



**MEETING AGENDA
SESSION OF THE COMMISSION WORKSHOP (DOWNTOWN
STREET CLOSURES AND ALCOHOL SALES)
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, FEBRUARY 4, 2025 AT 3:00 PM**

- 1. MEETING CALLED TO ORDER**
- 2. WORKSHOP BUSINESS**
 - 2.A Discussion on Special Events with Street Closures in Downtown Kissimmee
 - 2.B Discussion on Alcohol Sales Regulations
- 3. GENERAL DISCUSSION**
- 4. ADJOURNMENT**

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the Commission Workshop (Downtown Street Closures and Alcohol Sales) with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

ITEM 2.A

Discussion on Special Events with Street Closures in Downtown Kissimmee

Request

Staff requests City Commission discussion and direction on the regulation of Special Events with Street Closures in the Downtown district.

Explanation

The city code allows private businesses to temporarily close a portion of a public street to hold a special event. The events range from fundraisers, community events, and business promotional events. Currently, the City Commission has enacted a moratorium on these specific permits due to problems experienced with recent street events not complying with conditions of the approved permits, creating an unsafe situation on the City's right-of-way as well as potential unfair competition for downtown businesses. The moratorium does not include street closures for events organized by the City.

City staff will provide a presentation to the Commission to review the current ordinance language, examples of other jurisdictions' permitting requirements, and possible options to improve the current permitting process for Special Events with Street Closures.

Attached is the City's current special event ordinance. Section G specifically deals with Street Closures.

Staff requests direction on any potential changes the Commission would like to explore, which would likely require amendments to the city code. Since code amendments require two public hearings prior to adoption, there will be an opportunity for additional community input as well.

Recommendation

Several options will be discussed at the Workshop.

REQUESTED CITY COMMISSION ACTION:

Commission Direction

Department: Development Services

Presenter:

Attachment(s):

1. City Code of Ordinance 14-6-28 Special Events Current Code

14-6-28. Special events.

Special events, as defined in this Code, are allowed as a temporary use subject to the following conditions:

- A. Shall only be allowed in non-residential zoning districts, multiple family housing developments and in non-profit sites in residential districts.
- B. The temporary use of any one site for special events shall be limited to 30 days per calendar year for multi-tenant sites and 20 days per calendar year for single-tenant sites, unless specifically authorized through conditional use and site plan approval.
- C. No special event shall be permitted on a site unless adequate site improvements including paved vehicular access and parking are present. All special events and host sites shall comply with the minimum parking standards outlined in section 14-7-22.
- D. Setbacks from property lines shall be governed by the zoning district in which such event is taking place.
- E. The use of any public address or sound projection system shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., shall not project sound onto adjacent streets or residential areas, and shall comply with the noise control provisions of chapter 22, article II of the Code of Ordinances. The use of any public address system or sound projection system may be prohibited after due warning from the city. Based on the severity of the violation of the provisions of chapter 22, article II of the Code of Ordinances, the temporary sales event may be closed immediately by order of city staff.
- F. Signage for special events shall comply with the standards listed in chapter 14-11 and shall be limited to two of the following:
 - 1. One 21 square foot banner sign.
 - 2. One cold air balloon.
 - 3. One eight square foot temporary sign.
- G. The use of any right-of-way for the purposes of conducting a special event is prohibited, unless approved by the development review committee (DRC) and subject to the following provisions:
 - 1. The special event shall be limited only to rights-of-way located within the Downtown Form-Based Code Area; or minor collector or local rights-of-way, in accordance with section 14-7-1 (Streets).
 - 2. Barricades and detour signs in accordance with the current edition of MUTCD (Manual on Uniform Traffic Control Devices) standards to ensure proper closure of the street and maintenance of traffic shall be coordinated with the city public works and engineering department and shall be provided at all locations where streets are to be closed. Barricade/sign details and locations shall be provided at the time of application and are subject to approval by the city engineering traffic division.
 - 3. Events held on closed streets shall be limited to no more than 12 hours per closure, unless additional time is approved by the city.
 - 4. The applicant shall be responsible for sending notice via certified return receipt mail of the event to all property owners adjacent to the affected portion of street. Written consent from affected property owners that they acknowledge and understand the entirety of the application and that the adjacent street will be closed shall be provided prior to permit issuance.
 - 5. Required vehicular and pedestrian access necessary for surrounding properties and businesses shall be provided and shall be indicated on the approved event layout.

