

City of Fort Lauderdale

*City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes

Tuesday, March 5, 2019

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

***DEAN J. TRANTALIS Mayor - Commissioner
BEN SORENSEN Vice Mayor - Commissioner - District IV
HEATHER MORAITIS Commissioner - District I
STEVEN GLASSMAN Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III***

***CHRIS LAGERBLOOM, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
ALAIN E. BOILEAU, City Attorney***

CALL TO ORDER

Mayor Trantalis called the meeting to order at 6:08 p.m.

Invocation

Vice Mayor Ben Sorensen

Pledge of Allegiance

Mayor Trantalis

ROLL CALL

Present: 4 - Vice Mayor Ben Sorensen, Commissioner Heather Moraitis,
Commissioner Robert L. McKinzie and Mayor Dean J. Trantalis
Excused: 1 - Commissioner Steven Glassman

QUORUM ESTABLISHED

Also Present: City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau, City Auditor John Herbst and Sergeant at Arms Jeff Brull

ANNOUNCEMENTS

Mayor Trantalis made the following Agenda announcements:

Walk-On Resolution:

Resolution Appointing Mullen Coughlin LLC as Special Counsel for Data Security Matters, Authorizing The City Attorney to Execute an Engagement Letter with Mullen Coughlin LLC. Mayor Trantalis announced that the maximum expenditure associated with this Resolution would be \$50,000 as a self-insured retention. Any subsequent amounts would be paid by our insurance carrier. The funds will be expended from Account No. 543-INS010101-5113 - General Liability Claims.

Agenda Item Revisions:

CP-7 - Revised Exhibit 1 - Pages 2, 10 and 11
PH-2 - Revised Exhibit 3 - Pages 11-13

In response to Mayor Trantalis' questions regarding the lawsuit filed by

operators of the Gun Show, City Attorney Alain Boileau confirmed that the lawsuit had been dropped, expounding on details related to litigation costs. City Attorney Boileau confirmed that the \$150,000 allocated would not be exceeded. After all outstanding billing amounts have been paid, he will provide the Commission with details regarding costs.

Approval of MINUTES and Agenda

[19-0244](#)

Minutes for February 5, 2019 Commission Joint Workshop with Budget Advisory Board, February 5, 2019 Commission Conference Meeting and February 5, 2019 Commission Regular Meeting

Vice Mayor Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

PRESENTATIONS

PRES- [19-0275](#)
1

Proclamation declaring March 2019 as Bleeding Disorders Awareness Month in the City of Fort Lauderdale

Commissioner Moraitis requested Debbi Adamkin, Florida Hemophilia Association, join her at the podium. Commissioner Moraitis presented a Proclamation declaring March 2019 as Bleeding Disorders Awareness Month in the City of Fort Lauderdale, reading the Proclamation in its entirety. Ms. Adamkin accepted the Proclamation, thanking Mayor Trantalis and the Commission, expounding on the work of the Florida Hemophilia Association.

PRESENTED

PRES- [19-0276](#)
2

Proclamation declaring March 2019 as Red Cross Month in the City of Fort Lauderdale

Vice Mayor Sorensen requested Cindy Imperato, Chair, American Red Cross Broward Chapter, join him at the podium. Vice Mayor Sorensen presented a Proclamation declaring March 2019 as Red Cross Month in the City of Fort Lauderdale, reading the Proclamation in its entirety. Ms. Imperato accepted the Proclamation, thanking Mayor Trantalis and the Commission. She commented on Red Cross responses to recent local emergencies and additional local community efforts.

PRESENTED

PRES- [19-0227](#)
3

Proclamation declaring March 2019 as Bike Month in the City of Fort Lauderdale

Commissioner McKinzie invited Ben Rogers, Acting Director of the Transportation and Mobility (TAM) Department, Eric Barton and Shea Smith, Bike/Walk FTL, join him at the podium. Commissioner McKinzie presented a Proclamation declaring March 2019 as Bike Month in the City of Fort Lauderdale, reading the Proclamation in its entirety. Mr. Smith accepted the Proclamation, thanking Mayor Trantalis and the Commission. He commented on Bike/Walk FTL's work towards making the City more walkable and bikeable.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis recognized Neal R. Kalis on behalf of the applicant and as Trustee of the 1700 Brickell Land Trust (Trust). Mr. Kalis addressed the Commission regarding Consent Agenda item CR-5. Mr. Kalis commented on details related to dock maintenance costs and five-year permit renewals, recommending automatic permit renewals unless permit holders have breached a permit. Mr. Kalis noted historic ownership details related to the Trust's current permit, suggesting modifications to termination language.

In response to Mayor Trantalis' question, Mr. Kalis confirmed his request to not revoke a dock permit without cause. Mr. Kalis said that the permit automatically terminates after five years and the Ordinance is unclear about what occurs following permit termination, commenting on related concerns. In response to Mayor Trantalis' question, Mr. Kalis clarified his comments, noting termination for cause would include using a dock for a public purpose. City Attorney Alain Boileau confirmed the policy in place, expounding on details and recommending that exceptions not be made. Mr. Kalis said he would accept the Resolution as written.

CONSENT AGENDA

No Consent Agenda items were pulled for separate discussion.

CONSENT MOTION

Approval of the Consent Agenda

Commissioner McKinzie made a motion to approve this item and was seconded by Vice Mayor Sorensen.

Approve the Consent Agenda

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-1 [19-0172](#) Motion to Approve Event Agreements: Friday Night Sound Waves (FNSW), Hope Floats Benefiting Tomorrow's Rainbow and Pooch & Hooch

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-2 [19-0259](#) Motion to call Special Meetings on September 3, 2019 at 5:01 p.m. and September 12, 2019 at 5:01 p.m. for the purpose of City of Fort Lauderdale Budget Hearings

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-3 [19-0171](#) Motion Approving an Application for a Temporary Beach License and Outdoor Event Agreement with FIU Athletics Finance Corporation for FIU Beach Volleyball Invitational

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-4 [19-0192](#) Motion Authorizing the Execution of an Agreement with CareerSource Broward for the Summer Youth Employment Program

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-5 [19-0213](#) Motion to Approve the Donation of a Granite Base for the Marker of Private Gregory Carter

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CM-6 [19-0086](#) Motion to Approve a Parking Enforcement Agreement with 955 S. Federal LLC, Inc.

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CONSENT RESOLUTION

CR-1 [19-0019](#) Resolution Approving the 2019 Federal Legislative Priorities and Funding Requests for the City of Fort Lauderdale

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-2 [19-0024](#) Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2019 - Appropriation

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-3 [19-0128](#) Resolution Authorizing the City Manager to Provide and Execute the Annual Certifications and Assurances to the Federal Transit Administration

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-4 [19-0217](#) Resolution Approving and Ratifying a Memorandum of Understanding with Teamsters Local Union No. 769, Affiliated with International Brotherhood of Teamsters

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-5 [19-0215](#)

Resolution Approving an Application for a Dock Permit for Usage of Public Property by Neal R. Kalis as Trustee of the 1700 Brickell Land Trust located at 1700 Brickell Drive

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-6 [19-0278](#)

Resolution Urging the Florida Legislature to Enact Legislation that would Authorize Tactical Medical Professionals to Possess and Carry Firearms during Certain Tactical Law Enforcement Operations

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CR-7 [19-0096](#)

Resolution to Approve a 1) Maintenance Memorandum of Agreement with the Florida Department of Transportation for Installation and Maintenance of Landscape Improvements within the Right-of-Way on State Road 842 (Broward Boulevard) from NW 24th Avenue East to NW 22nd Avenue and, 2) Assumption of Liability and Hold Harmless Agreement with Riverbend Master Association, Inc.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CONSENT PURCHASE

CP-1 [19-0110](#)

Motion to Approve Contract for Purchase and Installation of Custom Canopy at Fort Lauderdale Executive Airport U.S. Customs & Border Protection Facility - Walker Design & Construction Co. - \$518,851

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CP-2 [19-0123](#) Motion to Approve Contract for Construction of Utilities Storage Building at Prospect Wellfield - Kalex Steel Buildings Corp. - \$433,131

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CP-3 [19-0130](#) Motion to Approve Contract for Port Condo Large Water Main Improvements - Sun-Up Enterprises Inc. - \$395,390

