



**PLANNING AND ZONING BOARD
AGENDA
October 7, 2025
6:00 PM**

I. ASSEMBLY & ORGANIZATION

A. CALL TO ORDER

B. ROLL CALL OF BOARD MEMBERS

C. AMENDMENTS TO THE AGENDA

II. APPROVAL OF MINUTES FROM PREVIOUS MEETING

A. AUGUST 5, 2025 MEETING MINUTES

III. PUBLIC HEARINGS

IV. NEW BUSINESS

V. OLD BUSINESS

A. A. DISCUSSION REGARDING RESTAURANT REGULATION REVIEW OF SECTIONS CHAPTER 2, CHAPTER 6, CHAPTER 7.

VI. COMMUNICATIONS

A. A. FUTURE MEETING DATES: NOVEMBER 04, 2025

VII. ADJOURNMENT

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105)

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 535-2705 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

Title

AGENDA

Summary

Agenda Attached

Staff Recommendation

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 10/7/2025

ATTACHMENTS:

Description

Type



MEETING AGENDA OCTOBER 7, 2025

Cover Memo

City of Lauderdale Lakes

4300 N.W. 36th Street, Lauderdale Lakes, FL 33319



Meeting Location: Gereffi Room, Second Floor, 4300 NW 36 St

Planning & Zoning Board

Nicole Hall (Board Chair)

Lauria Richardson

(Vice-Chair)

Jennifer Chambers Conde

(Secretary)

Samantha Vacciana

Paula Dewitt

Staff Support

Tanja McCoy,
Director

Jermaine Swaby
Planner II

Board Clerk

Julie Dominique

City Attorney

Jodi-Ann Tillman

PLANNING AND ZONING ADVISORY BOARD

MEETING AGENDA

October 07, 2025 - 6:00 P.M.

I. ASSEMBLY & ORGANIZATION:

A. CALL TO ORDER

B. ROLL CALL OF BOARD MEMBERS

C. AMENDMENTS TO THE AGENDA

II. APPROVAL OF MINUTES FROM PREVIOUS MEETING:

A. AUGUST 5, 2025

III. PUBLIC HEARINGS:

IV. COMMITTEE REPORTS:

V. NEW BUSINESS:

VI. OLD BUSINESS:

A. DISCUSSION REGARDING RESTAURANT REGULATION REVIEW OF SECTIONS
CHAPTER 2, CHAPTER 6, CHAPTER 7.

VII. COMMUNICATIONS:

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VIII. ADJOURNMENT:

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

| Title |
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AUGUST 5, 2025 MEETING MINUTES

| Summary |
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| Staff Recommendation |
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Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 10/7/2025

ATTACHMENTS:

| Description | Type |
|--|---------|
| <input type="checkbox"/> Meeting Minutes August 5 2025 | Minutes |

City of Lauderdale Lakes

4300 N.W. 36th Street, Lauderdale Lakes, FL 33319



Meeting Location:

Gereffi Room, Second Floor, 4300 NW 36 St

Planning & Zoning Board

Nicole Hall (Board Chair)

Lauria Richardson

(Vice-Chair)

Jennifer Chambers Conde

(Secretary)

Samantha Vacciana

Paula DeWitt

City Attorney

David Coviello

Staff Support

Tanja McCoy,
Director

Lauren Pruss,
Assistant Director

Board Clerk

Julie Dominique

PLANNING AND ZONING ADVISORY BOARD

MEETING MINUTES

AUGUST 5, 2025 - 6:00 P.M.

I. ASSEMBLY & ORGANIZATION:

a) Call to Order

The meeting was called to order at approximately 06:00 P.M. by Chair, Nicole Hall.

b) Roll Call of Board Members

The roll was called, and the clerk declared that a quorum had been met. The following members were present:

PRESENT

Nicole Hall (Board Chair)

Jennifer Chambers Conde (Secretary)

Samantha Vacciana

ABSENT

Lauria Richardson (Vice-Chair)

Paula DeWitt

Development Services Staff was represented by:

NAME

David Coviello

Tanja McCoy

Lauren Pruss

Vacant

TITLE

City Attorney

Development Services Director

Asst Director

Planner II

c) Amendments to the Agenda

City staff confirmed that there were no amendments to the agenda.

II. APPROVAL OF MINUTES FROM PREVIOUS MEETING:

Approval of the July 1, 2025, meeting minutes was moved and seconded, passing unanimously.

III. PUBLIC HEARINGS:

No items were under this section.

