

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	October 9, 2025	<b>Level of Review:</b>	Level 4
<b>PC Date:</b>	December 3, 2025	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	January 6, 2026	<b>Case Numbers:</b>	LDCT-2025-23
	January 20, 2026	<b>Case Name:</b>	Alcohol Separation Requirements & Hours
<b>Applicant:</b>	Polk County	<b>Case Planner:</b>	Andrew Grohowski, Planner II

<b>Request:</b>	An LDC text amendment to Chapter 2, Section 224, Alcohol Sales, to amend separation distance measurements from property/lease line to shortest legal pedestrian route; to reduce distance separations from religious institutions and schools for 1COP, 2COP, 4COP, and 3PS licenses; and to allow liquor package sales on Sundays and adjust COP Sunday hours. Providing for severability; and providing for an effective date.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approval 6-1

## The changes to Chapter 2, Section 224, Table 2.3, Alcohol Sales are:

- Reduce distance from religious institutions and school separation for beer and wine consumption on the premises from 1,000 feet to 500 feet (1COP & 2COP license).
- Reduce distance separation for beer, wine, and liquor consumption on the premises from 2,500 feet to 1,000 feet (4COP license).
- Reduce distance separation for liquor package sales from 2,500 feet to 750 feet (3PS license).
- Permitting hours in which liquor in closed containers (package) can be sold on Sundays from 12:00 P.M. to 12:00 A.M. Monday next.
- Extending the hours in which beer and wine consumption on premises can be sold on Sundays from 12-noon to 11:00 A.M. to 12:00 A.M. Monday next.

## The changes to Chapter 2, Section 224, Alcohol Sales are:

- Improve method measurement distance by the shortest route of legal pedestrian travel instead of property line to property line.

## Summary:

The objective of Section 224 of the LDC is to prevent potentially conflicting uses from co-locating in close proximity to one another. From a land use and planning standpoint, it is important to maintain a separation in alcohol businesses to religious institutions or schools. Distance and hour regulations have been part of the County regulations since the 1970s. Over the past thirteen years, Staff has found all variance data to reduce these separation distances have been approved. In many instances these distance reductions have become customary, which ultimately defeats the purpose of separation in the first place. This data precipitated further investigation into Section 224 of the Land Development Code (LDC). Based on additional analysis, Staff found inequities in how these regulations have been applied, including operation hours for incorporated and unincorporated portions of the County, and measurement methods, which can cause nuances and a loss in effective implementation. Based on these findings, Staff has recommended the following amendments in Section 224:

### Distance

- *Beer & wine consumption on premises (1&2COP) – reduce distance separation from 1,000 feet to 500' feet.*
- *Beer, wine, liquor consumption on premises (4COP) – reduce distance separation from 2,500 feet to 1,000 feet.*
- *Liquor package sales (3PS)– reduce distance separation from 2,500 feet to 750 feet.*

### Hours

- *3PS license – permit Sunday sales from 12:00 P.M. to 12:00 A.M. Monday next.*
- *1,2,4COP license – extend time of Sunday sales earlier by one hour to 11:00 A.M. to 12:00 A.M. Monday next.*

### Measurement

- *Change distance measurement from property line to property line to legal route of pedestrian travel.*

Polk is large and 83.6%, of the County is unincorporated. Polk County has seen record economic growth since 2013. Generally speaking, businesses conducting package sales on site are typical big box stores with separate liquor store entrances. There are few nuances and inconsistencies to current regulations. Religious and educational facilities within a Commercial Future Land Use Map District and sit-down restaurants are already excluded from distance separation requirements. Public perception changes over time, and many times these uses can co-exist in close proximity without any extra burden on one another. Per LDC Section 121.C.3, if a school or religious institution arrives after a business serving alcohol has been established, the discontinuance of alcohol sales is not necessary, and no extra burden of approval would be placed on either entity.

Staff finds these amendments can help continue to draw economic development for potential tax revenue. It will also provide consistency with other jurisdictions to attract businesses that would otherwise locate elsewhere. Besides these benefits across the board, the intent would also help reduce Staff burden on variances that regularly receive approval and to ensure variances are last resort.