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CP-4 [19-0174](#) Motion to Approve Contract for Purchase of Hydrogen Peroxide and Odor Control Services - Evoqua Water Technologies LLC - \$338,100

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CP-5 [19-0198](#) Motion to Approve Increase in Expenditures to Contract for Fire Protective Clothing, Bunker and Bail-out Gear - Fisher Scientific Company L.L.C. - \$137,191

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

CP-6 [19-0199](#) Motion to Approve Increase in Funds for Parking Lot Clean-Up Services - Ceiling to Floor Cleaning Inc. - \$18,599.78

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- CP-7** [19-0220](#) Motion to Approve Ranking of Firms, Negotiated Fee Schedule and Contract Award for Breakers Avenue Streetscape Project - Kimley-Horn and Associates, Inc. - \$700,000

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

MOTIONS

- M-1** [19-0158](#) Motion to Approve Event Agreements: St. Pat's Downtown Block Party, Waxy O' Connor's St. Pats and 4 Year Anniversary Event - Rhythm & Vine

Vice Mayor Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- M-2** [19-0173](#) Motion to Approve Event Agreements and Related Road Closures: St. Patrick's Day Street Festival, 6th Annual Fort Lauderdale Shamrock Run, St. Patrick's Parade, Festival, 2nd Annual Exotics on Las Olas, Mardi Gras Parade and 24th Annual Bank of America Wine, Spirits and Culinary Celebration

City Manager Chris Lagerbloom requested Commission review of this event agreement due to the location of related road closures.

Mayor Trantalis recognized Amber Van Buren, Executive Director of the Las Olas Boulevard Association. Ms. Van Buren said the event would have rolling road closures, confirming there would not be a complete road closure of Las Olas Boulevard and expounding on details. In response to Mayor Trantalis' question, Ms. Van Buren said a Police detail would shield event participants from traffic. The estimated duration of the rolling road closure is 40 minutes.

Vice Mayor Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

M-3 [19-0089](#) Motion to Approve Beach Business Improvement District (BID) Funding for the 2019 Fort Lauderdale Air Show in the amount of \$100,000

Vice Mayor Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

NEIGHBOR PRESENTATIONS

NP-1 [19-0270](#) Lori Baer - Economic Engine Performance Report event April 26 - Thanking City Commission for their continued support

Mayor Trantalis recognized Lori Baer, Executive Director of Port Everglades Association. Ms. Baer presented the upcoming Economic Engine Performance Report Event being held on April 26, 2019. She invited the Commission to attend, expounding on the event's purpose and goals. Ms. Baer thanked the Commission for their continued support.

RECEIVED

NP-2 [19-0271](#) J Whitt Markum - Sustainability/Transportation and Mobility Department

Mayor Trantalis recognized J. Whitt Markum, 790 East Broward Boulevard and on behalf of the Stiles Company. Mr. Markum commented on the work of the Departments of Sustainable Development and Transportation and Mobility (TAM). Mike Wood, Stiles Company, expounded on the excellent work of Staff. He commented on details related to the daily volume of Maintenance of Traffic (MOT) Plans received by TAM, requesting additional personnel to address this need.

RECEIVED

RESOLUTIONS

R-1 [19-0250](#) Appointment of Board and Committee Members

City Clerk Jeffrey Modarelli confirmed that no names were brought forward for Board and Committee appointments for the March 19, 2019

Board and Committee Appointments Resolution.

City Clerk Modarelli announced amendments to this item. He read the names of Board and Committee appointments, reappointments for tonight's R-1 Resolution as amended.

A copy of the list of Board and Committee appointees and terms as amended is attached to these minutes.

Commissioner McKinzie introduced this item as amended which was read by title only.

ADOPTED AS AMENDED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- R-2** [19-0249](#) Resolution Authorizing the City Manager to Enter into a Lease Agreement with FPA III, LLC - \$124,880 (three-year gross rent total)
- Vice Mayor Sorensen introduced this item which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- R-3** [19-0109](#) Resolution Imposing Special Assessment Liens for Lot Clearing
- Commissioner McKinzie introduced this item which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- R-4** [19-0115](#) Resolution for Imposition of Special Assessment Liens for Costs Associated with the Securing of Multiple Properties
- Vice Mayor Sorensen introduced this item which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- R-5** [19-0185](#) Resolution Authorizing the Acceptance of Grant Funds and Execution of a Grant Agreement with the Florida Department of Environmental Protection for Resilient Coastline Funding Grant in the amount of \$45,300

Vice Mayor Sorensen introduced this item which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

PUBLIC HEARINGS

- PH-1** [19-0247](#) Resolution Amending Resolution No. 19-05 to Announce the Revised Date for Scheduled Lease Approval for City Owned Property Located 3110 SW 8 Avenue to Nova Southeastern University, Inc.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner McKinzie. Roll call showed: AYES: Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie, and Mayor Trantalis. NAYS: None. EXCUSED: Commissioner Glassman

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

- PH-2** [19-0188](#) Resolution Approving a Lease Agreement with the Downtown Fort Lauderdale Transportation Management Association, Inc. for Administrative Office Space

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Moraitis. Roll call showed: AYES: Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie, and Mayor Trantalis. NAYS: None. EXCUSED: Commissioner Glassman

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

ORDINANCE FIRST READING

OFR-1 [19-0010](#)

Ordinance Amending Section 5-26 of the Code of Ordinances of the City of Fort Lauderdale to Allow Additional Establishments to Request a Special Exception for the Distance Measurement Between Establishments that Serve Alcohol or Intoxicating Beverages

Mayor Trantalis recognized Jason Crush, Esq., 400 SE 12th Street. Mr. Crush confirmed his support of this item correcting a discrepancy and expounding on related details.

Mayor Trantalis recognized Christina Currie, 644 SE 5th Avenue. Ms. Currie commented on aspects of the Ordinance and distance concerns raised by neighbor boards, recommending consideration and review of those concerns. In response to Commissioner McKinzie, Ms. Currie expounded on details related to the amount of neighbor feedback received, urging the Commission to address their questions. Ms. Currie submitted items for the record.

Copies of these items are attached to these minutes.

Mayor Trantalis recognized Marilyn Mammano on behalf of the Council of Civic Associations. Ms. Mammano submitted a copy of the email sent to the Commission.

A copy of this item is attached to these minutes.

Ms. Mammano commented on the criteria used to evaluate exceptions and the change in process. City Attorney Alain Boileau clarified the amendment language that permits the Board of Adjustment to grant special exceptions beyond what is enumerated in the Ordinance. This amendment conforms and clarifies Ordinance language as it relates to past practices. He said that addressing neighbor feedback should be addressed separately. Further comment and discussion ensued. Ms. Mammano requested that Staff returns to the Council of Civic Associations to clarify concerns. Mayor Trantalis confirmed Staff could

address this request prior to the Second Reading.

Commissioner McKinzie introduced this item which was read by title only.

PASSED FIRST READING

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman

City Manager Chris Lagerbloom briefed the Commission regarding ongoing efforts to resolve the recent International Association of Fire Fighters (IAFF) contract and was originally anticipated to be an Agenda item. Ongoing work includes determining how it would be implemented within the Fire Department. Outstanding items are expected to be resolved and the contract is anticipated to be on the March 19, 2019 Commission Regular Meeting Agenda with a recommendation.

[19-0285](#)

WALK-ON Resolution Appointing Mullen Coughlin LLC as Special Counsel for Data Security Matters

Commissioner McKinzie introduced this item which was read by title only.

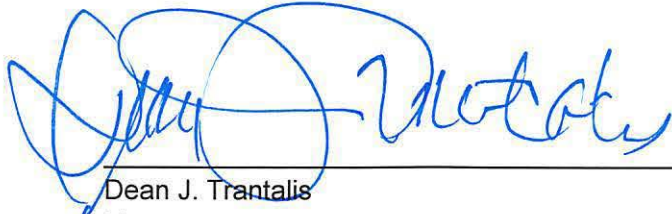
ADOPTED

Aye: 4 - Vice Mayor Sorensen, Commissioner Moraitis, Commissioner McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Glassman


ADJOURNMENT

Mayor Trantalis adjourned the Commission Regular Meeting of March 5, 2019 at 7:10 p.m.



