

ORDINANCE 2022-46

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 5, ALCOHOLIC BEVERAGES, AMENDING SECTION 5-2 - DEFINITIONS, SECTION 5-5 – DISTANCE REQUIREMENTS, ADDING SECTION 5-6 – REQUIREMENTS FOR SPECIAL FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1: Chapter 5, Alcoholic Beverages, of the Code of Ordinances is amended as follows:

§ 5-2. Definitions.

Bar means any establishment with a principal or predominant use of selling, providing or allowing the consumption of alcoholic beverages on the premises.

Wine and beer bar means any establishment devoted during any time of operation predominantly or totally to serving alcoholic beverages excluding liquor or distilled spirits, intoxicating beverages, or any combination thereof, for consumption on the licensed premises. The serving of food, if any, is merely incidental to the consumption of any such beverage.

§ 5-5. Consumption, sale and service of alcoholic beverages within five hundred (500) feet of a church or school prohibited.

(a) No alcoholic beverages shall be sold or consumed or permitted to served or consumed within the corporate limits of the city at any place of business, location or establishment holding a valid license for the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulations within five hundred (500) feet of any real property that comprises an established church or private or public elementary, middle or secondary school; provided, however, that the above and foregoing shall not apply to a restaurant, as restaurant is defined in state law and section 5-2 herein, where alcoholic beverages are sold as a part of a meal served on the restaurant premises, to any duly licensed grocery store selling wines or beers in packages for consumption off the premises and the requirement for a five-hundred-foot distance shall not apply to wine and beer bars, to fraternal or civic organizations or to an artisanal production establishment.

(b) The distance of five hundred (500) feet shall be measured as follows:

(1) Pertaining to established schools. Five hundred (500) feet from the nearest point of the building of the place of business, location or

establishment to the nearest point of the real property containing school facilities.

(2) Pertaining to established church. Five hundred (500) feet 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.

(3) Measurement. The distance of five hundred (500) feet shall be measured in a straight line.

(c) The requirements of this section shall not apply for bars and wine and beer bars located within the Downtown – Mixed Use (D-MU) Zoning District, provided that all other applicable requirements for the D-MU district are met.

§ 5-6. Requirements for Special Food Service Establishments

(a) Special Food Service Establishments (those being establishments that must obtain a 4COP, 5COP, 6COP, 7COP, or 8COP license) within the D-MU, C-1, and C-1A zoning districts shall be required to comply with the following standards:

(1) Minimum 1,000 square feet of service area;

(2) Be equipped to service 75 persons at one time; and

(3) Derive at least 51% of revenue from food-non-alcoholic beverages.

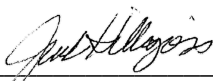
SECTION 2:

Severability: 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.

SECTION 3:

Effective date: This ordinance shall become effective immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE this 2nd day of November 2022.

By: 
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk