# **Delray Beach**

# Sec. 113.20. - PROHIBITION OF NUDITY, PARTIAL NUDITY, SEXUAL CONDUCT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS.

(A) Definitions.

Alcoholic beverage establishment: Any business or commercial establishment, whether open to the public at large or entrance is limited by cover charge or membership requirements, including those licensed by the State for sale and or service of alcoholic beverages, which include, but are not limited to, any stand-alone bar, bottle club, hotel, motel, restaurant, night club, country club, cabaret, and meeting facility located in the City of Delray Beach in which alcoholic beverages, beer or wine are, or are available to be, sold, dispensed, served, consumed, provided, possessed or offered for sale or consumption on the premises.

(C) No alcoholic beverage establishment may be located within two hundred (200) feet of any parcel of land upon which an establishment permitting nudity or partial nudity is located except if the establishment permitting nudity or partial nudity is separated from an alcoholic beverage establishment by a railroad corridor or an arterial roadway as the width of the railroad corridor and/or arterial roadway shall be deemed a sufficient separation.

(D) For purposes of the above division (C), distance shall be by airline measurement from property line to property line using the closest property lines of the parcels of land involved. The term parcel of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a lot or which has been used or developed as a lot.

### Sec. 4.3.3. - Special requirements for specific uses.

(AA) *Adult entertainment establishments.* In addition to the requirements of the underlying zoning district, other applicable general regulations, County licensing requirements, parking regulations and Section 113.20 of the Code of Ordinances of the City of Delray Beach, the following requirements shall apply to adult entertainment establishments: [Amd. Ord. 30-98 9/08/98]

(3) No adult entertainment establishment shall be located within 200 feet of an alcoholic beverage establishment, measured from lot line to lot line boundary along a straight airline route except if the establishment permitting nudity or partial nudity is separated from an alcoholic beverage establishment by a Railroad Corridor or an Arterial Roadway as the width of the Railroad Corridor and/or Arterial Roadway shall be deemed a sufficient separation. [Amd. Ord 43-03 12/2/03]; [Amd. Ord. 30-98 9/08/98]; [Amd. Ord. 55-90 11/13/90]

(V) Uses involving alcoholic beverages: [Amd. Ord. 42-03 11/18/03]

(1) *Defined:* For this subsection, alcoholic beverage is defined as:

\* Distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. [Amd. Ord. 42-03 11/18/03]

(2) **Prohibitions by frequency:** The sale of alcoholic beverages for on-site consumption shall be allowed as a principal use within standalone bars and as an accessory use in chartered private clubs and golf courses with the restriction that: [Amd. Ord. 42-03 11/18/03]

(a) Not more than one standalone bar shall be located within any one block, nor within 750 feet of another standalone bar measured from lot line to lot line in a straight line. [Amd. Ord. 42-03 11/18/03]
(b) The above restriction does not apply to a duly licensed grocery store which sells beer and wine in backages for off-site consumption nor does it apply to a restaurant which holds a special restaurant license

ssued by the Department of Business Regulations of the State Division of Alcoholic Beverages and

### Tobacco [Amd. Ord. 42-03 11/18/03]

(c) To be allowed to begin operating a business as a standalone bar, the following rules shall apply: [Amd. Ord. 22-05 4/19/05]

1. A written request to establish a standalone bar shall be submitted to the Planning and Zoning Department. Attached to the written request shall be a copy of a valid 4COP License, evidence of an executed lease to operate the business at the proposed location and a copy of an approved site plan for a restaurant or bar use (hereinafter referred to as the submission). The submission shall be date and time stamped by the Planning and Zoning Department. The submission shall be valid for a period of six months. [Amd. Ord. 22-05 4/19/05]

2. If locational requirements allow for a standalone bar to be established, a person or entity that has filed a submission as set forth above at the earliest time and date will be notified that the use may be established. If the stand alone bar use is not legally established pursuant to LDR <u>Section 2.4.4</u>(D) within 60 days after notification, the person or entity who filed a submission next in time and date shall have an opportunity to establish a standalone bar use. That person or entity and subsequent persons or entities that have a submission on file must also comply with the 60-day establishment requirement. Persons or entities that fail to establish the stand alone bar use in accordance with LDR <u>Section 2.4.4</u>(D) within the 60-day period shall not have any further priority to establish the stand alone bar use and the submission shall be deemed void unless no other persons or entities have filed a submission wherein a longer time to establish the use may be permitted upon request. [Amd. Ord. 22-05 4/19/05]

3. If for any reason the City is unable to determine who was first in time or unable to determine if the use was legally established and operational within the time permitted, the Planning and Zoning Board shall review all valid submissions on file regardless of time or date of the submission or establishment of the use, based on the required findings of LDR <u>Section 2.4.5</u>(E) and make a recommendation to the City Commission. The City Commission will then determine which standalone bar use is the most compatible with surrounding uses, based on the following: [Amd. Ord. 22-05 4/19/05]

a. Compliance with code requirements, [Amd. Ord. 22-05 4/19/05]

b. site's physical appearance, [Amd. Ord. 22-05 4/19/05]

c. location, [Amd. Ord. 22-05 4/19/05]

d. consistency with the Comprehensive Plan, and [Amd. Ord. 22-05 4/19/05]

e. capacity of infrastructure to accommodate the proposed use, [Amd. Ord. 22-05 4/19/05]

f. whether the stand alone bar will have a deleterious effect on adjacent businesses. [Amd. Ord. 22-05 4/19/05]

The standalone bar use deemed most compatible will then have the right to establish a standalone bar use as a permitted use within 60 days of the decision of the City Commission. [Amd. Ord. 22-05 4/19/05]

4. No assignment of any submission or rights obtained as a result of a submission to establish a standalone bar use under this section shall be permitted, provided, however, an established standalone bar use may

continue to exist at the same location without participating in the process outlined in Subsection (c) for as long as the use is operational. If the stand alone bar use is not operational for a period of 180 days or the business location has been occupied by an intervening use, then the process described in subsection (c) herein shall apply. [Amd. Ord. 22-05 4/19/05]

5. New letters with attachments set forth above may be submitted once every six months. [Amd. Ord. 22-05 4/19/05]

(3) *Prohibition by proximity (schools and churches)*: Alcoholic beverages shall not be sold at any establishment which is located within 300 feet of an established school or church.

(a) With respect to schools, the 300 feet distance shall be measured from the nearest point of the building of the place of business, location, or establishment to the nearest point of the school grounds in use as a part of the school facilities.

(b) With respect to churches, the 300 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the church building or buildings.

(c) The 300 feet distance shall be measured in a straight line.

(d) The above restriction does not apply to a duly licensed grocery store which sells beer and wine in packages for off-site consumption nor does it apply to a restaurant which holds a special restaurant license issued by the Department of Business Regulations of the State Division of Alcoholic Beverages and Tobacco.

(4) *Bottle clubs prohibited:* Bottle Clubs as defined in Appendix A are prohibited in all zone districts. [Amd. Ord. 42-03 11/18/03]

### (VV) 24-Hour or Late Night Businesses: [Amd. Ord. 41-01 8/7/01]

(1) *Purpose and intent:* The purpose and intent of the regulations of this section are: [Amd. Ord. 41-01 8/7/01]

(a) To promote the health, safety and general welfare of the citizenry; [Amd. Ord. 41-01 8/7/01]

(b) To provide conditions upon the use of 24-Hour or late night businesses in order to minimize impacts upon residentially-zoned properties from such uses. [Amd. Ord. 41-01 8/7/01]

(2) *Requirements:* Unless otherwise specified, the following regulations shall apply to 24-Hour or late night businesses: [Amd. Ord. 41-01 8/7/01]

(a) *Conditional use:* Any 24-Hour or late night business located or proposed to be located within a 300-foot straight line route from any residentially-zoned property shall obtain a conditional use permit from the City for the operation of such use. The distance shall be measured from the nearest point of the property on which the 24-Hour or late night business is or will be located to the nearest point of a residentially-zoned property. [Amd. Ord. 41-01 8/7/01]

(b) *Conditions:* In addition to complying with <u>Section 2.4.5</u>(E) of the Land Development Regulations, all other applicable regulations, and with any conditions imposed through the conditional use process, the following conditions shall apply to all 24-Hour or late night businesses which meet the requirements of subsection (2)(a): [Amd. Ord. 41-01 8/7/01]