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6. A lane for emergency vehicle access shall be provided and maintained at all times. No event-related items may be placed within this area designated on the approved site layout.
 7. A designated parking area located outside of the event area shall be provided to accommodate the number of citizens expected to attend the event. Other than vehicles utilized for the event, parking within the barricaded area shall be prohibited. The use of private commercial parking lots shall be prohibited unless written authorizations from the owners of such lots are submitted for city review and approval.
 8. Trash cans shall be placed throughout the event area. Immediately after the event, the applicant shall clean the site, adjacent site(s) and rights-of-way of any debris from the event.
 9. Outdoor vendors shall not be permitted, except as part of an approved special event. Event organizers shall be responsible for any outside food vendors. For special events with food vendors, the event organizer shall:
 - a. Prior to event approval by the DRC, provide a list of all food vendors and verification of their FDACS food permit to the city. This list must include all vendors anticipated to participate in the event, as well as a list of alternates that may be substituted in the event an individual vendor is unable to participate. Failure to comply with this requirement will result in vendors being barred from participation in the scheduled event;
 - b. Submit a State of Florida Department of Health food service event notification form to the department of health. This form may be obtained from city staff during DRC review;
 - c. Require each vendor to provide their own garbage bags and to keep the area around the vendor's booth clean;
 - d. Designate, in conjunction with city staff, a specific area(s) for food vendors to be placed, as well as specific area(s) for vendor parking.
 10. Consumption or possession of alcohol shall be permitted only within cordoned-off areas if sold by vendors currently licensed to sell alcohol in the cordoned-off area, or contiguous thereto. The cordoned-off area shall be patrolled by a city police officer or officers, who shall be paid as a special detail to the city by the promoter of the special event. The number of police officers required at any special event shall be determined by the police department based on its evaluation of the security needs of the promoter and the safety of the public.
 11. Particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.
- H. A special event permit application shall be obtained from the development services - planning division in accordance with the DRC schedule and at least 30 days prior but no more than 180 days prior to the desired date of the event. All permit applications shall be submitted to the department in accordance with and accompanied by the following:
1. An application fee in accordance with the applicable development review fee schedule; non-profit organizations or charitable institutions shall be exempt from payment of such fee, provided that documentation of tax-exempt status is provided.
 2. A completed special event application including a schedule of events, specific portions of requested right(s)-of-way to be closed, and all items associated with the requested event.
 3. A site sketch showing location of the proposed event, tents, temporary structures, location of barricades, life safety plan, emergency vehicle access, and signage proposed and the location of

all existing site improvements, including parking lot striping, sidewalks, fire department connections, fire hydrants, and intersecting streets.

4. Written authorization from the owner of the host site, allowing the special event and dates requested to occur and letters of authorization from all affected property owners adjacent to portions of streets to be closed.
5. If street closures are proposed, proof of liability insurance in the amount of \$1,000,000.00 shall be provided to cover the event. This liability insurance shall cover the entire portion of the right-of-way, including sidewalks, to be used in conjunction with the event.
6. A cash deposit or bond to cover any clean up or repairs to the right(s)-of-way caused by the event shall be provided. The amount of deposit or bond will be determined by the city after evaluating the application and determining the size [of] the event and the right(s)-of-way impacted and must be submitted prior to permit issuance. Should necessary repairs or cleaning costs exceed this amount, no further event permits will be issued until the balance has been paid to the city.
7. Any other documentation necessary to determine the appropriateness of the application as requested by the department.
8. Permit issuance shall constitute approval to conduct the event and covers any temporary signage, balloon or tents requested as part of the application, subject to the standards contained herein, the information provided on the application and site sketch, any conditions set by the DRC, as well as any applicable codes or ordinances. The DRC's decision may be appealed to the city commission following recommendation of the planning advisory board.
- I. No more than two permits for streets closures within a one-mile radius shall be granted at any given time. No street closures associated with a private special event shall occur on Broadway. The city reserves the right to deny street closure requests based on safety, welfare and other events.
- J. A copy of all applicable permits, the approval letter, and the approved site sketch shall be posted on site in a prominent location during the event and shall be made available for presentation upon request. Failure to obtain proper permits and failure to comply with all applicable code requirements of the Code of Ordinances and the conditions of the permit shall invalidate the approval and may result in a daily fine and the forfeiture of future event dates.
- K. The city reserves the right to limit, alter, or deny special events at any time. The city may deny a special event permit application if it is determined that the activity will adversely impact neighboring businesses or residents, impose a safety hazard, create a noise disturbance that is not appropriate for the location, place the city in a position of liability, or overextends the city's ability to provide services. The city may limit the duration of the event, including the hours of the event and the number of days it may be conducted, to minimize adverse impact caused by the activity that the city cannot manage. If the city fails to notify the applicant of a decision within 25 days of filing an application it shall be deemed denied.

