

Restaurants, Bars, & Nightclubs

CCNA
September 9, 2023

Overview

1. Goal
2. Key Terms/Definitions
3. Additional Use Standards
4. Separation Requirements
5. Primary Uses
6. Summary



1. Goal

Currently in the City of Sarasota, definitions and standards for bars and nightclubs are tied to State licensing and seating requirements.



This has resulted in establishments being classified as nightclubs that don't operate as such while other establishments are classified as restaurants despite operating like nightclubs late into the evening.



The goal of this Zoning Text Amendment (ZTA) is to clarify and administer regulations for entertainment-oriented establishments (restaurants, bars, nightclubs) based on the intensity of the establishment, including elements such as live, amplified music and operating hours.

2. Key Terms/ Definitions

Florida Department of Business & Professional Regulation Key Terms

- **2-Consumption On Premise (2-COP)** - License permits the sale of beer and wine products by the drink or in sealed containers for consumption on or off premises where sold.
- **4-Consumption On Premise Special Food Service (4-COP SFS)** - License permits the sale of beer, wine, and liquor products by the drink for consumption on premises or in a sealed container. The establishment must have at least 2,000 square feet of service area, be equipped to serve meals to 120 persons at one time with at least 120 physical seats available and derive at least 51% of gross food and beverage revenue from the sale of food and nonalcoholic beverages. The establishment may not operate as a package store, may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed.
- **4-Consumption On Premise (4-COP)** - License permits the sale of beer, wine, and liquor products by the drink or in sealed containers for consumption on or off premises where sold. (Full liquor license).

Review Process Key Terms

Permit Type	Process
Permitted Use	A use, such as a restaurant, that would be allowed by-right.
Minor Conditional Use	A use, such as a private club (bottle club), that would require a development review process by staff and one public hearing before the Planning Board. Any conditional use may be subject to additional rules and regulations prior to approval.
Major Conditional Use	A use, such as a nightclub, that would require a development review process by staff and two public hearings before the Planning Board and City Commission, respectively. Any conditional use may be subject to additional rules and regulations prior to approval.

Restaurant

Existing Definition: A commercial establishment of which the principal business is preparing and serving meals selected from a menu to customers during all operating hours. Meals are prepared within a structure and may be served and eaten on premises.

Difficulty: Clarify that meals can be prepared on or off-site and still function as a restaurant. Some restaurants transition at night by providing live, amplified music and moving tables and seats from the main floor; creating a more intense, nightclub-like use rather than a restaurant use.



Proposed Definition - Restaurant

A commercial establishment of which the principal business is preparing and serving meals selected from a menu to customers during all operating hours. Meals are prepared within a structure or out of view from the public right-of-way, on or off-site, and may be served and eaten on premises.

Bar

Existing Definition: Any establishment which is devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the state to dispense or sell alcoholic beverages.

Difficulty: This definition does not provide a clear distinction between a bar and an outdoor bar. The definition should be updated to reflect this. This use also currently requires a Major Conditional Use be obtained, which is the same requirement as a nightclub despite differing intensities.

Proposed Definition - Bar

A commercial establishment whose principal business is the sale of alcoholic beverages for consumption on premises and at which the location of the counter where alcoholic beverages are served is within a fully enclosable building.



Outdoor Bar

Existing Definition: Any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.

Difficulty: Outdoor bars are only permitted as an accessory use to a hotel, motel, or private club with this definition and unable to be considered and regulated as a primary use.



Proposed Definition - Outdoor Bar

A commercial establishment whose principal business is the sale of alcoholic beverages for consumption on premises and at which the location of the counter where alcoholic beverages are served is unenclosed when in operation.

Nightclub

Existing Definition: Any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4-COP liquor license from the state department of business regulation, division of alcoholic beverages and tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S," "SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub.