IV. NEW BUSINESS:**A. DISCUSSION REGARDING RESTAURANT REGULATION REVIEW – CHAPTERS 2, 6, AND 7**

Lauren Pruss presentation:

On May 14, 2024 City Commission directed staff to review/modernize restaurant-related provisions to reflect current trends in food, beverage, and entertainment. A review of Chapter 2 & Chapter 6 defines “Restaurant,” “Restaurant Bar,” and “Entertainment Area” as follows:

“Restaurant,” Restaurant means any establishment where the principal use is service of full course meals for consumption on the premises. Typically, full course meals are prepared on the premises and served at all times when the establishment is open for pay and for consumption on the premises at tables with chairs, booths, or both.

“Restaurant Bar” criteria noted: accessory to full-course meal service; minimum 200 seated patrons; ≥4,000 sq ft enclosed floor area; alcohol can only be provided when full food service is available.

Zoning districts that allow restaurants and related uses: B-1, B-2, B-3 and Town Center.

Permitted vs. Conditional uses discussed:

B-1 Uses Permitted Restaurants or café without drive-through facilities, drive throughs and Outdoor cafes are permitted under a Conditional Use approval.

B-2 Uses Permitted included Restaurants or café without drive-through facilities. Outdoor cooking and barbecuing are permitted under a Conditional Use approval.

B-3 Uses permitted included Banquet halls, Bar/lounge and nightclubs in restaurants and dinner clubs holding a 4COP alcoholic beverage license from the state. Billiard rooms and pool rooms and restaurants or café without drive-through facilities. Outdoor cooking and barbecuing are permitted under a Conditional Use approval

Town Center is the same as B-3.

Staff suggested research from surrounding jurisdictions with a goal to streamline and clarify the code. Potential additions for consideration would include live entertainment, arcades, hookah lounges, with consideration of hours of operation and noise management.

The Board requested a zoning map for clearer identification of B-1/B-2/B-3 locations to aid future discussions. The discussion included updating drive-thru standards. Bars & entertainment venue discussion included whether alcohol service can continue after kitchen close; consider conditional-use tools and revocation for compliance issues. Live indoor or outdoor entertainment must consider hours-of-operation, indoor vs outdoor, sound levels, and impacts to adjacent residential areas.

Nicole Hall brought up food trucks into the discussion which led to an extensive discussion on how to also fit food trucks into the code.

Nicole Hall spoke about incorporate food-truck regulations now (per comp plan “trends” and resident demand). Consider designating locations, caps, days/hours, and fees; ensure fairness with brick-and-mortar restaurants.

Samantha Vacciana agreed with the Director and Attorney to first complete restaurant-code modernization, then tackle food-trucks as a separate code section to avoid conflicts and to protect restaurant investment and local tax base.

Director McCoy spoke to the current practice which allows food trucks via a Special Event Permit with property-owner approval; staff cited typical fees for the permit at approx. \$250 per event. Director McCoy also discussed tax and maintenance obligations of brick-and-mortar vs. temporary/mobile vendors. Once a draft is prepared staff intends to invite restaurant owners and hold Commission workshops to discuss next steps.

Samantha Vacciana Motioned to Table the “Restaurant Regulation Review” discussion to the next regular meeting to allow Board review of staff materials and comparable city codes.

Motion passed unanimously.

V. OLD BUSINESS:

No items were under this section.

VI. COMMUNICATIONS:

A. REPORTS:

Director McCoy there are no committee reports.

Director McCoy introduced the new Code Enforcement Supervisor Herman Murillo, and announced that code enforcement staff will be assisting with the citywide parking assessment.

B. FUTURE MEETING DATES:

Nicole Hall announces future meeting dates: The next Planning and Zoning Board meeting is scheduled for Tuesday, September 2, 2025.

VII. ADJOURNMENT

There being no further business, a motion to adjourn closed the meeting at 8pm p.m.

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact: No

Contract Requirement: No

| Title |
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A. DISCUSSION REGARDING RESTAURANT REGULATION REVIEW OF SECTIONS CHAPTER 2, CHAPTER 6, CHAPTER 7.

| Summary |
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| Staff Recommendation |
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Background:

The City of Lauderdale Lakes has experienced an increase in establishments requesting to offer live and recorded music, DJ services, and other forms of indoor entertainment. While these activities enhance the community's cultural and economic vibrancy, they also present potential challenges related to noise, security, occupancy management, and impacts on adjacent residential and commercial properties.

To address these concerns, staff has prepared a review of the current ordinance with the goal of creating an ordinance to allow **Indoor Entertainment**. Establishing the requirements, the permitting process and operational standards. To prepare an ordinance which balances the interests of local businesses with the City's obligation to safeguard public health, safety, and quality of life.