1. *Security plan:* A 24-Hour or late night business shall submit a security plan detailing the manner in which the business intends to address the security of the establishment, its patrons, employees and nearby residents. A convenience business as defined in Section 812.171, Florida Statutes (2000), as may be amended from time to time, is exempted from filing a security plan with the City pursuant to this subsection. However, convenience businesses shall comply with all applicable provisions of Sections 812.101-812.175, Florida Statutes (2000), as may be amended from time to time. A security plan shall include, at a minimum, a detailed description of the following: [Amd. Ord. 41-01 8/7/01]

a. external lighting; and, [Amd. Ord. 41-01 8/7/01]

b. other external security measures, such as security cameras or other similar measures; and, [Amd. Ord. 41-01 8/7/01]

c. internal security measures, such as drop safes, silent alarms, security personnel or other similar measures. [Amd. Ord. 41-01 8/7/01]

2. *Buffering:* A 24-Hour or late night business shall provide adequate buffering to minimize the effects of noise and to act as a visual buffer to the property from nearby residential districts. [Amd. Ord. 41-01 8/7/01]

(c) *Findings:* In addition to any findings required by <u>Section 2.4.5(E)</u> of the Land Development Regulations, and any other required findings, the following specific findings shall be made in order for any 24-Hour or late night business to be approved for a conditional use: [Amd. Ord. 41-01 8/7/01]

1. That the use will be consistent with Housing Element A-12.3 of the Comprehensive Plan of the City of Delray Beach. [Amd. Ord. 41-01 8/7/01]

2. That the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees and nearby residents. [Amd. Ord. 41-01 8/7/01]

3. That the amount and type of proposed buffering is adequate to minimize the effects of noise impacts upon surrounding uses and nearby residential properties and to act as a visual buffer to the property from surrounding uses and nearby residential properties. [Amd. Ord. 41-01 8/7/01]

(3) Applicability. [Amd. Ord. 41-01 8/7/01]

(a) The provisions of this section shall not apply to 24-Hour or late night businesses which:

1. are more than a 300-foot straight line route from any residentially zoned property as determined by the provisions of subsection (2)(a); or, [Amd. Ord. 41-01 8/7/01]

2. are in operation at the time of the adoption of this ordinance; or, [Amd. Ord. 41-01 8/7/01]

3. are under construction pursuant to a validly issued building permit at the time of the adoption of this ordinance. [Amd. Ord. 41-01 8/7/01]

(b) Any 24-Hour or late night business which is in existence at the time of the adoption of this ordinance, which meets the requirements of subsection (2)(a), and which changes its use from one type of 24-Hour or late night business to another type of 24-Hour or late night business (e.g., restaurant to nightclub), shall be required to obtain a conditional use approval pursuant to the provisions of this section. [Amd. Ord. 41-01 8/7/01]

# **Coral Springs**

### Sec. 3<sup>1</sup>/<sub>2</sub>-2. - Consumption of alcoholic beverages by underage persons.

(A) *Definitions*. For purposes of this section, the following terms have the following meanings.

(1) *Alcoholic beverage* means distilled spirits, and any beverage containing one-half of one (0.5) per cent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with F.S. § 561.01, as amended from time to time.

(2) *Control* means the actual or constructive authority or ability to regulate, direct, or dominate, including, but not limited to, owning or leasing a residence or premises.

(3) *Event* or *gathering* means any group of three (3) or more persons who have assembled or gathered together for a social purpose.

(4) *Parent* means any person having legal custody of an underage person as a natural parent, adoptive parent, or step-parent, as a legal guardian, or a person to whom legal custody has been given by order of a court of competent jurisdiction.

(5) *Person* means any individual, partnership, co-partnership, corporation, or any association of one (1) or more individuals. Person does not include any licensee on a licensed premises.

(6) Licensee shall be defined in accordance with F.S. § 561.01(14), as amended from time to time.

(7) *Licensed premises* shall be defined in accordance with F.S. § 561.01(11), as amended from time to time.

(8) *Residence* or *premises* means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation. "Residence" or "premises" does not include any licensee on a licensed premises.

(9) Underage person means any individual under twenty-one (21) years of age.

### (B) Violation.

(1) It shall be a violation of this section for any underage person or persons to consume an alcoholic beverage or possess for consumption an alcoholic beverage at an event or gathering in or on any residence or premises.

(2) The person or persons in control of a residence or premises in violation of this section shall be held responsible for a violation of this section and be issued an administrative citation or notice to appear for each underage person on or at any residence or premises. Such fines may not exceed seven hundred fifty dollars (\$750.00) per incident for a first offense or one thousand dollars (\$1,000.00) per incident for each subsequent offense.

(3) A person or persons in violation of this section does not need to be present at the event or gathering to violate subsection (1) above.

(4) Any violation of this section shall be considered a violation that presents a serious threat to the public safety and welfare and is irreparable and irreversible in nature.

### (C) Evidence, rebuttal presumption.

(1) Any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container or photographs of labeling on any bottle, can, or container shall be admissible over any hearsay objection in any administrative proceeding, or trial in county or circuit court, in enforcing this chapter.

(2) A label which identifies the contents of any bottle, can, or other container as containing, but not limited to "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "bourbon," "rum," "scotch," "whiskey," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol," "liquor," or any other wording that indicates that the alcohol by volume exceeds one-half of one (0.5) per cent on the label shall give rise to a rebuttable presumption that the contents of the bottle, can, or other container contained an alcoholic beverage as defined above.

(3) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such alcoholic beverages, has knowledge as to the alcoholic nature thereof, may testify as to his or her opinion whether such a beverage is an alcoholic beverage.

### (D) *Exceptions*.

(1) This section shall not apply to conduct solely between an underage person and his or her parent or parents while present in the parent or parents' residence or premises.

(2) This section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

(3) This section shall not apply to the retail sales of alcoholic beverages or any licensee operating on a licensed premise.

(4) This section shall not apply to underage persons when lawfully in possession of alcoholic beverages during the course and scope of employment.

(E) Enforcement.

(1) This section may be enforced by any Coral Springs Police Officer or Code Enforcement Officer through issuance of an administrative citation or notice to appear.

(2) All administrative citations shall be brought before the Coral Springs Special Magistrate. All hearings shall be docketed with the regular code enforcement cases. The evidentiary standard shall be a preponderance of the evidence.

(3) Coral Springs Police Officers shall have the authority to abate any gathering or event in violation of this section by all reasonable means, singularly or in combination, including but not limited to: ordering the gathering to be disbanded, issuing a notice to appear or administrative citation, and/or arresting any person(s) violating any other applicable ordinance and/or state law.

(4) The city attorney's office shall have the authority to file civil suit in the Broward County Court or 17th Judicial Circuit Court to enforce any administrative order arising from this section. The city attorney's office may recover the fine amount plus any costs associated with recovery of the fine amount pursuant to F.S § 162.30, as amended from time to time.

# Sec. 11-3. - Alcoholic beverages; possession and consumption on any public street, sidewalk, right-of-way, or in public places.

It shall be unlawful for any person to drink or consume any alcoholic beverage or possess any unsealed or open container of any kind which contains any alcoholic beverage, while on any public street, sidewalk, right-of way, in any public park, parking lot or in any other public place, except:

(a) Areas which are licensed by the State of Florida for the sale and consumption of alcoholic beverages;

(b) At special events which have received a temporary use permit in accordance with the City Land Development Code section 1015, and which permit expressly allows alcoholic beverages to be dispensed;

(c) Pursuant to section 16-2 of the Code of the City of Coral Springs; or

(d) Pursuant to any other express exemption established by commission actions.

### Sec. 250145. - Regulation of adult entertainment establishments and massage

### parlors.

(a) *Definitions*. For the purposes of this section, the following definitions shall apply:

(1) "Adult bookstore" is a place where books, magazines, written or printed material, records, photographs, moving pictures, video tape or other recordings are sold, which has as its principal purpose the offering for sale to adults of books, magazines, records, photographs, written or printed material, moving pictures, video tape or other recordings, or other merchandise which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities or to specified anatomical areas.

(2) "Adult motion picture booth" is an area within an adult motion picture theater designed for or used for the viewing by one or two (2) persons of motion pictures, video tape or other recordings which have as their dominant or primary theme matters depicting, describing, or relating to specific sexual activities or to specified anatomical areas.

