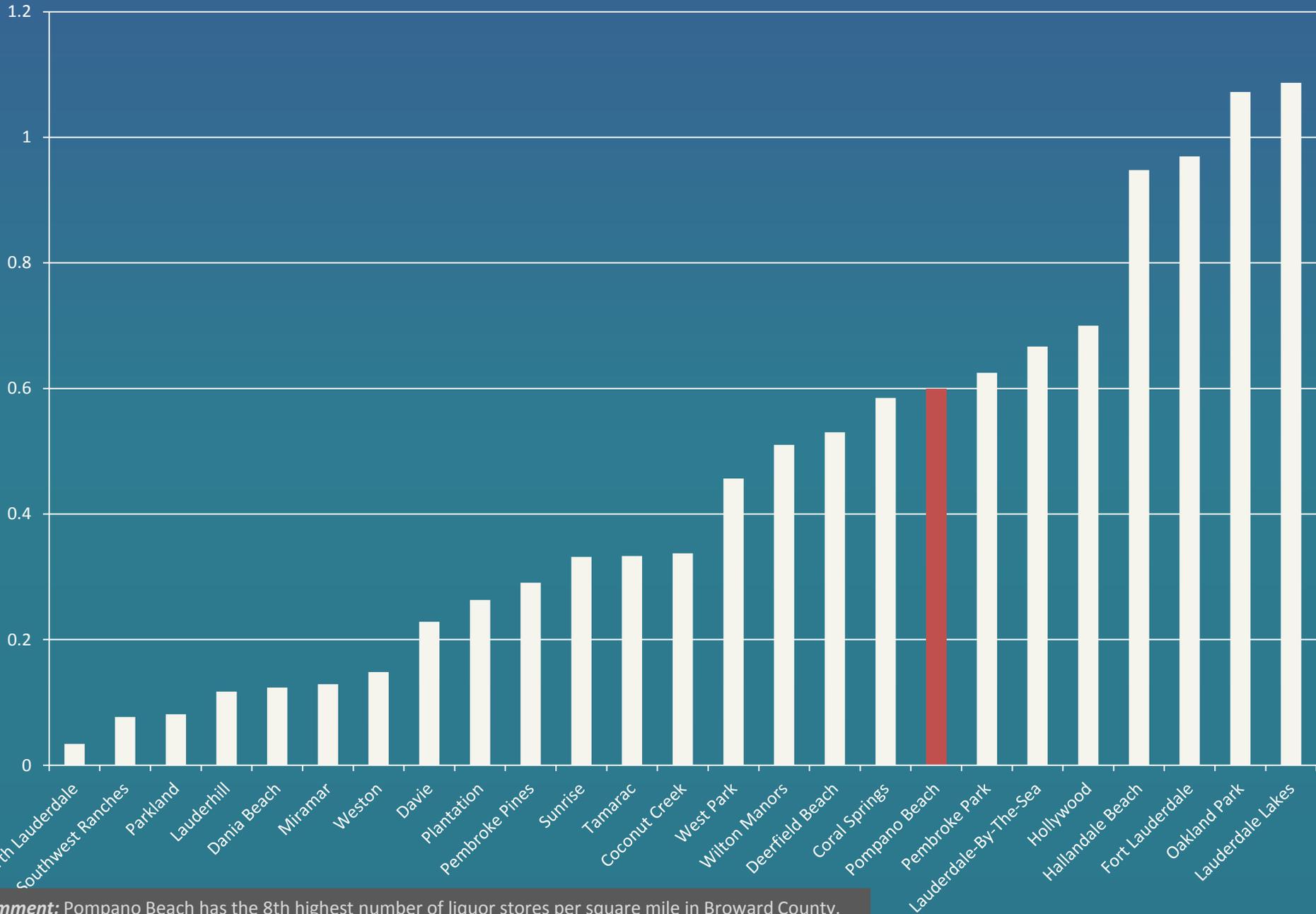
Comment: Pompano Beach has the 3rd highest number of liquor stores in Broward County.