Difficulty: This definition does not consider restaurant establishments that transition into places hosting live, amplified music and serving alcohol late into the evening. Because the definition is tied to the 4-COP liquor license, restaurants that do not act as nightclubs, but require a 4-COP license, must be classified as nightclubs and go through a more intensive review process. For example, smaller restaurants that are unable to meet the minimum seating and square footage requirements for a 4-COP SFS license must be classified as a nightclub as a result of this definition despite functioning as a restaurant.

Proposed Definition - Nightclub

- *A commercial establishment that operates after 11:00 p.m. Sunday through Thursday and operates after 11:59 p.m. Friday, Saturday, and the day prior to a holiday, that includes a bar and live amplified entertainment (examples include music generated by live DJs or live bands) and may include a dance area or a restaurant.*
- *Restaurants, bars, outdoor bars, bottle clubs, and alcohol production terminology uses as defined in Section II-201 that operate after 11:00 p.m. Sunday through Thursday and operate after 11:59 p.m. Friday, Saturday, and the day prior to a holiday, that offer or allow alcoholic beverages for sale and/or consumption on the premises and offer live amplified entertainment shall be considered a nightclub.*



Bottle Club

Existing Definition: None.

Difficulty: There is currently no definition for bottle club in the City of Sarasota and would be classified as a private club. A definition should be created so that this use can be defined and regulated as a private club. Bottle Clubs offering live, amplified music and alcohol late into the evening should be classified as nightclubs.



Proposed Definition - Bottle Club

A club or association which formally or informally issues memberships, and whose principal purpose is to offer, serve, dispense, keep, or allow alcoholic beverages purchased, reserved, or otherwise brought to the premises or establishment to be consumed by a patron.

3. Additional Use Standards

Additional Use Standards

- ▶ Update Additional Use Standards by expanding the outdoor seating standards to also apply to bars, outdoor bars, accessory outdoor bars, and similar establishments.
- ▶ These establishments should have the same regulations required for outdoor seating/outdoor areas as restaurants.
- ▶ Standards include:
 - ▶ Hours of Operation
 - ▶ Buffer and Screening
 - ▶ Separation Requirements