(3) "Adult motion picture theater" is a place where motion pictures, including but not limited to film and video tape recordings, are shown, or a section, department, or part of any business set aside for the purpose of showing of motion pictures, which has as its principal or incidental purpose the offering for viewing to adults of motion pictures which have as their dominant or primary theme matters depicting, describing, or relating to specified sexual activities or to specified anatomical areas.

(4) "Adult motel or hotel" is a place where motion pictures, including but not limited to film and video tape recordings, are shown in rooms designed primarily for lodging, which said motion pictures have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities or to specified anatomical areas.

(5) "*Cabaret*" is a place which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude entertainers, or similar entertainers.

(6) *"Massage parlor"* is a business establishment which provides massage and/or body manipulation services. This definition shall not apply to the following individuals while engaged in the performance of their duties of their respective professions:

a. Physicians, surgeons, chiropractors, osteopaths, physical therapists, masseurs, or masseuses who are duly licensed to practice their respective professions in the State of Florida.

b. Nurses who are registered under the laws of the State of Florida.

c. Manicurists, pedicurists, barbers and beauticians who are duly licensed under the laws of the State of Florida, except that this exemption shall apply solely to the massaging of the hands, feet, shoulder, neck, face, scalp, and hair of the customer or client.

(7) "Specified sexual activities" as defined as:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse, or sodomy; and

c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(8) "Specified anatomical areas" is defined as:

a. Less than completely and opaquely covered:

- 1. Human genitals, pubic region;
- 2. Buttock; and

3. Female breast below the point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) *Distance requirements*. No adult bookstore, adult motion picture theater, adult motel or hotel, cabaret or massage parlor shall be located within one mile radius, property line to property line, or any other aforementioned establishments or within one thousand (1,000) feet, property line to property line, of any establishment selling beer or intoxicating liquor for consumption on the premises; hotels; motels; public lodging houses; churches; schools; kindergartens, nursery schools, day care centers; pawnshops; pool or billiard halls; or within one thousand (1,000) feet of any area zoned for residential use.

### <u>Miramar</u>

• Chapter 4 - ALCOHOLIC BEVERAGES<sup>[1]</sup>

### • Sec. 4-1. - Hours of sale.

(a) *Generally*. No vendor of alcoholic beverages shall sell or offer for sale or deliver or serve or permit to be consumed upon the premises of such vendor any beers, wines or alcoholic beverages of any kind regardless of alcoholic content during the hours specified herein. The following hours apply seven (7) days a week:

(1) *Sales or services for on-premises consumption:* Shall not be allowed between the hours of 2:00 a.m. And 8:00 a.m. Unless the premises holds a valid extended hours license issued by the city, in which event it may sell alcoholic beverages until 4:00 a.m.

(2) *Off-premises sale/consumption:* No sales for consumption off the premises from any kind of business or establishment shall be allowed between the hours of 2:00 a.m. and 7:00 a.m.

(b) *Violations*. Failure of any vendor, establishment, or business to comply with the provisions of this section shall be subject to the general penalty provision of <u>section 1-13</u> of this Code, or may be prosecuted by the supplemental code enforcement procedures set forth in section 2-77.1 et seq. of this Code at the option of the city.

### • Sec. 4-2. - Extended hours license.

(a) The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage between the hours of 2:00 a.m. and 4:00 a.m. on any day of the week is hereby declared to be and is a privilege subject to termination by the city commission, and no person may reasonably rely on a continuation of that privilege.

(b) Any person or vendor or any place of business duly and regularly licensed by this state to sell and dispense alcoholic beverages, wine or beer therein, may apply for an extended hours license. Such license shall be issued within 30 days of the city's determination that a complete application has been filed. The non-refundable fee for the issuance of said license shall be set and amended by resolution of the city commission. Such extended hours license shall permit and extend the hours during which such licensee may sell alcoholic beverages until 4:00 a.m. on any day. Such licenses shall only be granted to those establishments that are wholly enclosed, soundproofed, and air-conditioned, and any windows, doors or other openings kept closed, except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood.

(c) If, at any time, the city manager or his/her designee determines that any extended hours license holder is operating in a manner harmful to the public health, safety or welfare, he/she may place on the following city commission quasi-judicial agenda an item to determine whether the extended hours license should be revoked based upon the following criteria:

(1) During the extended sale hours, the extended hours license holder shall have taken all reasonable precautions to discourage unlawful activity, including vandalism, persons and property crimes, disturbances, loitering of patrons, narcotics use, noise, vehicular use by intoxicated patrons, and illegal activity of any kind by employees, patrons or others associated with the establishment.

(2) During the extended sale hours, there shall have been no negative affect on neighboring properties, especially with respect to excessive noise, accumulation of trash, and glare from exterior lighting or from headlights (which can be cured by the use of hedges or other barriers).

(3) During the extended sale hours, the extended hours license holder shall have taken all reasonable efforts to prevent nuisances both inside and outside the establishment.

(d) Such agenda item shall be publicly advertised in a newspaper of local circulation; written notice of the hearing shall be sent to the license holder at least fourteen (14) days in advance of the hearing and shall contain the date, time and place of the agenda item.

(e) After consideration of the matter, and allowing the license holder to be heard, the city commission may revoke the extended hours license, deny the revocation or allow the licensee to continue subject to any reasonable conditions deemed necessary to mitigate or eliminate the adverse effects of such extended hours. These conditions may include, without being limited to, provision by the licensee, at his/her expense, of security or police personnel, buffering from/for nearby communities and/or provision of additional parking.

(f) Should the extended hours license be revoked, no reapplication shall be considered for that location within a twelve-month period.

(g) Appeal of any commission decision shall be to a court of competent jurisdiction within thirty (30) days of rendition of the decision.

### • Sec. 4-3. - Public consumption prohibited; exceptions.

(a) It shall be unlawful for any person to consume, and for any person to carry in any open or uncovered cup, glass, can, bottle or other container, any alcoholic beverage within any street, sidewalk, alley, or public right-of-way within the city.

(b) (1) Any person, organization or corporation who or which wishes to be excluded from the prohibition of subsection (a) for a period of time not to exceed seven (7) days may apply to the community development director for a temporary alcohol consumption permit, except that the community development director or designee may approve an exception from the prohibition of subsection (a) for consumption or carrying of alcoholic beverages in connection with a city-sponsored or co-sponsored event. The community development director shall evaluate the temporary alcohol consumption permit application and make a determination. The criteria to determine approval of said permit are as follows:

a. The purpose for which the temporary alcohol consumption permit is requested.

b. The dates, times and locations of the proposed activity.

c. Provisions for security and crowd control.

d. Proximity of the location of the proposed activity to residential areas.

(2) The temporary alcohol consumption permit may be issued if the above criteria tends to show a minimal impact of such temporary public consumption on any neighboring properties, and that there will be no disturbance to the health, safety, welfare, peace and comfort of the citizens of the city. In issuing a temporary alcohol consumption permit that provides for public consumption of alcoholic beverages, the community services director may approve any conditions as are deemed necessary to prevent any such disturbances, and to ensure that the activity will be compatible with surrounding properties.

(Ord. No. 03-17, § 2, 8-20-03; Ord. No. 13-09, § 2, 5-15-13)

Cross reference— Alcoholic beverages, <u>§ 14-6</u>.

• Sec. 4-4. - Reserved.

### Section 405. - Specific use regulations

- 405.2. Adult Entertainment Uses and Establishments.
- 405.2.1. Intent. This subsection shall be liberally construed to accomplish its purpose to regulate and provide proper and adequate locations that would be compatible for proposed adult entertainment uses and establishments while keeping consistent with the city's comprehensive plan and vision. Adult entertainment uses as defined in <u>section 201</u> shall be a permitted use within the PID district, subject to distance separation requirements as noted below.