(Code 1995, § 14-2-67; Ord. No. 3034, § 1(14-6-28), 8-4-2020)

ITEM 2.B

Discussion on Alcohol Sales Regulations

Request

Staff requests City Commission discussion and direction regarding desired changes to the City's Alcohol Ordinance.

Explanation

The Commission has previously expressed concerns with the growing nightlife atmosphere in Downtown Kissimmee, particularly in the late night/early morning hours. An increase in the number of businesses serving alcohol downtown with operating hours up to the 2 AM limit for alcohol sales has led to an increase in police activity in the downtown district.

Such activity, including noise complaints, disturbance calls, and an increase in violent crimes, has warranted the provision of additional police resources in the late-night hours, particularly on weekends. The Commission held a workshop on downtown safety in August of 2023 to discuss the increasing concerns, which resulted in the provision of additional police resources to the area. In addition, the Commission adopted a new noise ordinance in 2023 aimed at curbing the increase in noise complaints, particularly within the downtown area.

With the growth in development of new, higher density housing downtown, several Commissioners have expressed concern over the negative impacts that this increasing nightlife activity is having on the quality of life for the increasing number of residents living downtown as well as visitors to downtown. To address similar issues, other cities have taken measures to revise their ordinances on alcohol sales, with solutions ranging from modification of the hours alcohol sales are allowed to implementation of requirements for security measures for establishments that sell alcohol after a certain time or that have larger patron capacities.

Following discussion, staff requests direction from the Commission on potential solutions it would like to explore. Any changes to the alcohol regulations would likely require amendments to the city code, which would require two public hearings and allow for additional public input prior to adoption.

Recommendation

Staff requests Commission direction.

REQUESTED CITY COMMISSION ACTION:

Commission Direction

Department: City Manager

Presenter:

Attachment(s):

1. City Code of Ordinance Chapter 4 ALCOHOLIC BEVERAGES

Chapter 4 ALCOHOLIC BEVERAGES¹

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. In those cases wherein a term is not defined, its definition shall be as found in Black's Law Dictionary, latest edition, or in American Heritage College Dictionary, latest edition.

Alcoholic beverage means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. 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 said remainder ingredients were distilled water.

Intoxicating liquor means all intoxicating or alcoholic liquor or beverages, including, but not limited to, beer, wine, ale, whiskey, spirits, liquor and all other so-called intoxicating and alcoholic beverages, regardless of the amount of alcoholic content. It shall be prima facie evidence that a beverage is an intoxicating liquor if there is proof that the beverage in question was or is known as whiskey, moonshine whiskey, shine, rum, gin, tequila, vodka, scotch whiskey, brandy, beer, ale, malt liquor, wine, liqueur, cordial, or by any other similar name or names, or was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer's insignia, name or trademark. Any person who, by experience in the handling of intoxicating liquors, or who by taste, smell, or drinking of such intoxicating liquors has knowledge of the alcoholic nature thereof, may testify as to their opinion about whether such beverage is an intoxicating liquor.

Major shopping center means a shopping center comprised of a group of separate stores, with a minimum of three, having a gross floor space of not less than 12,000 square feet, utilizing a common parking facility.

Microbrewery/distillery means a limited-production brewery establishment in which the principal purpose is the production of alcoholic beverages, including the on-site fermentation, distilling, bottling, and distribution of alcoholic beverages, and which includes accessory uses that are tourist-oriented, such as tours of the microbrewery, tasting/sampling and retail sales of alcoholic beverages, on-site brewing, and related food products and/or restaurants.

Outdoor dining area means a space in which a licensee serves food and beverages as part of the operation of the licensed premises of a restaurant as a sidewalk cafe or porch area. An outdoor dining area must be located contiguous to the licensed restaurant and may only be separated by a sidewalk. No part of a sidewalk cafe or outdoor dining area shall be located within a public right-of-way and must meet all other requirements of zoning applicable to the location.