## Data and Analysis Summary

An audit of prior variances presented before the Board of Adjustment or Land Use Hearing Officer was conducted dating back to 2012. These variances are relief to the separation requirements between a proposed business and a religious institution or school outlined in Section 224, Table 2.4 of the LDC. Regardless of the type of alcohol license, all sixteen requests in reductions have been approved in the past thirteen years, including one variance this past September (*Exhibits 1 & 2*).

Staff surveyed the counties along the I-4 corridor, abutting counties, similar counties, and all cities in Polk, totaling twenty-three (23) jurisdictions. Research has revealed that Polk is the most restrictive when it comes to package sale distance and hour requirements. Five of the 13 county local governments have no distance regulations, and all counties surveyed permit package sales on Sunday. In terms of consumption on site, Polk and five other jurisdictions lead the pack with the highest separation distances. A major discrepancy discovered is that businesses who conduct package sales in the unincorporated portion are unable to do so but would be able to if they were within almost all city jurisdictions in Polk. A fair assumption is that business owners in unincorporated Polk are losing package sales revenue to competitors that are within city limits on Sunday. Additionally, for separation requirement from schools and churches, Polk is one of four jurisdictions (Brevard, Eagle Lake, Polk City) that measure from property line to property line. The method of measurement is inconsistent from the primary objective: to prevent easy public access. Measuring between property lines is not a real world indicator, and ignores parcel shape and size, internal roads, and structures. The remaining jurisdictions surveyed measure from legal pedestrian routes.

This amendment applies to all lots or parcels within the unincorporated areas of the County including the Green Swamp Area of Critical State Concern, with all schools and religious institutions located outside of a Commercial Future Land Use Map District (CC, NAC, CAC, RAC, HIC, LCC, CE, TCX and TCC). The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. There are no conflicts with the Comprehensive Plan or Florida Statutes in the implementation of this amendment.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 2, Section 224, to amend separation distance measurements from property/lease line to shortest legal pedestrian route to reflect a more accurate depiction of real-world implementation.*
2. *The request is a Land Development Code text amendment to Chapter 2, Section 224, Table 2.4, to reduce distance separations for beer and wine consumption on site (1COP & 2COP) at establishments to 500 feet from religious institutions or public and private kindergarten through 12<sup>th</sup> grade school.*
3. *The request is a Land Development Code text amendment to Chapter 2, Section 224, Table 2.4, to reduce distance separations for liquor consumption on site (4COP) at establishments to 1,000 feet from religious institutions or public and private kindergarten through 12<sup>th</sup> grade school.*
4. *The request is a Land Development Code text amendment to Chapter 2, Section 224, Table 2.4, to reduce distance separations for beer, wine, and liquor in closed containers (package;3PS) to 750 feet from religious institutions or public and private kindergarten through 12<sup>th</sup> grade school.*
5. *The request is a Land Development Code text amendment to Chapter 2, Section 224, Table 2.4, to permit Sunday hours in which liquor in closed containers (package) can be sold starting from 12:00 P.M. to 12:00 A.M Monday next.*
6. *The request is a Land Development Code text amendment to Chapter 2, Section 224, to extend the time by one hour in which beer, wine, and liquor consumption on the premises (1COP, 2COP, 4COP) can be sold on Sundays from 11:00 A.M. to 12:00 A.M. Monday next.*
2. *This amendment applies to all commercial establishments within the unincorporated areas of the County and religious institutions and schools located outside of a Commercial Future Land Use Map District.*
3. *Per Section 224 of the LDC, “Commercial Future Land Use Map Districts include the following: CC, NAC, CAC, RAC, HIC, LCC, CE, TCX and TCC.”*
3. *Section 224 of the Land Development Code measures distance separation from property boundaries. This amendment proposes the measurement method instead of the legal route of pedestrian travel (i.e. crosswalks, sidewalks).*
5. *The Comprehensive Plan does not address alcohol beverage sales.*
7. *This amendment changes the regulations of commercially designated properties in the Green Swamp Area of Critical State Concern.*
9. *Planning staff has reviewed the land development requirements of 13 central Florida counties that bear commonalities with Polk and 13 municipalities in the County. Staff found that all of the 26 jurisdictions surveyed have smaller distance separations than Polk for beer wine, and liquor package sales and beer, wine and liquor consumption on premises. Five of the 13 county local governments have no distance regulation. All counties permit package sales on Sunday. Two cities have no regulations depending on the license or if it is a religious institution. Besides Polk, only one county and two cities measure distance from property line. The remaining 22 jurisdictions measure via pedestrian travel.*
12. *The County comprises an area of approximately 2,010 square miles. Based on available County GIS data, about 85% of the County, including Auburndale and Mulberry are losing liquor package sales revenue on Sundays.*

## Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2025-23.

