

committee members. The form also may be distributed with applications for quasi-judicial matters.

**"IMPORTANT NOTICE TO CONSTITUENTS  
FOR QUASI-JUDICIAL MATTERS**

The City of Winter Garden City Commissioners, the Planning and Zoning Commissioners and all City board members and committee members are willing to meet with constituents and others regarding issues on which they will cast future votes. However, it is important for everyone to know that anything relating to a quasi-judicial matter (for example: variances, special exceptions, subdivisions, rezonings, certain comprehensive plan changes and certain other matters for which application may be made under the City Code) that you discuss with commissioners or any board or committee member and any documents or exhibits you might show them must be disclosed at the Public Hearing and be made a part of the record. Under Florida law, if your position is approved by the City Commission or any board or committee of the City, the decision could be challenged by the losing side and possibly overturned by the courts unless the same information is disclosed at the public hearing. Your opponents are entitled to know what you are arguing to the Commission, board or committee so they have a fair chance to refute the arguments. Likewise, you also have the right to know and refute whatever your opponents are arguing. Florida law supports a fair and open debate, and all discussions and other communications relating to quasi-judicial matters must be disclosed fully at the public hearing and be made a part of the record prior to any vote.

Thank you for your interest in this matter. We look forward to your appearance at the public hearing."

(Code 1988, § 2-374)



Chapters 3—5

**RESERVED**



## Chapter 6

### **ALCOHOLIC BEVERAGES\***

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\***Cross references**—Use of alcoholic beverages on adult entertainment establishment premises, § 10-110; alcoholic beverage regulation for adult entertainment establishments, § 10-206 et seq.; businesses, ch. 22.

**State law references**—Alcoholic beverage law, F.S. ch. 561 et seq.; authority to regulate hours, location and sanitary conditions, F.S. §§ 562.14, 562.45.



**Sec. 6-1. Definitions.**

The words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in F.S. ch. 561 et seq. and as follows, except where the context clearly indicates a different meaning:

*Fine dining establishment* means an upscale boutique restaurant that serves high-end cuisine in a location with an elegant, sophisticated atmosphere. In order to be considered a fine dining establishment, a restaurant must meet at least four of the five following criteria:

- (1) Offer a multi-course menu that is prepared on the premises from scratch with fresh, whole ingredients by trained chefs.
- (2) Offer a menu that changes periodically based on when ingredients are in season.
- (3) Employ a full, formally-dressed front-of-house staff that includes a host/hostess, servers that provide table service to patrons, and/or a sommelier who is knowledgeable about wine selections.
- (4) Provide upscale table settings that consist of non-disposable items such as ceramic plates, silverware consistent with a multi-course menu, glass beverageware, cloth napkins, and tablecloths.
- (5) Provide a high-end atmosphere that features soft lighting, comfortable seating, and an overall luxurious ambiance.

In addition to the above criteria, the outdoor areas of fine dining establishment shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development. The fine dining establishment shall not act as a detrimental intrusion into a surrounding area.

The city manager, or his or her designee, will convene a committee to review all applications to be designated a fine dining establishment. The committee shall consist of city staff including, at a minimum, the city manager, police chief, fire chief, planning director, public services director, and economic development director. If a restaurant that has been previously approved as a fine dining establishment is sold or transferred to

another entity or individual, an updated application shall be submitted for review and approval by the committee. Applicants may appeal the committee's decision of denial per the requirements and procedures of section 6-9(q) below.

*Live entertainment* as utilized in subsection 6-4(c) means entertainment in which one or more paid performers is physically present at the bar or restaurant. Live entertainment does not include the reception or display of any televised entertainments or events.

*Outdoor seating as approved with a sidewalk cafe:* Permit pursuant to division 2, article VII, chapter 62 of the Code shall not count toward meeting the minimum State of Florida license requirements of 120 seats, unless the restaurant meets the minimum criteria to be considered a fine dining establishment as defined in this chapter, in which case any seating provided within the restaurant's leasable area and/or any right-of-way areas approved to be used via a sidewalk cafe permit may count towards the minimum 120 seat requirements. Patrons seated within any approved sidewalk cafe permit area may be served alcohol beverages during the established hours of operation, pursuant to the requirements of division 2, article VII, chapter 62 of the Code.