Public place/semi-public place means all publicly owned real property and such other private real property where the public is expressly or implicitly invited, which includes, but is not limited to, streets; highways; roads; alleys; sidewalks; school grounds; playgrounds; fields; courts; other facilities designed or used for athletic events or games; parking lots and parking structures that are open to the public; walkways and hallways of apartment buildings, condominiums, motels, hotels, and homeowner association owned areas, shopping centers, retail malls and retail stores; and parked vehicles in any of the foregoing places. The term "public place/semi-public place"

¹State law reference(s)—Alcoholic beverage code, F.S. chs. 561—568; authority to regulate time of sale and use of premises, F.S. § 562.14; authority to regulate hours of business and location, sanitation and type of entertainment and conduct, F.S. § 562.45; disorderly intoxication, F.S. § 856.011.

does not include the front, side or back yards of dwelling units, up to but not including the public right-of-way or the pool areas of apartment buildings, condominiums, motels, hotels, and homeowner association owned areas.

Restaurant means an establishment having the necessary equipment to cook and prepare meals and that does prepare and serve meals. To cook and prepare meals shall mean foods that are cooked through the use of heat, such as boiling, baking or roasting on the premises, and shall not mean meals that are microwaved, cooked or prepared at a different location and reheated on the premises.

Specialty retail. The following establishments are specialty retail:

Cafe style bookstore/shop means an establishment that primarily sells books and which contains an accessory cafe or small restaurant which offers a complete meal that is breakfast, lunch, or supper and where beer and wine are sold or offered for sale for consumption on-premises as incidentals to the bookstore.

Cigar store/cigar club means an establishment which contains a cigar store and/or cigar club which primarily provides a smoking experience or environment and where beer and wine are sold or offered for sale for consumption on-premises as incidental to the cigar club.

Gourmet food store means an establishment which primarily offers for sale gourmet and specialty items, treats for special occasions, or hard to find or luxury food items where beer and wine are occasionally offered as tasting samples on the premises. The term "gourmet food store" does not include convenience stores, conventional full line supermarkets, ethnic food stores or restaurants, delis, diners and similar eating establishments.

Wine shops/tasting room means an establishment which primarily offers for sale packaged wines, and contains a tasting room to sample wines, corkage fees permitted.

Stock meal is the serving of cold plates, snacks, previously prepared sandwiches and any other type of meal that is capable of being served to more than one customer.

Tasting room means an accessory retail establishment to a microbrewery/distillery where individuals sample, purchase and consume the products created on-premises.

(Code 1976, §§ 4-14—4-16; Code 1995, § 5-3-1; Ord. No. 912, 3-21-1978; Ord. No. 920, 5-2-1978; Ord. No. 923, 6-23-1978; Ord. No. 1009, 10-9-1979; Ord. No. 1093, 3-31-1981; Ord. No. 2663, 9-18-2007; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008; Ord. No. 2728, 9-1-2009; Ord. No. 2756, 5-4-2010; Ord. No. 2960, § 1(5-3-1), 8-1-2017; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

Sec. 4-2. Location of establishments; zoning.

- (a) The sale of alcoholic beverages, for consumption on-premises shall be allowed in the city only in motels, hotels, restaurants, microbreweries, tasting rooms, and specialty retail establishments having a valid state alcoholic beverage license as provided for in the state regulations governing such licenses.
- (b) The property must also be located with frontage on a collector or arterial roadway as designated by the city comprehensive plan.
- (c) The sale of alcoholic beverages, for consumption on-premises shall be allowed in the city only in motels, hotels, restaurants, and specialty retail establishments and must be in one of the following zoning districts/transects: T5-M, T5-U, B-2, B-3, HC, and B-5 or within an MUPUD with approved uses that are similar to the uses in those districts.
- (d) The sale of intoxicating liquors in package only, other than beer and wine, shall be limited to buildings having a minimum of 5,000 square feet of gross floor space and must be in one of the following zoning

districts/transects: T5-M, T5-U, B-2, B-3, HC, and B-5 or within an MUPUD with approved uses that are similar to the uses in those districts.

- (e) The sale of intoxicating liquors of beer and wine, when sold in package only, shall be allowed in the following zoning districts: T5-M, T5-U, B-2, B-3, HC, and B-5 or within an MUPUD with approved uses that are similar to the uses in those districts.
- (f) The sale of alcoholic beverages when sold for consumption on-premises of a microbrewery/distillery shall be allowed in the city in the following districts only: T5-M, T5-U, B-2, B-3, HC, IB, and AI.
- (g) No license for the sale or consumption of intoxicating liquor shall be granted to any vendor whose place of business is or shall be within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the city approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided F.S. § 166.041(3)(c). The distance of 500 feet shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the school. This subsection shall not apply to premises licensed on or before July 1, 1999, or to locations that are licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to F.S. ch. 509.
- (h) No establishment dispensing or selling intoxicating liquor shall be located within 300 feet of an established church within the city. The distance of 300 feet shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the church.
 - (1) This subsection (h) shall not apply to locations that are licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to F.S. ch. 509, when located in the downtown district, described as follows: All properties located in the B-1 zoning district at the time of adoption of the ordinance from which this chapter is derived.
 - (2) This subsection (h) shall not apply to specialty retail establishments located in the Downtown District, as described in subsection (h)(1) of this section.
 - (3) This subsection (h) shall not apply to retail establishments in shopping centers.