Dean J. Trantalis
Mayor

ATTEST:



Jeffrey A. Modarelli
City Clerk

EXHIBIT TO RESOLUTION 19-

AVIATION ADVISORY BOARD

Louis Gavin (Vice-Mayor Sorensen) is appointed to the Aviation Advisory Board for a one year term beginning March 9, 2019 and ending March 8, 2020.

BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

Thomas McManus (category: Beach Redevelopment Board Representative) is appointed to the Beach Business Improvement District Advisory Committee for a one year term beginning September 1, 2018 and ending August 31, 2019.

Eduardo Fernandez (category: Greater Fort Lauderdale Chamber of Commerce Beach Council Representative) is appointed to the Beach Business Improvement District Advisory Committee for a one year term beginning September 1, 2018 and ending August 31, 2019.

Anna McDiarmad (primary member) and Brigette Bienvenu (alternate member) representing W Fort Lauderdale, Capri Hotel, LLC are appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for one year terms beginning September 1, 2018 and ending August 31, 2019.

Carlos Salazar (primary member) representing B Ocean Resort Fort Lauderdale, CRP Insite Clipper LLC, is appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for one year terms beginning September 1, 2018 and ending August 31, 2019.

Greg Cook (primary member) representing Ritz Carlton and Michael Chiusano (alternate member) CWI-GG RCFL Property Owner LLC, is appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for a one year term beginning September 1, 2018 and ending August 31, 2019.

Lisa Namour (primary member) is representing the Bahia Mar, City of Fort Lauderdale, are appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for a one year term beginning September 1, 2018 and ending August 31, 2019.

Chintan Dadhich (primary member) and (alternate member) representing Conrad Fort Lauderdale Beach Resort, FLB R-UNITS LLC, are appointed to the Beach Business Improvement District Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for one year terms beginning September 1, 2018 ending August 31, 2019.

Mike Fleming (primary member) and Dave Hankins (alternate member) representing Marriot Courtyard, PHF Oceanfront LP, are appointed to the Beach Business Improvement District Advisory Committee, in the category of seven of the ten highest assessed property owners or a representative of such assessed property owners, for one year terms beginning September 1, 2018 and ending August 31, 2019.

AUDIT ADVISORY BOARD

Thomas Bradley (Vice-Mayor Sorensen) is appointed to the Audit Advisory Board for a two year term beginning October 1, 2017 and ending September 30, 2019.

Thomas Bradley (Vice-Mayor Sorensen) is appointed the Audit Advisory Board for a two year term beginning October 1, 2019 and ending September 30, 2021.

BOARD OF ADJUSTMENT

Chad Maxey (Consensus-Mayor Trantalis, Category: full member) is appointed to the Board of Adjustment for a two year term beginning September 21, 2017 and ending September 20, 2019.

Shelley Eichner (Consensus-Mayor Trantalis, Category: alternate member) is appointed to the Board of Adjustment for a two year term beginning May 21, 2017 and ending May 20, 2019.

Shelley Eichner (Consensus-Mayor Trantalis, Category: alternate member) is appointed to the Board of Adjustment for a two year term beginning May 21, 2019 and ending May 20, 2021.

Patrick McTigue (Consensus-Commissioner Glassman, Category: full member) is appointed to the Board of Adjustment for a two year term beginning May 21, 2018 and ending May 20, 2020.

Carey Villeneuve (Consensus-Commissioner Glassman, Category: full member) is appointed to the Board of Adjustment to a two year term beginning May 21, 2019 and ending May 20, 2021.

CENTRAL CITY REDEVELOPMENT ADVISORY BOARD

Leslie Brown (Consensus-Commissioner Glassman) is appointed to the Central City Redevelopment Advisory Board to complete an unexpired term ending August 31, 2019.

COMMUNITY APPEARANCE BOARD

Ronald Alose (Mayor Trantalis), John Zoretich (Mayor Trantalis) and Michael Yianilos (Mayor Trantalis) are appointed to the Community Appearance Board for one year terms beginning March 5, 2019 and ending March 4, 2020.

COMPLETE COUNT ADVISORY COMMITTEE

Dana Somerstein (Consensus- Commissioner Moraitis-Category: member from business) is appointed to the Complete Count Advisory Committee for a one year term beginning March 5, 2019 and ending March 4, 2020.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Steve Buckingham (Vice-Mayor Sorensen) is appointed to the Economic Development Advisory Board for a two year term beginning January 6, 2018 and January 5, 2020.

EDUCATION ADVISORY BOARD

Heather Munns (Vice-Mayor Sorensen) is appointed to the Education Advisory Board for a one year term beginning April 16, 2019 and ending April 15, 2020.

FIRE-RESCUE FACILITIES BOND ISSUE BLUE RIBBON COMMITTEE

Mark Booth (Vice-Mayor Sorensen) is appointed to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee for a one year term beginning March 5, 2019 and ending March 4, 2020.

INSURANCE ADVISORY BOARD

Dave Cooley (Consensus-Commissioner Moraitis) is appointed to the Insurance Advisory Board for a one year terms beginning April 17, 2019 and ending April 16, 2020.

MARINE ADVISORY BOARD

Richard Graves (Vice-Mayor Sorensen) is appointed to the Marine Advisory Board for a one year term beginning March 5, 2019 and ending March 4, 2020.

NORTHWEST PROGRESSO FLAGLER HEIGHTS REDEVELOPMENT BOARD

Christopher Murphy (Vice-Mayor Sorensen) is appointed to the Northwest Progresso Flagler Heights Redevelopment Board for a three year term beginning May 22, 2019 and ending May 21, 2022.

NUISANCE ABATEMENT BOARD

Gustav Schmidt (Consensus-Commissioner Moraitis) is appointed to the Nuisance Abatement Board for a one year term beginning March 5, 2019 and ending March 4, 2020.

Regular Meeting NP-1
Provided by Lori Baer



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ECONOMIC ENGINE PERFORMANCE REPORT®

Friday, April 26, 2019 | 11:00 AM to 1:45 PM

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\$2,500 COFFEE BAR SPONSOR:

\$1,000 TABLE HOST: LAST 8 AVAILABLE

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\$100 SINGLE SEAT TICKETS:

**NOTE: PEA members get one seat at no cost.*

NAME _____ PHONE _____

COMPANY _____ EMAIL _____

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Economic Engine Performance Report® is the largest and most significant annual gathering of Broward County's economic Community and is a registered event of Port Everglades Association

FEATURED SPEAKERS



Stacy Ritter
Greater Fort Lauderdale
Convention & Visitors
Bureau
CEO / President



Steve Cernak
Broward County
Port Everglades
Chief Executive &
Port Director



Mark Gale
Broward County Aviation
CEO & Aviation Director



Heiko Dobrikow
Moderator
Riverside Hotel GM



David Candib
Carnival Corporation
Vice President
Development & Operations
EEPR Event
Chairman

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OPR-1
Regular Meeting
Provided by
Christina Currie

§ 33-150. Location of establishments ▶

Latest version

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(A) *Distance from other establishments.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(B) *Distance from church or school.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:

- (1) From a church, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the church structure, and
- (2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

(C) *Compliance prerequisite to issuance of licenses, permits and certificates.* No certificate of use or occupancy, license, building or other permit shall be issued to any person, firm, or corporation for the sale of alcoholic beverages to be consumed on or off the premises where the proposed place of business does not conform to the requirements of Subsections (A) and (B) above.

(D) *Nonconforming uses; definition of abandonment.* The uses referred to in Subsections (A) and (B) above that are in violation of the provisions thereof, and that were in existence on or before June 14, 1956, shall be deemed to be nonconforming and as such may continue until there is an abandonment thereof, provided that such nonconforming uses have been established and proven to the satisfaction of the Department on or before October 1, 1956, and not thereafter. After October 1, 1956, the right to establish a use not conforming with the requirements of Subsections (A) and (B) shall have expired and shall not thereafter be recognized. Any uses, created and established in a legal manner, which may thereafter become nonconforming, may continue until there is an abandonment. Once a nonconforming use is abandoned it cannot be re-established unless it can conform to the requirements of this chapter.