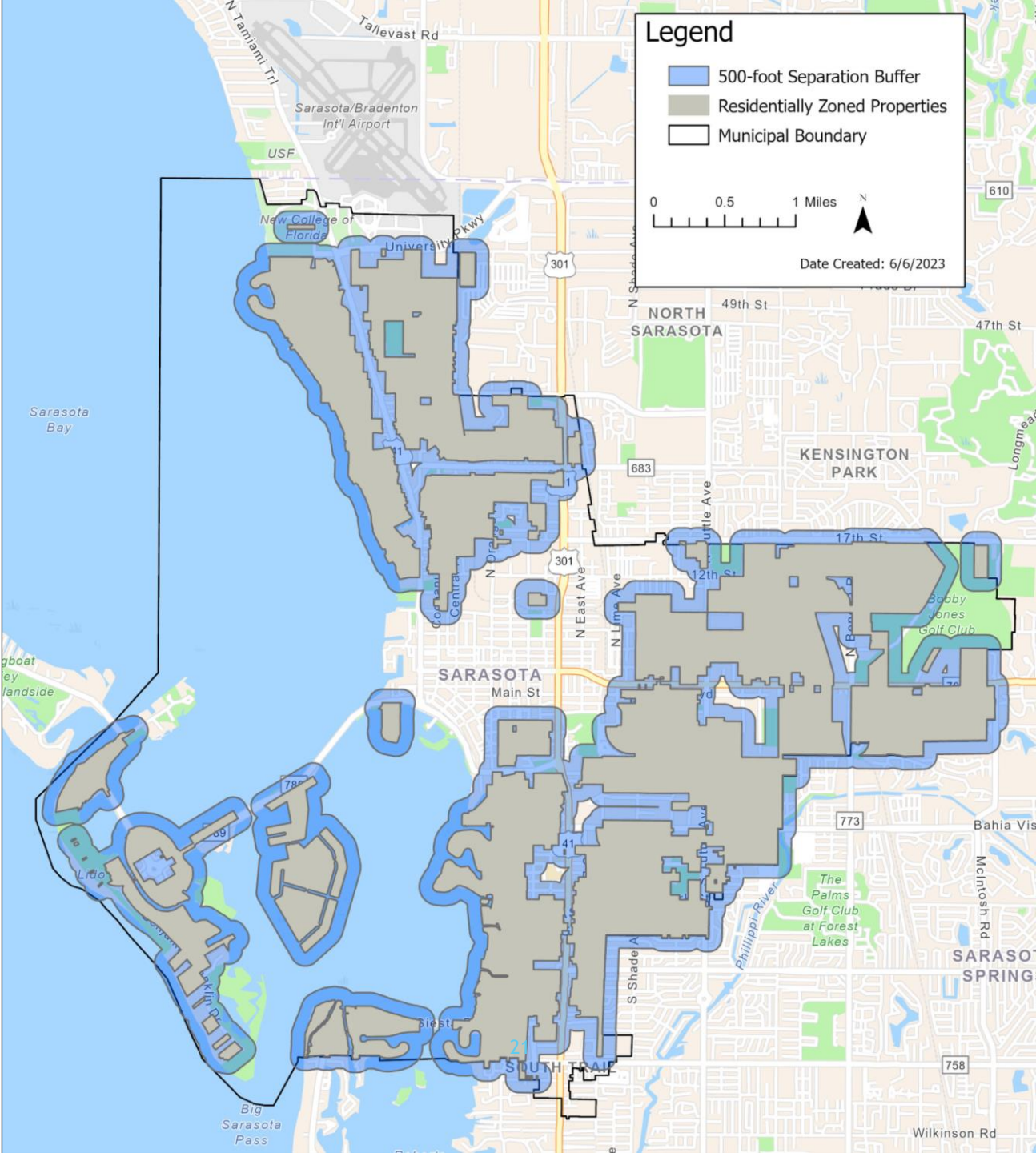
4. Separation Requirements & Exemption Area

Separation Requirement

- ▶ *“No bar, tavern, nightclub, or alcoholic beverage store shall be permitted at any location within 500 feet from the nearest school or church/synagogue/sanctuary, a property residentially zoned, or another bar, tavern, nightclub, or alcoholic beverage store.”*
- ▶ Outdoor bars should be included in the separation requirement.
- ▶ Minimum separation distance shall be measured in a straight line, in any direction, from the nearest point of any tenant space containing the bar, outdoor bar, nightclub, or alcoholic beverage store to the nearest property line of a zoning lot containing a school, nearest perimeter door of a church/synagogue sanctuary, or perimeter of a residentially zoned property.
- ▶ In the case of another bar, nightclub or alcoholic beverage store, the measurement shall be taken in a straight line, in any direction, from the nearest point of any tenant space to the nearest point of the other tenant space.

Map Illustrating 500 ft. Separation Requirement from Residentially Zoned Properties