- It is the intent of the city commission, in adopting this subsection, to establish reasonable and uniform regulations that will reduce the adverse secondary effects that adult entertainment establishments have upon the residents of the city and protect the health, safety, aesthetics, morals and general welfare of the people of the city. It is further intended to provide for the proper location of adult entertainment uses in the city; to require a separation between such uses to avoid clustering; and to require separation from and thereby protect the integrity of incompatible uses in nearby neighborhoods, including residences, schools, places of worship, public parks and other commercial enterprises. Proper separation of adult entertainment uses prevents the creation of skid row areas in the city, which otherwise result from the concentration of these establishments and their patrons. This subsection has neither the purpose, nor the effect, of limiting or restricting access by adults to sexually-oriented, non-obscene materials protected by the First Amendment to the U.S. Constitution, or denying access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is instead the intent to limit the secondary effects of regulated uses through content-neutral regulation as set out in this subsection. Furthermore, the commission has found that the location of residential uses within viable, un-blighted and desirable areas supports the preservation of property values and promotes the health, safety, aesthetics, and welfare of the city and the public at large.
- 405.2.2. Conflicts with Other Laws. Whenever the regulations and requirements are in conflict or at variance with the requirements of any other lawfully enacted and adopted rules, regulations, ordinances or laws, the most restrictive shall apply.
- 405.2.3. Penalty for Violation of Subsection. Any person violating the provisions shall, upon conviction by a court of competent jurisdiction of any offense involving moral turpitude in connection with the operation of such adult entertainment establishment, be subject to the penalties of the LDC, city code, or by any other means authorized by law including, but not limited to, the revocation of a zoning certificate of use. The city code compliance officer shall immediately issue a written notice of intent to revoke the local business licenses and permits.
- 405.2.4. District and Distance Separation Regulations. See Tables 405-1 and 405-2.

### • TABLE 405-1 DISTRICT REGULATIONS\*.

District Type	
All Residential Zoning Districts as described in section 401.1	Not Permitted
Commercial Recreation, Community Facilities, and Recreation/Open Space districts	Not Permitted
Mixed Use Districts as described in section 401.1	Not Permitted
Planned Industrial Development (PID)	Permitted
All other Nonresidential Zoning Districts as described in section 401.1	Not Permitted

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\*Variances to the locational standards of this subsection shall not be allowed.

### • TABLE 405-2 DISTANCE REGULATIONS\*

■ The operation of any regulated use (proposed or existing) must meet the following minimum distances from any existing uses.

■ The subsequent establishment of the uses listed in this table within these distances of an existing adult entertainment use shall not change the status of the adult entertainment use to that of a nonconforming use.

■ For the purposes of this subsection, all measurements of distances shall be along a straight airline route from the nearest point on the property line of the subject property to the nearest point on the property line of any other property or use. If the property is one of multiple, separate but attached bays designed for separate businesses, the property line of the parcel that contains the multiple-bay structure shall be considered the property line for purposes of this measurement. Therefore, no more than one adult entertainment use may be located in any one structure, even if that structure contains multiple, separate but attached bays designed for separate businesses.

■ The applicant shall furnish a survey certified to the city by and from a Florida registered and licensed surveyor and mapper. Such survey shall indicate the distance from the adult entertainment use to any other adult entertainment use and any other use as described in the table below. In case of any dispute, the measurement scaled by the city's geographic information system (GIS) database shall govern. Any costs related to such disputes, including the cost of the city hiring a surveyor, shall be paid by the applicant.

Existing Use	Distance (feet)
Places of worship	1,500
Child Care Centers, Nursery Schools, Pre-Kindergartens, Kindergartens, Public or Private Elementary/Middle/High Schools, and Public Libraries	2,500

Public Parks	1,500
Commercial Recreation, Community Facilities, Recreation/Open Space, or residential zoning district boundaries	1,500
Another adult entertainment establishment	1,500
Any establishments licensed for the sale of alcoholic beverages for consumption on the premises: pawnshops: pool or billiard halls: penny arcade or other business establishment having as a substantial or significant portion of its business the operation of coin-operated amusement devices	<mark>1,500</mark>
*Variances to the locational standards of this subsection shall not be allowed.	

### 405.4. Alcoholic Beverages Sales.

405.4.1 Conditional Use Requirement. Alcoholic beverage sales licenses for Consumption on Premises (C.O.P.) for beer, wine and liquor, and Alcoholic Beverage Package Sales (A.P.S.) for beer, wine and liquor shall be required to obtain conditional use approval, except that this requirement shall not apply to temporary events.

405.4.2 Alcoholic *Beverage Consumption For Temporary Events*. For temporary events (1-3 day) held on city-owned properties and/or public rights-of-way, such temporary events shall be required to comply with the applicable regulations of section 4-3 of the city's code of ordinances regarding public alcohol consumption. For temporary events (1-3 day) held on private properties, approval shall be granted in conjunction with the TUP issued by the city for the event.

405.4.3 Requirements for Licenses. Alcoholic beverages sales licenses for A.P.S. and C.O.P. for beer and wine only shall be subject to the approval procedures required for the specific business selling the alcoholic beverages pursuant to the standards established in this code.

405.4.4 Distance Requirements.

(a) Vendors shall be permitted to sell alcoholic beverages including liquor for consumption on or off the premises provided that there are at least 2,500 feet by straight air-line measurement from any established school or child care center or library measured from the main entrance point of the vendor's establishment

to the nearest property line of a school or child care center or library grounds used as part of the school or child care center facility, except as provided in Chapter 563, Florida Statutes, as may be amended from time to time.

(b) Vendors shall be permitted to sell alcoholic beverages including liquor for consumption on or off the premises in any place of business provided that it is located at least 1,000 feet by straight air-line measurement, measured from the main entrance to main entrance of another place of business in which there is already in existence a vendor selling alcoholic or intoxicating beverages for consumption on or off the premises.

c) The foregoing requirements for both cases shall not apply to vendors of Consumption On Premise C.O.P.) alcoholic beverages, when such beverages are served in duly licensed restaurants, nor shall they apply to C.O.P. vendors located within the TND, MH, ML, or SD districts.

(d) Alcoholic beverage consumption on premises shall not be permitted to be located within 1,500 feet of an adult entertainment use. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the alcoholic *beverage consumption on premises* property to the nearest point on the property line of the adult entertainment use.

405.4.5 Bottle Club. Any bottle club as defined by chapter 561, Florida Statutes, and operating as the primary use shall be required to obtain conditional use approval. The foregoing requirement does not apply to establishments that apply for a bottle club license as an accessory use. Bottle club conditional use approvals are only valid in the specific location on a specific property granted by the conditional use permit. Bottle clubs may be permitted as a primary use or as an accessory use in any nonresidential or mixed-use district, other than the CNS, OS, or U districts, as described in section 401.1.

Use Type	Permitted	Approval Process	Distance Requirement
Liquor Store	Conditional Use Permit	Conditional Use for beer, wine, and liquor; C.O.P is not permitted.	Applies
Convenience Store	Permitted	Conditional Use for beer, wine, and liquor; C.O.P is not permitted.	N/A
Bars/Nightclubs	Conditional Use Permit	Conditional Use for <mark>beer</mark> , wine, and <mark>liquor</mark>	Applies except in Mixed Use districts
Hotels	Permitted	Zoning approval for State license	N/A

# TABLE 405-4 ALCOHOLIC BEVERAGE SALES AND CONSUMPTION REGULATIONS

Use Type	Permitted	Approval Process	Distance Requirement
Bottle Clubs	Conditional Use for beer, wine, and liquor if primary use: Bottle Club license	Conditional Use for <mark>beer</mark> , wine, and <mark>liquor</mark> if primary use; Bottle Club license	Applies except in Mixed Use districts
Restaurants	Permitted	Zoning approval for State license	N/A
Temporary events	Permitted	TAC or TUP and temporary <mark>alcoholic</mark> beverage license for temporary events	N/A
Residential Clubhouse	Permitted	TUP/Zoning approval for State license	N/A

Expand

## **Boca Raton**

### • Chapter 4 - ALCOHOLIC BEVERAGES<sup>[1]</sup>

### • Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Alcoholic beverages" shall mean all beverages containing more than 1 percent of alcohol by weight, measured in the manner described in F.S. § 561.01(4)(b).

"Alcoholic beverage establishment" shall mean, for the purposes of this chapter, any establishment with a "4COP" or "14BC" license issued by the state. A business with an "SRX" license issued by the state shall not be considered an alcoholic beverage establishment.

"Beer" and "malt beverage" shall mean all brewed beverages containing malt.

"Nightclub" shall mean, for the purposes of this chapter, any alcoholic beverage establishment where there is a band, orchestra or other form of music or musical entertainment and a floor space for dancing.

• Sec. 4-2. - Hours of operation.