Abandonment shall consist of a change of use or of a suspension of active business with the public for a period of not less than three (3) months, or prior to the end of the period, on a written declaration of abandonment by the tenant and owner of the premises if under lease, and if not, by the owner.

(E) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in Subsections (A) and (B) above shall not apply:

- (1) To private clubs, provided such clubs conform to all the requirements of a private club as stated in Chapter 561 of the Florida Statutes and other applicable State laws, and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served. Before a certificate of use and occupancy to serve alcoholic beverages will be issued, the applicant must submit necessary data to prove that it is eligible for the use and complies with Chapter 561 of the Florida Statutes or other applicable State laws; provided, anything to the contrary notwithstanding, these requirements must be complied with, even though the club intends to serve only beer and/or wine.
- (2) **ESTABLISHMENTS IN RU-4, RU-4A DISTRICTS.** To cocktail lounges, bars and cabarets located in RU-4 or RU-4A Districts and which conform to the requirements of said districts, or such other cocktail lounges, bars and cabarets in other liberal districts as may comply with the RU-4 or RU-4A requirements.
- (3) **RESTAURANTS IN BU-1, BU-1A DISTRICTS.** To dining rooms or restaurants located in the BU-1 or BU-1A Districts which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal districts complying with the requirements of the BU-1 or BU-1A District and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and the sale of alcoholic beverages are sold only to persons seated at tables.
- (4) **CERTAIN COCKTAIL LOUNGE-BARS IN RESTAURANTS.** To cocktail lounge-bars as an accessory use in restaurants located in any IU or BU-1A or more liberal BU District, provided the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of two hundred (200) or more patrons at tables, and provided that the restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment; and further provided that once the restaurant use is terminated, the cocktail lounge use will automatically terminate. The cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail loungebar is within the structure, and provided that the accessory cocktail lounge-bar is no larger than fifteen (15) percent of the gross square footage of the restaurant, and provided that the alcoholic beverages are served for on-premises consumption only; and further provided that the operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant.
- (5) **BEER AND WINE FOR OFF-PREMISES CONSUMPTION.** To the sale of beer and wine as a grocery item for consumption off the premises, from grocery stores, meat markets, and automobile gas stations/mini marts within the hours adopted and prescribed by the County Commission.
- (6) **CONVENTION HALLS IN BU-1A DISTRICTS.** To convention halls located in BU-1A, or more liberal business and industrial districts, which meet the following requirements: (a) Where the hall is part of the operation of a hotel or motel and directly under its management. (b) Where the square footage area of the convention hall is at least ten thousand (10,000) square feet. (c) Where the seating capacity of the hall is in excess of five hundred (500) persons. (d) Where the sign advertising the cocktail lounge or bar use is of same or similar type as is permitted for motels in the RU-4 Districts, that is, the advertisement is incorporated into the sign proper for the convention hall.
- (7) **BEER AND WINE IN BOWLING ALLEYS.** To beer and wine bars in bowling alleys:
 - (a) Where there are no signs of any type exhibited or displayed, or other indications, that can be seen from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are being served, and
 - (b) When such bowling alleys are in a fully air conditioned building having at least ten thousand (10,000) square feet of floor space under one (1) roof and under one (1) ownership of title, and
 - (c) Where the building contains at least six (6) alleys usable for bowling, and where the bowling alley has facilities for the service of food and beverages in an area separate from the alleys themselves and contains at least two thousand (2,000) square feet of usable floor space, including the bar and other facilities for the service of food and beverages and has accommodations for at least sixty (60) patrons at tables, and
 - (d) Provided that such building be not less than five hundred (500) feet from a school or church measured as provided hereinabove.

(8) **NIGHT CLUBS IN CERTAIN HOTELS AND MOTELS.** To night clubs and cabarets where the same are located in a hotel, motel, or apartment hotel and under the same roof, which contains at least two hundred (200) guest rooms or apartment units under the same roof, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed, obscure glass. Such night club or cabaret shall be entered only through lobby, and no additional entrance shall be permitted. An additional entrance or door shall be permitted when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street. A fire door or exit shall be permitted, provided that the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergency.

(9) **PACKAGE STORES IN SHOPPING CENTERS IN BU-1A DISTRICT.** Package stores in shopping centers in a BU-1A (limited business) or more liberal district containing a net ground building area of not less than five (5) acres including dedicated rights-of-way under one (1) ownership with an improved building area of not less than forty-one thousand (41,000) square feet of floor area thereon, and with an improved and developed parking area of not less than two hundred twenty-one (221) vehicles. Only one (1) such package store will be permitted in the shopping center. Said package store shall be at least two thousand five hundred (2,500) feet from any church, school and at least five hundred (500) feet from any other licensed alcoholic beverage establishment measured as otherwise provided in this section.

(10) **COCKTAIL LOUNGES IN GOLF COURSE CLUBHOUSES AND BEER IN ANCILLARY REFRESHMENT STANDS LOCATED ON SAID GOLF COURSE.** To cocktail lounges in golf course clubhouses and beer in ancillary refreshment stands located on said course, whether governmentally or privately owned provided a bona fide regular, standard golf course is maintained and consists of at least nine (9) holes, with clubhouse, locker rooms and attendant golf facilities and comprising in all at least one hundred (100) acres of land. Failure of such club to maintain the golf course, clubhouse and golf facilities shall ipso facto terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.

(11) **EXCURSION, SIGHTSEEING OR TOUR BOATS.** To excursion, sightseeing or tour boats, providing the operators thereof obtain a State beverage license for such boats, the same being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; provided that such excursion, sightseeing or tour boats contain all the necessary equipment and supplies in order to, and do, serve full course meals regularly, and have accommodations at all times for the service of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of space.

(12) **TENNIS CLUBS AND INDOOR RACQUETBALL CLUBS.** To any chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than ten (10) regulation-size tennis courts or ten (10) regulation-size four-wall indoor racquetball courts, or a combination of tennis courts and four-wall indoor racquetball courts numbering fifteen (15), with clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

(13) **NOT-FOR-PROFIT THEATERS WITH LIVE PERFORMANCES.** To any State-chartered not-for-profit legal entity organized principally for the purpose of operating a theater with live stage performances and with not fewer than one hundred (100) seats. Sales of alcoholic beverages shall be permitted only for consumption on the premises and only to patrons during any regularly scheduled live theater performance. No sit-down bar shall be permitted.

(14) **Winery (farm related)** as defined in Section 33-1 (115.01).

(F) *Prerequisites to use of premises as exception.* For the purpose of this chapter, the right to use premises for the sale of beer, wine or liquor for consumption on, or off, such premises shall be established at such time as a building permit is issued, the application for which states that such use is to be established, and provided that the structure for which the building permit was issued is completed, and an occupancy permit issued for such use within the time prescribed for the completion of said structure under these regulations. In cases where the use is to be established in an existing structure, such use will be considered as existing at such time as the occupancy permit for such use has been issued, provided the use has been established within the time prescribed in the permit.

(G) *Sketch indicating location.* For the purpose of establishing the distance between alcoholic beverage uses, and between such uses and churches or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing alcoholic beverage establishment within 2,000 feet, and any church or school within 3,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Director shall govern.

(H) *Entertainment in night clubs and cabarets; hearing on night club use.* Except in night clubs and cabarets, band or orchestra music or dancing or entertainment shall be prohibited in all bars, gardens, saloons, package stores or similar establishments dispensing of alcoholic beverages. Night club use shall be prohibited unless the same is approved after a public hearing.

(I) *Transfer of nonconforming use.* Upon good and justifiable cause proven to the satisfaction of the Zoning Board, a legally existing nonconforming alcoholic beverage use may be transferred to another nonconforming but properly zoned site in the same general neighborhood, not to exceed three hundred (300) feet from the said site, upon approval of the appropriate Zoning Board after a public hearing.

(J) *Expansion of nonconforming use.* Legally existing alcoholic beverage made nonconforming by reason of the regulations establishing distance restrictions between such uses, or any of them, or between any such uses and churches or schools, shall not be expanded unless and until such expansion shall have been approved by the appropriate Zoning Board for good and justifiable cause after a public hearing. "Expansion" as used herein, shall include the enlargement of space for such use and uses incidental thereto, the extension of a beer and wine bar to include intoxicating liquor, and the extension of a bar use to a night club use.

