

**ARTICLE 31  
REGULATIONS FOR SPECIFIC NON-RESIDENTIAL USES**

**31.01.00.00 ALCOHOLIC BEVERAGE ESTABLISHMENTS**

Amend.10

**31.01.01.00 INTENT**

Amend.10

It is the intent of the City Commission through the provisions of this section to regulate alcoholic beverage establishments which the City Commission finds have the potential for impacts that may be injurious to surrounding land uses and to the sensibilities of the community at large if not so regulated. Such impacts may include but are not limited to the disruptive behavior of patrons, noise, and litter.

**31.01.02.00 APPLICABILITY**

Amend.10

1. The applicability of this section to a particular establishment shall be as set forth in Table 31.01.
2. The provisions of this section shall not apply to manufacturers, distributors, or importers of alcoholic beverages as governed by any State of Florida licensing and permitting requirements.
3. Where a conditional use is necessary for an alcoholic beverage establishment, these standards shall apply in addition to the standards outlined in Article 41 for the approval of conditional uses.
4. Where conformance to the distance requirements specified herein would cause unnecessary hardship, the Zoning Board of Adjustment and Appeals may issue a variance.

**TABLE 31.01  
APPLICABILITY OF ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS**

Amend.10, 11

State of Florida Alcohol Beverage License Type	Proposed Use	Alcoholic Beverage Establishment Regulations Applicable?
1 COP (Consumption On Premise: Beer Only)	Bars and other entertainment uses serving primarily beer and wine but not liquor and may serve food.	Yes
2 COP (Consumption On Premise: Beer & Wine Only)		
4 COP (Consumption On Premise: Beer, Wine, & Liquor)	Bars and other entertainment uses serving primarily beer, wine, and liquor and may serve food.	Yes
4 COP SRX (Consumption On Premise as a Restaurant: Beer, Wine, & Liquor)	Restaurants permitted in office, commercial or industrial zoning districts for which such sales are incidental, and not operated as a bar, pub or lounge having a separately-issued business tax receipt.	No
4 COP X (Consumption On Premise as a Common Carrier [Train, Airplane, Bus]: Beer, Wine, & Liquor)		

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State of Florida Alcohol Beverage License Type	Proposed Use	Alcoholic Beverage Establishment Regulations Applicable?
4 COP SR (Consumption On Premise as a Special Restaurant: Beer, Wine, & Liquor)	Restaurants permitted in office, commercial or industrial zoning districts for which such sales are incidental, and not operated as a bar, pub or lounge having a separately-issued business tax receipt.	No
2 COP SRX (Consumption On Premise as a Restaurant: Beer & Wine Only)		
4 COP S (Consumption On Premise as a Hotel: Beer, Wine, & Liquor)	Hotels or motels containing 50 or more guest rooms in office, commercial or industrial zoning districts for which such sales are incidental and not operated as a bar, pub or lounge having a separately-issued business tax receipt.	No
	Hotels or motels containing less than 50 guest rooms in office, commercial or industrial zoning districts.	Yes
1 APS (Consumption Off Premise from Package Sales: Beer Only)	Package sales for off-premise consumption.	No
2 APS (Consumption Off Premise from Package Sales: Beer & Wine Only)		
3 PS (Consumption Off Premise from Package Sales: Beer, Wine, & Liquor)	Package sales for off-premise consumption that includes liquor. Liquor stores.	Yes
All other licenses, and the above licenses, when used as an accessory use to a principal permitted or special exception use	Bowling alleys, fraternal and benevolent clubs, chartered or incorporated clubs, colleges and universities, congregate living facilities with common dining facilities, hotels, bed and breakfasts, tennis and/or racket clubs, golf courses, live performance theaters (excluding adult uses), airports, civic centers, race tracks, and symphony orchestras where alcoholic beverages are incidental.	No
14BC (Bottle Clubs)	Bottle clubs	Yes
Any License	Property owned by the City of Lakeland, if the City Commission has approved the sale of alcoholic beverages upon said city owned property.	No

31.01.03.00  
Amend.10

**STANDARDS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS IN ALL ZONING DISTRICTS EXCEPT C-6 AND C-7**

1. Distance Requirements
  - a. Minimum Distance Required From Schools

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No alcoholic beverage establishment shall be located within 1,000 feet of any school. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such establishment to the nearest point of the school ground in use as part of the school facility.