Number of 3APS Establishments per Capita



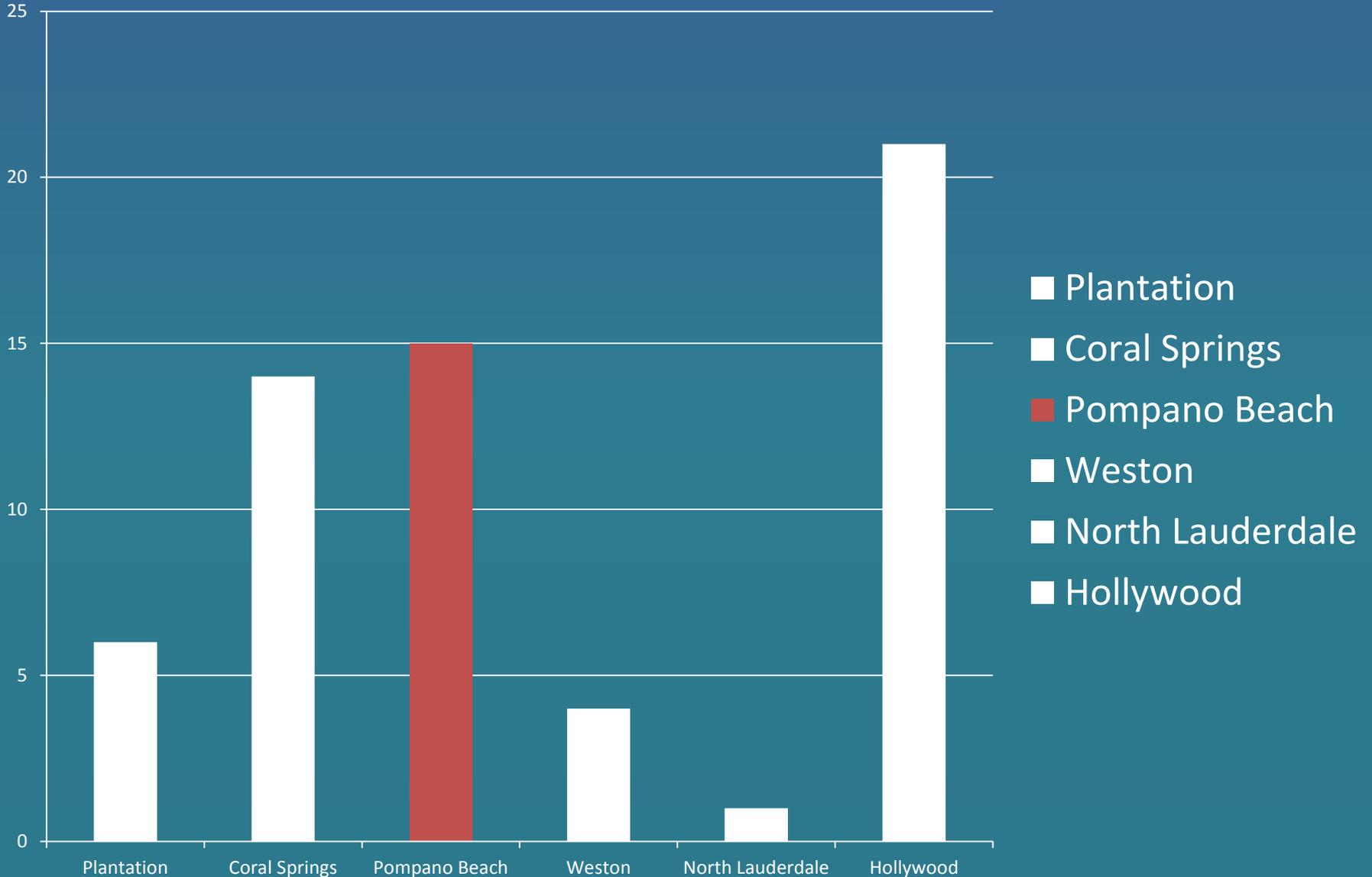
Comment: Pompano Beach has the 7th highest number of liquor stores per capita in Broward County.