Nothing herein, however, shall be deemed an attempt to modify any prohibition or make less restrictive any requirement by the laws of the State of Florida.

(K) *Certificate void after thirty (30) days if premises not established.* All alcoholic beverage uses must be established on the premises within thirty (30) days of the date of the issuance of a certificate of use and occupancy, otherwise said certificate of use and occupancy shall be null and void.

(L) *Compliance prerequisite to issuance of license.* Anything to the contrary notwithstanding, no liquor license of any type may be used in a manner contrary to this chapter. The Tax Collector shall issue no license unless a current certificate of use or occupancy in the applicant's name accompanies the application. The license as issued shall note thereon any special limitations or restrictions applicable due to the zoning on the property.

(M) *Additional alcoholic beverage uses.* Any provision of this chapter to the contrary notwithstanding, the service or sale of alcoholic beverages as herein listed will be permitted:

(1) **BOWLING ALLEYS.** Beer and wine only as provided for in Section 33-150(E)(7) and Section 33-151(h).

(2) **CHARTER BOATS.** Beer only as provided for in Section 33-151(d).

(3) **CONVENTION HALLS.** Liquor, beer and wine as provided for in Section 33-150(E)(6).

(4) **EXCURSION, SIGHTSEEING OR TOUR BOATS.** Liquor, beer and wine, subject to conditions as provided for in Section 33-150(E)(11) and Section 33-151(n).

(5) **GOLF COURSES.** Lounges in club houses and ancillary golf course refreshment stands as provided for in Section 33-150(E)(10) and Section 33-151(o).

(6) **COUNTY PARKS.**

(a) Beer, take out only, no consumption on the premises at bait and tackle installations at marinas.

(b) Liquor, beer and wine use in restaurants.

(c) Beer, package sales only at camp grounds.

(d) Beer only at concession stands.

(7) **COUNTY-OWNED AIRPORTS.** Liquor, beer, malt liquor and wine in restaurants, bars, lounges, concessions, concession stands and package stores at County-owned airports.

(8) **PRIVATE CLUBS.** As provided for in Section 33-150(E)(1), and as defined in these regulations.

(Ord. No. 57-19, § 5(J), 10-22-57; Ord. No. 58-6, § 1, 2-20-58; Ord. No. 60-46, § 1, 12-6-60; Ord. No. 63-11, § 3, 4-2-63; Ord. No. 70-19, § 1, 3-11-70; Ord. No. 71-1, §§ 1, 2, 1-6-71; Ord. No. 75-110, §§ 3, 4, 2-2-75; Ord. No. 77-53, § 1, 7-19-77; Ord. No. 78-21, § 1, 4-4-78; Ord. No. 78-51, § 1, 7-18-78; Ord. No. 80-10, §§ 1, 2, 2-19-80; Ord. No. 81-58, § 1, 5-19-81; Ord. No. 91-30, § 1, 3-5-91; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 02-176, § 1, 10-8-02; Ord. No. 04-215, § 3, 12-2-04; Ord. No. 13-76, § 3, 9-4-13)

4B. - ALCOHOLIC BEVERAGE SALES



4B(1). - ALCOHOLIC BEVERAGE SALES INSIDE THE AC-3A1 DISTRICT

Sec. 58.705. - Distance from Churches and Schools.

The sale of alcoholic beverages for on-premise consumption or the package sale of alcoholic beverages shall not be permitted in a place of business within two hundred (200) feet of an established school or church permitted prior to May 20, 1996, except as provided in Section 58.707 of this Part. The distance shall be measured by the shortest, most direct bearing and distance from the property line of the church or school grounds in use as part of the church or school facilities to the nearest entrance of the establishment serving alcoholic beverages open to the public during normal business hours.

Interpretation of "Church Property." A church is a facility primarily intended for the purpose of conducting organized religious worship services and permitted accessory uses. Church property, as used in this Part, is the ground or land upon which a church and its permitted accessory uses are located and which is in ownership or lease control of the church on the property.

Interpretation of "School Property." A school, as used in this Part, is any public, private or parochial institution conducting and offering a course of general education and mental training, but it does not include any educational institution whose primary purpose is to serve persons over the age of 18. School property, as used in this Part, is the ground or land upon which a school and its permitted accessory uses are located and which is in ownership or lease control of the school on the property.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 10-29-2001, § 6, Doc. #011029704)

Sec. 58.706. - Subsequent Establishment of Church or School.

Whenever a vendor of alcoholic beverages has procured a license certificate permitting the sale of alcoholic beverages and, thereafter, a church or school shall be established within two hundred (200) feet of the vendor of alcoholic beverages, the establishment of such church or school shall not be cause for the discontinuance or classification as a nonconforming use of the business as a vendor of alcoholic beverages.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361)

Sec. 58.707. - Exceptions to Distance Requirements.

The sale of alcoholic beverages for on-premise consumption or the package sale of alcoholic beverages shall be exempt from the provisions of Section 58.705 for the following, as described below:

Full-service restaurants.

Publicly-owned facilities.

Bars/nightclubs in hotels or motels where there is no direct access from or to the outside.

Package Sale of Beer and/or Wine.

Cultural arts facilities.

- (a) *Full-Service Restaurants.* The provisions of Section 58.705 (above) shall not apply to the sale of alcoholic beverages for on-premise consumption at a full service restaurant. A full-service restaurant is defined as an establishment serving full-course meals and engaged primarily in the service of food and non-alcoholic beverages, with alcoholic beverages generally only consumed or sold in connection with the consumption or sale of food during all hours of operation. A full-service restaurant may have a bar area in which alcoholic beverages are served and consumed without the accompanying sales and consumption of food; however, such bar area shall be no more than twelve percent (12%) of the total gross floor area of the full-service restaurant. An establishment which contains pool tables, video games, a stage, live entertainment, illuminated or non-illuminated signs advertising alcoholic beverages, permits dancing, or which has live music or plays recorded music at a level above 70 decibels (measured six inches from the source), shall not be considered to be a full-service restaurant. An establishment which charges a cover charge at any time shall not be considered a full-service restaurant. An establishment which advertises anything other than the sale of food shall not be considered a full-service restaurant. The full-service restaurant must have permanent kitchen facilities located within the premises in which full-course meals are regularly prepared for service to patrons of the establishment. Such kitchen facilities must be designed, constructed, equipped and maintained to actually allow preparation of food in sufficient quantities to serve full-course meals simultaneously to a number of patrons equal to at least fifty percent (50%) of the rated patron capacity of the restaurant. No person shall attempt to circumvent the intent of this Part by an artifice or scheme, such as the serving of stock meals. Stock meals as used herein are defined to include and refer to the serving of cold plates, snacks, previously-prepared sandwiches and any other type of meal which is capable of being served to more than one customer. The dining area shall contain tables and chairs or booths of standard table height. Counters and tables of cocktail table height shall not be permitted. All tables shall meet or exceed the minimally acceptable standard of 256 square inches of table space per patron. The bar area, if one exists, shall be visually or physically separated from the remainder of the full-service restaurant and shall include the bar itself, any stools, chairs or other seating adjacent to the bar, and any other seating separated from the remainder of the full-service restaurant. The bar shall be accessible only from within the full-service restaurant and shall not have direct customer access to or from the outside.
- (b) *Publicly-Owned Facilities.* The provisions of Section 58.705 (above) shall not apply to the sale of alcoholic beverages for on-premise consumption at an establishment located within a facility owned by the public where the primary purpose and design of the facility is to accommodate the assembly of people for entertainment or recreation.
- (c) *Certain Bars/Nightclubs in Hotels or Motels.* The provisions of Section 58.705 (above) shall not apply to the sale of alcoholic beverages for on-premise consumption at an establishment located within a hotel or motel containing 100 or more guest rooms where such establishment (in the hotel or motel) has no direct entrance or exit on a public street.
- (d) *For Package Sale of Beer and/or Wine.* The provisions of Section 58.705 (above) shall not apply to a vendor who operates an establishment, the primary purpose of which is the package sale of beer and/or wine, and who permits on-premise consumption only for the purpose of beer and/or wine tasting, incidental to the package sale of such beer and/or wine, at no charge to the customer.
- (e) *Cultural arts facilities.* The provisions of Section 58.705 shall not apply to the sale of alcoholic beverages for on-premises consumption of cultural arts facilities located within the AC-3A/T zoning district.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 1-24-2005, § 9, Doc. #050124909)

Sec. 58.708. - Approval as Exceptions to Distance Requirements.

