

ORDINANCE NO. 3160-19

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS" AND CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS DURING WHICH SALES, CONSUMPTION AND SERVICE ARE PROHIBITED" SO AS TO ESTABLISH UNIFORM HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON NEW ENGLAND AVENUE AS CURRENTLY ARE IN PLACE CITY-WIDE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours of sales and consumption of alcoholic beverages and the hours of live music at venues located nearby residential homes and apartments can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for the sale and consumption of alcoholic beverages and for the control of noise city-wide in the equitable manner in which to protect the public health, safety and general welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTERPARK:

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION 2: Amendment to Section 58-84. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-84 "General Provisions", of the City of Winter Park Code of Ordinances is hereby amended to delete subsection (x) of Section 58-84 in its entirety as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Section 58-84. General Provisions for Nonresidential Zoning Districts.

(x) Restaurant, bar, tavern, lounge; conditional uses in the Hannibal Square neighborhood. The city has established that restaurants, bars, taverns or lounges, in the Hannibal Square Neighborhood Commercial District located on Morse Boulevard or on Pennsylvania Avenue north of Morse Boulevard, shall be limited in the hours of sale and consumption of alcoholic beverages due to the proximity of residential homes and apartments and the related problems of nighttime activity and noise generated by these establishments and their customers outside the establishments. This restriction shall be in effect within the geographic area of the Hannibal Square neighborhood bounded by Denning Drive, Comstock Avenue, New York Avenue and Webster Avenue. The restriction shall limit the hours of sale and consumption of alcoholic beverages to no later than 11:00 p.m. on Sundays through Thursdays and no later than 12:00 a.m. (midnight) on Fridays and Saturdays, except for New Year's Eve when the hours are extended until 1:00 a.m.

SECTION 3. Amendment to Section 10-33. That Chapter 10 "Alcoholic Beverages", Section 10-33 "Hours during which sales, consumption and service are prohibited" of the Code of Ordinances is hereby amended to delete subsection (j) of Section 10-33 in its entirety as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Sec. 10-33. - Hours during which sales, consumption and service are prohibited.

(j) The city has established that restaurants, bars, taverns and cocktail lounges located on Morse Boulevard or on Pennsylvania Avenue, north of Morse Boulevard, ~~in the Westside neighborhood~~ shall be limited in the hours of sale and consumption of alcoholic beverages due to the proximity of churches, residential homes and apartments and the related problems of nighttime activity and noise generated by these establishments. ~~This restriction shall be in effect within the geographic area of the Westside community bounded by Denning Drive, Comstock Avenue, New York Avenue and Webster Avenue.~~ The restriction shall limit the hours of sale and consumption of alcoholic beverages to no later than 11:00 p.m. on Sundays through Thursdays and no later than 12:00 a.m. (midnight) on Fridays and Saturdays.

SECTION 4. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 5: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 6: CODIFICATION. Sections 2 and 3 of this Ordinance shall be codified and made a part of the City of Winter Park Code of Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 7: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 9th day of December, 2019.

Mayor Steve Leary

ATTEST:

Rene S. Cranis, City Clerk