

### ARTICLE III. - SPECIAL ENTERTAINMENT OVERLAY DISTRICT

#### Sec. 5-51. - Purpose and intent.

The purpose of the special entertainment overlay district regulations is to create the opportunity to and encourage the development of areas which promote the cultural, economic educational and general welfare of the people of Fort Lauderdale in conjunction with the development of areas catering to and promoting tourism and providing entertainment centers for the utilization and enjoyment of the public.

The regulations are intended to promote the goals of the city's comprehensive land use element by creating standards which are unique and specific to the regional activity center (RAC) land use designated areas in order to promote development of regional significance.

The regulations provide incentives for development which foster the implementation of the RAC land use designation by encouraging intense and varied development and uses, discouraging automobile travel and encouraging public pedestrian use.

The incentives are designed to promote redevelopment which will eliminate deteriorating conditions in areas which are found to be detrimental to the health, safety and welfare of the public.

The regulations are intended to enhance the visibility and public awareness of publicly-funded projects and to create incentives to the public to utilize public improvements by the creation of a special entertainment district.

It has been found that encouraging the location of entertainment, retail and restaurant uses within a limited defined area creates an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic, provide for more efficient and effective public safety enforcement in a defined area; encourage greater utilization of public projects financed with public funds and encourage private development of entertainment facilities which enhance and compliment the use of the publicly-funded improvements.

The city commission hereby finds that this section benefits the residents and property owners of the city, and declares as a matter of public policy that this article is in the interest of the health, safety, general welfare and economic well-being of its residents.

(Ord. No. C-92-17, § 1, 4-7-92)

#### Sec. 5-52. - Definitions.

The following words when used in this article shall, for the purposes of this article, have the following meanings.

*Common control* shall mean that the real property comprising a district is controlled by one (1) person, corporation, or other legal entity. For the purpose of this article, "controlled" shall mean that the underlying real property is the subject of a lease or exclusive license vesting control in such entity for a period of not less than ten (10) years. If the common controller is other than a natural person, a natural person with an ownership interest in the legal entity shall be identified and have authority to take all actions on behalf of the legal entity as district representative.

*Common ownership* shall mean fee simple title ownership of the real property lying within a district by one (1) person, corporation or other legal entity. If the common owner is other than a natural person, a natural person with an ownership interest shall be identified and have authority to take all actions on behalf of the legal entity as district representative.

*Economic development project* is a project financed in whole or in part with public funds and intended to attract use of the project by person residing in Broward County and tourists to this regional destination.

*Economic redevelopment area* shall mean an urban area which has been found by a governmental authority to contain a substantial number of deteriorated or deteriorating structures and conditions which are detrimental to the public health, safety and welfare of the public in its present condition and use.

*Owners or district representative* shall mean the persons or entity, other than a governmental entity, having one hundred (100) percent of the common ownership, common control or both, in the real property within an area designated hereunder as a special entertainment overlay district.

*Special entertainment district or district* shall mean an area with a variety of uses which provides entertainment and supporting uses to the public such as theatres, restaurants, plazas, outdoor cafes, kiosks, retail shops, docks, boats and vessels moored at dock space, public areas and ways, which area meets the criteria set forth in this article, and has been designated hereunder as a special entertainment overlay district by the city.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-53. - Procedure for establishment of district.

Entertainment overlay districts shall, after submission and approval of necessary supporting documentation to ensure that the proposed district meets the minimum criteria for establishment of such a district, be established and designated. Such district shall be deemed established upon execution of a document which includes a map and legal description of the boundaries of the district by the city manager of the City of Fort Lauderdale.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-54. - Minimum district criteria.

In order to be designated and maintain a designation as a special entertainment overlay district, an area shall:

- (1) At the time of designation, be located on property identified as "regional activity center" on the city's land use plan;
- (2) At the time of designation, be located within an economic redevelopment area;
- (3) At the time of designation, be located adjacent to an economic development project;
- (4) Consist of a minimum of two (2) acres of contiguous land;
- (5) Contain property which is under common ownership, common control or both;
- (6) Have a minimum of fifty thousand (50,000) square feet of floor area under the same common ownership or common control and be designed to contain at a minimum the following types of uses, without precluding other uses, restaurant(s) and entertainment facilities and specialty retail shops either contained within structures or open air and be used for same. The floor area calculation shall include open air areas used for the purposes set out in this section;
- (7) Contain a restaurant having at least four thousand (4,000) square feet of floor area under the common ownership or common control of the district representative;
- (8) Have a mixture of entertainment and supporting uses including but not limited to lounges, restaurants, night clubs and other entertainment facilities, retail shops and offices, provided that no more than ten (10) percent of the ground floor area and no more than twenty-five (25) percent of all floor area within the district shall be utilized for office uses. The calculation of the amount of ground floor office space shall not include office special incidental and accessory to a permitted primary use. A plan drawn to scale shall be submitted showing building locations and describing the proposed uses and associated square footage; and

- (9) At the time of designation, any portion of a proposed district shall not be located within five hundred (500) feet of any parcel of land which is either designated on the city land use plan as residential or is zoned RS-4.4, RS-8, R-2-A, R-2, R-3-A, R-3-B, R-3-C, R-3, R-4 or R-4-C, as measured by airline measurement from property line to property line using the closest property lines of the parcels of land involved.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-55. - District conditions.