**Planning Commission Recommendation:** On December 3rd, 2025, in an advertised public hearing, the Planning Commission voted 6:1 to **recommend APPROVAL of LDCT-2025-23.**

## Analysis:

Current regulations The Florida Department of Business and Professional Regulation is the agency charged with licensing and regulating businesses and professionals in the State of Florida, such as alcohol beverage sales among others. The Department is under the executive branch of the Governor and is governed by Chapter 120, F.S. The Department is structured according to the requirements of Section 20.165, F.S. Alcohol beverage sales are primarily regulated under Chapter 561 of the Florida Statutes. There are approximately 46 different types of alcohol beverage licenses issued by the Department. Within over 20 of the State license applications is a requirement for a signature from a local zoning official that the request meets local zoning laws.

Based on an internal audit of prior variances from the Land Use Hearing Officer, all variances to reduce distance requirements have been approved. The 1,000-foot and 2,500-foot separation requirements, in addition to the measurement of property lines, typically have alcohol sales and service establishments apply for variance should there be a school or religious institution nearby. It is worth examining these numerical values to ensure that current regulations are appropriate and variances from distances do not become “de-facto” customary standard. Staff has found in recent years that these distances and methods of measurement are not always a “one-size fits all” and can be less effective based on different property characteristics and circumstances, such as size or proximity. Based on city and county comparisons totaling twenty-three jurisdictions, Polk has the most restrictive distance for both liquor package sales and liquor on-premises consumption. Additionally, Polk is the only County that prohibits liquor package sales on Sunday. The County is also one of just three jurisdictions that measure from property line to property line, rather than legal pedestrian movement. The purpose of distance separation is to protect the consumer from schools and religious institutions. Pedestrian travel, rather than property line, is a more accurate method of measurement that depicts real-world phenomena. Staff has recommended the following amendments in Section 224:

### Distance

- *1&2COP licenses – reduce distance separation from 1,000 feet to 500’ feet.*
- *4COP license – reduce distance separation from 2,500 feet to 1,000 feet.*
- *3PS license – reduce distance separation from 2,500 feet to 750 feet.*

### Hours

- *3PS license – permit Sunday sales from 12:00 P.M. to 12:00 A.M. Monday next.*
- *1,2,4COP license – extend time of Sunday sales from 11:00 A.M. to 12:00 A.M. Monday next.*

### Measurement

- *Change distance measurement to legal route of pedestrian travel.*

From a compatibility standpoint, distance and hour regulations are still implemented and comparative with the majority of other districts. These changes will not only reflect surrounding areas and provide businesses economic opportunities but also maintain the purpose of LDC Section 224. The following is a detailed explanation of the changes proposed, benefit-cost analysis, regulatory history, scope, jurisdictional comparison, and review of Comprehensive Plan and Florida statutes.

## **Section 224, Table 2.4 - Distance Separation**

Setbacks are one of the many effective methods planners utilize to regulate where alcohol servicing establishments can be located in proximity to religious institutions and schools. The current distance requirements in unincorporated areas of Polk County do not permit beer and wine consumption on premises within 1,000 feet from any religious institution or school. Liquor consumption on premises and liquor package sales require 2,500 feet of separation. However, sometimes not all factors are considered, and circumstances vary on a case-by-case basis. Since 1983 and per LDC Section 930, a variance to these separation requirements through the Board of Adjustment (BOA), now known as the Land Use Hearing Officer (LUHO), has allowed possible relief from these distances where they might otherwise not be met.