Number of 3APS Establishments per Square Mile



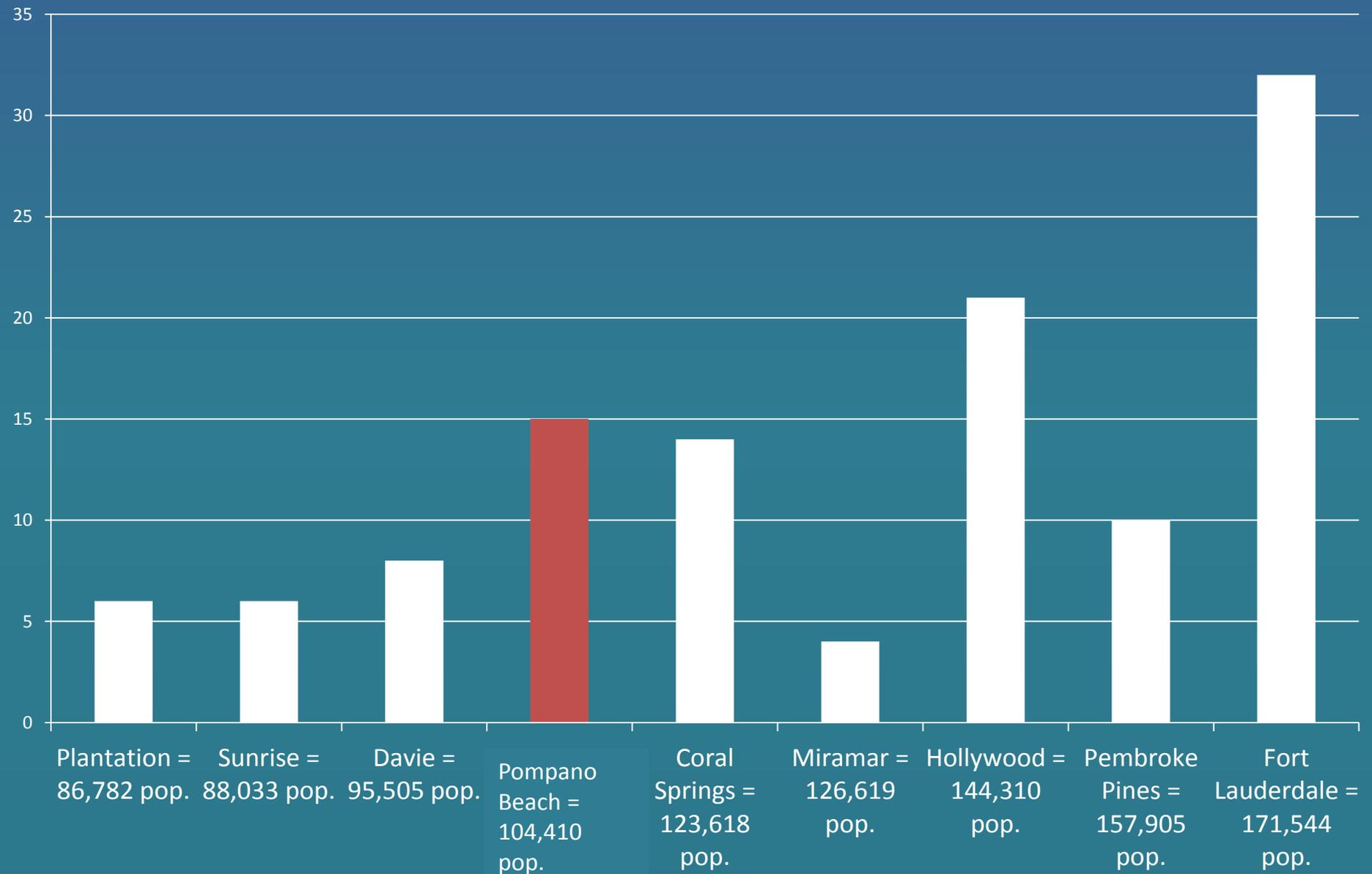
Comment: Pompano Beach has the 8th highest number of liquor stores per square mile in Broward County.

