

**ORDINANCE NO. 13-11**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, CREATING A DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENT, BY ADDING ARTICLE III DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT; AMENDING CHAPTER 6, SECTIONS 6-8, 6-9(d) AND 6-10(a) & (b) ALCOHOLIC BEVERAGES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 27, 2013 the City Commission approved the adoption of the Strategic Plan including the following two goals: “To be a beautiful, livable city with a vibrant lakefront identity” and “To expand the local economy”; and

**WHEREAS**, the City’s Downtown Master Plan encourages coordinated community efforts to build a reputation for being a livable, walkable, and fun place; and

**WHEREAS**, the Eustis Historic Downtown is located along a navigable waterway, Lake Eustis in the Harris Chain of Lakes; and

**WHEREAS**, a designated Entertainment District would encourage downtown and waterfront growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

**WHEREAS**, the City of Eustis has determined that the proposed revisions are consistent with the City’s Comprehensive Plan and will protect and promote the health, safety and welfare of the community.

**NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:**

**Section 1.** That the City of Eustis Code of Ordinances be amended by adding Article III to Chapter 10 as follows:

**Article III: Downtown Waterfront Entertainment District**

**Section 10-84 Purpose.**

The purpose of this Article is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the City hereafter referred to as the Downtown Waterfront Entertainment District. The regulations within this Article create an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among downtown merchants; and encourage private development of entertainment facilities which enhance and complement the use of the public facilities.

### **Section 10-85 District Boundaries.**

The Downtown Waterfront Entertainment District shall mean an area depicted in “Exhibit A” of this ordinance and generally described as: beginning at the eastern boundary, those City blocks west of Grove Street to Lake Eustis, from Orange Avenue to Clifford Avenue; and those City blocks west of Bay Street to Lake Eustis, from Clifford Avenue to Park Avenue; and those City blocks west of Eustis Street between Citrus Avenue (to the railroad tracks on Lakeshore Drive) and W. Orange Avenue. It shall also include the Eustis Lake Walk and Ferran Park excluding any pool, playground or water park area.

### **Section 10-86 Outside Consumption in the Entertainment District.**

Within the Downtown Waterfront Entertainment District, the following shall apply:

- (a) **On-street possession / consumption hours.** On-street possession / consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized Thursday through Saturday between the hours of 10 a.m. to 10 p.m. Extended hours for City or City-sponsored events may be granted with prior approval by the City Commission, not to exceed the ordinance hours of sale.
- (b) **One drink on-street limit.** Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
- (c) **Size limited to 16 ounces.** No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Waterfront Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (d) **Drinking from can, bottle or glass prohibited.** It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except as authorized and approved as outdoor dining.

### **Section 10-87 Hours for Music and Entertainment.**

Music, singing and other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, however, such outdoor music, singing and entertainment shall only be permitted on Thursday through Saturday between the hours of 7 a.m. and midnight and legal holidays as provided by state law. Entertainment provided in compliance with this section shall not be considered a public nuisance.

## **Section 10-88 Games, Sporting Events and Entertainment**

Games, sporting events, artistic performances and other such forms of organized entertainment are encouraged and allowed within the Downtown Waterfront Entertainment District, subject to compliance with all applicable safety regulations and approved through the permitting process.

## **Section 10-89 Temporary Street Closures**

Authorized temporary street closures in the district area will be limited to City or City-sponsored events.

**Section 2.** That the City of Eustis Code of Ordinances, Chapter 6, Section 6-8 **Drinking in Public** be amended as follows:

Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it shall be unlawful for any person to drink or possess an opened container of any alcoholic beverage at any public place as defined in section 1-2.

**Section 3.** That the City of Eustis Code of Ordinances, Chapter 6, Section 6-9(d) **Certain conduct prohibited** be amended as follows:

- (c) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, no owner or operator of an establishment located within the municipal limits of the city dealing in alcoholic beverages shall permit or allow any person to consume alcoholic beverages on any parking lot owned, leased or otherwise controlled by the owner of the establishment regardless of whether the parking lot is contiguous to the establishment if patrons of the establishment use the parking lot.

**Section 4.** That the City of Eustis Code of Ordinances, Chapter 6, Section 6-10(a) & (b) **Public nuisance; unlawful acts** be amended as follows:

- (a) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverages outside of but within 100 feet of any establishment dealing in alcoholic beverages or within any parking lot serving such establishment.
- (b) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining outside of but within 100 feet of any establishment dealing in alcoholic beverages or within any parking lot serving such establishment.

**Section 5. Conflict.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6. Severability.**

Should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 7. Effective Date.**

This Ordinance shall become effective immediately on passing.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

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Kress T. Muenzmay  
Mayor/Commissioner

**ATTEST:**

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Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012 by Kress T. Muenzmay, Mayor and Mary C. Montez, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires: \_\_\_\_\_  
Notary Serial No: \_\_\_\_\_

**CITY ATTORNEY'S OFFICE**

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
Derek A. Schroth  
City Attorney's Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance No. 13-11 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Senior Center, all within the corporate limits of the City of Eustis, Lake County, Florida.

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Mary C. Montez, City Clerk