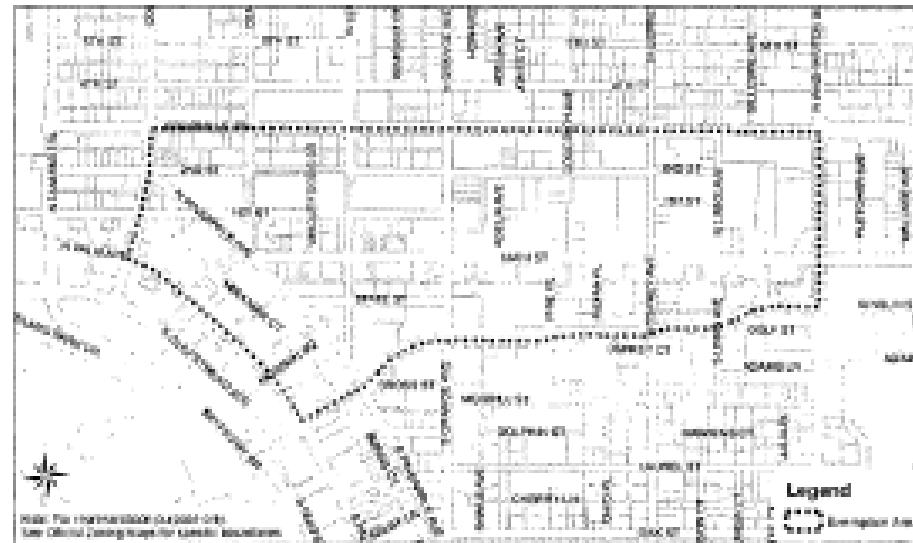
DRAFT



Existing Downtown Exemption Area

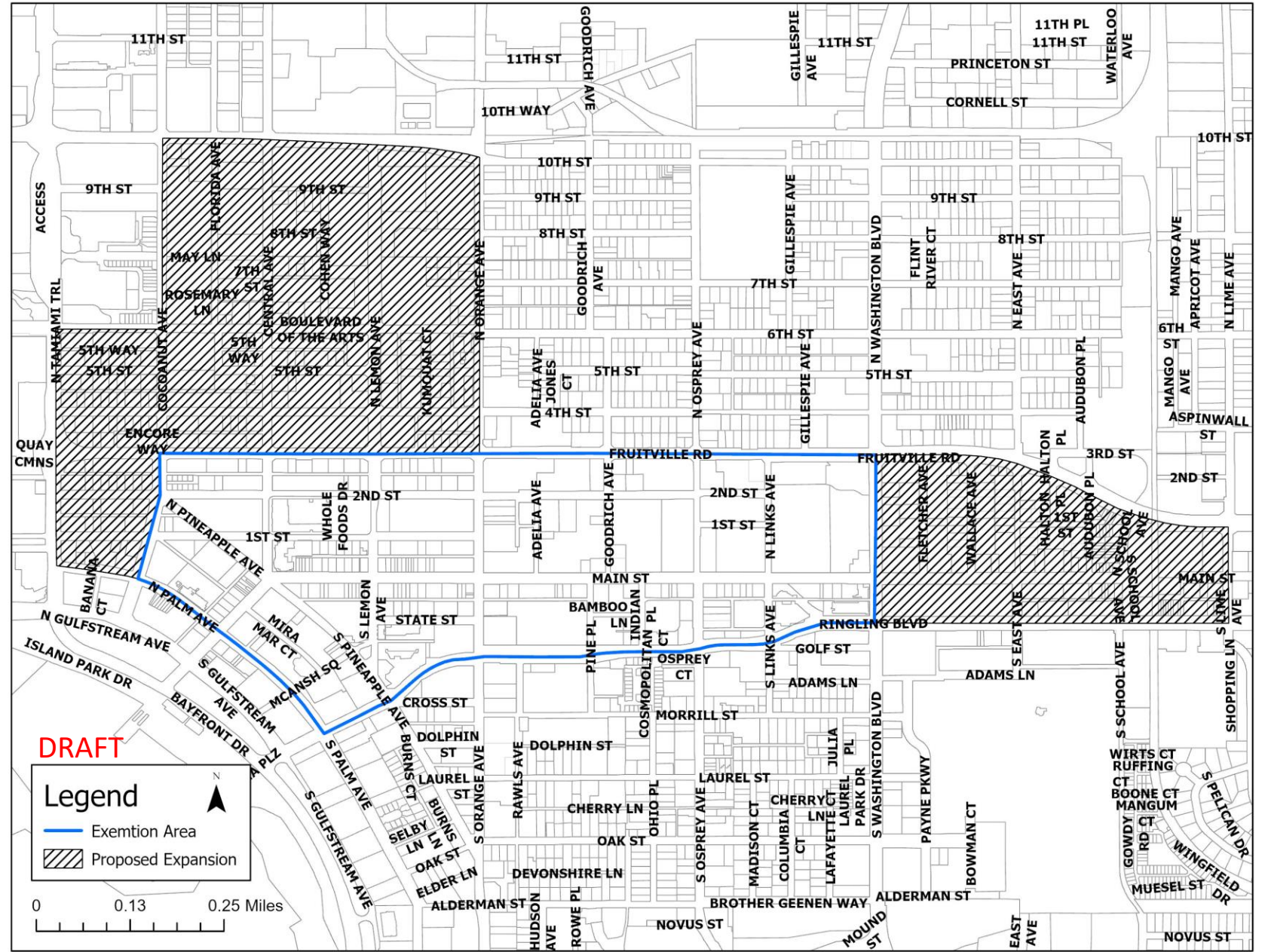
- ▶ Existing Downtown Exemption Area map exempts bars, taverns, or nightclubs to be separated from one another in the designated area.
- ▶ Bars, taverns, and nightclubs in the existing exemption area are required to meet the separation requirement from schools, churches/synagogues or residentially zoned properties.
- ▶ Historically, adjustments requested for the downtown separation requirement from religious institutions have been granted within the existing downtown exemption area and no religious institution has opposed, therefore proposing to eliminate separation requirement from religious institutions.