For the purpose of this section, schools shall mean all public or private establishments conducting courses of academic education but not including nurseries or kindergartens or private elementary schools not comprised of all grades through the sixth year level as recognized by the Florida Department of Education, and not including those schools devoted exclusively to vocational or business training not culminating in graduation from secondary school.

b. Minimum Distance Required From Churches, Synagogues, and Other Houses of Worship

No alcoholic beverage establishment shall be located within 500 feet of any church, synagogue, or other house of worship. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such establishment to the centerline of the principal entrance of the church, synagogue, or other house of worship.

c. Measurement of Distance In Shopping Center

Where an alcohol beverage establishment is located or intended to be located within a shopping center, or where the principal entrance of such business abuts private property or private parking area, such distance from houses of worship shall be computed by measuring the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the principal entrance of such house of worship. Such distance from schools shall be computed by measuring the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the nearest point of the school ground in use as part of the school facility.

31.01.04.00 STANDARDS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS IN AREAS  
Amend.10 ZONED C-6 AND C-7

1. Intent To Limit Potential Impacts

The number and or concentration of alcoholic beverage establishments may be limited by the City Commission if it determines that any such establishment or concentration of establishments will be detrimental to the city's downtown redevelopment plan or to the general effort of the city to eliminate slum and blight within such area.

In making this determination, the City Commission shall consider:

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- a. Whether the proposed use will result in a concentration of such uses within a particular block or part of a block so as to be detrimental to the growth and revitalization of downtown.
- b. Whether the proposed use is in close proximity to other land uses that may be particularly sensitive or unduly harmed by the negative impacts of the proposed use, such as facilities for children or for the elderly.
- c. Whether the size or scale of the proposed use is appropriate at the specific location.
- d. Whether the owners and operators of the establishment are unlikely to manage and control negative impacts as evidenced by prior criminal records, code enforcement citations or police service calls concerning other properties owned or operated by them, citizen complaints, or similar indicators.
- e. Whether the Board of Directors of the Lakeland Downtown Development Authority supports the proposed use.
- f. Other criteria which the City Commission shall consider appropriate in the particular case.

2. Distance Required From Schools and Churches, Synagogues, and Other Houses of Worship

No alcoholic beverage establishment shall be located within 300 feet of any school or the church, synagogue, or other house of worship. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the centerline of the principal entrance of the nearest the church, synagogue, or other house of worship or the nearest point of a school ground in use as part of the school facility.

For the purpose of this section, schools shall mean all public or private establishments conducting courses of academic education but not including nurseries or kindergartens or private elementary schools not comprised of all grades through the sixth year level as recognized by the Florida Department of Education, and not including those schools devoted exclusively to vocational or business training not culminating in graduation from secondary school.

3. Hours of Operation

Except as otherwise specifically restricted by the City Commission, operating hours for alcoholic beverage establishments allowing on-premise and off-premise consumption shall be controlled by Chapter 6 of the City of Lakeland Code.

4. Grounds For Revocation

The City Commission may revoke a city issued business tax receipt and/or conditional use if the alcoholic beverage establishment violates the provisions of any applicable conditional use or receives more than five (5) City of Lakeland Code Enforcement violations or more than five (5) Lakeland Police Department registered incident reports in a given calendar year.

**31.02.00.00 AMUSEMENT PARK, CARNIVAL OR CIRCUS, TEMPORARY**

**31.02.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

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Amend.4 A temporary amusement park, carnival or circus shall be established subject to the development standards generally applicable in the district where they are proposed to be located, as well as the specific standards set forth in Section 31.02.02.00.

**31.02.02.00 SPECIFIC STANDARDS FOR APPROVAL**

- Amend.4
1. Each temporary amusement park, carnival or circus shall contain not more than ten separate rides or amusement devices.
  2. There shall be no use of any mobile home or trailer for sleeping purposes.
  3. There shall be no use of any type of siren or noise-making device.
  4. Operation of such use shall be for not more than seven (7) consecutive days at any one location.
  5. There shall be not less than three hundred (300) feet of distance between any existing residence structure and any internal combustion engine, device, ride or structure used in connection with the temporary amusement park, carnival or circus.

Amend.4 6. Temporary itinerant amusement parks, carnivals or circuses that do not conform to the provisions of Subsections 1 through 5 above may be approved by the City Commission for property owned by the city.

**31.03.00.00 COMMERCIAL KENNELS**

**31.03.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted by right or as conditional use in a district, commercial kennels shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.03.02.00.

**31.03.02.00 SPECIFIC STANDARDS FOR APPROVAL**

1. No pens, runs, buildings or structures used for the confinement or shelter of household animals shall be closer than one hundred (100) feet to an existing dwelling not on the premises, or a dwelling on premises devoted to another commercial kennel, agricultural use or veterinary hospital.
2. No pens, runs, buildings or structures containing the kenneled animals shall be closer than fifty (50) feet to any property line common to property not devoted to another commercial kennel, livestock raising or feeding, poultry or rabbit ranches, agricultural use or veterinary hospital.
3. No pens, runs, buildings or structures containing the kenneled animals shall be closer than one hundred (100) feet to any street or highway.