To apply for the exception for full-service restaurant set forth in this part, the owner or vendor shall submit to the Zoning Official a detailed proposed menu and a detailed, to-scale floor plan clearly identifying the following:

- (a) The kitchen area, dining area, bar area, if any, waiting area and any another area, which shall verify compliance with the standards and requirements of a full-service restaurant as described in Section 58.707, above;
- (b) The square feet of each identified area and the entire facility;
- (c) The seating arrangement and number of seats in the dining and bar areas;
- (d) A "typical" of each type of table, showing height, surface area and seating capacity referenced to its location in the seating arrangement;
- (e) The location of the equipment and facilities in the kitchen; and
- (f) The rated patron capacity of the facility.

The floor plan shall contain a notarized statement from a qualified restaurant owner or operator, or other qualified food service professional, recognized by the City as qualified, stating:

- (a) His or her qualifications;
- (b) The specific equipment to be installed and maintained in the kitchen; and
- (c) A statement regarding whether the proposed kitchen meets the requirements of this Section.

Any substantial alteration to the restaurant floor plan and/or seating arrangement or change in the facility's rated patron capacity must be approved by the Zoning Official and will require submittal of a revised floor plan.

To apply for the exception for cultural arts facilities set forth in this Part, the applicant shall submit a description of the arts organization and operation of the arts facility to the Planning Official. The Planning Official shall grant or deny such exception in conformance with the standards of this Part. In no event shall advertising of the sale of alcoholic beverages on the exterior of the building be permitted.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 1-24-2005, § 9, Doc. #050124909)

Sec. 58.709. - Reserved.

4B(2). - ALCOHOLIC BEVERAGE SALES OUTSIDE THE AC-3A DISTRICT

Sec. 58.710. - Distance From Churches and Schools.

Except those vendors licensed in accordance with Florida Statutes § 562.02(1)(a) and/or Florida Statutes § 564.02(1)(a) and except as otherwise provided in this Part, no vendor of alcoholic beverages shall maintain a place of business within one thousand (1,000) feet of the real property that comprises a school or church. The distance shall be measured by the shortest, most direct bearing and distance from the property line of the church or school grounds in use as part of the church or school facilities to the nearest entrance of the establishment serving alcoholic beverages open to the public during normal business hours.

Interpretation of "Church Property." A church is a facility primarily intended for the purpose of conducting organized religious worship services and permitted accessory uses. Church property, as used in this Part, is the ground or land upon which a church and its permitted accessory uses are located and which is in ownership or lease control of the church on the property.

Interpretation of "School Property." A school, as used in this Part, is any public, private or parochial institution conducting and offering a course of general education and mental training, but it does not include any educational institution whose primary purpose is to serve persons over the age of 18. School property, as used in this Part, is the ground or land upon which a school and its permitted accessory uses are located and which is in ownership or lease control of the school on the property.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 10-29-2001, § 8, Doc. #011029704)

Sec. 58.711. - Subsequent Establishment of Church or School.

Whenever a licensee has procured a license certificate permitting the sale of beverages containing more than one percent of alcohol by weight and thereafter a church or school shall be established within a distance otherwise prohibited by law, the establishment of such church or school shall not be cause for the discontinuance of the business of such licensee.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.712. - Exception to Distance Requirements.

- (A) *Certain Eating and Drinking Establishments.* The provisions of Section 58.710 (above) shall not apply to the sale of alcoholic beverages for on-premise consumption at any eating and drinking establishment that meets the following criteria:
 - (1) (a) The eating and drinking establishment is licensed as a restaurant by the State of Florida, pursuant to Chapter 509, Florida Statutes, and derives at least fifty-one percent (51%) of its gross revenues from the sale of food and non-alcoholic beverages; or (b) The eating and drinking establishment obtains a Conditional Use Permit as described in Section 58.713(C); and
 - (2) The eating and drinking establishment does not allow outdoor sale or outdoor consumption of alcoholic beverages between 7 a.m. and 5 p.m., Monday through Friday, within 500 feet of a school or church; and
 - (3) The eating and drinking establishment does not display any advertising of alcoholic beverages visible to the exterior of the building; and
 - (4) The eating and drinking establishment promptly provides all records of food and alcoholic beverage sales to the City, as described in Section 58.713(D).
- (B) *Certain Motels.* The provisions of Section 58.710 (above) shall not apply to a vendor who owns and operates a hotel or motel containing 100 or more guest rooms, and the sale of alcoholic beverages is to be conducted and carried on in such hotel or motel by the hotel or motel owner or operator.
- (C) *Package Sale of Beer and/or Wine.* The provisions of Section 58.710 (above) shall not apply to a vendor who operates an establishment, the primary purpose of which is the package sale of beer and/or wine, and incidental food items, and who permits on-premise consumption only for the purpose of beer and/or wine tasting at no charge to the customer incidental to the package sale of such beer and/or wine.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 4-20-1992, Doc. #25633; Ord. of 7-26-1993, Doc. #26769; Ord. of 5-20-1996, Doc. #29361; Ord. of 10-29-2001, § 9, Doc. #011029704)

Sec. 58.713. - Approval as Exception to Distance Requirements.

- (A) *Submittal of Application.* To apply for the exception for certain eating and drinking establishments set forth in Section 58.712, the owner or vendor shall submit to the Zoning Official the following:
 - (1) Detailed, proposed menu;
 - (2) Detailed, to-scale floor plan clearly identifying the following:
 - (a) The kitchen area, dining area, bar area, if any, waiting area and any other area;
 - (b) The square feet of each identified area and the identified facility;
 - (c) The seating arrangement and number of seats in the dining and bar areas;
 - (d) A "typical" of each type of table, showing height, surface area and seating capacity referenced to its location in the seating arrangement;
 - (e) The location of the equipment and facilities in the kitchen;

- (f) The rated patron capacity of the facility; and
- (3) A notarized statement from a qualified restaurant owner or operator, or other qualified food service professional, recognized by the City as qualified, stating the following:
- (a) His or her qualifications;
 - (b) The anticipated percentage of revenues to be derived from food and non-alcoholic beverages based upon the anticipated operation of the restaurant facility and the above information; and
 - (c) Any other materials that may provide insight into the total percentage of gross revenues the establishment expects to earn from sales of food and non-alcoholic beverages.
- (B) **Zoning Official Determination.** The Zoning Official shall review the application and shall then issue one of the following determinations:
- (1) The establishment qualifies as an exception to the distance requirements pursuant to Section 58.712(A)(1)(a);
 - (2) The establishment does not qualify as an exception to the distance requirements pursuant to Section 58.712(A)(1)(a) but may apply for a Conditional Use Permit pursuant to Section 58.712(A)(1)(b); or
 - (3) The establishment does not qualify as an exception to the distance requirements.
- (C) **Conditional Use Permit Procedures.** An eating and drinking establishment which is located at least 500 feet from, but no more than 1,000 feet from, an established school and/or an established church, but which is otherwise prohibited from the sale of alcoholic beverages for on-premise consumption because its sales of food and non-alcoholic beverages are less than 51% of gross revenues, may apply for a Conditional Use Permit to permit the sale of alcoholic beverages for on-premise consumption. Such application shall be submitted and reviewed in accordance with the procedures set forth in Chapter 65, Part 2D. When the City approves any Conditional Use Permit pursuant to this Section, it shall require that the applicant comply with the requirements of Section 58.712(A)(3)-(4) and may also prescribe additional conditions and safeguards in conformity with the intent and provisions of this Code, including any of the following listed conditions. Violation of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is approved, shall be deemed a violation of this Code subject to enforcement under the provisions of Chapter 5 of this Code.
- (1) Require that the eating and drinking establishment have permanent kitchen facilities within the premises in which full-course meals are regularly prepared for service to patrons of the establishment.
 - (2) Limit noise levels from live or recorded music.
 - (3) Require that no entry fees or "cover" charges be charged at any time by the establishment.
 - (4) Limit the hours when alcoholic beverages may be sold.
 - (5) Specify other conditions to permit development of the City in conformity with the intent and purpose of this Code and the adopted Growth Management Plan.
- (D) **Records of Revenues.** The owner or vendor of an establishment approved as an exception to the distance requirements pursuant to this Subpart shall maintain records of total gross revenues, and these records shall be made available within 14 days of a demand made by the Zoning Official. The sales percentage required by this Subpart shall be computed by adding all gross sales of food, non-alcoholic beverages and alcoholic beverages and thereafter dividing that sum into the gross sales of food plus non-alcoholic beverages. The establishment and its representatives shall bear the burden of establishing compliance with the required percentage and the other requirements of this Subpart. In the event the City finds an establishment in violation of the requirements of this Subpart, the City may pursue any penalties provided for under state and local law, including revoking the City's zoning approval to operate in a specific location. The City shall promptly report any such revocation to the State Department of Business and Professional Regulation.