KEY PROVISIONS

- **Permit Requirement:** All establishments offering indoor entertainment will obtain an annual Indoor Entertainment Permit issued by the Development Services Department.
- **Operational Standards:**
 - Entertainment hours TBD.
 - Amplified sound not to exceed TBD dB at property line; doors/windows must remain closed during entertainment.
 - Occupancy limited to Fire Marshal certification; exits must remain unobstructed.
 - Security personnel required for establishments operating after 9:00 p.m. TBD

Enforcement: Violations subject to citation, fines, permit suspension, or revocation.

Funding Source:

Costs associated with enforcement will be absorbed within existing operational budgets for Code Compliance and the Broward Sheriff's Office.

Fiscal Impact:

Sponsor Name/Department: Tanja McCoy, AICP, CGC, CFM, Development Services Director

Meeting Date: 10/7/2025

ATTACHMENTS:

| Description | Type |
|---------------------------------|------------|
| ❑ Staff Report | Cover Memo |
| ❑ Sample Restaurant Regulations | Exhibit |



Staff Report to the Land Development Code Text Amendment October, 2025

App No.
2025-TEXT-02

Copies of the submitted application are available at the City of Lauderdale Lakes, Development Services Department located at 4300 Northwest 36th Street, Lauderdale Lakes, FL 33319

I. APPLICANT INFORMATION

City of Lauderdale Lakes, Development Services Department

II. PROJECT SUMMARY

REQUEST:

The purpose of this agenda item is to recommended amendments to the Land Development Regulations (LDRs) concerning restaurants. Specifically, the ordinance would establish conditions under which restaurants may provide live entertainment. The proposed changes are designed to reflect evolving industry practices while addressing zoning compatibility, neighborhood impacts, and community quality of life.

STAFF RECOMMENDATION:

Staff recommends that the City Commission **direct staff to prepare a text amendment** to the Land Development Regulations that:

1. Defines “Indoor Entertainment” as an accessory use to restaurants.
2. Establishes a permit process with annual renewal.
3. Sets operational standards for hours, noise, occupancy, and security.
4. Differentiates requirements by zoning district (B-1, B-2, B-3) to balance commercial vitality with residential compatibility.

This amendment will be consistent with the City’s Comprehensive Plan, modernize the City’s regulations, support restaurant owners, and encourage economic development while preserving neighborhood quality of life.

III. BACKGROUND

PURPOSED CHANGES:

At the May 14, 2024, City Commission meeting, the owner of Singh’s Roti requested the ability to add live entertainment to the existing restaurant use, which is currently not permitted by the Land Development

Regulations. Following the meeting, the City Manager's office directed Staff to research the City's current regulations on Restaurants and provide direction regarding the modernization of the provision to reflect current trends in the entertainment, food, and beverage industry

CURRENT ZONING FRAMEWORK

The City's Land Development Regulations presently regulate restaurants under several zoning districts:

- **Chapter 2 Land Development Regulations Definitions and Rules of Construction**
Sec. 201 Definitions:
- **Chapter 7 Land Development Regulations (Specific Use Regulations and Conditional Use Regulations):**
 - Restaurant shall mean a commercial establishment where food and beverages are primarily ordered from individual menus, served at tables, and consumed on premises.

Section 704 Business zoning districts:

