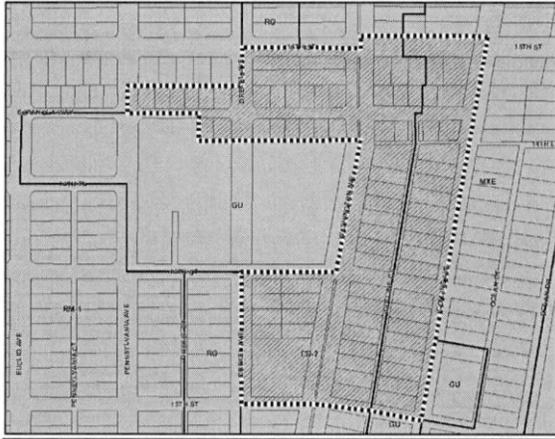

Sec. 6-4. Location and use restrictions.

- (a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcohol beverages for consumption:
- (1) *Educational facilities.* No alcohol beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina.
 - (2) *Places of worship.* No alcohol beverage shall be sold or offered for consumption in an alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.
 - (3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 1,500 feet. There shall be no variances from this distance separation requirement.
 - (4) *Motion picture theaters.* No alcohol beverages shall be sold or offered for consumption in any motion picture theater, or in any room opening directly or indirectly into or in connection with any motion picture theater, except alcohol beverages may be served in motion picture theaters (i) of at least 15,000 square feet in total floor area, (ii) containing at least 300 permanent auditorium seats, and (iii) which are located in CD-3 commercial, high intensity districts. Additionally, alcohol beverages may be sold or offered for consumption in outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, and article IV, division 2 of this chapter. Notwithstanding chapter 142, article 5, division 6 of the city Code, an indoor motion picture theater in which the sale and consumption of alcohol beverages is permitted shall not be considered a neighborhood impact establishment. Motion picture theaters shall not be permitted to operate between the hours of 3:00 a.m. and 8:00 a.m., except that motion picture theaters may apply for up to three special event permits from the city per calendar year to operate during such hours. This section shall not relieve any person, entity or establishment from the restrictions contained in chapter 6, article II or the land development regulations of the city Code.

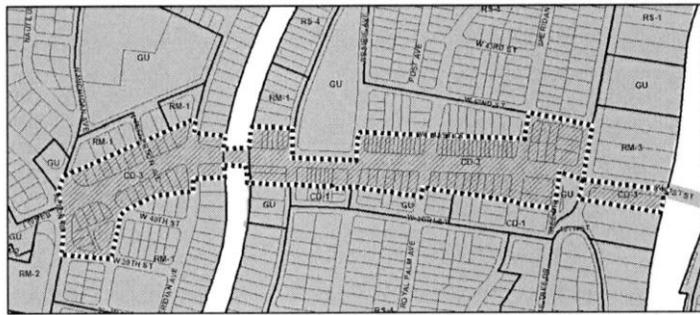
Any approval granted pursuant to this section shall also be subject to the following restrictions:

- i. The sale of alcohol beverages for consumption off the premises is strictly prohibited.
- ii. A minor control plan, setting forth conditions regarding hours of operation and alcohol sales, alcohol service and monitoring procedures, food service, and staff training, must be approved by the city manager or designee prior to the issuance of a license for alcohol sales or consumption.
- iii. Designated alcohol beverage consumption areas, including concession and cafe areas, and those specific auditoriums in which alcohol beverages may be served and consumed, must be clearly designated as such and separated from the remainder of the theater by a barrier or other physical demarcation. All alcohol beverages must be served from within the designated alcohol beverage consumption areas, and no alcohol beverages may be consumed or carried beyond the boundary limits of the designated alcohol beverage consumption areas. Access to the designated alcohol beverage consumption areas is restricted to patrons who can present a valid identification for inspection demonstrating they are 21 years of age or older. The restrictions in this paragraph shall not apply to outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310, and article IV, division 2 of this chapter.