**31.04.00.00 ADULT GAME ARCADES**

Amend.7

**31.04.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted as conditional uses in a district, Adult game arcades shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.04.02.00

**31.04.02.00 SPECIFIC STANDARDS FOR APPROVAL**

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1. Adult game arcades shall be operated in accordance with Chapter 849, F.S.
2. The applicant for conditional use for an Adult game arcade shall provide a current list of all amusement games and machines including the manufacturer, the model number, the serial number, and, if applicable, the software version of each such game or machine.
3. No conditional use shall be granted to an Adult game arcade located within 500 feet of a public or private school, day-care center, house of worship, public library or public park. The distance prescribed herein shall be measured by following the shortest route of travel along or across roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of the Adult game arcade and the centerline of the principal entrance of the protected land use.
4. Adult game arcades shall be prohibited from being open past 11:00 PM and prior to 9:00 AM.
5. All points, coupons, vouchers or other symbols of value received by a player may be used or exchanged only at the same business location where the game or machine operated by the player is located. No points, coupons, vouchers or other symbols of value received by a player may be used or exchanged for any gift certificate or similar conveyance that is redeemable at another business location.
6. All merchandise, points, coupons, vouchers or other symbols of value received by a player shall not exceed a cash value of \$40.00 in any twenty-four hour period, excepting those received for replays of amusement games or machines at the same business location. No award of cash or other negotiable instrument may be provided.
7. No conditional use shall be granted for any Adult game arcade if any person with an interest in the business, or an employee of the business, has been convicted of a violation of any Federal or State statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude within five years preceding the application. The City is authorized to conduct background checks of any or all employees to assure conformance with this requirement.
8. An adult who is twenty-one years of age or older shall be present on the Adult game arcade premises and shall supervise the operation thereof at all times during all hours of operation.
9. No alcoholic beverages including beer and wine shall be sold or consumed on the premises of an Adult game arcade.
10. No person under the age of eighteen years shall be permitted on the premises of an Adult game arcade before 4:00 PM on any day that the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.
11. Violation of any provision of this section shall be sufficient cause for revocation of the conditional use.

31.04.03.00 DEFINITIONS

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For the purpose of this Section, the following terms and words shall have the following meanings:

**Adult game arcade**

An establishment, room or place where seven (7) or more amusement games or machines are available to the public and which derives more than fifty (50) percent of its gross revenues from amusement games or machines. Provided, an establishment which does not award cash or other items of a negotiable nature or merchandise, points, coupons, vouchers or other symbols of value, excepting free replays of amusement games or machines at the same business location, to any patron exceeding \$20.00 in value in any twenty-four hour period shall not be deemed an Adult game arcade for the purposes of this Section.

**Amusement game or machine**

Any machine, device, instrument or computer operated or activated by means of coin, bill, currency, credit card, debit card, account, token or slug, for use as a game, contest of skill or amusement of any description that provides or may provide players with any thing of value including money, merchandise, services, or any points, coupons, vouchers or other specie that can be exchanged or used to receive any thing of value. This definition shall not include merchandise vending machines, mechanical or electrical musical devices, or amusement rides.

**31.05.00.00      RESERVED**

**31.06.00.00      PARKING AS A PRINCIPAL USE ON A LOT WHEN OPERATED AS AN ACCESSORY TO A USE LOCATED ON ANOTHER LOT IN THE SAME DISTRICT**

**31.06.01.00      PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted by right or as a conditional use in a district, parking shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.06.02.00.

**31.06.02.00      SPECIFIC STANDARDS FOR APPROVAL**

1.      The entire area of the lot on which the parking is located shall be within five hundred (500) feet of and adjacent to, or immediately across a public street not classified as an arterial, or across a public alley abutting the use served.
2.      The parking lot shall comply with all requirements otherwise applicable to parking lots including those requirements set forth in Articles 32 and 33.

**31.07.00.00      PARKING AS A PRINCIPAL USE ON A LOT LOCATED IN A SINGLE-FAMILY OR TWO-FAMILY DISTRICT WHEN OPERATED AS AN ACCESSORY TO A USE LOCATED IN ANOTHER DISTRICT**

**31.07.01.00      PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted by right or as a conditional use in a district, parking shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.07.02.00.

**31.07.02.00      SPECIFIC STANDARDS FOR APPROVAL**

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1. The entire area of the parking lot shall be within three hundred (300) feet of and adjacent to, or immediately across a public alley abutting the use served; provided, however, that when the use served is a church or other place of assembly, the lot on which the parking is located may be immediately across a public street abutting the use served.
2. The parking lot shall comply with all requirements otherwise applicable to parking lots including those requirements set forth in Articles 32 and 33.

