

Tobacco Store:

TOBACCO STORE: A commercial retail sales use where the primary or principal use is the sale of tobacco products and the use has a retail tobacco products dealer permit under Section 569.003, Florida Statutes.

ART III Sec. 5.49. Tobacco store.

5.49.1. *Separation standard.* There shall be a minimum one thousand (1,000) feet separation standard between a tobacco store and any other tobacco store, any private or public primary or secondary school, and any public park. For cigar bars/hookah lounges this section 5.49.1 does not apply.

5.49.2. *Warning labels.* At least thirty (30) percent of any entry door shall be covered with the following language: "SURGEON GENERAL WARNING: Tobacco Smoke Increases The Risk Of Lung Cancer and Heart Disease, and Tobacco Use Increases The Risk Of Infertility, Stillbirth, and Low Birth Weight."

5.49.3. *Visibility.* It is prohibited to display smoking pipes, smoking devices, drug paraphernalia or images thereof, on any window or within any window display area.

5.49.4. *Signs.* Dynamic display window signs are prohibited.

5.49.5. *Smoking pipes and smoking devices.* If the tobacco store inventory includes smoking pipes and smoking devices, then at least seventy-five (75) percent of its quarterly gross revenues must be derived from the retail sale of cigarettes, cigars, and other tobacco products or no more than twenty-five (25) percent of its quarterly gross revenues can be derived from the retail sale of smoking pipes and smoking devices as is defined in LDR Article I., Part 1.0., Section 1.5., Definitions, General. Any establishment that derives more than 25 percent of its quarterly gross revenues from the retail sale of smoking pipes and smoking devices is a prohibited use.

- A. *Certificate of use.* A retail tobacco products dealer permit under Section 569.003, Florida Statutes, and an inventory of all goods to be sold on premises, as well as the number of each good and their value and total value shall be filed with the Certificate of Use (COU) application. The value of the inventory of smoking pipes, smoking devices, drug paraphernalia and scales, shall not exceed fifty (50) percent of the value of the inventory of tobacco products and its accessories, including lighters, butane, scents, candles, and similar products.
- B. *Quarterly reporting.* Upon receipt of a COU and a LBTR, the tobacco store shall provide quarterly sales report to demonstrate compliance with this section. Failure to provide the quarterly report within forty-five (45) days of the end of the quarter is a violation that may result in a fine. Should the quarterly report demonstrate non-conformance with this Section, the City may undertake the suspension or revocation of the COU and LBTR consistent with the Code of Ordinances.

5.49.6. *Amortization.* Any existing tobacco stores that are not in conformance with the separation standard in subsection 5.48.1 are considered legal, nonconforming uses. Any existing tobacco store that is not in conformance with the requirements of Subsections 5.48.2, 5.48.3., and 5.48.4 shall have until December 31, 2015, to comply with these requirements.

(Ord. No. 15O-06-124, § 2, 7-13-2015; Ord. No. 23O-10-136, § 2, 11-13-2023)

Editor's note(s)—Ord. No. 15O-06-124, § 2, adopted July 13, 2015, set out provisions intended for use as Art. III, § 5.48. To prevent duplicate section numbering, and at the editor's discretion, these provisions have been included as Art. III, § 5.49.

Hookah Lounge:

ALCOHOLIC BEVERAGE ESTABLISHMENT: An establishment that is licensed by the State of Florida to sell alcoholic beverages. Alcoholic beverage establishments fall into one (1) of several categories:

- (1) *Bars and taverns:* Means any establishment devoted primarily to the retailing and consumption on premises of alcoholic beverages,
- (2) *Bottle clubs:* Means any establishment engaged in the business of catering to patrons who bring alcoholic beverages for consumption on the premises with a mixer or other beverage, ice, food, or container furnished by the establishment for a consideration, or in connection with the viewing of, entertainment for a consideration, or where admission to the premises is for a consideration.
- (3) *Cigar bar:* An establishment designed for smoking of tobacco products sold at the establishment is permitted on the premises this use excludes hookah lounge. Florida Building Code ventilations requirements apply.
- (4) ***Hookah lounge/bar:*** a commercial establishment that has water pipes (also known as a hookah shisha, boory, argileh, nargile, hubble-bubble, goza, meassel, sheesha) for people to share pipefuls of either tobacco, dried fruit, or a combination of those which is burnt using coal and becomes smoke, then passes through an ornate water vessel and is inhaled through a hose.
- (5) *Hotel bar:* Means a bar or tavern operated in connection with a hotel with more than fifty (50) hotel rooms.
- (6) *Package store:* Means vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for consumption off the premises. The sealed package must not be broken, and the contents must not be consumed in or on the premises, under a package store license.
- (7) *Restaurant:* See listing under restaurant for additional requirements.
- (8) *Restaurant bar:* Means a bar operated in connection with a restaurant.

ART III Sec. 5.51. Hookah lounge/bar.

Ventilation—Uses shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code.

(Ord. No. 23O-10-136, § 3, 11-13-2023)

Editor's note(s)—Ord. No. 19O-07-112, § 1, adopted Aug. 26, 2019, repealed § 5.51, which pertained to medical marijuana dispensing centers and derived from Ord. No. 18O-04-109, § 4, adopted May 14, 2018; and Ord. No. 19O-04-105, § 1, adopted April 29, 2019.

LDR ART I Separation Standard:

Sec 1.5 Definitions, General

Separation standard or requirement or distance requirement: The minimum distance between and among land uses as measured by the shortest airline measurements (or as the crow flies) between and among the nearest points on any plots to be occupied by such land uses. This definition shall apply to any separation standard identified within these Land Development Regulations unless the standard explicitly references that it is exempt from the definition in Section 1.5.

Specific to Alcoholic Beverage Establishments to include Hookah Lounge Uses ART

III Sec. 5.3 Alcoholic Beverage Establishments

5.3.3. *Measurement.* The separation standard methodology in Article I, Section 1.5., Definitions, General, shall not apply. Instead, for purposes herein, the distance shall be measured by the shortest route of ordinary pedestrian travel along the public thoroughfare or any walkway made available for public use from the main entrance of the establishment in question to the main entrance of the other establishment.