(a) No vendor shall sell, deliver or permit to be consumed any alcoholic beverages to any person or keep his or her place open for the sale, delivery or consumption of an alcoholic beverages on any day of the week between the hours of 2:00 a.m. and 7:00 a.m.

(b) In any area annexed into the city, the business regulations applicable to the sale, distribution, and consumption of alcoholic beverages as set forth in (a) above shall be in full force and effect upon the effectiveness of such annexation; provided however, any vendor in an area annexed into the city prior to February 1, 2017, that, prior to February 1, 2017, commenced hours of operation extending until 5:00 a.m. (pursuant to Palm Beach County's alcohol sales regulations), and has continuously operated until 5:00 a.m. since such commencement, may continue to operate until 5:00 a.m. for a period of 120 days after April 19, 2017.

#### • Sec. 4-3. - Location of business restricted; survey required.

(a) The sale of alcoholic beverages for consumption on the premises within 500 feet of any established church or school is prohibited. The distance shall be measured from the center of the main entrance of the proposed business and follow the usual and customary path of pedestrian travel to the center of the main entrance of the church or, with respect to schools, shall be measured to the nearest point of the school grounds.

(b) This section shall not be construed or held to affect the rights of any existing established business or its successors or assigns with respect to the location of the businesses.

(c) Whenever a business has been lawfully established and thereafter a church or school is established within a distance otherwise prohibited by this section, the establishment of the church or school shall not be cause for the revocation of the certificate of use or otherwise prevent the continuation of the business.

(d) Applicants for certificates of use and licenses from the state who are required to show that the location of the proposed business is in conformity with zoning and other applicable regulations of the city shall furnish a survey made by a registered surveyor showing that the location of the premises of the applicant conforms to this section.

(e) Nightclubs, cabarets, drinking places and other establishments which depend upon the sale of alcoholic drinks and beverages for more than 50 percent of the establishment's total operating revenue shall not be allowed as permitted uses in certain zoning districts lying east of the Intracoastal Waterway as specified in <u>chapter 28</u> of the Code.

### • Sec. 4-4. - Consumption in public places.

It shall be unlawful for any person to consume an alcoholic beverage of more than 1 percent alcohol content by volume on any public street, sidewalk, right-of-way, park, beach or upon the premises of a retail establishment while outside the confines of the structure on the premises when the main use of the establishment is the sale of alcoholic beverages or upon any parking lot or sidewalk on business, industrial or public or institutional property where the public has a right to travel, except as specifically provided in section 4-5.

### • Sec. 4-5. - Alcoholic beverage permits.

(a) The city manager may issue a permit to allow the sale, possession, and consumption of alcoholic beverages incidental to a not-for-profit organization's special event. Such permit shall be for the sale,

possession and consumption of beer and wine only and may be issued to a not-for-profit organization no more than one time per year provided:

(1) The event will be open to the general public.

(2) Proof of licensing by the State of Florida, Department of Business Regulation, Division of Alcoholic Beverages and Tobacco ("one day permit") is provided.

(3) Proof of liability insurance listing the city as an additional insured is provided.

(4) Organization's nonprofit certification from the State of Florida must be current and valid.

(5) The event permit request is to be submitted to the city manager a minimum of 30 days prior to the scheduled event, and all other city, county or state permits, if required, need to be approved and enclosed.

(6) No glass or metal containers are allowed.

(b) In determining whether such permit should be issued, the city manager may consider, among other factors, the nature of the event, the anticipated number, age and conduct of persons attending the event, the days and time of the event, the uses of areas near the special event and the anticipated impact of the sale, possession or consumption of alcoholic beverages would have on the public place, its uses and the special event. The city council may reverse or amend the decision of the city manager as it deems appropriate.

# • Sec. 4-6. - Consumption, sales, service, prohibited at certain times; security required; persons under 21 years of age prohibited.

(a) After 10:00 p.m., all nightclubs shall provide interior security personnel of a number equaling one security person per each occupancy level (as established by the city's fire marshal pursuant to applicable regulations) of 150 occupants, or any portion thereof. For example, if the occupancy level of a nightclub is 500, four interior security personnel are required. If the occupancy level is 50, one interior security person is required.

(b) All nightclubs shall maintain a security camera system capable of recording and retrieving video images. Cameras must be activated and recording video during all hours of operation and shall continuously capture interior and exterior images of the entrance and exit doors. Recorded video images shall be stored for a minimum of 30 days. Each nightclub required to have cameras pursuant to this provision shall prominently display signage on the premises to notify patrons of the presence and use of security cameras.

(c) All alcoholic beverage establishments shall maintain their premises, and any accessory premises such as parking lots or open space adjacent to such premises, clean and free from trash and debris at all times.

(d) It shall be unlawful for persons under the age of  $\underline{21}$  to enter, patronize, visit, be admitted to, or allowed access in any alcoholic beverage establishment between the hours of 10:00 p.m. and 8:00 a.m., except as hereinafter provided. This restriction shall not apply to:

(1) Persons accompanied by either of their parents (natural, adoptive, or stepparent) or legal guardian (appointed by a court);

(2) An alcoholic beverage establishment during any time period in which it is neither serving or selling alcoholic beverages to the public, nor allowing alcohol to be consumed on its premises, provided that, before anyone under the age of <u>21</u> is admitted onto the premises, all alcoholic beverages previously served to customers, or being consumed by customers, are removed from customer access and otherwise discarded, and the establishment's entire inventory of alcoholic beverages is properly secured from public access. The sale, service or consumption of alcoholic beverages may not resume until all persons under the age of <u>21</u> have vacated the premises;

(3) Members of the military or armed services with proper military identification to show that they are currently on active duty with a branch of the United States military;

(4) Persons employed by or at the alcoholic beverage establishment.

### • Sec. 4-7. - Posting of underage drinking signs.

(a) All persons who own or operate an alcoholic beverage establishment, or any other business within the city which sells or dispenses alcoholic beverages for consumption on or off the premises, shall conspicuously post a notice, in accordance with subsection (b), in a location within such business where alcoholic beverages are displayed, purchased or consumed. "Conspicuously post" shall mean the posting of a notice that is clearly visible, easily readable, and immediately apparent upon viewing by persons to whom alcoholic beverages may be sold or dispensed.

(b) The notice required by this section shall consist of a conspicuously posted sign containing the following information:

(1) It is unlawful to purchase or possess alcohol if you are under 21 years of age.

(2) It is unlawful to sell or dispense alcohol to individuals under 21 years of age.

(3) The penalties under Florida law associated with the sale or dispensing of alcoholic beverages to, or the possession of alcoholic beverages by, individuals under 21 years of age may include, but are not limited to, imprisonment for a period of up to 60 days, a fine up to \$500.00, or both.

(4) A telephone number to report those who are in violation of Florida law. Such telephone numbers may include, but are not limited to:

a. Florida Division of Alcoholic Beverages and Tobacco — (866) 540-SUDS (7837); and

b. Palm Beach County Substance Awareness Coalition — (877) MEANS 21 (877-632-6721).

(c) Penalty. Any person who violates this section shall be subject to the civil penalty provided in <u>section 1-16</u> and/or enforcement proceedings before the special magistrate, as provided in <u>chapter 2</u>, article III, division 3, Code of Ordinances. In no event shall a violation of this section be punishable by imprisonment.

### • DIVISION 12. - ADULT ENTERTAINMENT ESTABLISHMENTS—ZONING<sup>[52]</sup>

#### • Sec. 28-1616. - Intent and purpose—Regulated uses.

It is the intent and purpose of this article to regulate the location and separation of adult entertainment uses, also referred to herein as a "regulated use" (as defined in <u>section 28-2</u>) which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near properties zoned, planned or developed with incompatible uses, thereby having a deleterious effect upon the adjacent areas. This division and <u>division 12.1</u> has neither the purpose nor the effect of limiting or restricting access by adult to sexually oriented, non-obscene materials protected by the First Amendment, or denying access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent of the city to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.

#### • Sec. 28-1617. - Zoning districts; prohibitions; compliance with code.

No regulated use shall be established, operated or maintained within the city except on property zoned M-3 or W-1. No regulated use shall be established, operated or maintained in any zoning district within the city other than those specifically enumerated herein. The zoning district regulations for any other zoning district shall not be construed to permit the establishment, operation or maintenance of any regulated use. In no event shall a regulated use be established, operated or maintained within the city in which a person shall be allowed to expose to public view less than completely and opaquely covered human genitals, the pubic region, or the cleavage of the human buttocks. Adult mini-motion picture theaters are prohibited. Adult entertainment establishment use. Furthermore, no regulated use shall be established, operated or maintained with the Code and any other local, state, or federal law.