(Code 1976, § 4-16; Code 1995, § 5-3-2; Ord. No. 920, 5-2-1978; Ord. No. 923, 6-23-1978; Ord. No. 1009, 10-9-1979; Ord. No. 1093, 3-31-1981; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008; Ord. No. 2728, 9-1-2009; Ord. No. 2960, § 1(5-3-2), 8-1-2017; Ord. No. 2963, § 1, 9-26-2017; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

State law reference(s)—Authority to regulate, hours of business and location of place of business, F.S. § 562.45(2).

Sec. 4-3. Hours of sale.

- (a) Establishments which sell intoxicating liquor for consumption on premises or package sale may only be open for business between the hours of 7:00 a.m. and 2:00 a.m. on all days.
- (b) The opening of the doors of any such establishment 15 minutes prior to closing time for the purpose of admitting customers is hereby prohibited.
- (c) Any establishment dispensing or selling intoxicating liquor will be construed open for business under this section if any customer is inside the place of business, it is the intention of this section that all customers shall have vacated such place on or before the designated closing hour set forth in subsection (a) of this section, and that no customer shall be admitted to or be inside of such place of business after 2:00 a.m. on any day of the week and shall not gain admittance before the allowed times of sale as set out in subsection (a) of this section.

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- (d) Establishments meeting all state and local requirements for dispensing or selling intoxicating liquors may only dispense intoxicating liquor within the allowed hours of sale outlined above.

(Code 1976, § 4-19; Code 1995, § 5-3-3; Ord. No. 920, 5-2-1978; Ord. No. 923, 6-23-1978; Ord. No. 951, 12-12-1978; Ord. No. 2459, 1-7-2003; Ord. No. 2668, 9-18-2007; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

State law reference(s)—Hours of sale, regulation, F.S. §§ 562.14(1), 562.45(2).

Sec. 4-4. Conditions of operations.

- (a) It shall be unlawful for any establishment which is authorized to sell or dispense intoxicating liquor, or any of its agents, servants and employees, to knowingly or intentionally:
- (1) Allow indecent, offensive, shocking and revolting conduct in or on the premises for which a license hereunder has been issued to such an extent that such conduct annoys, disturbs, and inconveniences reasonable people properly and legitimately in or on such premises, or in the reasonable neighborhood of such premises.
 - (2) Knowingly allow any person to take away from the licensed premises any opened intoxicating liquor in any glass or other open or unsealed container.
 - (3) Allow the consumption of any intoxicating liquor in or upon any parking or other area outside of the building other than areas approved by a site plan or building permit as an outdoor dining area or sidewalk cafe.
- (b) Anyone violating any part of this section upon conviction shall be punished as provided in section 1-22.

(Code 1976, § 4-20; Code 1995, § 5-3-4; Ord. No. 920, 5-2-1978; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

State law reference(s)—Authority to regulate conduct, F.S. § 562.45(2).

Sec. 4-5. Regulations of restaurants.

- (a) To qualify as a bona fide restaurant under this chapter, the establishment must offer to the general public at least one complete meal per day, that is, lunch or supper, such meals to be offered for sale within the usual hours during which such meals are generally consumed. A restaurant shall derive at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 60-day operating period and each 12-month operating period thereafter.
- (b) Restaurants must have present in the establishment, and available and ready, the necessary facilities and personnel to accommodate its patrons in the normal restaurant manner and be capable of seating not less than 50 persons simultaneously. Within the Downtown Community Redevelopment Area Overlay (CRAO), the following must be met:
- (1) Restaurants selling intoxicating liquors for consumption on premises shall be capable of seating no less than 80 persons simultaneously and shall occupy a minimum of 1,800 square feet. The criteria in this section shall also be met.
 - (2) Restaurants selling beer and wine for consumption on premises shall be capable of seating no less than 30 persons simultaneously and shall not have a minimum square footage requirement. The criteria in this section shall also be met.

