Brevard County Code Sections Related to Alcohol Requirements

*Sec. 62-1102.   Definitions and rules of construction.*

*For the purpose of this article, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.*

***Bar and cocktail lounge*** *mean any place in the business of selling and dispensing alcoholic beverages of any type, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.*

*Sec. 62-1842.   Snack bars and restaurants.*

*Snack bars and restaurants must comply with the applicable parking requirements, and the establishment shall not have more than 49 seats. All snack bars and restaurants with up to 30 seats as of July 30, 1998, wishing to expand up to 49 seats shall comply with all applicable development regulations.*

*(Code 1979, § 14-20.16.1(12); Ord. No. 98-46, § 1, 8-27-98)*

*Sec. 62-1906.   Alcoholic beverages for on-premises consumption.*

*The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions:*

(1)  a.  *A bar or cocktail lounge may be a conditional use in a general retail zoning classification (BU-1), a retail warehousing and wholesale business zoning classification (BU-2), a general tourist commercial zoning classification (TU-1) and a transient tourist zoning classification (TU-2). Such conditional use shall be considered in the same manner and according to the same standards of review as specified in this division.*

b.  *A bar or cocktail lounge is prohibited within the restricted neighborhood commercial zoning classification, BU-1-A. The on-premises sale or serving of alcoholic beverages in BU-1-A may be a conditional use as accessory to a snack bar and restaurant pursuant to section 62-1842. Such conditional use shall be considered in the same manner and according to the same standards of review as specified in this division.*

(2)  *The on-premises sale or serving of alcoholic beverages may be a conditional use as an accessory use to civic, philanthropic or fraternal organizations, lodges, fraternities and sororities, or marinas, golf courses, stadiums or other similar recreational uses, in those zoning classifications in which such uses are permitted. Such conditional use shall be considered in the same manner and according to the same standards of review as specified in section 62-1151. The conditional use shall be granted only as an accessory use to the primary use requested. Bottle clubs shall be considered commercial uses subject to the requirements of this section.*

(3)  *Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes.*

(4)  *For restaurants with more than 50 seats located in shopping centers, no conditional use permit is required for on-premise consumption of alcoholic beverages.*

(5)  *Imposition of additional operational requirements. When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for on-premises consumption of alcoholic beverages. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.*

(6)  *Expansion of conditional use permit. The square footage area or location of premises designated for a conditional use permit for on-premises consumption of alcoholic beverages shall not be expanded beyond that approved by the conditional use permit without filing a new application for a conditional use permit in accordance with the requirements contained in this section and section 62-1901 and having same approved by the board of county commissioners. "Expansion," as used herein, shall include the enlargement of space for such use and uses incidental thereto as well as the extension of a beer and/or wine use to include intoxicating liquor. The new application must cover both the existing approved designated area as well as the proposed expanded area. All areas approved shall be regulated under the same business license and shall be subject to uniform rules and regulations.*

*(Code 1979, § 14-20.16.2(B)(5); Ord. No. 93-24, § 1, 11-10-93; Ord. No. 2002-63, § 1, 12-17-02; Ord. No. 04-29, § 39, 8-5-04; Ord. No. 06-54, § 2, 10-5-06)*