#### • Sec. 28-1618. - Location restrictions.

No regulated use shall be established, operated or maintained within 300 feet of:

- (a) Any other regulated use.
- (b) Property zoned as residential.
- (c) Any church or place of worship.
- (d) Any public or private school.

(e) Any instructional school whose primary use exclusively caters to the instruction of children under the age of 18.

(f) Any park, excluding nature parks (as described in the city's comprehensive plan).

(g) Any urban principal arterial or collector road, as defined by the county comprehensive plan.

#### • Sec. 28-1619. - Measurement of distances; parking.

(1) Measurement. For the purposes of this division, all measurements of distances shall be along a straight airline route from the nearest point on the property line of any property which is regulated hereunder to the nearest point on the property line of any property or use described in <u>section 28-1618</u>. If the property is 1 of multiple separate but attached bays designed for separate businesses, the property line of the parcel that contains the multiple-bay structure shall be considered the property line for purposes of this measurement. Therefore, no more than 1 regulated use may be located in any 1 structure, even if that structure contains multiple, separate but attached bays designed for separate businesses.

(2) Parking. Onsite parking may be accessible by patrons. However, all offsite parking shall be exclusively limited to valet parking only. Offsite parking serving an adult entertainment establishment shall be required to meet the location restrictions set forth in <u>28-1618</u>(b), (f) and (g). Consistent with the Code parking regulations, such offsite parking shall be located only in those districts that regulated uses may be established, operated or maintained within the city.

### **Pembroke Pines**

# ALCOHOLIC BEVERAGE ESTABLISHMENTS

The following regulations shall apply to the location, design, construction, operation, and maintenance of all places or establishments where alcoholic beverages are sold or dispensed, and shall be in addition to other requirements or limitations of this chapter.

('69 Code, App. A Article XLV)

### Cross-reference:

Alcoholic beverages, sale and licensing regulations, see Ch. 110

### **↓**§ 155.286 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BREWPUB.** An establishment where food, beer and malt beverages are dually licensed to be made on the premises where beer and malt beverages are produced on site and sold and/or consumed on site.

*CASES.* Package(s) of wine containing to 12 bottles of wine with each bottle containing 750 mL.

*CHURCH.* An edifice designed or arranged for religious services, on land held in fee or on long-term lease by an organized group, which group utilizes the edifice for regular and continuing religious services.

**HOTEL BAR.** A bar operated in connection with a hotel, apartment hotel, motor court, or motel of more than 50 hotel rooms, motel rooms, or separate apartments, and operated by the same owner or management, the bar being equipped with adequate and sanitary equipment. The **HOTEL BAR** must be directly connected with the inside of the hotel. The sale of beer, wine, and liquor shall be prohibited except during the time that the hotel is actually engaged in and open to the public for operation of hotel business. No sign of any kind shall be permitted to be exhibited or displayed, visible to the outside, denoting that alcoholic beverages are obtainable therein.

*MICROBREWERY AND MICROWINERY.* An establishment primarily engaged in the small scale production, distribution, and wholesale of beer, ale, or other malt beverages, or wine and shall be permitted only in conjunction with in-house food service.

**RESTAURANT.** Shall have a table seating capacity of not less than 50 persons.

**RESTAURANT BAR.** A bar operated in connection with a restaurant by the same owner or management, in a business-zoned area, which restaurant has all necessary equipment and supplies for and serves full-course meals regularly, and where the principal business is the serving of meals. A **RESTAURANT BAR** must have accommodations at all times for service of 150 or more patrons, and occupying more than 2,500 square feet of space inside a permanent building. No package goods shall be sold from the bar, nor shall a package store be permitted at the location in connection with the dining room. The sale of beers, wines and liquors shall be prohibited, excepting during the time the restaurant is actually engaged in and open to the public for the serving of full course meals. However nothing in this section shall operate to change the hours of sale designated in § <u>110.02</u>. No sign of any kind or character shall be displayed on the restaurant or bar visible from the outside denoting that alcoholic beverages are sold therein.

*SEATING* or *SEATING CAPACITY*. Shall include all table seating, and stools/bar seating, when full meal service is available at the counter/bar.

*SMALL SCALE PRODUCTION.* Beer that is produced in an amount no greater than 15,000 barrels per year and wine that is produced in an amount no greater than 3,000 cases per year.

('69 Code, App. A § 45.3) (Ord. 218, passed 10-23-69; Am. Ord. 252, passed 4-5-71; Am. Ord. 429, passed 7-7-76; Am. Ord. 944, passed 1-2-91; Am. Ord. 1788, passed 9-3-14; Am. Ord. 1907, passed 9-4-18)

### **§** 155.287 LOCATIONS NEAR DAY CARE, CHURCH, AND SCHOOLS.

(A) Establishments for the sale of alcoholic beverages shall be located not nearer to any day care, church, public, private, or parochial, elementary, middle, or high school, than 200 feet airline measurement; measurements being between the nearest entrance to the alcoholic beverage establishment and the nearest entrance to the day care, church, public, private, or parochial, elementary, middle, or high school. However, the aforesaid separation requirement shall not apply to:

(1) An establishment incidental to and within a portion of a building used for a restaurant or a restaurant bar.

(2) An establishment incidental to and within a portion of a building used as a hotel bar.

(3) An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served.

(B) Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subchapter, the subsequent locating of a day care, church or school in the proximity of that existing establishment shall not be construed to cause that establishment to be in violation of this subchapter.

Penalty, see § 155.999

### **↓**§ 155.288 ESTABLISHMENTS IN HOTELS, MOTELS, OR PRIVATE CLUBS.

In order to qualify for the exemptions and modifications provided for separation of alcoholic beverage establishments in § 155.287(A) and (B), establishments in hotels and restaurants shall further conform to the following requirements:

(A) Hotels. There shall be no show windows, display, sign, or other indication of the existence or location of the establishment visible from the exterior of the building other than a lounge sign or a sign indicating dancing and entertainment. There shall be no bar, cocktail, beer, wine, liquor, or similar sign visible from the exterior of the building.

(B) Restaurants. There shall be no show windows, display, sign, or other indication of the existence or location of the establishment visible from the exterior of the building other than a lounge sign or sign indicating dancing and entertainment. There shall be no bar, cocktail, beer, wine, liquor, or similar sign visible from the exterior of the building.

(C) Private clubs. There shall be no show window, display, or sign indicating the existence or location of the establishment visible from the exterior of the building, nor shall there be any sign indicating sale of alcoholic beverages visible from the exterior of the building.

('69 Code, App. A § 45.2) (Ord. 218, passed 10-23-69) Penalty, see § 155.999

### **₽**§ 155.289 BEER AND WINE PACKAGE STORES.

There shall be no separation requirement or limitation applicable to the location of places for the sales of beer or wine for consumption off the premises.

('69 Code, App. A § 45.5) (Ord. 218, passed 10-23-69) Penalty, see § 155.999

### **₽**§ 155.290 EXISTING ESTABLISHMENTS.

The provisions of this subchapter shall not be construed to be retroactive, and any existing establishment for the sale of alcoholic beverages which conformed to the regulations in effect when the establishment was established, shall not be rendered illegal or in violation through the adoption of these regulations.

('69 Code, App. A § 45.6) (Ord. 218, passed 10-23-69) Penalty, see § 155.999

### **§** 155.291 MICROBREWERIES, MICROWINERIES AND BREWPUBS.

(A) Purpose.

(1) The purpose of this chapter is to ensure the effective operation and regulation of microbreweries, microwineries and brewpubs. Where any other provisions of the City of Pembroke Pines Code of Ordinances directly conflicts with this chapter, this chapter shall control.

(2) All operations of microbreweries, microwineries and brewpubs shall comply with applicable federal, state, local laws, rules and regulations.

(B) Microbreweries, microwineries and brewpubs must meet the requirements set forth in §§ <u>155.013</u>, <u>155.081</u>, <u>155.149</u>, <u>155.285</u>, and <u>155.287</u>.

(C) *Brewpub as principal use*. Brewpub shall be a principal use which shall comply with the following:

- (1) Brewpub production of beer and malt beverages shall not exceed 5,000 barrels per year.
- (2) (a) Brewpubs may not sell its product to other retailers or wholesalers.