Exemption Area
Bars, Taverns and Nightclubs



Proposed Expansion of Existing Exemption Area Map

- Existing Downtown Exemption Area map may be expanded to include other redeveloping commercial areas of the downtown, such as areas north of Fruitville Road and east of US 301.



5. Primary Use Tables & Process

Primary Use Tables & Process

- ▶ A primary use table is used to identify what uses are allowed in a given zone district.
- ▶ Update use tables to reflect modified definitions in the downtown, commercial, and industrial zone districts.

Permit Type	Process
Permitted Use	A use, such as a restaurant, that would be allowed by-right.
Minor Conditional Use	A use, such as a private club (bottle club), that would require a development review process by staff and one public hearing before the Planning Board. Any conditional use may be subject to additional rules and regulations prior to approval.
Major Conditional Use	A use, such as a nightclub, that would require a development review process by staff and two public hearings before the Planning Board and City Commission, respectively. Any conditional use may be subject to additional rules and regulations prior to approval.

Current Review Process

Use	Current Review Process
Bar	Major Conditional Use: Commercial, Industrial, and Downtown zone districts
Outdoor Bar	Currently only allowed as an accessory use to hotels, motels and private clubs
Nightclub	Major Conditional Use: Commercial, Industrial, and Downtown zone districts

Local Jurisdiction	Definitions	Standards
<p><u>Delray Beach</u></p>	<p>24-hour or late night businesses. Any restaurant, bar, lounge, nightclub, music hall, club, gasoline station, convenience store, convenience business, retail store, grocery store, laundromat or similar use which is or will, at any time during a calendar year, be open for business at any time between the hours of 12 midnight and 5 a.m. A 24-Hour or late night business shall not mean a hotel or motel unless any of the aforementioned uses are operated or will be operated between the hours of 12 midnight and 5 a.m. on the same property as, or otherwise in conjunction with, a hotel or motel use.</p> <p>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 bar, stand alone bar, cocktail lounge, 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.</p>	<ul style="list-style-type: none"> • Bars are permitted by-right in General Commercial, Central Business District, Mixed Residential, Office, and Commercial zone districts. • 24-hour or late night businesses must be processed as a conditional use in commercial, office, and urban core zone districts. Not permitted in residential, agricultural, or industrial zone districts. • Required security plan and buffering for 24-hour or late night businesses located within 300 feet from residentially zoned property. • Bars are not allowed to operate past 2:00 a.m.
<p><u>Fort Myers</u></p> <p>DRAFT</p>	<p>Nightclub means any place of business operating after 11:00 p.m. and where food, alcoholic beverages and refreshments are served and sold to the public in connection with dancing, vaudeville, theatrical or similar entertainment; and where, in addition to the space occupied by chairs and tables for service of meals, there shall be provided a floor space of at least 400 square feet, suitable for dancing, and a band, orchestra or other form of music or musical entertainment is provided.</p> <p>Cocktail bar means a place of business licensed under the state beverage law to sell all alcoholic beverages for consumption on the premises during the hours permitted as provided in this chapter.</p>	<ul style="list-style-type: none"> • Cocktail Bar, dancehall, nightclub, restaurant with entertainment, bottle club permitted by-right in Commercial zone districts, except for Neighborhood Commercial, and Downtown zone districts by-right. • Separation requirement of 600 feet from an established place of worship or public school. • Downtown Redevelopment Area is exempt from the separation standards.

