

ORDINANCE NO. C-13-29

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROHIBIT PACKAGE LIQUOR STORE, CONVENIENCE KIOSK, CONVENIENCE STORE, CONVENIENCE STORE, MULTI-PURPOSE AND SUBSTANTIALLY SIMILAR USES WITHIN THE NORTHWEST REGIONAL ACTIVITY CENTER ("NWRAC") LAND USE DESIGNATION OF THE CITY OF FORT LAUDERDALE COMPREHENSIVE PLAN.

WHEREAS, pursuant to Resolution No. 95-86 on June 2, 1995, the City Commission found the existence of blight conditions in an area of the City of Fort Lauderdale, known as the Northwest-Progresso-Flagler Heights Community Redevelopment Area as more particularly described in that resolution, such area being referred to herein as the NWPCRA and declared the City Commission to be the Community Redevelopment Agency (Agency) for that area pursuant to section 163.346 Florida Statutes: and

WHEREAS, pursuant to Resolution No. 95-170, the City Commission adopted the NWPCRA Plan on November 7, 1995; and

WHEREAS, In order to achieve the objectives and opportunities for redevelopment as identified in the Northwest Progresso/Flagler Heights Community Redevelopment Area, the City has established a Northwest-Regional Activity Center ("NWRAC"); and

WHEREAS, the uses identified as liquor store and convenience store have been perceived as contributing to the decrease in the value of property in the NWRAC and as having a negative impact on vehicular and pedestrian traffic; and

WHEREAS, pursuant to Ordinance No. C-11-17 adopted on August 23, 2011, the City Commission imposed a moratorium within the City of Fort Lauderdale on the acceptance by City of an application for or issuance of a permit for a liquor store or convenience store on property located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area in order to evaluate the impacts of these uses and existing conditions relating to crime, and to recommend zoning amendments to facilitate investment and redevelopment in the area; and

WHEREAS, City staff has conducted the necessary studies and have found that research generally supports the finding that neighborhoods where liquor and convenience stores are concentrated, have more incidences of violence and other alcohol-related problems and that

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there is a strong correlation between the density and location of establishments that sell packaged alcohol and incidences of violence; and

WHEREAS, it is recognized because of the correlation of serious objectionable activity with liquor and convenience stores that these uses pose an adverse secondary effect on adjacent properties, particularly when several are concentrated together or are located in proximity to businesses of a community nature, residential areas and churches and school, or both thereby having a deleterious effect upon the adjacent areas, and

WHEREAS, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, in furtherance of the objective of the NWPCRA, the proposed regulation of liquor stores and convenience stores within the NWRAC will promote the health, safety, morals, and general welfare of the citizens of the city by establishing reasonable regulations to prevent the deleterious secondary effects of these uses within the NWRAC.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-6, Business Zoning Districts, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

SECTION 47-6. BUSINESS ZONING DISTRICTS

...

Sec. 47-6.10. - List of permitted and conditional uses, Community Business (CB) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, and Accessory Uses, Buildings and Structures.

A. PERMITTED USES	B. CONDITIONAL USES: See Sec. 47-24.3
Any use in the Community Business district, and its accessory uses, together or individually when greater than 10,000 square feet in total area, must be approved as a site plan level III, as provided in Sec. 47-24.2.	

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A. PERMITTED USES	B. CONDITIONAL USES: See Sec. 47-24.3
...	
4. Food and Beverage Service	
<ul style="list-style-type: none"> a. Bakery Store. b. Bar, Cocktail Lounge, Nightclub. c. Cafeteria. d. Candy, Nuts Store. e. <u>Convenience kiosk. See Sec. 47-18.43</u> f. <u>Convenience store. See Sec. 47-18.43</u> g. <u>Convenience store, multi-purpose. See Sec. 47-18.43</u> h. Delicatessen. i. Food and Beverage, Drive-Thru and Carry-out j. Fruit and Produce Store. k. Grocery/Food Store. l. Ice Cream/Yogurt Store. m. Liquor Store. <u>See Sec. 47-18.43</u> n. Meat and Poultry Store. o. <u>Package liquor store. See Sec. 47-18.43</u> p. Restaurant. q. Seafood Store. r. Supermarket. 	
...	

Sec. 47-6.11. - List of permitted and conditional uses, Boulevard Business (B-1) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, and Accessory Uses, Buildings and Structures.