(b) Brewpubs shall include a restaurant that provides full meal service for consumption by patrons.

# (D) Microbrewery and microwinery as principal use subject to special exception (§ 155.283) and alcoholic beverage establishment regulations (§§ 155.285 - 155.290).

(1) Microbrewery and microwinery shall be a principal use which shall include, but is not limited to: small scale production and distribution of beer, ale, or other malt beverages, or wine and on-site consumption and sales of beer, ale, or other malt beverages, or wine.

(2) Permitted operations include those establishments engaging in the small scale production of beer, ale, other malt beverages, or wine.

(3) This use shall be permitted only in conjunction with in-house food service and shall adhere to the following:

(a) No more than 75% of the overall square footage associated with the establishment shall be used for production/distribution including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks, serving tanks, and/or the storage of materials and/or product.

(b) The commercial use shall be oriented towards the street or public space, excluding alleys.

### (E) General standards.

### (1) Hours of operation.

(a) Permissible hours of operation shall be determined by the Planning and Zoning Board based on impact upon adjacent, adjoining, and nearby properties and uses. The hours for distribution trucks to visit the microbrewery/ microwinery to receive product(s) for distribution shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays. Local roads shall not be utilized by distributors.

(b) However nothing in this subsection shall operate to change the hours of sale designated in § 110.02.

(2) *Outdoor storage of spent grains*. The use of outdoor storage is strictly prohibited except for the temporary storage, limited to 24 consecutive hours, of spent grains.

(3) *Odors*. Microbreweries/microwineries/ brewpubs must ensure that the production process and associated odors are not detrimental to the public health, safety, comfort and welfare.

(4) *Production reporting*. Microbreweries/ microwineries/brewpubs must accurately report on their local business tax receipts the (1) amount(s) of product brewed, vinted, made or produced for the most recent fiscal year; and (2) the amount(s) of product the microbrewery/microwinery anticipates brewing, vinting, making or producing for the upcoming fiscal year.

(5) Parking for microbreweries, microwineries, and brewpubs shall be according to § <u>155.251</u> Commercial Uses - Restaurant.

(Ord. 1907, passed 9-4-18)

### **§ 155.292 PROVISIONS NOT RETROACTIVE.**

The provisions of this subchapter shall not be construed to be retroactive, and any existing designated use which conformed to the regulations in effect when that designated use was established shall not be rendered illegal or in violation through the adoption of this subchapter or amendments to this subchapter, so long as a local business tax receipt previously issued for that use remains in full force and effect and is renewed in a timely manner.

(Ord. 1907, passed 9-4-18)

### ADULT ENTERTAINMENT

### **₽**§ 155.300 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT ENTERTAINMENT ESTABLISHMENT.** An adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment, massage services, whether or not licensed pursuant to F.S. Chapter 480, tanning salons or other similar establishment, or enterprise, which presents adult material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for use on the premises, observation, purchase, rental, or lease by establishment patrons. Adult entertainment establishments include, but are not limited to, modeling studios or lingerie studios.

ADULT MATERIAL. Including, but not limited to, one or more of the following:

(1) Whether new or used books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities; or

(3) Live exhibitions or performances that have as their primary or dominant theme the display of specified sexual activities or specified anatomical areas.

**DESIGNATED USE.** Designated uses or accessory uses which shall be included in this subchapter, and which may from time to time be added to this subchapter by amendment as the City Commission may determine.

**RESIDENTIALLY ZONED DISTRICT.** Any land or water area which is zoned as a district classified as residential.

### SPECIFIED ANATOMICAL AREAS. Includes:

- (1) Less than completely and opaquely covered:
  - (a) Human genitals, pubic region.

- (b) Buttock.
- (c) Female breast, below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

### SPECIFIED SEXUAL ACTIVITIES. Includes:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

('69 Code, App. A § 60.1) (Ord. 494, passed 1-29-79; Am. Ord. 1257, passed 4-15-98; Am. Ord. 1357, passed 11-1-00)

# **§** 155.301 LOCATION NEAR CHURCHES, SCHOOLS, RESIDENTIAL DISTRICTS AND ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD OR CONSUMED.

(A) In the development, enforcement, and amendment of this subchapter, it is recognized that there are uses and accessory uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.

(B) None of the designated uses set forth in this subchapter, or added from time to time to this subchapter by amendment, shall be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any church, or public, private, or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (D) of this section.

(C) It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district. This prohibition shall be waived upon presentment to the Planning and Zoning Board of a written petition requesting the waiver, signed by 51% of all those persons owning real property, residing or operating or managing a business within 500 feet of the proposed location of the designated use.

(1) The circulator of the petition requesting a waiver shall subscribe and swear to an affidavit attached to the petition that the circulator personally witnessed that the signatures were affixed to the petition by the persons whose names appear in the petition. The petition shall bear at the top of each page thereof a typewritten title in substantially the following form:

"The undersigned hereby request a waiver from the Planning and Zoning Board of Pembroke Pines, Florida, that shall permit the establishment and location of a (an) (state specifically which designated use is sought to be established) within 500 feet of my real property, residence, or business."

(2) The Planning and Zoning Board shall carefully investigate the petition and signatures on the petition to verify that the petitioners do in fact own real property, or reside or do business in a residentially zoned district within 500 feet of the proposed designated use. Measurement of the 500 feet shall be made in accordance with division (D) of this section.

(D) For the purposes of this subchapter, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use or an establishment at which alcoholic beverages are sold or consumed, church, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or plot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or plot of land upon which, another designated use or an establishment at which alcoholic beverages are sold or consumed, a church, school, real property, residence, business, or residentially zoned district respectively, is located.

('69 Code, App. A § 60.2)

(E) Where a designated use is located in conformity with the provisions of this subchapter, the subsequent locating of an establishment which sells or permits the consumption of alcoholic beverages on premises, a church or school within 1,000 feet, or a residentially zoned district within 500 feet of the existing designated use shall not be construed to cause the designated use to be in violation of this subchapter.

('69 Code, App. A § 60.4) (Ord. 494, passed 1-29-79; Am. Ord. 1257, passed 4-15-98) Penalty, see § 155.999

### **₽**§ 155.302 DESIGNATED USES.

Adult entertainment establishments are declared to be designated uses for the purposes of this subchapter.

('69 Code, App. A § 60.3) (Ord. 494, passed 1-29-79; Am. Ord. 1257, passed 4-15-98)

### **↓** § 155.303 PROVISIONS NOT RETROACTIVE.

The provisions of this subchapter shall not be construed to be retroactive, and any existing designated use which conformed to the regulations in effect when that designated use was established shall not be rendered illegal or in violation through the adoption of this subchapter or amendments to this subchapter, so long as a local business tax receipt previously issued for that use remains in full force and effect and is renewed in a timely manner.

('69 Code, App. A § 60.5) (Ord. 494, passed 1-29-79; Am. Ord. 1257, passed 4-15-98; Am. Ord. 1576, passed 4-18-07)

### Coconut Creek

- Chapter 3 ALCOHOLIC BEVERAGES<sup>[1]</sup>
- Sec. 3-1. Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### Alcoholic beverages:

(1) "Alcoholic beverages" means distilled spirits and all beverages containing one-half of one (1) percent or more alcohol by volume.

(2) The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though the remainder ingredients were distilled water.

*Bar* means any place of business where wine, beer or alcoholic beverages are sold or offered for sale for consumption on-premises, and where the sale of food is incidental to the sale of such beverages, or where no food is sold. Any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on premises of intoxicating liquors as a principal use. Establishments where beer, wine or both are permitted for consumption on premises as an incidental or accessory use are not considered a bar.

Beer means and shall include all malt beverages containing more than one-half  $(\frac{1}{2})$  of one (1) percent of alcohol by weight but not over fourteen (14) percent by weight.

*Consumption off the premises* means the selling of beers, wines or alcoholic beverages in the originals, unbroken containers, to be taken by the purchaser off the premises where sold before being consumed.

*Consumption on the premises* means consumption of all beers, wines or alcoholic beverages of any kind, or the right to sell by the drink, bottle or can such beverages for consumption on the licensed premises only where purchased.

