



CITY OF SARASOTA

RESTAURANTS, BARS, AND NIGHTCLUBS FUTURE ZONING TEXT AMENDMENT

Overview:

Currently in the City of Sarasota, definitions and standards for bars and nightclubs are tied to State licensing and seating requirements. Additionally, outdoor bars are not defined in the City's Zoning Code and are therefore only allowed as accessory to hotels/motels and private clubs.

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.

This Zoning Text Amendment proposes to administer clear 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.

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).

Difficulties with Current Definitions:

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.

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.

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Difficulties with Current Definitions (Continued):

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 as a primary use.

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.

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.

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.
- 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.
- Draft a Zoning Text Amendment that aims 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.
- Consider modifying Downtown Exemption Area Map to include other redeveloping commercial areas of the downtown, such as areas north of Fruitville Road and east of US 301.
- Include a transition period for existing establishments that will not meet the requirements of the new regulations to conform to new standards.

Questions: CommunityWorkshops@SarasotaFL.gov