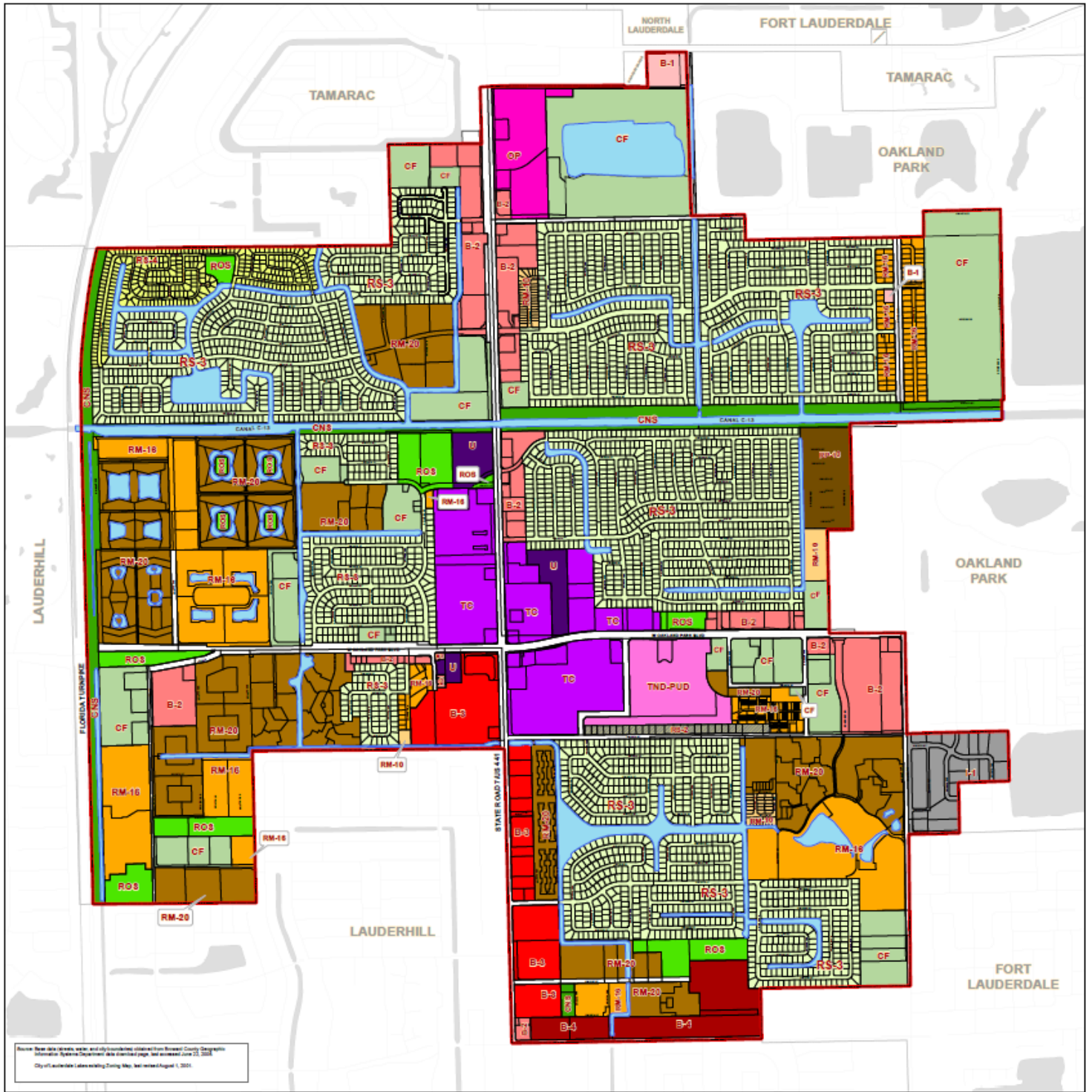
- **B-1 (Neighborhood Business District):** Permits restaurants or cafés without drive-through facilities; outdoor cafés are allowed only as conditional uses. **Entertainment no an allowed use.**
- **B-2 (Community Business District):** Permits restaurants or cafés without drive-through facilities; outdoor cooking is allowed conditionally. **Entertainment no an allowed use.**
- **B-3 (General Business District):** Permits banquet halls, bar/lounges, nightclubs (subject to Chapter 6), billiard/pool rooms, and restaurants or cafés without drive-through facilities. Outdoor cafés and outdoor cooking are conditional.

Chapter 712.32 (Specific Use Regulations – Restaurants): Currently **reserved**, providing no additional guidance for restaurants.

- **Chapter 6 Code of Ordinance (Alcoholic Beverage Establishments):** Defines “restaurant bar” and “entertainment area” but requires large seating capacities (200 seats, 4,000 sq. ft. enclosed space) for restaurants with bars, which limits applicability for smaller establishments.

This framework does not clearly distinguish between traditional dining establishments and restaurants that wish to integrate entertainment. As a result, restaurants like Singh's Roti are unable to modernize operations in line with market demand.

ZONING MAP



ZONING IMPACTS OF PROPOSED AMENDMENT

- **Expanded Accessory Use:** Allowing indoor entertainment in restaurants would establish live entertainment as an **accessory use** in commercial zoning districts where restaurants are permitted.
- **District-Specific Conditions:**
 - In **B-1**, restrictions would focus on limiting impacts to adjacent residential areas, with early closing hours and soundproofing requirements.
 - In **B-2**, standards could include expanded hours with security provisions and separation requirements.
 - In **B-3**, live entertainment would be most appropriate due to existing allowances for bars and nightclubs; regulations could mirror those uses with added safeguards.
- **Operational Controls:** Conditions would include noise limits (e.g., 65 dB at property line), hours of operation, occupancy limits, and security plans for entertainment after 9:00 p.m.

IV. ANALYSIS

INTENT OF CURRENT CODE:

Chapter 7 - USE REGULATIONS

Sec. 701. - Zoning districts.

701.1. Purpose. In order to effectively protect and promote the general welfare and to accomplish the purposes of the city's comprehensive plan, land use element, the city is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability and use that are deemed most suitable so as to provide for the best general civic use and promote improved wholesome, slightly, harmonious and economic results in civic service, activities and operations; and there are hereby imposed upon the land and structures located and uses to be conducted within such districts, such further regulations as are necessary or appropriate to limit the location, use and occupancy of buildings, structures and land to be used for commerce, industry, residential, community or other purposes references to the land use plan and land use plan map shall refer to those portions of the city's adopted comprehensive plan as may be amended.