Local Jurisdiction	Definitions	Standards
<p><u>Sarasota County</u></p>	<p>Bar or Tavern. A bar or tavern is any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any sign visible from public ways exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.</p> <p>Club, Private. For the purpose of this UDC, private clubs shall pertain to and include those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, and to which there is restricted public access or use. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.</p> <p>Nightclub. A nightclub shall mean a restaurant, dining room, bar, or other similar establishment providing food or beverages wherein entertainment is provided indoors for customers as a part of the commercial enterprise. This definition includes any activities approved by a special exception for a nightclub prior to October 27, 2003. See also the definition of Entertainment.</p> <p>Entertainment. Entertainment shall include live vocalists, musicians, disc jockeys (whether speaking or not), comedians, karaoke, performers (paid or otherwise, including contestants) and the like, provided at a bar, restaurant, nightclub or other similar commercial establishment also providing food or beverages.</p>	<ul style="list-style-type: none"> • Permitted in Commercial and Industrial Districts (County does not have downtown zone districts). • After 10:00pm, indoor entertainment requires Special Exception approval. • A bar with outdoor dining/drinking after 10:00pm Sunday - Thursday or after 11:00pm Friday, Saturday, requires Special Exception approval and must have a 200-foot separation requirement from residential zone districts.
<p><u>St. Petersburg</u></p>	<p>Restaurant and Bar, Indoor Establishments serving or selling food prepared on the premises, or beverages, which are generally intended for immediate on- or off-site consumption.</p> <p>Restaurant and Bar, Accessory Outdoor Area An unenclosed outdoor area for eating, drinking and socializing that is an accessory use to a "Restaurant and Bar, Indoor."</p> <p>Restaurant and Bar, Indoor and Outdoor Establishments serving or selling food prepared on the premises, or beverages, which are generally intended for immediate on- or off-site consumption. This includes an outdoor area for eating, drinking and socializing.</p>	<ul style="list-style-type: none"> • Restaurant and Bar, Indoor: Permitted by-right in Commercial, Downtown, and Corridor Residential Traditional zone districts. Nonconforming in Downtown Center Park and Institutional Center (T/U) zone districts. Accessory use in Institutional zone districts. • Restaurant and Bar, Accessory Outdoor Area: An Accessory use or grandfathered. Nonconforming in Downtown Center Park zone district. • Restaurant and Bar, Indoor and Outdoor: Special Exception in Corridor Residential Traditional zone district. Permitted by-right in Commercial and Downtown zone districts. Nonconforming in Downtown Center Park, Institutional Center (T/U), and Institutional Center (R/OG) zone districts. • Alcoholic beverage establishment (excluding those offering a full dinner menu) may apply for extended hours permit to sell, offer for sale, deliver, or permit consumption on the premises alcohol past midnight (administratively reviewed).