Staff has conducted an audit of prior variances to alcohol separation distance requirements since 2012. The amount of variance requests the LUHO hears for alcohol distance separation varies per year. Eleven (11) variances to reduce package sales (3PS) were identified. Also, five (5) cases to reduce beer, wine, and liquor consumption on premises (1COP, 2COP, 4COP) were identified. Since 2012, all eleven (11) variance cases to reduce the 2,500-foot distance requirement for liquor package sales were approved by the BOA or LUHO (*Exhibit 1*). The average setback reduction approved was about 1,932 feet, which is equivalent to 568 feet of separation from liquor package sales (3PS) and religious institutions, schools, or a combination thereof.

Requests to reduce distance separation for consumption licenses are also significant. Since 2012, all five (5) variance cases to reduce the 1,000-foot distance for beer, wine, and/or liquor consumption on the premises were approved by the BOA or LUHO (*Exhibit 2*). The average setback reduction approved was about 576 feet, which is equivalent to 424 feet of separation from a 1COP, 2COP, or 4COP licensed establishment and religious institutions, schools, or a combination thereof.

In the past thirteen years, Staff found that all alcohol variances for standard retail licenses have been approved, and so an amendment to these distances is worth examining. If many variance cases are approved over a long period of time, then the reduction in distance may begin to take precedent and become customary, rather than the regulation itself. This insight would defeat the purpose of the variance process, as the existing separation requirements do not serve their general intent and purpose. This amendment proposes reductions in standard retail licenses outlined in Table 2.4, which would reduce beer, wine, and liquor package sales from 2,500 feet to 750 feet. This proposed distance is not dissimilar to other counties or cities examined. According to comparisons with other jurisdictions, Polk County has the highest separation distance when it comes to liquor package sales (Tables 1 & 2). The proposal would put the County in line with the majority of other counties, five of which have no distance requirements whatsoever.

Furthermore, this proposal illustrates the uneven nature of alcohol policies in Polk County. It is important to realize that the separation requirements of Section 224 apply to a wide variety of uses that have disparate intensities and effects upon the surrounding area. Bars and lounges, for instance, require a 4COP license for consumption on premises as well as sit-down restaurants with less than 120 seats and 2,000 square feet (F.S. 561.20). Sit-down restaurants that exceed the minimum seat and size requirements are allowed to serve alcohol without having to go through the variance process and can locate adjacent to a religious institution or school (4COP-SRX). Many times these uses can co-exist in close proximity without any extra burden on one another. Per LDC Section 121.C.3, if a school or religious institution arrives after a business serving alcohol has been established, the discontinuance of alcohol sales is not necessary and no extra burden of approval would be placed on either entity. Staff encounters alcohol sales as an administrative type of review (Level 1) in different

instances. However, since a school or religious institution was established first, the applicant must go through a variance process or walk away.

Given prior variances and county and municipal comparisons, Staff has proposed alternatives to distance separation for consumption on premises while preventing potentially conflicting uses from co-locating in close proximity and duly impacting one over the another. This amendment proposes a reduction in distance separation for beer and wine consumption on premises from 1,000 feet to 500 feet (1 & 2COP) and to reduce beer, wine, and liquor consumption on premises from 2,500 feet to 1,000 feet (4COP). There is still adequate separation from the proposed uses where both can function accordingly. Similar to liquor package sales, Polk County has the highest separation distance when it comes to beer, wine, and liquor consumption on premises compared to both other counties and municipalities (Tables 1 & 2). The proposed values reflect typical distances found from other jurisdictions. Including places with no distance restrictions, eight out of thirteen counties have consumption on premise separation requirements less than 1,000 feet, regardless of the type of alcohol being served. This amendment allows a more effective numerical value for separation

#### **Section 224 - Method of Measurement**

Current standards to measure separation distance from an alcoholic establishment carrying a retail license to a religious institution or school is from property line to property line. Similar to numerical values for distance separation, the current methodology for measuring is not always the most accurate depiction of real-world phenomenon. Property sizes vary greatly. The business may be located in a large-scale retail plaza. The primary objective for separation is to separate the consumer from the protected use and prohibit public access where it is easily accessible. Pedestrians and vehicles typically travel much further than the property line measurements including crossing major highways, intersections and crossings in order to enter the buildings themselves. The actual distance between an entrance and a property boundary is much greater, and there are typically existing physical barriers between the uses that greatly increase one's perceptual distance.

