

COUNTIES

St. Lucie County

Cannot be within one thousand six hundred (1,600) feet of an existing religious facility, school, public park, or public playground. This section shall not be applicable to sales or transfers by any license holder whose use of his premises for such sale existed before the establishment of the use of the religious facility, school, public park, or public playground, or when the religious facility is located in a CG (Commercial General) zoning district .

In addition, the distance between a licensed establishment and a religious facility, school, public park, or public playground shall not be less than one thousand (1,000) feet measured by a straight line between the nearest corners of the establishment and a religious facility building, or in the case of a school, public park, or public playground, measured by a straight line between the licensed establishment and the park, playground, school building, or school playground area.

Martin County

No sales of alcoholic beverages for on-premises consumption shall be permitted within 300 feet of an active house of worship, park or playground. The distance between houses of worship and licensed premises shall be measured on a straight line connecting the nearest point of the building of the house of worship to the nearest point of the building of the licensed premises; while the distance between parks or playgrounds and licensed premises shall be measured on a straight line connecting the nearest point of the boundary of the park or playground to the nearest point of the building of the licensed premises.

No sales of alcoholic beverages for on-premises consumption shall be permitted within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. The distance between school property and licensed premises shall be measured on a straight line connecting the nearest point of the school property to the nearest point of the building of the licensed premises.

No sales of alcoholic beverages for on-premises consumption within any of the specified hotel-motel or business districts shall be permitted within 50 feet of any residential district, and no such sales shall be permitted in any district within 50 feet of a dwelling. Such distances shall be measured on a straight line from the nearest point of the boundary line of such dwelling or district to the nearest point of the building of the licensed premises.

Indian River County

Separation of licensed premises from schools. No licensed premises shall be authorized by the county within five hundred (500) feet of any established public or private elementary school, middle school, or secondary school, with the following exceptions:

- (a) Premises licensed on or before July 1, 1999;
- (b) Restaurants, which derive at least fifty-one (51) percent of their gross revenues from the sale of food and nonalcoholic beverages;

(c) Establishments licensed to sell alcoholic beverages for consumption off the premises only;
or

(d) Not-for-profit organizations operating under a temporary permit issued by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation under the Florida Beverage Law.

CITIES

Port St. Lucie

Whenever a vendor of alcoholic beverages has procured a license certificate permitting the sale of alcoholic beverages and thereafter a religious institution or school shall be established within 200 feet of the vendor of alcoholic beverages, the establishment of the religious institution or school shall not be cause for the discontinuance or classification as a non-conforming use of the business as a vendor of alcoholic beverages.

Jupiter

The sale and consumption of alcoholic beverages shall be prohibited within 550 feet of public and private schools, excluding colleges and universities. The method of measurement of the 550 feet shall be from the main front door of each facility along the route of ordinary pedestrian traffic.

Stuart

Interval distance between establishments, houses of worship, and schools.

a. No establishment where alcoholic beverages are sold for consumption on the premises shall be established within 300 feet of any other such establishment, except as elsewhere provided in this chapter. The interval distance requirement specified herein shall be measured in a straight line on the official city map located within the building department between the main entrances of the establishments.

b. No alcoholic beverages shall be sold within 200 feet of any house of worship, or within 500 feet of the real property that comprises a public or private school offering kindergarten, elementary, middle, or secondary school grades, unless the city commission makes a finding that such use promotes the public health, safety, and welfare of the community, and approves the same by resolution.

Exemptions for certain establishments. The interval distances in subsection (2), above, shall not apply to the operation of the following types of establishments:

- a. A chartered or incorporated club with an 11C license issued by the state; or
- b. A special live performance theater with an 11PA license issued by the state; or
- c. An establishment for the sale of beer only, or beer and wine only with a 1APS, 2APS, 1COP, or 2COP license issued by the state; or

- d. A hotel or motel with a COP SH license issued by the state; which does not include any package sales; or
- e. A restaurant with a 4COP SRX license issued by the state; or
- f. Any establishment within the designated area, as further regulated in this chapter.

Sebastian

Separation of licensed premises from schools and churches. No premises licensed to sell alcoholic beverages shall be authorized by the city within 450 feet of any established public or private elementary school, middle school, high school, charter school or church with the following exceptions:

- (1) Restaurants, which:
 - a. Derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages; and
 - b. Does not contain a freestanding bar.