Local Jurisdiction	Definitions	Standards
<p><u>West Palm Beach</u></p>	<p><i>Cocktail bar means a place of business licensed under the state beverage law to sell any or all alcoholic beverages for consumption on the premises during the hours permitted under this chapter.</i></p> <p><i>Nightclub means any place of business operating after 11:00 p.m., where alcoholic beverages are served, and where meals or refreshments may be served, where, in addition to the space occupied by chairs and tables for service of alcoholic beverages and meals or refreshments, there is included a floor space for dancing, a band, orchestra or other form of music or musical entertainment.</i></p>	<ul style="list-style-type: none"> • Bars, lounges, and related entertainment permitted by-right in most Commercial and Downtown zone districts. • Bars, lounges, and related entertainment permitted by Special Exception Class B in Office Commercial and Neighborhood Commercial • 500-foot separation requirement from residentially zoned property, churches, schools, or another of alcoholic beverage establishment. • No more than two alcoholic beverage establishments permitted per city block. • Only 75 feet of alcoholic beverage establishment frontage per block face. • No more than 100 feet of alcoholic beverage establishment storefront facing street frontages. • No more than 50 contiguous linear feet of alcoholic beverage establishment frontage on any street. • Certain exceptions for SFS licenses, total square footage, and other conditions apply. There is a variance process for location limitations. (West Palm Beach City Code Sec. 6-2).

Use Type	<u>Current</u> Review Process	<u>Proposed</u> Review Process
Bar	<p><u>Major</u> Conditional Use:</p> <ul style="list-style-type: none"> • Some Commercial zone districts (CG, CGD, CND, CRD, CSC, CSC-R, CSD, CT, NT) • Some Downtown zone districts (DTB, DTC, DTE) <p>Minor Conditional Use:</p> <ul style="list-style-type: none"> • Some Industrial (ILW) 	<p>Permitted Use:</p> <ul style="list-style-type: none"> • Some Commercial zone districts (CBN, CG, CGD, CND, CRD, CSC, CSC-R, CSD, CT, NT, CN) • Some Downtown zone districts (DTB, DTC, DTE) • All Industrial zone districts <p><i>**Categorized as a nightclub if operating after 11:00 p.m. Sunday through Thursday and operates after 11:59 p.m. Friday, Saturday, with live, amplified entertainment and would require a Major Conditional Use permit**</i></p>

NOTE: 500 ft. separation requirement applies outside of Downtown Exemption Area.

Use Type	<u>Current</u> Review Process	<u>Proposed</u> Review Process
Bar, outdoor	Currently only allowed as an <u>accessory use</u> to hotels, motels and private clubs (see section VII-904)	<u>Minor Conditional Use:</u> <ul style="list-style-type: none"> • Some Commercial zone districts (CBN, CG, CGD, CND, CRD, CSC, CSC-R, CSD, CT, NT, CN) • Some Downtown zone districts (DTB, DTC, DTE) • All Industrial zone districts

Use Type	<u>Current</u> Review Process	<u>Proposed</u> Review Process
Nightclub	<p><u>Major</u> Conditional Use:</p> <ul style="list-style-type: none"> Some Commercial zone districts (CG, CGD, CND, CRD, CSC, CSC-R, CSD, CT, NT) Some Downtown zone districts (DTB, DTC, DTE) Some Industrial zone districts (CI, ICD, IGD, IHD, ILW) 	<p><u>Major</u> Conditional Use:</p> <ul style="list-style-type: none"> Some Commercial zone districts (CG, CGD, CND, CRD, CSC, CSC-R, CSD, CT, NT, CN) Some Downtown zone districts (DTB, DTC, DTE) All Industrial zone districts