701.2. Division of city into districts. For the purpose of regulating the use of land, water, building, form, population density, the intensity of use and provision of open space, the city is hereby divided into the following districts.

LAND USE COMPATIBILITY:

Any proposed restaurant with live entertainment will be designed to ensure compatibility with surrounding residential and commercial developments within the B-1, B-2, and B-3 zoning districts. Establishments will be required to operate as an accessory use to restaurants, not as standalone nightclubs or bars, thereby maintaining the character of the districts.

The City's Land Development Regulations (LDRs) will be strictly followed to preserve neighborhood integrity and prevent the onset of incompatible commercial forms.

Landscaping, buffering, and sound attenuation measures will be required where entertainment venues are adjacent to residential areas. These design requirements will mitigate potential adverse impacts such as noise and visual intrusion, ensuring harmony between restaurant operations and the surrounding built environment.

INFRASTRUCTURE AND SERVICES:

The commercial corridors in Lauderdale Lakes are equipped with adequate infrastructure and public services to support restaurants with accessory live entertainment.

- **Roadway Network:** The existing street system is sufficient to handle the modest increase in traffic associated with entertainment activities. Specific access, circulation, and parking requirements set forth in the LDRs will prevent congestion and ensure adequate off-street parking.
- **Utilities:** Water, sewer, and electricity are readily available within all commercial zoning districts (B-1, B-2, B-3) and have sufficient capacity to accommodate the incremental demand generated by restaurants with entertainment.
- **Public Safety:** The Fire Marshal will review occupancy loads, egress, and life safety systems to ensure safe operations. Restaurants offering entertainment after 9:00 p.m. will be required to provide a **security plan** approved by the City and the Broward Sheriff's Office.
- **Stormwater Management:** All sites will continue to comply with the City's stormwater management practices to prevent any negative impacts on local drainage systems.

With these measures in place, the City's infrastructure and service systems are capable of accommodating restaurant entertainment uses without undue burden on existing facilities.

CONSISTENCY WITH STATE REGULATIONS:

With this amendment to the Land Development Regulations the code will remain consistent with state regulations.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

As stipulated under Chapter 163 of F.S., the City of Lauderdale Lakes makes periodic updates to its Comprehensive Plan and covers a wide range of issues from conservation to transportation. At the time of writing, the City is currently updating its Future Land Use and Recreation and Open Space elements to comply with state and regional regulations. Currently, the Comprehensive Plan updates are in the transmittal process with the State and applicable reviewing agencies. Based on these updates this change will be supported by the updated Comprehensive Plan.

Comprehensive Plan Implications

The City's Comprehensive Plan establishes goals, objectives, and policies to guide land use, economic development, and community quality of life. The proposed amendment to allow indoor entertainment as an accessory use to restaurants directly supports several key elements of the Plan:

Future Land Use Element:

- Promotes redevelopment and revitalization of existing commercial corridors by expanding permitted uses in a way that strengthens the City's economic base.
- Ensures land use decisions are compatible with surrounding residential neighborhoods through buffering, operational standards, and zoning district-specific conditions.

Economic Development Element:

- Goal X.1 / Objective X.1.1 – Retain and Expand Existing Businesses
 - Policy X.1.1.2: Demonstrate support for local businesses by providing professional staff and municipal leadership.
 - Relevance: The amendment responds directly to a restaurant owner's request and provides a pathway for existing restaurants to expand services, remain competitive, and thrive in the local market. While supporting the City's goal of fostering a vibrant, mixed-use environment by aligning regulations with current trends in the food, beverage, and hospitality industries.
- Goal X.1 / Objective X.1.1 – Retain and Expand Existing Businesses
 - Policy X.1.1.2: Demonstrate support for local businesses by providing professional staff and municipal leadership.
 - Relevance: The amendment responds directly to a restaurant owner's request (Singh's Roti) and provides a pathway for existing restaurants to expand services, remain competitive, and thrive in the local market.
- Enhances Lauderdale Lakes' competitiveness with neighboring jurisdictions that already permit restaurant entertainment, attracting new investment and retaining local businesses.

Housing and Neighborhoods Element:

- Protects neighborhood livability by requiring entertainment operations to adhere to noise, hours of operation, and security standards, ensuring compatibility with nearby residential areas.