A. PERMITTED USES	B. CONDITIONAL USES: See Sec. 47-24.3
...	
4. Food and Beverage Service	
<ul style="list-style-type: none"> a. Bakery Store. b. Bar, Cocktail Lounge, Nightclub. c. Cafeteria. d. Candy, Nuts Store. e. <u>Convenience kiosk. See Sec. 47-18.43</u> f. <u>Convenience store. See Sec. 47-18.43</u> g. <u>Convenience store, multi-purpose. See Sec.</u> 	

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A. PERMITTED USES	B. CONDITIONAL USES: See Sec. 47-24.3
<u>47-18.43</u> h. Delicatessen. i. Food and Beverage Drive-Thru. j. Fruit and Produce Store. k. Grocery/Food Store. l. Ice Cream/Yogurt Store. m. Liquor Store. See Sec. <u>47-18.43</u> n. Meat and Poultry Store. o. <u>Package liquor store. See Sec. 47-18.43</u> p. Restaurant. q. Seafood Store. r. Supermarket.	
...	

Sec. 47-6.12. - List of permitted and conditional uses, General Business (B-2) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, Wholesale Trade, Storage and Warehousing and Accessory Uses, Buildings and Structures.

A. REQUIRED USES
1. The portion of property fronting a navigable waterway must be used for marina or hotel marina, or shipyard use, see Sec. 47-23.8, Specific Location Requirements for Waterway Uses.

B. PERMITTED USES	C. CONDITIONAL USES: See Sec. 47-24.3
...	
4. Food and Beverage Service	
a. Bakery Store. b. Bar, Cocktail Lounge, Nightclub. c. Cafeteria. d. Candy, Nuts Store. e. <u>Convenience kiosk. See Sec. 47-18.43</u> f. <u>Convenience store. See Sec. 47-18.43</u> g. <u>Convenience store, multi-purpose. See Sec. 47-18.43</u> h. Delicatessen.	

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B. PERMITTED USES	C. CONDITIONAL USES: See Sec. 47-24.3
<ul style="list-style-type: none"> i. Food and Beverage Drive-Thru. j. Fruit and Produce Store. k. Grocery/Food Store. l. Ice Cream/Yogurt Store. m. Liquor Store. <u>See Sec. 47-18.43</u> n. Meat and Poultry Store. o. <u>Package liquor store. See Sec. 47-18.43</u> p. Restaurant. q. Seafood Store. r. Supermarket. 	
...	

Sec. 47-6.13. - List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Light Manufacturing, Lodging, Public Purpose Facilities, Retail Sales, Services/Office Facilities, Wholesale Trade, Storage and Warehousing and Accessory Uses, Buildings and Structures.

A. REQUIRED USES
1. The portion of property fronting a navigable waterway must be used for marina or hotel marina, or shipyard use, see Sec. 47-23.8, Specific Location Requirements for Waterway Uses.

B. PERMITTED USES	C. CONDITIONAL USES: See Sec. 47-24.3
...	
4. Food and Beverage Service, Retail and Wholesale	
<ul style="list-style-type: none"> a. Bakery. b. Bar, Cocktail Lounge, Nightclub. c. Cafeteria. d. Candy, Nuts. e. Catering Operation. f. <u>Convenience kiosk. See Sec. 47-18.43</u> g. <u>Convenience store. See Sec. 47-18.43</u> h. <u>Convenience store, multi-purpose. See Sec. 47-18.43</u> i. Delicatessen. 	

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B. PERMITTED USES	C. CONDITIONAL USES: See Sec. 47-24.3
<ul style="list-style-type: none"> j. Food and Beverage, Drive-Thru and Carry-out. k. Fruit and Produce Store. l. Grocery/Food Store. m. Ice Cream/Yogurt Store. n. Liquor Store. <u>See Sec. 47-18.43</u> o. Meat and Poultry Store. p. <u>Package liquor store. See Sec. 47-18.43</u> q. Restaurant. r. Seafood Store. s. Supermarket. 	
...	

SECTION 2. That Section 47-18, Specific Use Requirements, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to add a new Section 47-18.43 to read as follows:

Section 47-18. Specific Use Requirements

...

Sec. 47-18.43. Liquor Store and Convenience Store.

A. The following uses and other substantially similar uses are not permitted within the Northwest Regional Activity Center land use designation:

1. Liquor store.
2. Package Liquor Store.
3. Convenience Kiosk.
4. Convenience Store.
5. Convenience Store, Multi-Purpose.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 2nd day of July, 2013.

PASSED SECOND READING this the _____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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