Pompano Beach compared to Cities of Similar Size: Square Miles



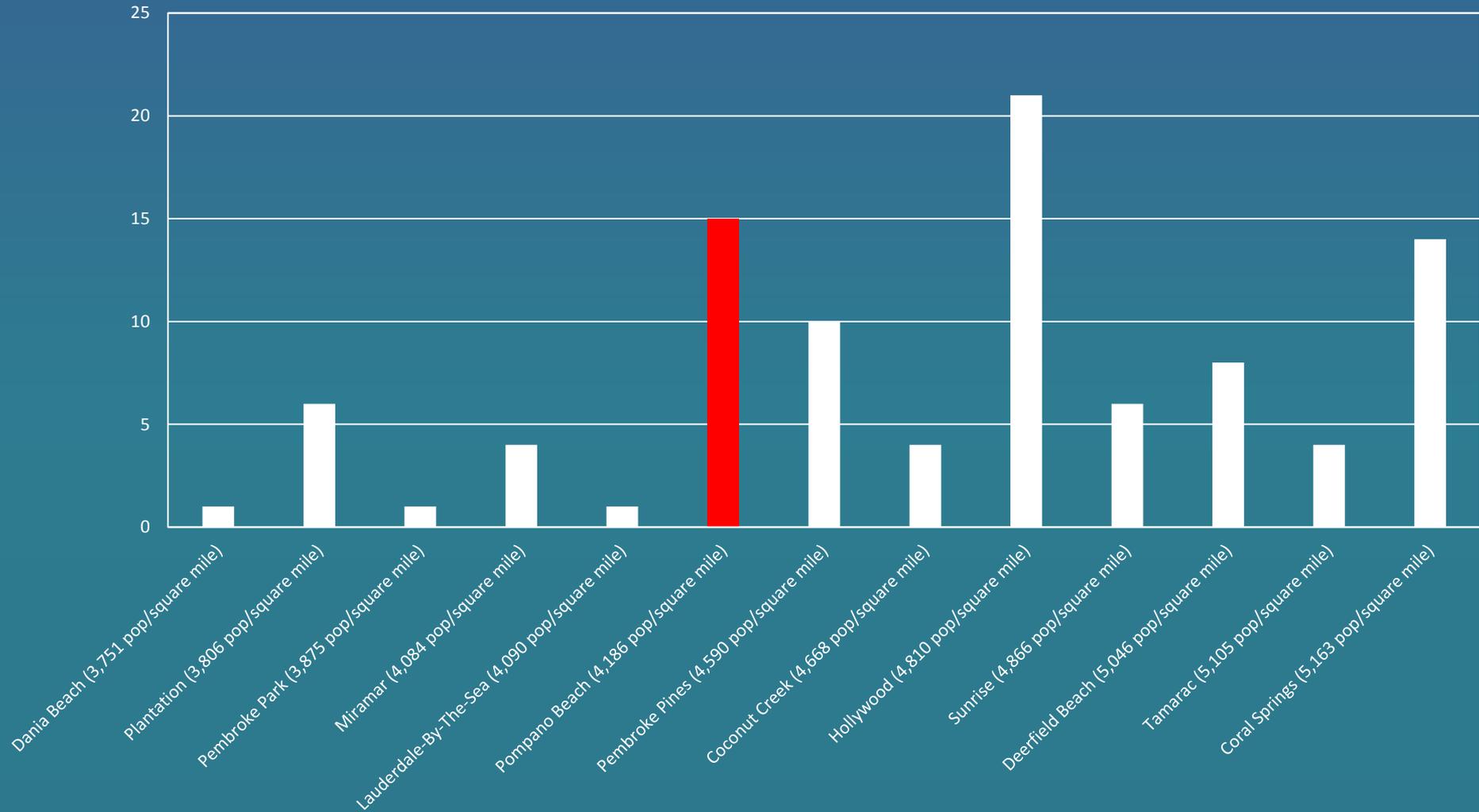
Comment: When compared to cities of similar size (square miles) Pompano Beach has the 2nd highest number of liquor stores.

Pompano Beach Compared to Similar Size Cities: Population



Comment: When compared to cities of similar population size, Pompano Beach has the 3rd highest number of liquor stores.

Pompano Beach Compared to Cities of Similar Size: Density



Comment: When compared to cities of similar population density, Pompano Beach has the 2nd highest number of liquor stores.