*Full-course meals* means [that] a bona fide full-course meal must consist of salad, entree, dessert, beverage, bread and butter, all prepared on the premises. Fast food, sandwiches, frozen foods or any other services not requiring the utilization of a full-time chef, are not considered full-course meals.

*Intoxicating beverages* and *intoxicating* liquor means only those alcoholic beverages containing more than 4.007 percent of alcohol by volume.

Liquor, *distilled* spirits, *spirituous* liquors, *spirituous beverages*, or *distilled spirituous* liquors mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

*Package store* means vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for consumption off the premises. The sealed package must not be broken and the contents must not be consumed in or on the premises under a package store license.

*Sale* and *sell* mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the beverage law.

*Vendor* means and shall include all persons selling, keeping with the intention of selling or dealing in the beverages defined in this section.

Wine means:

All beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

Fortified wine means all wines containing more than 17.259 percent of alcohol by volume.

### • Sec. 3-2. - Hours of sale.

(a) *On-premise* consumption. No licensee for consumption on the premises shall sell or offer for sale, deliver, service or permit to be consumed upon the premises of such licensee any beer, wines or alcoholic beverages of any kind, regardless of alcoholic content, on any day between the hours of 2:00 a.m. and 9:00 a.m., except as provided in subsection (c) below.

(b) *Off-premise consumption*. No licensee for consumption off the premises shall sell, offer for sale, deliver, service or permit to be consumed upon the premises of such vendor any beer, wines or alcoholic beverages of any kind, regardless of alcoholic content, Monday through Saturday between the hours of 12:00 midnight and 8:00 a.m., and on Sunday between the hours of 12:00 midnight and 9:00 a.m.

(c) *Consumption on premises in area of the regional activity center.* A licensee for consumption on premises within the area of the Regional Activity Center, commonly called "MainStreet" may apply for an extended hours license, which license shall allow the sale and consumption of alcoholic beverages from 7:00 a.m. to 6:00 a.m. of the following day, seven (7) days a week. In order to receive such a license, a licensee shall comply with the following conditions:

(1) The licensee's business shall be a restaurant in accordance with Florida Statute, § 561.20(2)(a)(4), and shall have two thousand five hundred (2,500) square feet of service area, and shall be equipped to serve one hundred fifty (150) persons full course meals at tables at one time, and derive at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.

(2)

A licensee shall complete an application form with the city, and submit it to the city with a fee of one thousand dollars (\$1,000.00) for each license requested. The form shall state the licensee's name, business address, owner's name if different from the licensee, and the proposed hours of operation. The application shall include a statement that the licensee recognizes that the granting of an extended hours license is a privilege, not a right, and that failure of the licensee to strictly observe all of the conditions of the licensee shall be grounds for immediate revocation of such license. The application shall be notarized, and accompanied by a copy of the licensee's license from the State of Florida which allows the sale of alcohol on the premises.

(3) Said extended hours license application, when compete, shall be considered by the city commission. The city commission shall approve the application by motion, if the following conditions are met:

a. The licensee's business is within a totally enclosed building or structure, and noise that does not constitute a nuisance is not audible from outside the building.

b. Security staff sufficient to keep the public peace shall be employed by the licensee during the period of the extended hours.

c. Limited food service, which includes cold sandwiches and other food choices, shall be maintained during the period of the extended hours.

(2)

d. Liability Insurance in the amount of one million dollars (\$1,000,000.00) per occurrence shall be maintained by the licensee.

e. Extended hours licenses shall expire on October 1st of each year and shall be renewable for one-year periods. The permit fee of one thousand dollars (\$1,000.00) shall be payable at the renewal of the extended hours license each year. The city commission shall have the authority to approve renewals.

(4) Should the city manager find and determine that the licensee has violated any condition of the extended hours license, he may immediately revoke said extended hour license. The revocation of said license may be appealed to the city commission in writing, within thirty (30) days. The city commission shall schedule a hearing on the appeal within thirty (30) days of receipt of the appeal.

### • Sec. 3-3. - Distance of establishments from places of worship or school.

(a) No person shall be permitted to sell any alcoholic beverage for consumption on the premises in any place of business located within five hundred (500) feet of an established place of worship or school, which distance shall be measured by the nearest pedestrian travel along 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. This distance does not apply to establishments that are licensed for beer, wine, or beer and wine, only.

(b) No person shall be permitted to sell any alcoholic beverage for consumption off the premises, except sale of intoxicating beverages containing alcohol of fourteen (14) percent or less by weight for offpremises consumption only, in any place of business located within five hundred (500) feet of an established place of worship or school, which distance shall be measured by the pedestrian travel on 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. This distance does not apply to establishments that are licensed for beer, wine, or beer and wine, only.

(c) (1) The five-hundred-foot distance requirement in subsection (a) may be reduced for any social or fraternal club, hotel, motel, restaurant, bowling alley serving alcoholic beverages, bar or other alcoholic beverage establishment and places of worship or school located within five hundred (500) feet which may not be required to protect the public health, safety and welfare, based on the following factors:

a. The actual location and distance of the club, hotel, motel, restaurant, bowling alley serving alcoholic beverages, bar or other alcoholic beverage establishment in relation to the place of worship or school;
b. The days and hours of operation of the club, hotel, motel, restaurant, bowling alley serving alcoholic beverages, bar or other alcoholic beverage establishment and of the places of worship or school;

c. The age group and number of persons attending the school and the nature and curriculum of the school;

d. The number of rooms in the hotel or motel; the nature and type of club; the type and size of the restaurant, including the restaurant floor space and seating capacity and whether full-course meals are served; the number of lanes in the bowling alley; the type and size of the bar, including the bar floor space and seating capacity;

e. Consideration of the public's convenience and necessity.

(2) The commission when considering the five (5) factors as set forth in (1) above shall grant those waiver requests which tend to most fully meet each of the individual requirements, i.e., the closer to five hundred (500) feet, the more likely the waiver.

(d) All establishments which are in existence as of the creation of this section which do not meet the distance requirements of this section shall nevertheless be permitted to continue until such time as the establishment's license expires or the business ceases to exist or continue in operation.

### • Sec. 3-4. - Penalty for violations.

(a) Any person, or any agent, servant or employee of any license hereunder violating the provisions of this chapter shall, upon conviction by a court of competent jurisdiction, or by the code enforcement board or other code enforcement system be punished in accordance with the laws of the city or state.

(b) Each day any violation of any provision of this chapter shall continue shall constitute a separate and distinct offense.

### Pompano Beach

# **↓**155.4501. SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS

### A. General

Except as otherwise provided in <u>Table 155.4501.B</u> below, any alcoholic beverage establishment shall be separated from certain existing uses in accordance with <u>Table 155.4501.A</u>, Minimum Separation from Certain Existing Uses.

# **TABLE 155.4501: MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES**

Note: This table is best viewed in PDF, click <u>HERE</u>

TABLE 155.4501.A: MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLICBEVERAGES FROM CERTAIN EXISTING USES 1		
Existing Use	Minimum Separation <sup>2</sup>	
Any other use involving the sale of alcoholic beverages other than those uses listed in Section $155.4501.B$	1,000 feet (Measurement Type 1)	
Sexually oriented business		
Child care facility		
School	500 feet (Measurement Type 2) and 300 feet (Measurement Type 3)	
Place of worship		
NOTES: 1.Measurement Type 1: Separation shall be measured from main entra route	nce to main entrance of the establishments by airline	

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.

### **B.** Exceptions

Table 155.4501.B lists uses that are exempt from the separation requirements in Table 155.4501.A.

#### Note: This table is best viewed in PDF, click <u>HERE</u>

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES		
	Required Separation	
Use and Criteria	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 for the distribution of alcoholic beverages to vendors and other distributors.	Exempt	Exempt
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.	Exempt	Exempt
Beer or wine store which meets the definition of a specialty store.	Exempt	Exempt
An enclosed restaurant which sells only beer and/or wine for consumption on the premises.	Exempt	Exempt if no externally visible display window or sign indicating the

		sale of alcoholic beverages
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.	Exempt	Exempt
Alcoholic beverage sales as an accessory use to a brewery, winery, or distillery.	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
Regional liquor or package store	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 dining accommodations for service of 150 or more patrons at tables in a covered area, and occupying more than 2,500 square feet of floor space, 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
A bar or lounge which is operated as an accessory use to a hotel or condo hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or condo hotel.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence
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) and/or East Overlay District (EOD) 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