If an area is designated as a special entertainment overlay district, the following conditions shall apply:

- (1) Establishments selling or serving alcoholic beverages must be permitted and operating in compliance with the laws governing the sale and consumption of alcoholic beverages; and
- (2) Adequate security shall be provided as approved by the city manager based on the number and type of business establishments, size of the district, square footage of pedestrian walkway and maximum capacity of the facilities within the district.

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-56. - Alcoholic beverage sales within the district.

- (a) *Minimum distance requirements.* There shall be no minimum distance required between any place of business within the district licensed by the state to sell alcoholic beverages either for consumption on or off premises and any other place of business similarly licensed within the district. For the purpose of minimum distance requirements between establishments licensed to sell alcoholic beverages in a district and establishments similarly licensed outside of the district, the physical location of any place of business so licensed within a district shall be considered to extend to the outside perimeter boundary of the district, and the entire district shall thereafter be considered one (1) establishment licensed to sell alcoholic beverages. There shall be no minimum distance requirement between any establishment licensed to sell alcoholic beverages either for consumption on or off premises within the district and establishments similarly licensed outside of the district at the time of designation of the district.

- (b) *Hours of operation.* The hours during which sales, consumption and service of alcoholic beverages, beers and wines are prohibited within the district are as set forth in section 5-29 of the City Code, provided however:

Upon written notice provided by the district representative to the city manager one (1) or more establishments licensed by the State of Florida to sell alcoholic beverages either on or off premises within the district, may be designated by the district representative as late night licensed establishments and establishments so designated, shall be prohibited from selling, offering to sell, or serving any beers, wines or alcoholic beverages of any kind regardless of alcoholic content for consumption on or off premises on weekdays and Saturdays between the hours of 4:00 a.m. and 7:00 a.m.; and any such alcoholic beverage ordered by a patron from a vendor and served prior to 4:00 a.m. may be consumed within the district premises until no later than 4:30 a.m.

- (c) *Sales of alcoholic beverages within the district.* If permitted in accordance with state permitting requirements, alcoholic beverages sold for consumption on the premises by a vendor within an area designated as a district pursuant to this article, may be consumed, held, carried and transported in the original or substitute container, at any location within the district, either indoors, outdoors or aboard boats moored at docks located within the district to the extent it is permitted by the state.
- (d) *Hours for music and entertainment.* Music, singing and other forms of entertainment whether amplified or not, shall be permitted indoors at any time during business hours of any facility or

business enterprise within the district, and in addition music, singing and entertainment shall be permitted outdoors within the district, however, such outdoor music, singing and entertainment shall not be permitted later than the hours of 12:00 a.m. during weekdays and 1:00 a.m. on legal holidays as provided by state law, Fridays, Saturdays and Sundays, notwithstanding anything to the contrary in section 17-10 of the Code.

- (e) *Alcoholic beverage consumption on vessels within the district.* Owners of pleasure or excursion boats or barges who are licensed under the state beverage laws to sell alcoholic beverages for consumption on premises, may sell beers, wines and alcoholic beverages of any type, regardless of alcoholic content, on such vessels within the district subject to the provisions of this article.
- (f) *Outdoor sales of alcoholic beverages.* Those persons or entities within the district licensed under the state beverage license laws, may sell and serve beers, wines and alcoholic beverages of any type regardless of alcohol content at any location within the district licensed for such sale and under the control of such licensee, including, but not limited to, sidewalk cafes, outdoor areas designed for food or beverage consumption or both adjacent to and operated in concert with a business operated within enclosed premises, licensed freestanding structures including outdoor bars and kiosks selling food or beverages including alcoholic beverages and pushcart type vehicles, provided that all such operators of such outdoor facilities vending and serving alcoholic beverages shall be duly licensed by the state and permitted to operate pursuant to the City Code.
- (g) *Addition of property to districts.* Subsequent to the designation of a district pursuant to the provisions of this article upon application to the city, additional lands may be added to a district providing that the property proposed to be added to the district:
  - (1) Is adjacent to the district; for purposes of this provision, properties shall be deemed "adjacent" to a district if they are directly contiguous to any perimeter boundary of the district or separated from the district solely by any publicly dedicated thoroughfare or pedestrian walkway;
  - (2) Is under common ownership or control by the district representative; and
  - (3) Meets the criteria set forth in section 5-54(1), (4) and (8).

(Ord. No. C-92-17, § 1, 4-7-92)

Sec. 5-57. - Decertification of special entertainment overlay district.

Subsequent to the designation of a district pursuant to the provisions of this article, a district may be decertified upon adoption of an ordinance by the city commission after public hearing, upon a finding that the district has not complied with the criteria or conditions set forth hereinabove for one hundred eighty (180) days within a one-year period.

(Ord. No. C-92-17, § 1, 4-7-92)