Outcome, Considerations, & Recommendations

Outcome

- ✓ City's *current* number of 3APS licenses is in-line with state quota for county:
 - State = 1 per 7,500 residents (per county)
 - City = 1 per 6,942 residents
- ✓ City's *current* number of 3APS licenses is “average” as compared to all 31 Broward Municipalities:
 - Total # of Licenses: 3rd highest amount of 3APS licenses
 - # of Licenses per capita: 7th highest
 - # of Licenses per square mile: 8th highest
 - # of Licenses as compared to city's of similar size: 2nd highest
 - # of Licenses as compared to city's of similar population size: 3rd highest
 - # of Licenses as compared to city's of similar density: 2nd highest
- ✓ City's definitions / uses are not consistent with state terminology which can be confusing (i.e. 4COP allows a bar with package sales = Should this use be treated as a liquor store?)

Considerations

#1

Maintain Pompano Beach's "average" status (as compared to other Broward municipalities)

#2

Limit concentration of liquor stores in blighted areas

#3

Create Use for sales of Beer or Wine

#4

Encourage new establishments, particularly those whose focus is products from small, specialized or local breweries, wineries, or distilleries

#5

Revise definitions / uses to be in-line with state terminology

#6

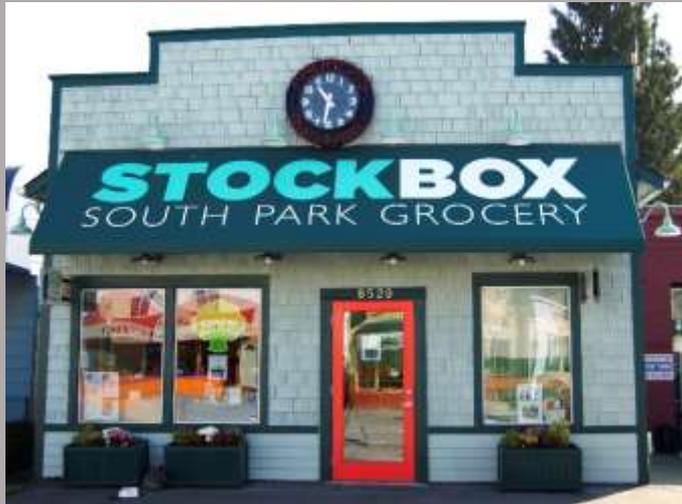
Transfer all regulations regarding sales of alcoholic beverages to CH. 110, Alcoholic Beverages

Comment: The six consideration items should not be viewed as final recommendations, but as the components to be considered in determining recommendations. Therefore the final recommendations may not reflect some of the considerations.

Additional Information: Consideration #3

Beer Sales in Convenience Stores

How does city ensure that “Grocery or Convenience Store” is primarily for sales of foodstuffs and nonalcoholic beverages.



VS.



Additional Information: Consideration #3

Beer Sales in Convenience Stores

“The Association for Convenience & Fuel Retailing: Fact Sheets / Instore Merchandise / Beer Sales (2015)”

- Convenience Store sales of beer in 2013:
 - \$14.7 / 59% of beer sold in retail channels, including food, mass and drugstores
 - Most beer subcategories posted increases in sales dollar growth in 2013, including flavored malts (24%), imports (8.9%) and micro or craft brews (31%).
- Unlike grocery and drugstores, conveniences stores have an advantage with beer sales: *open longer hours*, stock top sellers and product is often kept cold in beer caves.
 - Beer caves, which are temperature-controlled walk-in coolers, have been gaining traction within convenience stores, allowing retailers to sell more product in larger packaging sizes that is already cold, such as 12-packs and cases. Walk-in beer caves also allow c-stores to store more product and eliminate out-of-stock situations. Many retailers also use their beer caves to enhance the shopper experience with attractive merchandising, lighting and design elements that convey to customers that their store has the coldest beer in town.

Additional Considerations:

- Convenience stores in New Jersey, Pennsylvania and Rhode Island cannot sell beer
- Convenience stores in Indiana cannot sell beer cold.
- In San Francisco, Grocery Stores and Convenience Stores are treated as alcoholic beverage establishments if they devote more than 15% of the gross square footage of the establishment to the display and sale of alcoholic beverages; and they sell single servings of beer in container sizes 24 oz. or smaller.

