

Alcohol Ordinance - Fact Sheet

Information & FAQs about the City of Winter Garden's New Alcohol Regulations

I want to open a business that serves alcohol.

The first thing you should do is reach out to the Florida Department of Revenue and ensure you are meeting all State alcohol licensing requirements and apply for an ABT license. The following fact sheet describes the City's new regulations as they pertain to alcohol sales & service, but these rules don't exempt you from complying with any State requirements.

I want to open a bar.

To open a bar, you must still meet the City's distance requirements. These requirements are that your location must be at least 1,200 feet from a church or school and at least 1,000 feet from another bar. This has not changed.

I have a restaurant, and I just want to serve beer and wine.

If you meet the criteria to be considered a restaurant as outlined above, you may serve beer and wine.

I want to open a brewery or distillery.

Micro-breweries, craft distilleries, and brewpubs that sell alcohol for on-premises consumption must serve enough food (at least 51%) to be classified as a restaurant to avoid having to meet the distance requirements of a bar. You do not have to count any products you distribute off-site in this calculation.

I don't have a bar – I have a restaurant and I want to serve alcohol.

You do not need to meet the distance requirements of a bar if you are a restaurant. To be considered a restaurant, you need to meet the City's **restaurant** definition, which includes three criteria:

1. Your primary business is serving **full course meals** to patrons.
 - A **full course meal** includes: An appetizer or salad course, entrée with protein main dish, a vegetable or other side dish, and a non-alcoholic beverage.
2. You have a **commercial kitchen** within the same location where you serve food.
 - A **commercial kitchen** must have all the necessary equipment to prepare full course meals. It must be open, staffed with food preparation employees, and actively serving full course meals during all operational hours.
3. More than 51% of your annual revenue comes from the sale of food and/or nonalcoholic beverages for consumption on or off-premises.

I have a restaurant, and I want to serve spirits as well as beer and wine.

In addition to meeting the restaurant criteria, you also need to provide at least **120 seats** for restaurant patrons to serve spirits or liquor. Seats must be located inside your building or outside under a solid, permanent structure such as a roof or awning.

The only exception to this is if you are approved to be designated a **fine dining establishment**, in which case you may use any type of outdoor seating to meet the 120 seat minimum.

How do I get approved to be a fine dining establishment?

You must meet the definition of a **fine dining establishment**, which is an upscale boutique restaurant that serves high end cuisine in a location with an elegant, sophisticated atmosphere. Additionally, you must meet at least **4 of the following 5 criteria**:

1. Offer a multi-course menu that is prepared on premises from scratch with fresh, whole ingredients from 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, glass beverage ware, and tablecloths.
5. Provide a high-end atmosphere that features soft lighting, comfortable seating, and an overall luxurious ambiance.

You must submit an application to the City with information about how your restaurant meets these requirements, and that application must be reviewed and approved by the City Commission.

What hours can I serve alcohol?

If you are within the Historic Downtown District and surrounding areas, you are permitted to serve alcohol on **Sunday-Thursday from 11:00 am until 11:00 pm** and **Friday & Saturday from 11:00 am until 12:00 am the next morning**.

For all other areas of the City, you may serve alcohol **from 11:00 am until 2:00 am the next morning on any day**.

How do I apply for approval to serve alcohol at my restaurant?

You must apply for a **Business Tax Receipt (BTR)** with the City prior to opening your business. If you are a restaurant, the City requires you also submit a copy of your Seating Establishment License from DBPR's division of Hotels and Restaurants and sign an affidavit that more than 51% of your gross revenue will come from the sale of food and nonalcoholic beverages.

Every year at time of BTR renewal, you will also be required to submit your Point of Sale (POS) receipts along with a summary showing the percentage of revenue derived from alcoholic beverage sales over the preceding 12 months.

I'm having a special event and want to sell alcohol there.

Unless you are holding your event in an establishment that is already licensed to do so, you cannot sell alcohol at your event. The only exception to this rule is if the alcohol is being sold as part of an approved **Special Event Permit** by a third party vendor that holds a valid **catering license**.

If your special event involves serving alcohol on City property, City Commission approval is required. The only exception is if your event has been administratively approved at **Tanner Hall, Little Hall, or City Hall**.

My kitchen closes early. Can I still serve drinks until my restaurant closes?

No. Your **commercial kitchen** is required to be open and operational and ready to provide **full course meals** to customers during all times that alcohol is sold.

I don't sell alcohol, but I want to provide it to my customers as a courtesy.

You can only offer alcoholic beverages to your clients and customers if it's **given away free of charge**, and is not conditional on purchasing any other products or services.

I want to sell beer, wine and liquor at a retail location.

Package sale vendors are still required to be located at least 5,000 feet from another **package sale vendor**. The only exception to this rule is if the package sales are incidental to a larger **grocery store** use as defined in the ordinance.