For the purpose of this chapter, micro-breweries, craft distilleries, and brewpubs that have a state beverage license allowing manufacturing operations for the production of alcoholic beverages for on-site consumption and off-site sales, and related uses will be classified as either a restaurant or a bar based on whether such establishment derives more than 51 percent of its annual revenue from the sale of food and nonalcoholic beverages served for consumption on or off the premises and can otherwise meet the requirements of a restaurant under this chapter.

*Package sale vendor* means a person or entity licensed pursuant to the Beverage Law [F.S. chs. 561—568] to sell alcoholic beverages regardless of alcohol content; however, a package sale vendor does not include: (i) a business operation, in regards to beer and malt beverages (as defined by F.S. § 563.01) and wine (as defined by F.S. § 564.01) for consumption off-premises; or (ii)

any bona fide hotel, motel or motor court in possession of a special license issued in accordance with F.S. § 561.20(2)(a)1.

*Restaurant* means an establishment wherein the sale and service of alcohol is incidental to the sale and service of food and nonalcoholic beverages. A restaurant must have a commercial kitchen within the same location as where food is served, and derive more than 51 percent of its annual revenue from the sale of food and nonalcoholic beverages served for consumption on or off the premises. The commercial kitchen within a restaurant must have all necessary equipment to prepare full course meals as defined below. The commercial kitchen within the restaurant must prepare and the establishment must sell and serve a complete menu of full course meals from the time opening until closing. Full course meals shall include at minimum: An entre with a protein main dish, a vegetable or other side dish, and a nonalcoholic beverage. Any establishment that is designated as a "stand-alone bar" pursuant to F.S. ch. 561 with the State of Florida, Department of Business and Professional Regulation, is automatically ineligible to be considered a restaurant within this chapter.

*Restaurants serving beer and wine* means a restaurant that provides beer and wine for on-premises consumption shall derive more than 51 percent of their annual revenue from the sale of food and nonalcoholic beverages served for consumption on the premises as established by Florida state law and city Charter section 5.

*Restaurants serving beer, wine, and liquor* means a restaurant that provides beer, wine, and liquor for on-premises consumption shall, in addition to deriving more than 51 percent of their annual revenue from the sale of food and nonalcoholic beverages served for consumption on the premises as established by city Charter section 5, also provide a minimum of 120 physical seats available for use by restaurant patrons during all hours that alcoholic beverages are served, pursuant to Florida state laws that may be periodically amended.

(Code 1988, § 4-1; Ord. No. 05-28, § 2, 7-14-05; Ord. No. 15-21, § I, 2-26-15; Ord. No. 24-40, § 2, 11-14-24)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 6-2. Business establishment doors, windows, location near church or school.**

(a) The word "school," as used in this section, shall mean any public, private or parochial institution conducting and offering to minors a course of general or vocational education and mental training.

(b) Any place of business in which intoxicating liquors, wines or beers are sold or furnished at retail by the glass or drink within the city shall open directly and immediately upon the street, and the front and windows of the place of business shall be made of clear and transparent glass. Except for restaurants, package sale vendors, and those vendors licensed in accordance with F.S. § 563.02(1)(a) or F.S. § 564.02(1)(a), such place of business shall not be less than 1,200 feet from a school or within 1,200 feet of an established church within the corporate limits. A new church may not locate within 1,200 feet of an existing alcoholic beverage establishment for the purposes of noncompliance/nonconformity with the 1,200-foot separation requirement. These distances shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the main entrance of the church or school.

(c) The shortest route of ordinary pedestrian travel as used in this section shall mean that route of pedestrian travel nearest to the main entrance of the place of business of the vendor. The purpose of this subsection is to prevent the practical evasion of this chapter by the establishment of a circuitous route of pedestrian travel upon the property of the vendor in order to avoid a measurement of the closest available route of pedestrian travel.

(Code 1988, § 4-2; Ord. No. 24-40, § 3, 11-14-24)

**Charter reference**—Location of alcoholic beverage establishments, § 8(28).

**Cross reference**—Zoning, ch. 118.

**Sec. 6-3. Distance between on-premises consumption vendors.**

No vendor shall operate a place of business, wherein on-premises consumption of alcoholic