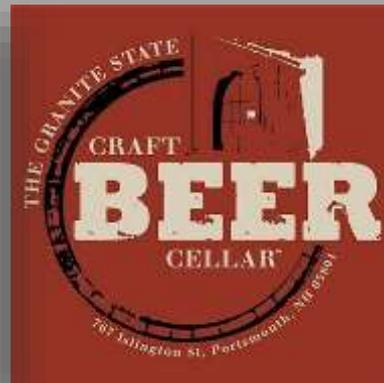
Additional Information: Consideration #4

Specialty Beer, Wine, and Liquor Stores

- In conjunction with the growth of craft breweries, craft wineries, and craft distilleries is the growth of retail stores whose inventory consists solely of craft beverages.
- There are stores whose inventory consists solely of locally produced beverages, such as Florida Wines.
- There are stores whose inventory consists solely of a particular region, such as French wines and other French products.
- “While it may have once been a destination to purchase beer or wine from one or two lower-end options, many grocery stores today now offer a cornucopia of beer and wine varieties. As consumers have ramped up their desires for distinctive and varied options, grocery retailers have ratcheted up their efforts with three primary goals in mind: offer convenience of a one-stop shop, participate in a big and growing category, and ring up bigger basket sales”. (neilson.com - Grapes of Worth: How Supermarkets are Becoming Local Wine Shops Consumer | 02-19-2015)

Tampa Bay Times
WINNER OF 10 PULITZER PRIZES

Pinellas County relaxes zoning rules to welcome craft beer sales



Additional Information: Consideration #4

Defining Specialty Beer, Wine, and Liquor Stores

Atlanta, GA / Wine specialty shop means a retail establishment:

- (1) Which shall deal in the sale of table wine, fortified wines, port, sherry for consumption off the premises and/or wine accessories; and at which on-premises consumption of alcoholic beverages is specifically prohibited, except that if a wine specialty shop is the holder of a license under section 10-60(a)(1)c. of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture;
- (2) Which shall not maintain on the premises or offer for sale malt beverages or distilled spirits;
- (3) Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers or importers of wine or any combination thereof the total of which shall not fall below 100 nor exceed 200;
- (4) Which shall maintain and replenish an inventory of at least 36 bottles of wine from each manufacturer or importer of wine referred to in subsection (3) above; provided however, that any inventory which is depleted to less than 36 bottles of wine must be replenished to at least 36 bottles of wine within 15 days of the date that the inventory falls below 36 bottles;
- (5) Which shall submit an inventory list of all wines maintained on the premises and offered for sale to the licenses and permits unit of the police department. Such inventory list shall be submitted to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July and October; and
- (6) Whose total interior floor area, inclusive of storage area, shall not exceed 2,000 square feet.

Fairfield, CA / Market, Specialty Beverage.

An establishment emphasizing a single unique type of specialty beverage product in a distinct category of merchandise such as a specialty wine merchant. This use is distinct from other beverage stores in that the market focuses on a single type or range of products not readily available at a convenience market or grocery.

Oneonta, AL / Specialty beverage store.

An establishment principally operated for the sale of a diversified selection of both domestic and imported beer and/or wine, but not liquor, in unopened containers for off-site consumption. Such establishments may also apply for a retail table wine for off-premises consumption, and retail beer license for off-premises consumption.

Recommended Uses: Liquor Stores

Local Liquor or Package Store.

- Less than 7,500 sq ft
- SE in all B Districts (*Consideration #1 and #2*)
- Required to comply with Separation Standards (see separation slide) (*Consideration #1 and #2*)
- ❖ *Specifically prohibited in DPOD (AOD per underlying Zoning)*

Regional Liquor or Package Store.

- 7,500 sq ft or greater (*Consideration #4*)
 - Of the stand-alone liquor stores currently existing, ABC liquors is the largest at 7,575 sq ft.
- SE in B-1 and B-2 Districts (*Consideration #1 and #2*)
- Exempt from Separation Standards (see separation slide) (*Consideration #4*)
 - This use will replace the exemption for “Anchor Store larger than 10,000 sq ft”.
 - The change is both a reduction in sq ft but also now can be a stand-alone bldg.
- ❖ *SE in DPOD (AOD per underlying Zoning)*

K. LOCAL LIQUOR OR PACKAGE STORE**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												P	P	P	P
												S	S	S	S

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
						P							P	P	P	P

2. Definition

A local liquor or package store is an alcoholic beverage establishment with a gross floor area of less than 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

3. Standards

Drive-through service is strictly prohibited.