Therefore, the purpose of measuring can sometimes get lost in translation as to why Staff regulates the distance separation in the first place – to prevent easy public access. From a comparison standpoint, only one out of the thirteen counties analyzed measure from the property line (Table 1). Two of the thirteen municipalities measure from the property line with one not having distance requirements at all (Lake Alfred, Table 2). The remaining twenty-three jurisdictions utilize legal pedestrian travel for distance measurements. This amendment will use the shortest route of legal pedestrian travel from the main entrance of such place of business to the main entrance of a religious institution or school. Staff believes this change reflects a more accurate depiction of real-world phenomena and eliminates arbitrary calculations.

#### **Section 224, Table 2.4 - Sunday Package Sales**

The current regulations regarding Sunday alcohol sales in the unincorporated areas of Polk County allow beer and wine package sales between 7 A.M. and 2:00 A.M. Beer, wine, and liquor consumption on premises are permitted between the hours of 12 noon and midnight. Liquor package sales are prohibited on Sunday. Staff has completed an inventory of the times in which alcohol is allowed to be served on Sundays for thirteen counties (Table 1) and thirteen municipalities (Table 2) within Polk. Based on this information, all cities within the County, except Auburndale and Mulberry, permit liquor package sales on Sunday. All thirteen counties except Polk have Sunday hours for liquor package sales.

From an economic perspective, these regulations may affect where new stores decide to locate. Businesses in unincorporated portions of the County are losing potential package sales on Sundays

compared to those within city limits. Including two cities, that is about 85% of the entire County. If most of a business's revenue relies on package sales, the opportunity cost for that store to annex or locate within city limits may be low. For example, Publix may have greater package sales revenue by selling within a city's jurisdiction, rather than the County. In terms of consumption on premises, like package sales, all nearby counties permit Sunday operations, including Polk. However, the majority, or twelve (12), begin prior to 12 noon. Proposed consumption on the premises for a business would increase their Sunday operations by one hour, or 11 A.M. Meanwhile, liquor package sales would begin at 12 noon. This proposal allows the County to maintain competitive advantage for business owners who may find higher revenues in a city or another county that allows Sunday sales where they otherwise may not have in the unincorporated area.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

This proposal provides greater economic opportunities and flexibility to where businesses decide to locate, which allows for more competition and additional options in a commercial area. Allowing an expansion in hours generates additional business revenue in the unincorporated areas where it would not be capable otherwise. Additionally, the hours can generate additional tax revenue through new sales. Greater commercial options with mixed uses are encouraged. And this proposal will more effectively align with real-world phenomena and cater to more unique property circumstances while safeguarding existing uses. The proposal helps maintain the County's competitiveness and consistency when compared to nearby jurisdictions. Lastly, a decrease in Staff burden on variance applications is anticipated.

#### *Who does it hurt?*

There may be other homeowners that fear these changes can intensify activity within their neighborhood, detracting from their overall quality of life. The impact to residential uses is unlikely as these commercial uses are still required to locate in non-residential land use districts. Schools and religious institutions are considered non-residential uses as well and can be located adjacent or near other more intensive non-residential uses without any issues. For example, in the appropriate land use district, a manufacturing facility operating 24 hours per day can be located just 20 feet away from a school or church through Level 2 Review. This proposal still requires alcohol separation on a much larger distance compared to other more intensive uses which may be permitted by right. Typically, businesses selling alcohol are among large commercial operations, such as a retail plaza or corridor. The measurement in separation will require a legal pedestrian route, so limiting access is still maintained. Lastly, operating hours during regular church services may overlap but does not present any large conflicts - residents can already purchase beer and wine packages after 7 A.M. on a Sunday. Amending the operating hours for consumption and package sales are on Sundays, so school days will not be affected.

#### *What is the cost?*

These changes may help reduce variance applications Staff receives. This provides fewer potential costs an applicant may if they were to submit for a variance. Additionally, providing additional operating hours for businesses may increase their revenue thereby decreasing their overall costs.

