

**ORDINANCE 2009-14**  
(Wine and Beer Bars in C-1 Zoning District)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; DEFINING “BARS, WINE AND BEER”; ALLOWING WINE AND BEER BARS IN THE C-1 DOWNTOWN COMMERCIAL DISTRICTS AS CONDITIONAL USES; AMENDING THE SPECIAL CONDITIONS FOR ALCOHOLIC BEVERAGE SALES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1:            Amend Conditional Use Regulations – Alcoholic beverage sales Chapter 23, Zoning, Land Use and Development Regulations, Sec. 23-342 Alcoholic beverage sales (Conditional Use Regulations) is amended to read as follows:**

~~The sale of alcoholic beverages is regulated by Chapter 5, Lake Wales Code of Ordinances. The provisions contained in this section pertain to these land development regulations.~~

~~a. No liquors, wines or beers shall be sold within the corporate limits of the city, at any place of business, location or establishment within five hundred (500) feet of any established school or church; provided however, that this prohibition shall not apply to a restaurant as defined in state law where liquor, wine or beer is sold as a part of meals served on the restaurant premises and where fifty-one (51) percent or more of the revenues of the restaurant are derived from the sale of food, nor to any duly licensed grocery store selling wines or beers in packages and for consumption off the premises.~~

~~1. The distance of five hundred (500) feet shall be measured in a straight line from the nearest point of the building of the place of business, location or establishment to the nearest point of the school grounds in use as part of the school facilities.~~

~~2. The distance of five hundred (500) feet shall be measured in a straight line from the nearest point of the building of the place of business, location or establishment to the nearest point of the church building or buildings.~~

~~b. The administrative official is authorized to approve the location of a business or establishment engaged in alcoholic beverage sales provided that said business or establishment meets the requirements of city codes, including this section and all other applicable provisions of these land development regulations this chapter and the requirements of Chapter 5 – Alcoholic Beverages. The following zoning classifications shall apply to businesses engaged in alcoholic beverage businesses:~~

- a. Retail sales – Liquor stores, grocery stores, and other retail establishments selling alcoholic beverages for consumption off-premises are classified for zoning purposes as “stores,” provided they hold a valid state alcoholic beverage license for such purpose and are in compliance with the provisions of Chapter 5 – Alcoholic Beverages. Retail sales of alcoholic beverages for consumption off-premises may also be approved as an accessory use, subject to the provisions of sec. 23-541 “Accessory Uses – Nonresidential Properties.”
- b. Restaurants – Food service businesses that allow consumption of alcoholic beverages on premises are classified for zoning purposes as “eat-in restaurants,” provided the establishment holds a valid state alcoholic beverage license for such purpose and meets the definition of “eat-in restaurant” in this Chapter and “restaurant” in Chapter 5 – Alcoholic Beverages.
- c. Wine and beer bars – Establishments selling wine and/or beer for consumption on premises are classified as “wine and beer bars” for zoning purposes, provided they hold a valid state alcoholic beverage license for such purpose and are in compliance with the provisions of Chapter 5 – Alcoholic Beverages and provided the business floor area of the wine and beer bar shall be not less than 1,000 square feet in size and not more than 5,500 square feet in size.

**SECTION 2:**            **Wine and beer bars allowed as conditional uses in C-1 districts**  
**Chapter 23, Zoning, Land Use and Development Regulations,**  
**Table 23-421 PERMITTED USES AND SPECIAL**  
**EXCEPTION USES IN STANDARD ZONING DISTRICTS** is  
amended as follows:

Change heading “FOOD BUSINESSES” to read “FOOD AND BEVERAGE  
BUSINESSES”

Under “FOOD AND BEVERAGE BUSINESSES” add:  
“Bar, wine and beer” as a Permitted Use in the C-1 districts

After “Bar, wine and beer” add an asterisk (\*) indicating that there are conditional  
use regulations governing the use.

**SECTION 3:**            **Wine and beer bar defined**  
**Chapter 23, Zoning, Land Use and Development Regulations,**  
**Sec. 23-802. Definitions** is amended by adding:

*Bar, wine and beer* means any establishment selling, providing or allowing the  
consumption of beer and/or wine on the premises.

**SECTION 4:**            If any clause, section or provision of this ordinance shall be  
declared unconstitutional or invalid for any reason or cause, the

remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 5:** This ordinance shall become effective upon passage by the City Commission.

**CERTIFIED AS TO PASSAGE** this 20<sup>th</sup> day of October 2009.

*Jack Vm [Signature]*  
Mayor/Commissioner

Attest:

*[Signature]*  
City Clerk