L. REGIONAL LIQUOR OR PACKAGE STORE**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												S	S	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	I	BP	RPUD	PCD	PD-TO	LAC	PD-I
						P							P	P	P	P

2. Definition

A regional liquor or package store is an alcoholic beverage establishment with a gross floor area of at least 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

3. Standards

Drive-through service is strictly prohibited.

Recommended Uses: Beer/Wine Stores

Grocery or Convenience Store.

- New use specific standard clarifies when sales of beer and/or wine are considered accessory to this use. (*Consideration #3*)
- No ABE separation required only if sales of beer or wine are 20% or less of total display area AND no exterior signage (*Consideration #3 and #4*)
 - 20% is the percentage used for adult book/novelty stores; Restaurants and Bars at Hotels; retail sales in industrial districts; and sale of used merchandise and/or goods is limited to 20% of the floor space in the General Business (B-3)
- Grocery or Convenience Stores that exceed 20% limit are also considered Beer or Wine Store.

Beer or Wine Store.

- SE in B-1, B-2, and B-3 (*Consideration #2 and #3*)
- Drive-through is prohibits
- Required to comply with separation standards. (*Consideration #2*)
- In order to encourage “specialty stores”, specialty stores are exempt from separation (see separation slide) . (*Consideration #4*)
- ❖ *SE in DPOD / (AOD per underlying Zoning)*

F. GROCERY OR CONVENIENCE STORE

...

3. Standards

- a. Sales of beer or wine may only be considered an accessory use to a Grocery or Convenience Store provided the display area for the sales of beer or wine does not exceed 20% of the total display area used for all other merchandise and no exterior signage for the sale of beer or wine is provided.
- b. Grocery or Convenience Stores with sales of beer or wine which exceed the standards listed in subsection a above and/or provide exterior signage for the sale of beer or wine shall also be considered a Beer or Wine Store and subject to all of the standards for such use.

M. BEER OR WINE STORE

1. Districts Where Permitted

<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RS-L</u>	<u>RD-1</u>	<u>RM-7</u>	<u>RM-12</u>	<u>RM-20</u>	<u>RM-30</u>	<u>RM-45</u>	<u>MH-12</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>
												<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>

<u>M-1</u>	<u>CR</u>	<u>I-1</u>	<u>I-IX</u>	<u>OIP</u>	<u>M-2</u>	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>I</u>	<u>BP</u>	<u>RP UD</u>	<u>PC D</u>	<u>PD-TO</u>	<u>LA C</u>	<u>PD-!</u>
						<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

2. Definition

A beer or wine store is an alcoholic beverage establishment licensed by the state exclusively for the retail sale of beer and/or wine in sealed containers for consumption off the premises where sold. A beer or wine store may be considered a specialty store if the establishment emphasizes a single unique type of specialty beer or wine not readily available at a grocery or convenience store, such as beer or wine made from craft or microbreweries or wineries, or beer or wine from a specific geographic region.

3. Standards

Drive-through service is strictly prohibited.

Recommended Uses: Accessory Uses

Accessory Beer or Wine Sales at a Brewery or Winery.

- Exempts the sales of beer, wine, or liquor at a brewery, winery, or distillery from separation standards (see separation slide) . *(Consideration #4)*
- No additional parking required if the sales area (aka tap room) is less than 20% of the GFA of the brewery or winery; otherwise the standard parking for beer or wine bar would apply. *(Consideration #4)*

Accessory Package Sales at Bar or Lounge.