### **Regulatory History**

It was not until 1975 after the first zoning ordinance in November 1970 that alcohol beverage regulations took effect in unincorporated portions of the County, which included distance requirements and operation hours. The sale of malt beverages with alcoholic content greater than 1% by weight and wine of any alcoholic content was prohibited within 1,000 feet of any established church and school (1 & 2 COP). Meanwhile any alcoholic beverage with an alcoholic content greater than 1% by weight were prohibited within 2,500 feet from a church or school. In December 1978,



hours of sale were introduced which prohibited Sunday sales of alcohol more than 14% by weight (3PS). In January 1983, a variance process to these distance separation requirements was implemented as an option through the Board of Adjustments. On the effective date of the LDC, distance and hour requirements remained unchanged and Section 224 was part of the original adoption in 2000, which included the illustration table (Table 2.3). It was not until August 2018 that beer and wine package sales (1/2 APS) were permitted on Sundays (*Ord. 18-49*). As part of the ordinance, Table 2.3 was modified and expanded to include distance and hour requirements for various types of alcohol licenses, such as 4COP-SRX (Restaurants) and 11C (Private Clubs). No amendments have been introduced to LDC Section 224 since then.

### Limits of the Proposed Ordinance

This amendment applies to all places of commercially designated lots or parcels within the unincorporated areas of the County, located outside of a Commercial Future Land Use Map District (CC, NAC, CAC, RAC, HIC, LCC, CE, TCX and TCC) and including the Green Swamp Area of Critical State Concern. The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the DEO Community Planning Department Areas of Critical State Concern Program prior to becoming effective. Most of these businesses are convenience stores that are placed at an economic disadvantage due to their inability to sell these products at the same time as their competitors in the nearby city jurisdictions. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code. It only clarifies its intent.

### Comparisons to other Jurisdictions:

Staff commonly survey counties on the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. To ensure a thorough analysis, some of the abutting counties are reviewed along with all the cities within the County. Alachua and Duval are also reviewed because of similar demographic and urban-rural mixture. This method of selection creates a survey of 13 counties and 13 cities totaling 26 jurisdictions.

In terms of liquor package licenses, all but three (3) of the twenty-six (26) jurisdictions surveyed permit Sunday sales (Auburndale, Mulberry, & Alachua). While all jurisdictions permit beer and wine consumption on Sundays, more than half (17) permit 1&2COP licensed businesses to serve earlier than noon (11 counties and 6 cities). Additionally, Polk County has the most restrictive separation distance for both liquor package and consumption at 2,500 feet (3PS & 4COP). Five counties, including Alachua, Lake, Manatee, Osceola, and Volusia have no distance requirements from religious institutions or schools whatsoever. Details of this survey are found in Table 1 to follow.

**Table 1 - County**

Jurisdiction (Code citation)	Sunday Sales		Religious & School Separation Distance			Pedestrian Measure- ment?
	Beer & Wine Consumption	Liquor Package	Beer & Wine Consumption	Liquor Consumption	Liquor Package	
<b>Alachua County</b> <i>Sec. 63.01 thru 63.24</i>	1PM – 11PM	1PM – 11PM	No restrictions	No restrictions	No restrictions	N/A
<b>Brevard County</b> <i>Sec. 62-1906 Sec. 6-1 to 6-4</i>	24 hours	24 hours	300'	300'	No restrictions	No; Property line
<b>Duval County</b> <i>Sec. 154.100 thru 402 Sec. 656.800 thru 809</i>	6AM – 2AM Monday	6AM – 2AM Monday	1,500'	1,500'	500'	Yes; Building to property line