(Ord. of 10-29-2001, § 11, Doc. #011029704)

Editor's note— Ord. of 10-29-2001, § 10, Doc. #011029704, repealed the former § 58.713 which pertained to variance from distance requirement and derived from the original codification. Section 11 of said ordinance enacted a new § 58.713 as set out herein.

Secs. 58.714—58.719. - Reserved.

Sec. 6-2. - Areas within which licenses shall not be issued.

(a) *Downtown master plan area.*

- (1) The sale of liquor, beer, wine and ale for consumption off the premises shall not be allowed within the Northwest Neighborhood District or the Clematis Waterfront District.
- (2) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine for consumption on the premises shall be allowed where the location designated therefor is within 500 feet of a public, private or parochial school; and no alcoholic beverage establishment for the sale of liquor for consumption on the premises shall be allowed where the location designated therefor is within 500 feet of a church. The method of measurement shall be by straight line measurement taken from the property line of the school or church to the boundary of the premises of the alcoholic beverage establishment.
- (3) In addition, the following regulations shall apply to the street level and all floors above the street level within the downtown master plan area:
 - (i) No more than two alcoholic beverage establishments shall be permitted per city block.
 - (ii) There shall be only 75 feet of alcoholic beverage establishment frontage per block face.
 - (iii) There shall be no more than 100 feet of alcoholic beverage establishment storefront on facing street frontages.
 - (iv) There shall be no more than 50 contiguous linear feet of alcoholic beverage establishment frontage on any street frontage.
 - a. The location limitations contained in subsections (3)(i)–(iv) shall not apply to a bona fide restaurant, restaurant bar in a bona fide restaurant or a hotel bar. A bona fide restaurant may not, however, convert to an alcoholic beverage establishment without first meeting the location limitations in subsections (i)–(iv).
 - b. The location limitations contained in subsections (3)(i)–(iv) shall not apply to any alcoholic beverage establishment and any bona fide restaurant with an SRX or a 4COP license which was operating and open for business in the downtown as of November 22, 2002, or, if not open, was in possession of a valid building permit issued at least six months prior to said date ("grandfathered establishments"). The limitations will apply to any grandfathered establishment if such establishment discontinues its operation for a period of more than 180 days. The 180-day period will be extended for the number of days the city takes to process a permit application for improvements or business licenses.
 - c. The location limitations contained in subsections (3)(i)–(iv) shall not apply to any bona fide restaurant that becomes an alcoholic beverage establishment after midnight.
 - (v) The locations of all grandfathered establishments and any other existing alcoholic beverage establishments required to meet the location limitations of subsections (3)(i)–(iv) shall be included in calculating whether a new alcoholic beverage establishment may be located in any city block.
 - (vi) An applicant may apply to the city commission for a variance from the linear feet regulations of subsections (3)(i)–(iv) based on existing building configurations. However, a variance shall not be granted which will result in a facing block frontage with more than 125 feet of inactive storefronts during the day.

(b) *All other areas.*

- (1) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine to be consumed on the premises shall be allowed where the location designated therefor is within 500 feet of any property zoned as within classes SF-3 through MF-32 or RPD residential districts as defined by chapter 94. The method of measurement that shall apply to determine whether or not such place of business is within or without 500 feet from property zoned as within classes SF-3 through MF32 or RPD residential districts shall be by a straight line measurement from any entrance of the licensed premises proposed for the alcoholic beverage establishment to the nearest lot line of the property zoned SF-3 through MF32 or RPD residential zoning districts.
- (2) No alcoholic beverage establishment or package store for the sale of liquor to be consumed either on or off the premises, or for the sale of beer, ale or wine to be consumed on the premises, shall be allowed where the location designated therefor is within 500 feet of a church or public, private or parochial school. The method of measurement that shall apply to determine whether or not such place of business is within or without 500 feet from a church or public, private or parochial school shall be by a straight line from any entrance of the licensed premises proposed for the alcoholic beverage establishment or package store to the main entrance of the church or, with respect to schools, to the nearest point of the school grounds. In situations where the proposed alcoholic beverage establishment is a leasehold of a larger government-owned parcel, the measurement shall be from the lease line.
- (3) No alcoholic beverage establishment for the sale of liquor, beer, ale or wine to be consumed on the premises, shall be allowed where the location designated therefor is within 500 feet of the location of an alcoholic beverage establishment, package store or convenience store. No package store for the sale of liquor shall be allowed where the location designated therefor is within 500 feet of the location of another such alcoholic beverage establishment, package store or convenience store. The method of measurement that shall apply in such cases shall be by measurement made or taken from the main entrance or entrances of the licensed premises of such existing alcoholic beverage establishment, package store or convenience store to the main entrance or entrances of the proposed alcoholic beverage establishment, package store or convenience store as defined in section 94-611 of the zoning and land development regulations, along the route of ordinary pedestrian traffic. The location limitation contained in this subsection shall not apply to any bona fide restaurant, which operates as such during all hours of operation, as defined in this chapter, with a 4COP license and located within the Northwood Mixed Use District.
- (c) The construction, relocation or expansion of any church or public, private or construction, relocation or expansion of such church or school, shall have no effect upon the right of the person to transfer, amend or expand such place of business or the right to alter, repair or construct additions to such place of business, and the regulations applying to any such retail establishment shall continue to effect as if such church or school were not within 500 feet of such place of business.
- (d) *Exceptions.* The provisions of subsections (a) and (b) of this section shall not apply to:
 - (1) Places of business which have obtained permission as described in subsections (a) and (b). Such places of business shall be deemed legal nonconforming uses and allowed to exist until the nonconforming use expires. However, such legal nonconforming uses shall be subject to the provisions and regulations of chapter 94, article XVI, "Regulation of Nonconforming Uses" of the city's zoning and land development regulations.
 - (2) Bona fide hotels, motels or motor courts of not less than 100 guest rooms, provided:
 - a. That it shall not be construed to permit the sale of liquor for consumption off the premises if such hotel is within 500 feet of any property zoned as within classes SF-3 through MF32 or RPD residential districts as defined by chapter 94, or if such hotel is within 500 feet of a church or private, public or parochial school, or if such hotel is within 500 feet of another place of business where liquor is sold for consumption off the premises. The method of measurement shall be by straight airline measurement taken made or taken from the lot lines of the respective properties which are closest to one another; and
 - b. Such a hotel may not advertise on the outside thereof in any fashion denoting that intoxicating beverages are obtainable therein if such hotel is within 500 feet of a church or private, public or parochial school. The method of measurement shall be by straight airline measurement taken made or taken from the lot lines of the respective properties which are closest to one another; and
 - c. That it shall not be construed to permit sales at other than during the hours of sale provided for by this chapter.
 - (3) Restaurants having 2,500 square feet of service area and equipped to serve 150 persons full-course meals at one time, and deriving at least 51 percent of their gross revenue from the sale of food and nonalcoholic beverages, provided:
 - a. That it shall not be construed to permit the sale of liquor for consumption off the premises if such restaurant is within 500 feet of any property zoned as within classes SF-3 through MF32 or RPD residential districts as defined by chapter 94, or if such restaurant is within 500 feet of a church or private, public or parochial school, or if such restaurant is within 500 feet of another place of business where liquor is sold for consumption off the premises. The method of measurement shall be by straight airline measurement taken made or taken from the lot lines of the respective properties which are closest to one another; and
 - b. Such a restaurant may not advertise on the outside thereof in any fashion denoting that intoxicating beverages are obtainable therein if such restaurant is within 500 feet of a church or private, public or parochial school. The method of measurement shall be by straight airline measurement taken made or taken from the lot lines of the respective properties which are closest to one another; and
 - c. That it shall not be construed to permit sales at other than the hours permitted by this chapter; and with the further provision that no sales or service of beverages allowed by such license shall be made when such restaurant is not open for the sales or services of beverages and service of food.
- (4) Clubs as defined and regulated by F.S. § 565.02(4).
- (5) The sale of beer, ale or wine at retail for consumption off the premises in areas outside the downtown master plan area.
- (6) A restaurant so licensed under state statutes which contains no bar facilities, serving beer, ale and/or wine solely with food served at tables and prepared on the premises using full kitchen facilities.
- (7) Retail sales of alcoholic beverages for consumption on premises within 500 feet of any property zoned SF-3 through MF32 or RPD residential districts as defined by chapter 94, upon the following conditions:
 - a. Buildings used for such purpose shall have no openings within 200 feet of any property zoned SF-3 through MF32 or RPD other than doors for the purpose of ingress and egress, which shall be