Vero Beach

Separation of licensed premises from schools . No licensed premises shall be authorized by the planning director within 500 feet of any established public or private elementary, middle, or secondary school, with the following exceptions:

- (1) Premises licensed on or before July 1, 1999;
- (2) Restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages;
- (3) Establishments licensed for the sale of beer or wine for consumption off the premises only; or
- (4) Not-for-profit organizations operating under a temporary permit issued by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation under the Florida Beverage Law.

Fellsmere

Subsequent to the passage of this division, no person or entity shall cause or permit the establishment of, operation of, or enlargement of an adult entertainment establishment or sexually oriented business which would or will be located as follows:

- (1) Within 2,500 feet of a pre-existing public or private school as provided for in F.S. § 847.0134, as amended;
- (2) Within 750 feet of the following pre-existing areas, establishments or uses;
 - a. Religious institution;
 - b. Park, except parks that serve primarily a wilderness or conservation function and provide limited recreational amenities and pedestrian/bicycle paths or trails developed separate from a park;

c. Residential zoning district or an area designated as residential on the future land use map of the city's comprehensive plan but not yet zoned residential;

(3) Within 1,000 feet of any establishment serving alcoholic beverages for consumption on premises;

(4) Within 1,000 feet of any other adult entertainment establishment or sexually oriented business;

(5) Within 500 feet of the nearest point along the right-of-way of County Road 512 (CR512);

(6) Within 1,000 feet of the nearest point along the right-of-way of Interstate 95 (I-95) or within 2,500 of the nearest point along the right-of-way of State Road 60 (SR60).

Palm Beach Gardens

(a) Between vendors. No license for the sale of alcoholic beverages at retail, including malt and wine beverages, for consumption on or off the premises, shall be issued where the place of business designated in the application therefor is located within 500 feet from another place of business for which there is already issued a license for the retail sale of alcoholic beverages for consumption on or off the premises; such distance to be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.

(1) Such distance limitation shall not apply to the following:

a. Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

b. Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel or motel.

c. Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than two years in the city.

(b) Between vendor and place of worship. No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 500 feet of an established place of worship. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the place of worship.

(1) Such distance limitation shall not apply to the following:

a. Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least

51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

b. Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel, motel, or motor court.

c. Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than two years in the city.

(c) Between vendor and school. No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 500 feet of an established public or private elementary school, middle school, or secondary school. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the nearest point of the school grounds.

(1) Such distance limitation shall not apply to vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

RIVIERA BEACH

No license other than those in effect as of November 6, 1988, for the operation of a bar or package store, for consumption on or off the premises, for sale of intoxicating beverages shall be issued where the location of such proposed bar or package store is within 500 feet of another bar or package store, church or public, private or parochial school. The method of measurement shall be made or taken from the main front entrance of such church or school or place of business of such bar or package store to the main entrance of such applicant's place of business along the route of ordinary pedestrian traffic.

TEQUESTA

All places of business selling intoxicating liquors, wines and beverages for consumption on the premises shall not be located within a 1,000-foot radius of any church, school or youth center. The 1,000 feet shall be measured in a straight line from main entrance door to main entrance door.

DELRAY BEACH

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. Alcoholic beverages shall not be sold at any establishment which is located within 300 feet of an established school or church.

WEST PALM BEACH

(a) Downtown master plan area .