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- (c) Any establishment regulated by this chapter shall obtain a city business tax receipt prior to conducting any business activities. An interior layout, exterior layout, menu, and a detailed explanation of the business activities, including hours of operation, shall be provided and approved by the city prior to any business tax receipt or certificate of occupancy (CO) issuance. Any dining or other activities planned outdoors shall meet the criteria in sections 14-5 and 14-6 and obtain any necessary approvals from the city.
 - (d) Any establishment attempting to circumvent the intent of this section by an artifice or scheme, such as the serving of stock meals, shall be subject to the penalties herein set forth.
 - (e) Any person securing a business tax receipt under the provisions of this section who during the time such business tax receipt is in existence shall discontinue operation of a restaurant for the main purpose of serving meals to the general public shall be subject to having their business tax receipt immediately revoked.

(Code 1976, § 4-15; Code 1995, § 5-3-5; Ord. No. 912, 3-21-1978; Ord. No. 2037, 12-13-1994; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008; Ord. No. 2756, 5-4-2010; Ord. No. 2960, § 1(5-3-5), 8-1-2017; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

Sec. 4-6. Drinking in public.

- (a) It shall be unlawful for any person to drink, consume or possess all or any part of an open container of any type of intoxicating liquor in or upon any public place/semi-public place as defined in section 4-1 in the city except as provided for in subsections (c) through (e) of this section.
- (b) It shall be unlawful for any person to drink, consume or possess all or any part of an open container of any type of intoxicating liquor within 1,000 feet of any retail store where intoxicating liquors are sold in package form or anywhere within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.
- (c) The chief of police may authorize the consumption of said intoxicating liquors in or upon any public place/semi-public place when same are used in conjunction with a picnic, social event or public gathering held by a family, group of persons or any organization; said authorization shall be in writing and shall set forth the date, time and place during which said intoxicating liquors may be consumed.
- (d) At bona fide restaurants with valid liquor licenses, a licensee may prepare and serve intoxicating liquors to be consumed within an outdoor dining area as part of the operation of a sidewalk cafe. Open containers of intoxicating liquors shall only be transported in or out of outdoor dining areas by the licensees' working employees as part of their work duties.
- (e) Owners of businesses, its employees and guests may consume intoxicating liquors within the boundary lines of the business for private special events.

(Code 1995, § 5-3-7; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008)

State law reference(s)—Possession of open containers in vehicles, F.S. § 316.1936.

Sec. 4-7. Microbrewery/distillery operating requirements.

In addition to the development standards of the zoning district, applicable general development standards and, where applicable, use specific development standards for restaurant or retail uses, an establishment that meets the definition of microbrewery/distillery shall comply with the following:

- (1) In zoning districts that permit microbreweries, a maximum of 75 percent of the gross floor area shall be dedicated to equipment used for the brewing and/or distilling alcoholic beverages, including, but not limited to, the brew house boiling and water treatment areas, bottling and kegging lines, malt milling

and storage, fermentation tanks, condition tanks and servicing tanks. A minimum of 25 percent of the establishment must be dedicated to the retail, tasting room, and/or restaurant component.

- (2) Microbrewery/distillery establishments within in the AI and IB zoning districts shall not be located at least 500 feet from another similar establishment. The distance of 500 feet shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the other microbrewery and/or distillery establishment.
- (3) Any equipment associated with brewery activities located outdoors shall obtain any applicable permits and must be approved by the architectural review committee (ARC) prior to permit approval and installation. All mechanical equipment visible from the street (excluding alleys) may require screening using architectural features consistent with the principal structure, at the discretion of the ARC.
- (4) No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent grain shall be:
 - a. Designated on the approved site plan;
 - b. Permitted within the interior side or rear yard or within the minimum building setbacks;
 - c. Prohibited within any yard abutting a residential use or residential zoning district;
 - d. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.

(Ord. No. 2960, § 1(5-3-8), 8-1-2017; Ord. No. 3055, § 1(Exh. A), 4-19-2022)

Sec. 4-8. Penalty; prosecutions under this chapter.

- (a) Any person, including officers of any corporations or clubs, violating any of the provisions of this chapter shall be subject to prosecution; and if convicted such violator shall be punished as provided by section 1-22.
- (b) In all prosecutions for violations of this chapter, the manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an intoxicating liquor as defined by this chapter.

(Code 1976, § 4-22; Code 1995, § 5-3-99; Ord. No. 920, 5-2-1978; Ord. No. 2673, 3-4-2008; Ord. No. 2702, 11-4-2008)