kept closed at all times except when persons are actually entering or leaving through such doors. No openings in such building, including doors, shall be located within 50 feet of any property zoned SF-3 through MF-32. However, when a door is required that is within 50 feet of a residential zoning district to comply with section 8-2.4.3 of the Life Safety Code, the door must be equipped with an alarm system that will allow the door to only be used in case of an emergency.

b. Parking lots located on the premises must be separated from residential districts by a six-foot high solid eight-inch masonry wall.

The method of measurement that shall apply to determine whether a place of business applying for a certificate of occupancy to sell alcoholic beverages for consumption on the premises is within 500 feet of property zoned SF-3 through MF32 or RPD residential districts shall be by straight airline measurement taken from the lot lines of the respective properties which are closest to one another; and

(8) A location to which the holder of a retail liquor license may move his place of business if such new location is upon the same side of the street, within the same block as his former place of business and if such business, at the new location, at the time of the move, is a bona fide business with a retail liquor license, so that the effect of the move will be to reduce by one the number of businesses with retail liquor licenses within the same block.

(9) A bona fide entertainment establishment.

(10) An establishment with alcohol as an accessory use located in the downtown master plan area.

(11) Private entrepreneurs who develop and/or operate facilities upon premises leased from the city within Dreher Park, provided that the permit required by subsection 58-85(a)(3) of this Code is approved by the city commission.

(12) Properties separated by federal Interstate I-95.

(13) Bakeries, cafés and coffee shops, as defined in this chapter.

(e) *Other exceptions.* The provisions of subsections (b) of this section shall not apply to:

(1) Brewpub/microbrewery/micro-distillery/micro-winery as defined in this chapter, where the sale of alcoholic beverages for on-site consumption is incidental to the production, distribution, and sale of packaged alcoholic beverages for off-site consumption and meets the following criteria:

a. At least 65 percent of the square footage of the facility (inclusive of outdoor seating facilities) shall be dedicated to the brewery function including, but not limited to, brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, condition tanks and serving tanks.

b. Business must hold one of the following licenses issued by the Florida Department of Business and Professional Regulations, Division of Alcoholic Beverages and Tobacco: CMB, AMW, BMWC, DD.

(2) Alcoholic beverage establishments or package stores located within a shopping center in excess of 125,000 square feet in gross floor area, provided each of the following conditions have been met.

a. The shopping center is separated from any property zoned SF-3 through MF32 or RPD residential district as defined by chapter 94, by:

1. A Collector or greater roadway classification as determined by the city's comprehensive plan TE-Map 2 (existing roadway functional classification); or

2. A six-foot high solid eight-inch masonry wall.

b. The total gross square footage of all alcoholic beverage establishments and package stores within the shopping center shall not exceed ten percent of the gross square footage of the shopping center. Prior to the issuance of a certificate of use for an alcoholic beverage establishment or package store, the property owner or operator shall provide the city with a data table identifying the total gross square footage of all current alcoholic beverage establishments and package stores within the shopping center and their percentage of the overall gross square footage of the entire shopping center.

c. The alcoholic beverage establishment or package store is at least 500 feet from a church or public, private or parochial school located outside the premises of the shopping center. The method of measurement shall be by a straight line from any entrance of the licensed premises proposed for the alcoholic beverage establishment or package store to the main entrance of the church or, with respect to schools, to the nearest point of the school grounds.

d. The alcoholic beverage establishment or package store is at least 500 feet from another alcoholic beverage establishment, package store or convenience store located outside the premises of the shopping center. The method of measurement shall be made or taken along the route of ordinary pedestrian traffic from the main entrance or entrances of the licensed premises of such existing alcoholic beverage establishment or package store to the main entrance or entrances of the proposed alcoholic beverage establishment, package store, or convenience store.

(Ord. No. 4394-11, § 1, 1-23-2012; Ord. No. 4488-13, § 2, 10-28-2013; Ord. No. 4491-13, § 1, 10-15-2013; Ord. No. 4663-16, § 1, 9-26-2016; Ord. No. 4686-16, § 2, 12-19-2016)

City Commission Meeting Tuesday, March 5 2019
CAM # 19-0010
Testimony of Marilyn Mammano,

OFR-1
Regular Meeting
3/5/2019
Provided by
Marilyn Mammano

Hello Mayor and Commissioners,

We are writing regarding an item on your Tuesday night agenda, CAM #19-0010.

Ordinance Amending Section 5-26 of the Code of Ordinances of the City of Fort Lauderdale to Allow Additional Establishments to Request a Special Exception for the Distance Measurement Between Establishments that Serve Alcohol or Intoxicating Beverages

We ask you to defer consideration of this item until improvements are made. In your Commission Memo staff included comments received at the CFLCA meeting when this proposal was discussed. We would like to elaborate.

The City Attorney has correctly identified a procedural problem with applicants seeking a hardship variance to get an exemption regarding the distance requirements for establishments serving alcohol. However the remedy being proposed, allowing these establishments (currently only establishments that incidentally serve alcohol like restaurants and hotels of more than 50 rooms) to apply for an "Special Exemption" to the distance requirements needs additional thought. This proposal does not simply solving a procedural issue.

1. The proposal would **allow any establishments** to apply for the exemption. Why would you expand the universe of establishments that can avail themselves of the exemption? Under the proposal a new bar could seek the special exemption to the 300 foot distance requirement. Why would you do that? There is an anti concentration requirement for a purpose.....to prohibit clustering of these establishments.

2. Why would you allow these "Special Exemptions" based only on weak criteria like:

a. Whether the proposed development or use meets the requirements for a special exception as provided by the ULDR; And what exactly are these? Are they procedural or substantive?

and

b. Granting of the special exception shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest. The ordinance prohibits the concentration of establishments that serve alcohol by establishing a 300 foot distance between them. It is in the public interest to prevent the concentration of these establishments. There may be neighborhoods where the 300 foot distance is not critical (where are they and would you like to live there?) and there are surely neighborhoods that could benefit from a greater distance. Many municipalities have a greater distance requirement. This proposal doesn't just solve the instant problem, it expands the universe of potential unintended consequences.

So we are asking you to defer consideration of this ordinance. If there are applications caught in the legal limbo of this change in procedure that is regrettable and fast action is needed. Direct the staff to limit the scope of this proposal to only those establishments that previously availed themselves of it (Restaurants and hotels with more than 50 rooms). Then they should develop more robust criteria designed to protect especially residential areas from the over concentration of establishments serving alcohol. Whether or not time is of the essence, you should consider revisiting the 300 foot anti concentration standard based on further protecting neighborhoods from becoming saturated with establishments that serve alcohol.

Both Christina Currie and myself will be at the hearing to answer any questions.

Thank you.



Marilyn Mammano

Marilyn Mammano
mmammano@comcast.net