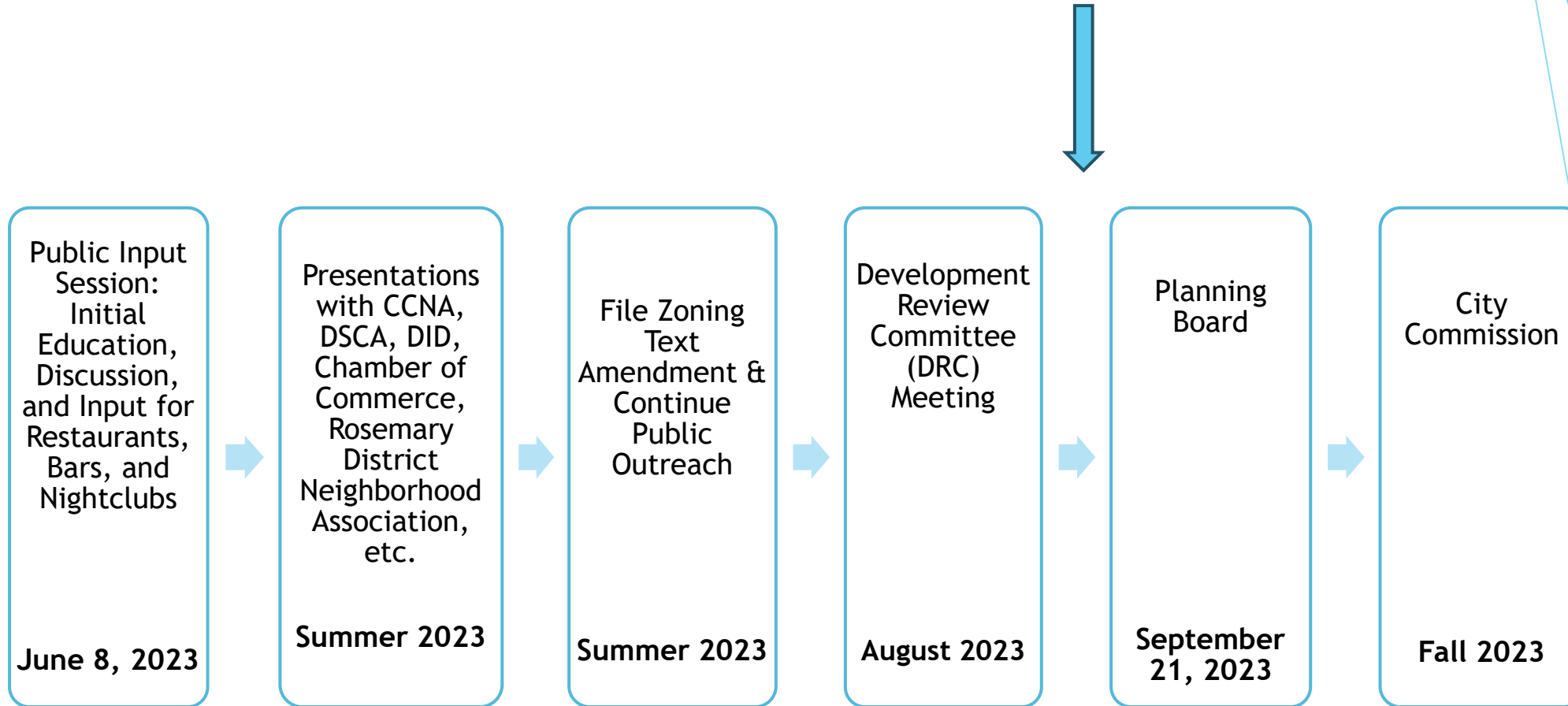
NOTE: 500 ft. separation requirement applies outside of the Downtown Exemption Area.

6. Summary

Summary

- ▶ Currently, there is confusion and lack of clarity pertaining to the definitions and standards for bars, outdoor bars, and nightclubs within the City Zoning Code.
- ▶ Tying definitions to State licensing is not a reliable way to determine how an establishment will operate.
- ▶ This has resulted in establishments being classified as nightclubs that do not operate as such while other establishments are classified as restaurants despite operating like nightclubs late into the evening.
- ▶ The Zoning Text Amendment proposes to administer regulations for entertainment-oriented establishments (restaurants, bars, nightclubs) based on the intensity of the establishment, including elements such as live, amplified music and operating hours.
- ▶ Modifying existing Downtown Exemption Area map to include other redeveloping commercial areas of downtown, such as north of Fruitville Road and east of US 301.

Timeline



Thank you.