**Table 1 - County**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Sunday Sales</b>		<b>Religious &amp; School Separation Distance</b>			<b>Pedestrian Measurement?</b>
	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Package</b>	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Consumption</b>	<b>Liquor Package</b>	
<b>Hardee County</b> <i>Sec. 2.28.00</i>	12PM – 1AM Monday	12PM – 1AM Monday	500’	500’	500’	Yes; Entrance to property line
<b>Highlands County</b> <i>Sec. 3-1 thru 3-5</i> <i>Sec. 12.08.101</i>	7AM – 2AM Monday	7AM – 2AM Monday	1,500’ (School) 500’ (Church)	1,500’ (School) 500’ (Church)	1,500’ (School) 500’ (Church)	Yes; Entrance to property line
<b>Hillsborough County</b> <i>Sec. 6.11.11</i>	11AM – 3AM Monday	11AM – 3AM Monday	500’	500’	500’	Yes; “Wet-zone area” to property line
<b>Lake County</b> <i>Sec 3-1 thru 3-7</i>	7AM – 2AM Monday	7AM – 12AM Monday	No restrictions	No restrictions	No restrictions	N/A
<b>Manatee County</b> <i>Sec. 2-3-1 thru 2-3-9</i> <i>Sec. 531.4</i>	7AM – 2:30AM Monday	7AM – 2:30AM Monday	No restrictions	No restrictions	No restrictions	N/A
<b>Orange County</b> <i>Sec. 38-1414 thru 1415</i> <i>Sec. 4-1 thru 4-5</i>	11AM – 2AM Monday	9AM – 2AM Monday	1,000’	1,000 (Church) 500’ (School)	1,000’	Yes; Entrance to entrance
<b>Osceola County</b> <i>Sec. 3-1 thru 3-5</i>	11AM – 2AM Monday	9AM – 2AM Monday	No restrictions	No restrictions	No restrictions	N/A
<b>Pasco County</b> <i>Sec. 6-26 to 6-30</i> <i>Sec. 503.3, 525.2, 526.2, &amp; 527.3</i>	7AM – 2AM Monday	7AM – 2AM Monday	1,000’	1,000’	1,000’	Yes; Structure to property line
<b>Seminole County</b> <i>Sec. 15.41</i> <i>Sec. 30.6.6</i>	7AM – 2AM Monday	7AM – 2AM Monday	1,000’	1,000’	1,000’	Yes; Entrance to building/property line
<b>Volusia County</b> <i>Sec. 6-1 thru 6-2</i>	7AM – 2AM Monday	2PM – 2AM Monday	No restrictions	No restrictions	No restrictions	N/A

**Table 2 - Municipality**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Sunday Sales</b>		<b>Religious &amp; School Separation Distance</b>			<b>Pedestrian Measurement?</b>
	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Package</b>	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Consumption</b>	<b>Liquor Package</b>	
<b>Auburndale</b> <i>Sec. 4-1 thru 4-5</i>	12PM – 12AM Monday	N/A	750’	750’	500’	Yes;
<b>Bartow</b> <i>Sec. 6-1 thru 6-9</i>	9AM – 12AM Monday	9AM – 12AM Monday	500’ (School) 300’ (Church)	500’ (School) 300’ (Church)	200’	Yes; Entrance to entrance/grounds
<b>Davenport</b> <i>Sec. 3-1 thru 3-9</i>	12PM – 12AM Monday	12PM – 12AM Monday	1,000’	1,000’	500’	Yes
<b>Dundee</b> <i>Sec. 6-1 thru 6-6</i>	12PM – 12AM Monday	12PM – 12AM Monday	500’ (School) No restrictions (Church)	500’ (School) No restrictions (Church)	500’ (School) No restrictions (Church)	Yes; Entrance to entrance/grounds
<b>Eagle Lake</b> <i>Sec. 3-1 thru 3-3</i>	12:01PM – 12AM Monday	12:01PM – 12AM Monday	500’	500’	300’	No; Property line
<b>Haines City</b> <i>Sec. 4-1 thru 4-10</i>	7AM – 12AM Monday	12PM – 12AM Monday	No restrictions	600’	No restrictions	Yes; Entrance to entrance
<b>Lake Alfred</b> <i>Sec. 6-1 thru 6-7</i>	12PM – 12AM Monday	12PM – 12AM Monday	No restrictions	No restrictions	No restrictions	N/A
<b>Lake Hamilton</b>	12PM – 12AM Monday	12PM – 12AM Monday	750’ (School) 500’ (Church)	750’ (School) 500’ (Church)	750’ (School) 500’ (Church)	Yes; Entrance to entrance