**31.08.00.00 RESERVED**

**31.09.00.00 RESERVED**

**31.10.00.00 REGULATED OR ADULT USES**

Amend.4

**31.10.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

Amend.4

If permitted as conditional uses in a district, regulated or adult uses shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.10.02.00.

**31.10.02.00 SPECIFIC STANDARDS FOR APPROVAL**

Amend.4

**1. Distance or Locational Requirements**

No person shall cause or permit the establishment or substantial enlargement of a regulated or adult use within five hundred (500) feet of any residentially zoned districts or within 500 feet of another regulated or adult use, any church, school, child care facility, or public recreation area use. Substantial enlargement shall mean the aggregate increase in size of the premises upon which the regulated use is conducted by more than ten (10) percent.

Amend.4

**2. Measurement Of Distance**

Distance from another regulated or adult use or other above-specified uses shall be measured along a straight line from the point of the property line of the premises containing the regulated or adult use nearest another regulated or adult use or other above-specified use and the nearest point of the property line of said other regulated or adult use or other above-specified use.

Amend.4

**3. Non-conforming Use; Amortization**

Regulated uses which have been lawfully established at their existing locations prior to annexation into the city and which are not in conformance with the requirements of this land development code shall be required to discontinue such regulated use within one (1) year from the effective date of annexation if the regulated use continues to be in violation of the distance requirements of this section; however, in no event shall the regulated or adult use of such establishment be allowed to continue beyond that date upon which it would have been required to discontinue said regulated or adult use had the property not been annexed into the city.

When a non-conforming use of such establishment has been discontinued for thirty (30) days or more, its future use shall revert to the uses permitted in the district in which the establishment is located.

Amend.4

**4. Variance From Locational Requirements**

The Zoning Board of Adjustment and Appeals is authorized to grant a variance from the locational requirements of this code if it finds:

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- Amend.4
- a. That the proposed regulated use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the code will be observed;
  - b. That establishment of the proposed regulated use in the area will not be contrary to any programs of neighborhood conservation or urban revitalization; and
  - c. That all appropriate regulations of this code will be observed.
  - d. That a sufficient physical barrier separates the regulated or adult use for which a variance is being sought from the land uses(s) which has caused the regulated or adult use not to be in compliance with the distance or locational requirements of this section so as to substantially fulfill the purpose of these requirements. Such physical barriers include, but are not limited to, limited access streets or highways, walls, and natural or manmade waterways.
- Amend.4
- e. That the strict application of the provisions of this section will work an undue hardship unique to the applicant for a particular location.

**31.10.03.00 DEFINITIONS**

Amend.4 The definitions used in this section shall be the same as those provided within ordinances relating to regulated or adult uses.

**31.11.00.00 VETERINARY CLINICS**

**31.11.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted by right or as a conditional use in a district, veterinary clinics shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.11.02.00.

**31.11.02.00 SPECIFIC STANDARDS FOR APPROVAL**

- 1. Such hospitals and clinics and any treatment rooms, pens, or cages shall be maintained within a completely enclosed, soundproof building.
- 2. Such hospitals and clinics shall be operated in such a manner as to produce no objectionable odors outside their walls.
- 3. All buildings shall maintain a minimum distance of seventy-five (75) feet from any residential property line.

**31.12.00.00 BED & BREAKFAST ESTABLISHMENTS**

Amend.9

**31.12.01.00 PROCEDURES AND STANDARDS FOR ESTABLISHMENT**

If permitted by right or as a conditional use in a district, bed & breakfast establishments shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Section 31.12.02.00.

**31.12.02.00 SPECIFIC STANDARDS FOR APPROVAL**

- 1. Limited to single-family detached dwellings.
- 2. Minimum lot size: 12,000 sq. ft.
- 3. Located on a collector street or on the corner of two local streets.

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4. Located at least five hundred (500) feet from any existing bed & breakfast establishment.
5. The dwelling shall be the legal residence of the owner or operator of the establishment.
6. The dwelling shall retain a residential scale and appearance.
7. A minimum of one off-street parking space shall be provided per guest room in addition to two off-street parking spaces for the owner/operator.
8. One indirectly illuminated ground sign shall be permitted not to exceed eight (8) square feet in area or six (6) feet in height. Such signs in historic districts shall be subject to design review.
9. Guest rooms shall not be independent dwelling units and shall not contain kitchens.
10. If offered, meals shall be provided only as part of the accommodation to registered guests.

31.12.03.00 DEFINITIONS

For the purpose of this Section, the following terms and words shall have the following meanings:

**Bed & Breakfast Establishment**

An establishment in a single-family detached dwelling, not an inn or hotel, offering guest rooms to the general public as transient lodging accommodations and which may offer meals to registered guests as part of the accommodation.