- (1) The sale of liquor, beer, wine and ale for consumption off the premise shall not be allowed within the Northwest Neighborhood District.
- (2) The sale of beer, wine and ale for consumption off the premises shall not be allowed within the Clematis Waterfront District between the hours of 10:00 pm and 7:00 am. The sale of liquor for consumption off the premises shall not be allowed within the Clematis Waterfront District.
- (3) The sale of beer, wine and ale for consumption off the premises within the Clematis Waterfront District shall be limited to a sale/display area of no more than 1% of the gross floor area of the establishment.
- (4) Any establishment selling beer, wine and ale for consumption off the premises must provide video surveillance that covers the entire interior area of the store that allows customer access, except for bathroom areas, and not less than the entire street frontage of the store. This video surveillance must be made available to the police department at its request.
- (5) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine for consumption on the premises shall be allowed where the location designated therefor is within 500 feet of a public, private or parochial school; and no alcoholic beverage establishment for the sale of liquor for consumption on the premises shall be allowed where the location designated therefor is within 500 feet of a church. The method of measurement shall be by straight line measurement taken from the property line of the school or church to the boundary of the premises of the alcoholic beverage establishment.
- (6) In addition, the following regulations shall apply to the street level and all floors above the street level within the downtown master plan area:
 - (i) No more than two alcoholic beverage establishments shall be permitted per city block.
 - (ii) There shall be only 75 feet of alcoholic beverage establishment frontage per block face.
 - (iii) There shall be no more than 100 feet of alcoholic beverage establishment storefront on facing street frontages.
 - (iv) There shall be no more than 50 contiguous linear feet of alcoholic beverage establishment frontage on any street frontage.
 - a. The location limitations contained in subsections (3)(i)—(iv) shall not apply to a bona fide restaurant, restaurant bar in a bona fide restaurant or a hotel bar. A bona fide restaurant may not, however, convert to an alcoholic beverage establishment without first meeting the location limitations in subsections (i)—(iv).
 - b. The location limitations contained in subsections (3)(i)—(iv) shall not apply to any alcoholic beverage establishment and any bona fide restaurant with an SRX or a 4COP license which was operating and open for business in the downtown as of November 22, 2002, or, if not open, was in possession of a valid building permit issued at least six months prior to said date ("grandfathered establishments"). The limitations will apply to any grandfathered establishment if such establishment discontinues its operation for a period of more than 180 days. The 180-day period will be extended for the number of days the city takes to process a permit application for improvements or business licenses.
 - c. The location limitations contained in subsections (3)(i)—(iv) shall not apply to any bona fide restaurant that becomes an alcoholic beverage establishment after midnight.

(v) The locations of all grandfathered establishments and any other existing alcoholic beverage establishments required to meet the location limitations of subsections (3)(i)—(iv) shall be included in calculating whether a new alcoholic beverage establishment may be located in any city block.

(vi) An applicant may apply to the city commission for a variance from the linear feet regulations of subsections (3)(ii)—(iv) based on existing building configurations. However, a variance shall not be granted which will result in a facing block frontage with more than 125 feet of inactive storefronts during the day.

(b) All other areas.

(1) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine to be consumed on the premises shall be allowed where the location designated therefor is within 500 feet of any property zoned as within classes SF-3 through MF-32 or RPD residential districts as defined by chapter 94. The method of measurement that shall apply to determine whether or not such place of business is within or without 500 feet from property zoned as within classes SF-3 through MF32 or RPD residential districts shall be by a straight line measurement from any entrance of the licensed premises proposed for the alcoholic beverage establishment to the nearest lot line of the property zoned SF-3 through MF32 or RPD residential zoning districts.

(2) No alcoholic beverage establishment or package store for the sale of liquor to be consumed either on or off the premises, or for the sale of beer, ale or wine to be consumed on the premises, shall be allowed where the location designated therefor is within 500 feet of a church or public, private or parochial school. The method of measurement that shall apply to determine whether or not such place of business is within or without 500 feet from a church or public, private or parochial school shall be by a straight line from any entrance of the licensed premises proposed for the alcoholic beverage establishment or package store to the main entrance of the church or, with respect to schools, to the nearest point of the school grounds. In situations where the proposed alcoholic beverage establishment is a leasehold of a larger government-owned parcel, the measurement shall be from the lease line.

(3) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine to be consumed on the premises, shall be allowed where the location designated therefor is within 500 feet of the location of an alcoholic beverage establishment, package store or convenience store. No package store for the sale of liquor shall be allowed where the location designated therefor is within 500 feet of the location of another such alcoholic beverage establishment, package store or convenience store. The method of measurement that shall apply in such cases shall be by measurement made or taken from the main entrance or entrances of the licensed premises of such existing alcoholic beverage establishment, package store or convenience store to the main entrance or entrances of the proposed alcoholic beverage establishment, package store or convenience store as defined in section 94-611 of the zoning and land

development regulations, along the route of ordinary pedestrian traffic. The location limitation contained in this subsection shall not apply to any bona fide restaurant, which operates as such during all hours of operation, as defined in this chapter, with a 4COP license and located within the Northwood Mixed Use District.

(c) The construction, relocation or expansion of any church or public, private or construction, relocation or expansion of such church or school, shall have no effect upon the right of the person to transfer, amend or expand such place of business or the right to alter, repair or construct additions to such place of business, and the regulations applying to any such retail establishment shall continue to effect as if such church or school were not within 500 feet of such place of business.