Infrastructure Element:

- Relies on existing public infrastructure (roads, utilities, stormwater systems) that have sufficient capacity to support the incremental demands of restaurants with entertainment.
- Reinforces policies that require new or expanded uses to comply with parking, circulation, and stormwater management standards.

In summary, the proposed ordinance is **consistent with the City's Comprehensive Plan** by promoting economic vitality while ensuring compatibility with residential neighborhoods and maintaining the integrity of existing infrastructure and services.

CONFORMANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs):

Pursuant to Chapter 5 section 507.8 of the LDRs, when deciding to recommend approval of a proposed text amendment, the Administration, Planning and Zoning Board and the City Commission shall consider compliance with the following standards. The following standards of review pertinent to the application are pursuant to Chapter 1 section 102 which establishes the LDRs to, ". further implement the comprehensive plan of the city..." As such, the City Planning Staff has provided responses to the standards set forth below for compliance:

A. The proposed amendment is consistent with the goals and objectives of the comprehensive plan.

The proposed amendments are consistent with the goals and objectives of the Comprehensive Plan.

B. The proposed amendment is consistent with the authority and purpose of the LDR.

Section 102 of the LDRs expresses the purpose of the LDRs, which is to, "... further implement the comprehensive plan of the City by establishing regulations, procedures and standards to foster and preserve the public health, safety, procedures and equitable in terms of the rights of property owners and the consideration for the interests of the citizens of the City".

C. The proposed amendment furthers the orderly development of the city.

By establishing clear definitions and operational standards for live entertainment in restaurants, the amendment prevents ad hoc or case-by-case approvals that could lead to inconsistent enforcement.

It introduces district-specific standards (earlier closing times and buffering in B-1, moderate allowances in B-2, expanded permissions in B-3), which provides predictability for property owners, residents, and staff.

These regulations ensure that entertainment remains an accessory use to restaurants and not a standalone nightclub use, thereby maintaining the planned character of each zoning district.

In sum, the amendment promotes orderly development by modernizing the Land Development Regulations in a structured way that balances economic vitality with neighborhood protection.

D. The proposed amendment improves the administration or execution of the development process.

Currently, restaurants seeking entertainment must pursue alternative approvals (like rezoning or variances) because the LDRs do not provide a pathway to compliance, leading to confusion and inefficiency.

The amendment creates a Restaurant Entertainment Permit process, with clear application materials (floor plans, security plan, hours, noise compliance). This standardizes review and provides staff with measurable criteria for approval and enforcement.

By integrating entertainment into the existing restaurant regulations, the amendment reduces administrative burden, increases transparency, and provides business owners with a predictable process for seeking approval.

This improves the execution of the development process by aligning staff review, Planning & Zoning Board review, and Commission decision-making under one consistent framework.

V. STAFF RECOMMENDATION

Based upon the assessment and findings contained within this report, Staff recommends consideration of an update to the following code sections:

CODE OF ORDINANCE

Chapter 6 - ALCOHOLIC BEVERAGES^[1]

Sec. 6-1. Definitions.

LAND DEVELOPMENT REGULATIONS

Chapter 2 DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 201. Definitions.

Chapter 7 USE REGULATIONS

Sec. 704. Business zoning districts.

704.2. Neighborhood business (B1) district.

704.3. Community business (B2) district.

704.4. General business (B3) district.

704.5. Intense business (B4) district.

EXHIBIT “A”

LAUDERDALE LAKES CODE OF ORDINANCE

Chapter 6 - ALCOHOLIC BEVERAGES

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means all beverages containing more than one percent of alcohol by weight. The percentage of alcohol by weight shall be determined by measuring the weight of the standard ethyl alcohol in the beverage and comparing it with the weight of the remainder of the ingredients, as though such remainder ingredients were distilled water. It is the intent of this subsection that the volume and weight tables for standard ethyl alcohol and distilled water as established by the National Bureau of Standards shall be conclusive regardless of the actual weight, which variance from the weight of distilled water is due to the adding of sugar, flavoring, or other ingredients used in the making of the final product.

Beer means all brewed beverages containing malt.

Bottle club means any business which does not hold a license for the sale of alcoholic beverages, but permits, in the course of its ordinary business, its members or customers to bring into such business or on such premises the member's and/or customer's personal supply of alcoholic beverages for consumption on the premises.

Consumption off the premises means the consumption of beer, wine, and alcoholic beverages of any kind, at a place different from the place where purchased.

Consumption on the premises means the consumption of beer, wine and alcoholic beverages of any kind upon the premises where purchased.

Full course meal means the service of food in courses, including the availability for consumption of appetizers, salads, entrees accompanied by side dishes such as vegetables, rice, pasta or the like, desserts, nonalcoholic and alcoholic beverages. Fast food, sandwiches, frozen foods or any other services not requiring the utilization of a full-time chef are not considered full-course meals.

