

ORDINANCE NO. C-19-07

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 5-26 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "DISTANCE BETWEEN ESTABLISHMENTS", TO CLARIFY THE APPLICABILITY OF ALCOHOLIC BEVERAGE ESTABLISHMENTS DISTANCE REQUIREMENTS AND TO AUTHORIZE THE BOARD OF ADJUSTMENT TO GRANT SPECIAL EXCEPTIONS TO THE DISTANCE REQUIREMENT FOR ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 5-26 of the Code of Ordinances of the City of Fort Lauderdale entitled "Distance between establishments" provides for regulations and restrictions pertaining to certain establishments serving alcoholic beverages and compliance with provisions of state and local laws, and further establishes provisions for a vendor to request a special exception from the board of adjustment for the distance measurement between establishments that serve alcohol or intoxicating beverages; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida desires to amend Section 5-26 of the Code of Ordinances of the City of Fort Lauderdale to allow additional establishments the ability to request a special exception for the distance measurement between establishments that serve alcohol or intoxicating beverages;

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

SECTION 1. That Section 5-26 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 5-26. – Distance between establishments.

. . .

- (b) ~~For dining rooms or restaurants where the sale and service of alcoholic or intoxicating beverages is incidental to the sale and service of food and for~~

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions; words, symbols, and letters double underlined are additions added after first reading; words, symbols, and letters ~~double stricken~~ are deletions from the version presented at first reading.

~~hotels with fifty (50) rooms or more, the~~ The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:

- (1) Not be contrary to the public interests; and
- (2) Not incompatible with adjoining properties or the surrounding neighborhood.

The application for a special exception and the processing and hearing upon such application shall be in accordance with section ~~47-34~~ 47-24.12(A).

SECTION 2. 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.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

PASSED FIRST READING this the 5th day of March, 2019.

PASSED SECOND READING this the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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