

**ORDINANCE NO. 1028**

**AN ORDINANCE OF THE CITY OF ARCADIA AMENDING SECTION 18-3 REGARDING RESTRICTIONS ON THE LOCATION OF ALCOHOLIC BEVERAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Arcadia finds a need to modify the City of Arcadia Code of Ordinances with regard to the requirements of businesses which sell alcoholic beverages for on-premises consumption; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, environment and general welfare to adopt this Ordinance to restrict and clarify the location for the sale of alcoholic beverages,

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:**

**SECTION 1. Findings.** The Council hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

**SECTION 2. Amendment of the Code of Ordinances.** Section 18-3 of the Code of Ordinances of the City of Arcadia is hereby amended as follows:

**“Sec. 18-3. - Location of sales restricted.**

- (a) Except as provided in subsection (b) below, no business for the sale of alcoholic beverages for consumption on the premises, shall operate at any place within the city limits which is less than 300 1,000 feet, as measured radially, between the nearest door along the shortest legal route of pedestrian travel across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the primary entrance of such business of the place sought to be licensed seeking licensure and the nearest door point of the property of a house of worship, or a school, or a public park or a public playground facility for children.
- (b) Restaurants, selling alcoholic beverages for consumption on the premises, shall not be permitted to operate at any place within the city limits where such establishment is less than 500 feet, measured as set forth in subsection (a) above. The term “restaurant”, as used in the context of this section, shall be consistent with the definition of restaurant as defined by Florida Statutes, including F.S § 562.45 and F.S. ch. 509. The city shall require proof that restaurants derive at least 51% of their gross revenues from the sale of food and nonalcoholic beverages. The same standards of proof shall be used as are utilized by the State of Florida under its beverage laws.
- (bc) In the event that a house of worship, or a school, or a public park or a public playground for children facility locates within 300 1,000 feet or less of a place previously licensed to sell alcoholic beverages, or within 500 feet of a restaurant selling alcohol for on premises

consumption, measured as set forth in subsection (a) above, then such place may continue to sell alcoholic beverages under the license which it then holds. Such place shall continue to have the right to sell such alcoholic beverages under that particular type of license, but no other; ~~future license even though the property ownership changes and even though the sale of alcoholic beverages has been discontinued at that place for a period of time.~~

- (d) A change of ownership shall not prohibit the sale of alcoholic beverages when a transfer of an existing alcoholic beverage license associated with such property is conveyed to the new owner of such business.
- (e) Where a business, meeting the criteria established in this section 18-3 ceases to operate, as licensed, for a period exceeding 155 consecutive days, such business shall not be permitted to reestablish sales of alcoholic beverages on such site.
- (f) The restrictions and distance regulations set forth in this section shall not apply to the sale of alcoholic beverages sold and consumed under the provisions of a special event permit issued in accordance with Article III, Chapter 86 "Special Events" of the City of Arcadia Code of Ordinances."

**SECTION 3. Codification.** The publisher of the City's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances of the City of Arcadia, Florida.

**SECTION 4. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**SECTION 5. Effective Date.** This ordinance shall be effective immediately upon final passage by the City Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,** on this 3rd day of October, 2017.

**CITY OF ARCADIA, FLORIDA**

  
Judy Wertz-Strickland, Mayor

Attest:

By: Penny Delaney  
Penny Delaney, City Clerk

Passed on First Reading the 5th of September, 2017

Passed on Second Reading this 3rd of October, 2017

Approved as to Form:

Thomas J. Wohl  
Thomas J. Wohl, City Attorney