- SE approval in B-1, B-2, and B-3 *(Consideration #2 and #3)*
- Required to comply with Separation Standards (see separation slide) .
(Consideration #1 and #2)

SS. ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY**1. Districts Where Permitted**

<u>RS</u> -1	<u>RS</u> -2	<u>RS</u> -3	<u>RS</u> -4	<u>RS</u> -L	<u>RD</u> -1	<u>RM</u> -7	<u>RM</u> -12	<u>RM</u> -20	<u>RM</u> -30	<u>RM</u> -45	<u>MH</u> -12	<u>B</u> -1	<u>B</u> -2	<u>B</u> -3	<u>B</u> -4	
																A

<u>M</u> -1	<u>CR</u>	<u>I</u> -1	<u>I</u> -X	<u>OIP</u>	<u>M</u> -2	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>I</u>	<u>BP</u>	<u>RP</u> <u>UD</u>	<u>PC</u> <u>D</u>	<u>PD</u> <u>TO</u>	<u>LA</u> <u>C</u>	<u>PD</u> <u>I</u>
		A	A	A									A			

2. Definition

Alcoholic beverage sales as an accessory use to a brewery, winery, or distillery is the accessory retail sales of beer, wine, or liquor at the same location where the beverage is manufactured, including for consumption on the premises and for consumption off the premises.

TT. PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE**1. Districts Where Permitted**

<u>RS</u> -1	<u>RS</u> -2	<u>RS</u> -3	<u>RS</u> -4	<u>RS</u> -L	<u>RD</u> -1	<u>RM</u> -7	<u>RM</u> -12	<u>RM</u> -20	<u>RM</u> -30	<u>RM</u> -45	<u>MH</u> -12	<u>B</u> -1	<u>B</u> -2	<u>B</u> -3	<u>B</u> -4
												S	S	S	A

<u>M</u> -1	<u>CR</u>	<u>I</u> -1	<u>I</u> -X	<u>OIP</u>	<u>M</u> -2	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>I</u>	<u>BP</u>	<u>RP</u> <u>UD</u>	<u>PC</u> <u>D</u>	<u>PD</u> <u>TO</u>	<u>LA</u> <u>C</u>	<u>PD</u> <u>I</u>
		A	A	A		A						A	A	A	A	A

2. Definition

Package sales as an accessory use to a bar or lounge is the accessory retail sales of beer, wine, or liquor for consumption off the premises at a bar or lounge.

Recommended Revisions to Separation Exemptions

No longer exempt from separation:

- Sales of beer or wine for consumption off the premises, *unless* accessory sales at a Grocery or Convenience Store (20% sales and no signage) or if a Specialty Store
- Bars with Package Sales in AOD

New exemptions from separation:

- Sales of beer, wine, or liquor as accessory to brewery, winery, or distillery
- Liquor Stores which are 7,500 sq ft or larger (aka Regional Liquor Stores)

- Clarifies that distributors and manufacturers are also exempt

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES		
Use and Criteria	Required Separation	
	Any other use involving the sales of alcoholic beverages; and Sexually oriented business	Child Care facility; School; and Place of Worship
An establishment limited by its state beverage license to the sale of beer or wine for consumption off the premises <u>for the distribution of alcoholic beverages to vendors and other distributors.</u>	Exempt	Exempt
<u>Grocery or Convenience Store with accessory sales of beer or wine. Sales of beer or wine may only be considered an accessory use to a Grocery or Convenience Store provided the display area for the sales of beer or wine does not exceed 20% of the total display area used for all other merchandise and no exterior signage for the sale of beer or wine is provided.</u>	Exempt	Exempt
<u>Beer or Wine Store.</u>	Exempt if a Specialty Store.	Exempt if a Specialty Store.
<u>A food and/or beverage manufacturer limited by its state beverage license for manufacturing of wines and cordials, brewing malt beverages, or distiller of spirituous liquor.</u>	Exempt	Exempt
<u>Alcoholic beverage sales as an accessory use to a brewery, winery or distillery.</u>	Exempt	Exempt
A retail sales establishment that is an anchor store containing more than 10,000 square feet of gross floor area. <u>Regional Liquor or Package Store</u>	Exempt	Exempt
Within the Atlantic Boulevard Overlay District (AOD) only, a bar or lounge, brewpub, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory outdoor seating).	Exempt if no package sales are offered at bar or lounge.	Exempt if no package sales are offered at bar or lounge.



The Right Use in the Right Location:
Liquor Stores
(& other retail sales of alcoholic beverages)

November 2015