Holiday means New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Eve.

Hotel bar means establishments and/or locations wherein or whereat alcoholic beverages are distributed, sold or otherwise conveyed for consumption on the premises, which establishment or location is maintained as an adjunct of and on the same business premises as a hotel, apartment hotel, motor court and/or motel of more than 50 residential rooms or separate apartments, operated by and under the same management.

House of worship means any organization and/or body organized for the purpose of ecclesiastical worship or community having an established and continuous point for the conduct of the affairs of the organization.

Intoxicating liquors means all liquors, wines and beers containing more than 3.2 percent of alcohol by weight.

Liquor means any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

Lounge means any place of business where wine, beer or alcoholic beverages are sold or offered for sale for consumption on-premises, and where the sale of food is incidental to the sale of such beverages, or where no food is sold. Any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on-premises of intoxicating liquors as a principal use is a lounge. Establishments where beer, wine or both are permitted for consumption on-premises as an incidental or accessory use are not considered a lounge.

Nightclub means any commercial establishment that is not a restaurant but may serve food and beverages, and which is determined to be a nightclub by application of the factors set forth in this definition. (Clubhouses, recreation centers, or other buildings used primarily for social gatherings of members of condominiums, cooperatives, homeowners' associations, civic, charitable or fraternal organizations which may periodically have dances, stage shows, or music and alcoholic beverage consumption and admission fees are not "commercial establishments"). If a commercial establishment could reasonably be classified as a nightclub, it shall be deemed a nightclub for the purposes of this Code. In determining whether an establishment is a nightclub, the city shall consider the following factors:

(1) If any three of the following are answered in the affirmative, then the establishment is a nightclub:

- a. Whether the establishment charges a cover charge, door charge, or one-time membership fee which is paid at the door;
- b. Whether there is a minimum drink requirement;
- c. Whether the establishment provides any live entertainment, band or engagement; or
- d. Whether the maximum capacity for the establishment as established pursuant to the Florida Building Code is over 300.

(2) If three of the factors listed in subsection (1) of this definition are not present, then if five of the following are answered in the affirmative, the establishment is a nightclub:

- a. Whether the establishment charges a cover charge, door charge, or one-time membership fee which is paid at the door;
- b. Whether there is a minimum drink requirement;
- c. Whether the establishment provides any live entertainment, band or engagement;
- d. Whether the maximum capacity for the establishment as established pursuant to the Florida Building Code is over 300;
- e. Whether there is a dance floor or other open area used by patrons for dancing;
- f. Whether the hours of operations where the use is open to the public include any time between 2:00 a.m. and 8:00 a.m.;
- g. Whether the establishment has a 4-COP liquor license;
- h. Whether the establishment advertises as a nightclub or a cabaret;

i. Whether advertisements for the establishment routinely specify specific entertainment engagements (e.g., "Tony and the Drifters this Saturday and Sunday night"; special unlimited engagements; "Marilyn Jones sings tonight");

j. Whether the establishment has a stage show or platform used in connection with performances or entertainment; or

k. Whether the establishment permits special promotions separate and apart from the possessor of the occupational license.

Nightclub entertainment promoter means any individual, partnership, corporation, or other entity or agent promoting a for-profit event by placing assets at risk through contracting with event venues, performing artists, advertising services, or similar entities to arrange for and produce the event at which there are presentations or performances of entertainment of any sort, including, but not limited to, both live performances and amplified presentations of prior performances, at a nightclub not owned or operated on a continuing basis by the promoter.

Person means any individual, firm, person, partnership, association and/or corporation, unless otherwise expressly provided in this chapter.

Presumptions means the following:

(1) A liquid or beverage served in a container which advertises the beverage as an alcoholic beverage, beer or wine or which by appearance, odor or taste would appear to the reasonable person to be an alcoholic beverage or beer or wine, as applicable, shall be presumed to be an alcoholic beverage, or beer or wine, as applicable, for the purposes of the application and enforcement of this chapter.

(2) The labeling of a product as an alcoholic beverage, beer or wine, as applicable, shall be presumed to accurately describe the applicable beverage, providing that other labeling shall not be presumed to accurately describe the beverage.

The presumptions established in this subsection shall be rebuttable by clear and convincing evidence.

Public safety concerns means one or more acts of violence resulting in physical injury or observed illegal drug activity or prostitution occurring within a nightclub, outside the club on property or parking areas owned, leased or operated by the nightclub, or on a street adjacent to such establishment.

Restaurant means any establishment where the principal use is service of full course meals for consumption on the premises. Typically, full course meals are prepared on the premises and served at all times when the establishment is open for pay and for consumption on the premises at tables with chairs, booths, or both.