**Table 2 - Municipality**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Sunday Sales</b>		<b>Religious &amp; School Separation Distance</b>			<b>Pedestrian Measurement?</b>
	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Package</b>	<b>Beer &amp; Wine Consumption</b>	<b>Liquor Consumption</b>	<b>Liquor Package</b>	
<i>Sec. 4-1 thru 4-4</i>						
<b>Lake Wales</b> <i>Sec. 5-1 thru 5-6</i> <i>Sec. 23-342</i>	8AM – 2AM Monday	6AM – 2AM Monday	No restrictions	500'	500'	Yes; Building to property/building
<b>Lakeland</b> <i>Sec. 5-4</i> <i>Sec. 6-5</i>	7AM – 2AM Monday	7AM – 2AM Monday	1,000 <i>(School)</i> 500' <i>(Church)</i>	1,000 <i>(School)</i> 500' <i>(Church)</i>	1,000 <i>(School)</i> 500' <i>(Church)</i>	Yes; Entrance to entrance/grounds
<b>Mulberry</b> <i>Sec. 4-1 thru 4-7</i>	7AM – 2AM Monday	N/A	300'	300'	300'	Yes; Entrance to entrance/grounds
<b>Polk City</b> <i>Sec. 6-1 thru 6-106</i>	7AM – 2AM Monday	7AM – 2AM Monday	300'	750'	750'	No; Property line
<b>Winter Haven</b> <i>Sec. 3-1 thru 3-2</i> <i>Sec. 21-96</i>	12PM – 12AM Monday	7AM – 2AM Monday	400'	400'	400'	Yes; Entrance to entrance/grounds

In terms of distance, four (4) counties and one (1) city have no separation requirements. Haines City requires a distance only for beer, wine, and liquor consumption (4COP). Lakeland, Dundee, Bartow, and Highlands County have different distances for churches and schools. None of the jurisdictions surveyed prohibit liquor package sales on Sunday except Auburndale and Mulberry. For the places that implement distance, only one (1) county and two (2) cities measure separation from property line to property line (Brevard, Eagle Lake, & Polk City).

### **Consistency with the Comprehensive Plan**

There is no reference to alcohol beverage sales in the Future Land Use Element of the Comprehensive Plan, Green Swamp Critical Area Resource Management Plan, any of the Selected Area Plat or the School Facilities Element.

### **Consistency with the Florida Statutes**

The Florida Statutes enforces Beverage Law hours in Chapter 562. It enables all local governments to regulate the time for sale of alcoholic and intoxicating beverages. Otherwise, “no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division between the hours of midnight and 7 a.m. of the following day.” No distance separation from schools or religious institutions are mentioned.

**Comments from Other Agencies:** None.

**Draft Ordinance:** under separate attachment

### **Exhibits:**

Exhibit 1 – Land Use Hearing Officer Data (Liquor Package Sales)

Exhibit 2 – Land Use Hearing Officer Data (Consumption on Premise)

**Exhibit 1**

<b>Case</b>	<b>BOA/LUHO Date</b>	<b>School(s)/Religious Institution(s)</b>	<b>Requested Setback (measured from property line)</b>
VAR 12-56	7/26/12	Seven Churches & One High School	0 feet
VAR 12-73	8/23/12	Two Churches & One High School	119'
LDVAR-2019-55	8/22/19	One Church	220'
LDVAR-2019-72	9/26/19	Two Churches & One Middle School	1335'
LDVAR-2020-57	6/26/20	One Church	120'
LDLVAR-2021-107	11/15/21	Two Schools & One Church	135'
LDLVAR-2022-36	7/28/22	One Church	2100'
LDLVAR-2024-10	4/25/24	Four Churches	879'
LDLVAR-2024-12	4/25/24	Four Churches & One Elementary School	1000'
LDLVAR-2024-27	7/25/24	Three Churches	150'
LDLVAR-2025-1	3/27/25	Two Churches	200'

**Exhibit 2**

<b>Case</b>	<b>BOA/LUHO Date</b>	<b>School(s)/Religious Institution(s)</b>	<b>Requested Setback (measured from property line)</b>
LDLVAR-2021-122	1/27/22	Two Churches	2COP 640'
LDLVAR-2022-54	8/25/22	One School & One Church	2COP, 220'
LDLVAR-2023-67	2/22/24	One Church & One School	2COP 340'
LDLVAR-2024-46	11/12/24	One School	2COP, 700'
LDLVAR-2024-31	8/29/24	One School & One Church	4COP, 220'