

IS YOUR LIQUOR LICENSE CREEPING UP ON NEIGHBORS? ALCOHOL BEVERAGE DISTANCE SEPARATION REQUIREMENTS



By: [Valerie Haber](#), Shareholder

If you have tried getting a liquor license for your bar, nightclub, restaurant, liquor store, or other alcohol beverage establishment, you likely confronted the dreaded “alcohol distance separation requirements.” Before you commit to a location for your business, it is prudent to confirm that the location that will be covered by a liquor license isn’t creeping into prohibited territory.

What is a “distance separation requirement”? Distance separation requirements vary by state and local jurisdiction, but generally mandate a minimum distance between an establishment with a liquor license and neighboring religious institutions, schools, or other liquor licenses. Sometimes these laws also say that you cannot get a liquor license if you are too close to a government building or public park. Why do these laws exist? Some cities want to prevent an oversaturation of bars with liquor licenses in a particular area. Others want to make sure drinking establishments aren’t too close to schools to prevent access of alcohol beverages by minors, or other public policy-based rationale.

Florida law gives a baseline requirement that a location where alcohol beverages are consumed on the licensed premises, like bars, nightclubs, or restaurants, must be at least 500 feet from a public or private elementary school, middle school, or secondary school.¹ This does not apply to places that were licensed on or before July 1, 1999, and also does not apply to restaurants with at least 51% of gross food and beverage revenue from food and nonalcoholic beverages. However, State law gives a lot of deference to local municipalities in terms of where establishments with liquor licenses can be located, allowing local governments to pass their own distance separation laws, and even to waive the 500 foot requirement if the municipality approves the proposed liquor licensed location as “promoting public health, safety, and general welfare of the community.”²

Understanding whether your proposed business even *needs* to meet distance separation requirements can be tricky, because the laws are oftentimes poorly worded, or have enough exceptions to make your head spin. This is why proper due diligence at the onset of a licensing

¹ Fla. Stat. Sec. 562.45(2)(a).

² *Id.*

project is so crucial. As I've mentioned in prior [posts](#), do not commit to a property for a business that requires a liquor license without first checking whether the location meets distance separation requirements. So, how do you check? The city or county law will typically specify whether a specific distance separation requirement applies, and if so, how to measure that distance. For example, some local laws require that measurement be made by route of ordinary pedestrian path, while others measure "as the crow flies," or by radial measurement. A knowledgeable surveyor who is skilled in performing these special purpose radial surveys can really come in handy here. In fact, many cities require that you submit a signed and sealed radial survey with your liquor licensing application in order to obtain zoning signature.

Here is a sampling of municipal distance separation requirements. However, these laws are very nuanced, so it is best to either verify requirements with the city or county, or contact an attorney to identify whether special circumstances may apply to your property or situation. The below is not a comprehensive list of requirements or exceptions.

City/County	Distance Separation Requirements	Exceptions
City of Miami	Alcohol service establishments (bars, nightclubs, etc.), liquor package stores, bottle clubs <ul style="list-style-type: none"> • 1,500 feet from a license of the same type; • 1,000 feet from a school • 300 feet from a religious facility • 500 feet from a residential district 	<ul style="list-style-type: none"> • Certain restaurants, mixed use or residential buildings, lodging facilities, office or work/live buildings, private clubs, waterfront specialty districts, retail specialty centers, special license types. • Establishments in certain districts, like parts of Wynwood, Little Havana, the Miami Design District, Midtown, etc.
Unincorporated Miami-Dade County	1,500 feet from another liquor license 2,500 feet from a church or public school	<ul style="list-style-type: none"> • Private clubs • Certain cocktail lounges, restaurants, bars in some zoning districts • Beer and wine off-premise licenses for grocery stores, meat markets, gas stations/minimarts
City of Fort Lauderdale	300 feet from another liquor license	<ul style="list-style-type: none"> • Certain hotels & restaurants

	500 feet from a church or public/private school	<ul style="list-style-type: none"> • Establishments in special entertainment overlay districts, like
City of Dania Beach	1,000 feet from any of the following: academic schools, places of worship, theaters, playhouses, lodge halls, private clubs, amusement arcades, meeting halls, or any other liquor license establishment	<ul style="list-style-type: none"> • Beer & wine off-premise licenses; • Certain restaurants & cafes • Certain zoning districts

Waivers or Variances: What happens if your location does not meet these minimum distance separation requirements? Most local laws have a process to seek a variance or waiver from distance separation requirements, with varying requirements. A public hearing before a local board is typically required, at which the public can make any objections.

For more information on alcohol beverage distance separation requirements, please do not hesitate to reach out.

Updated 2/17/2020