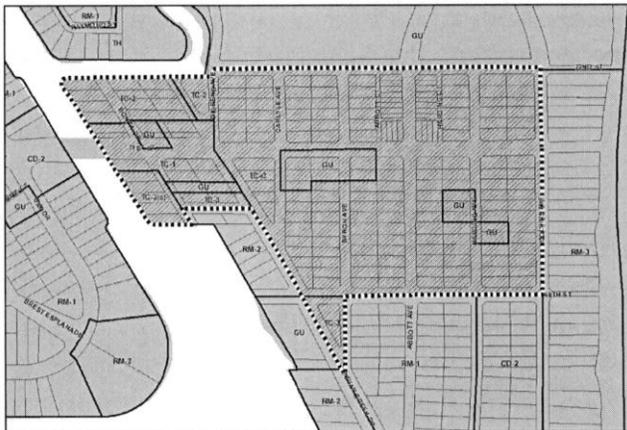
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- iv. There may be special customer promotions that combine purchase of a motion picture theater ticket with purchase of food and an alcohol beverage. No "happy hour" type of reduced price alcohol beverage promotion shall be allowed.
 - v. Motion picture theaters selling alcohol beverages, shall obtain the requisite state license for sales and consumption of such beverages.
 - vi. Motion picture theaters selling alcoholic beverages as defined in section 102-306 shall collect and remit resort taxes to the city for alcohol sales as required under section 102-306.
- (5) *Filling station.* No liquor as defined by F.S. § 568.01, shall be sold or offered for consumption on or off the premises of any filling station.
- (6) *Curb service sales.* No alcohol beverages shall be sold or served to persons in a vehicle of any kind or from an exterior counter or any type of walk-up window. All sales are to be from the interior of the structure.
- (7) *Off-premises consumption.* All sales of alcohol beverages for consumption off the premises shall be in a sealed container.
- (8) *Bottle clubs.* There shall be no bottle clubs within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning or place of worship.
- (9) *Dance halls.* The minimum distance separation between dance halls licensed to sell alcohol beverages, and not also operating as restaurant supper clubs ~~restaurants with full kitchens and serving full meals~~, shall be 300 feet.
- (10) *Entertainment establishments.* The minimum distance separation between entertainment establishments licensed to sell alcohol beverages, and not also operating as restaurant supper clubs ~~restaurants with full kitchens and serving full meals~~, shall be 300 feet. The provisions of this paragraph shall not apply to outdoor motion picture theaters fronting Alton Road that meet the requirements of section 142-310.
- (11) *Cultural specialty districts.* Notwithstanding the foregoing, within the cultural specialty districts identified in this subsection, the following regulations shall apply to alcoholic beverage establishments also operating as restaurants with full kitchens:
- i. The following areas shall be designated as cultural specialty districts:
 - a. *Espanola Way and Washington Avenue Area.* All parcels with a CD-2 or MXE zoning designation located between Collins Avenue on the east, 13th Street on the south, Pennsylvania Avenue on the west, and 15th Street on the north, as depicted in the map below:



b. *41st Street Corridor*. All parcels with a CD-3 zoning designation that have a property line abutting 41st Street, as depicted in the map below:



c. *North Beach Town Center*. All parcels with a TC-C, TC-1, TC-2, TC-3, TC-3(c), or GU zoning designation, as depicted in the map below:



- ii. Distance separation requirements from educational facilities and places of worship set forth in this section 6-4 shall not apply to alcoholic beverage establishments operating as a restaurant with a full kitchen.
- iii. An alcoholic beverage establishment operating as a restaurant with a full kitchen shall serve full meals during hours in which alcoholic beverages are sold.

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- iv. If the distance separation exemption is from an educational facility, during the respective educational facility's school hours, alcohol shall only be served with meals.
 - v. There shall be no package sales of alcoholic beverages.
 - vi. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk, in excellent and clean condition, free of all refuse, at all times.
 - vii. A violation of this subsection (a)(11) shall be subject to the penalties and enforcement provisions set forth in section 6-3(9).
- (b) *Determination of minimum distance separation.*
- (1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a 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 other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.
 - (2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning director that the minimum distance separation has been met.
- (c) *Variations.* Unless otherwise prohibited under the Land Development Regulations of the City Code (Resiliency Code), variances to the provisions of this section may be granted pursuant to the procedures in Chapter 2 of the Land Development Regulations of the City Code (Resiliency Code) section 118-351 et seq., except that no variances may be granted on the provisions of [subsection] 6-4(a)(4) concerning the sale or consumption of alcohol beverages in motion picture theaters.
- (d) Notwithstanding any other provision in this division, the sale or offering of alcoholic beverages for consumption on the premises of alcoholic beverage establishments on properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, shall be exempt from all applicable minimum distance separation requirements in this division.

(Ord. No. 89-2665, § 12-1D, E, eff. 10-1-89; Ord. No. 99-3224, § 1, 12-15-99; Ord. No. 2000-3225-A, § 1, 1-12-00; Ord. No. 2003-3403, § 2, 3-19-03; Ord. No. 2014-3861, § 1, 5-21-14; Ord. No. 2016-4004, § 1, 3-9-16; Ord. No. 2017-4106, § 1, 6-7-17; Ord. No. 2019-4317, § 1, 10-30-19; Ord. No. 2020-4358, § 1, 9-16-20; Ord. No. 2020-4376, § 3, 11-18-20; Ord. No. 2022-4463, § 1, 1-20-22)

Cross reference(s)—Zoning districts and regulations, ch. 142.