Restaurant bar means a bar with or without an entertainment area, housed completely within a restaurant, which bar and food service uses are both operated simultaneously and in conjunction with each other by the same owner, management or both. A restaurant bar must be designed and used primarily to support (i.e., be accessory to) the serving of full course meals for consumption on the premises by the public in the restaurant. The restaurant bar's principal use is the service of full course meals for consumption on the premises by the public. In order to have a restaurant bar, the restaurant or banquet facility must be designed, equipped and furnished to accommodate the sale and serving of full course meals to at least 200 patrons seated at indoor tables, booths, or

both under the roof of an enclosed building at one time, and further, the restaurant or facility must provide a minimum gross floor area of fully enclosed space under a roof of at least 4,000 square feet. Tables and booths must be continuously and uniformly distributed within the dining areas. The restaurant bar shall only serve or offer for sale alcoholic beverages at such times as food service is fully available. Entertainment area means an area set aside for any one or more, or any combination of, the following: dancing, band, orchestra, disc jockey, stage show, or other form of musical or comedy entertainment.

School means any place, institution or building where regular instruction is given to minors, whether or not such school is privately or publicly funded.

Soundproofed means a design and construction of such substance as to preclude sound from emanating from the source and traveling to the exterior of the premises, whether through walls, windows, doors or other openings, such that such sound may be heard from anywhere outside such premises.

Special event means a land use or activity of a specifically limited time and purpose, having a higher impact on the affected business than would be normally expected from the permitted land use or activity of that business. Special events may include, but are not limited to, parties, galas, shows, receptions, concerts and other similar events.

Sporting palace bar means any place, institution or building wherein or whereat alcoholic beverages are distributed, sold or otherwise conveyed as an adjunct of and incidental to the conduct of athletic activities, e.g., bowling, tennis, handball, racquetball and similar athletic activities, when such establishments possess a beverage license issued by the division of beverage of the state department of business and professional regulation, bearing either a 4 COP-SBX or an 11C designation.

Vendor means all persons selling, distributing or otherwise conveying or keeping with the intention of selling, distributing or otherwise conveying alcoholic beverages, beers and/or wines.

Violence reduction program means a set of guidelines prepared and published by the City of Lauderdale Lakes and the Broward Sheriff's Office for the safe operation of nightclubs, including guidance for appropriate response to criminal activity or violence observed in a nightclub, including appropriate training for nightclub staff/employees. A nightclub is presumed, but not determined, to be participating successfully in this program when its operations consistently comply with the violence reduction program's guidelines.

Wine means any product of the normal alcoholic fermentation of the juice of fresh, sound, ripe fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not exceeding 24 percent by volume.

(Code 1972, § 3-1; Ord. No. 233, § 1, 11-12-1970; Ord. No. 563, § 2, 11-29-1977; Ord. No. 00-03, § 2, 1-3-2000; Ord. No. 00-32, § 2, 7-11-2000; Ord. No. 2014-05, § 2, 3-11-2014)

Cross reference(s)—Definitions generally, § 1-2.

LAUDERDALE LAKES LAND DEVELOPMENT REGULATIONS

Chapter 7 USE REGULATIONS

Sec. 704. Business zoning districts.

- 704.1. *Purpose.* These business districts are intended to provide for commercial development in conformance with the comprehensive plan and provide for a variety of zoning districts to accommodate the city's business and commerce needs.
- 704.2. *Neighborhood business (B1) district.* This district is intended to provide primarily for retail sales and services to a surrounding neighborhood. Retail stores permitted therein are intended to include primarily convenience goods which are usually a daily necessity for a residential neighborhood. The district is appropriate for location on a collector or an arterial roadway.
- 704.2.1. *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied:
- (a) Grocery stores and pharmacies with each store limited to 20,000 square feet of total floor area.
 - (b) Stores for sale of new merchandise, directly to the ultimate consumer only, with each use limited to 10,000 square feet of total floor area per establishment and limited to the following:
 - Arts and crafts.
 - Arts studios and galleries.
 - Bakery.
 - Bicycles sales, rentals and repairs (no motorized goods or vehicles permitted).
 - Bookstore, new or used.
 - Camera shops.
 - Convenience store.
 - Dairy.
 - Florist.
 - Gift/card shop.
 - Hardware.
 - Jewelry.
 - Leather goods.
 - Luggage.
 - Meat market or poultry shop.
 - Music store.
 - Newsstand.

Notions.

Optical.

Paint and wall paper.

Picture framing shop.

Pottery shops.

Shoes.

Small electronics.

Sporting goods.

Sundries.

Tailor shops.

Tobacco products.

- (c) Convenience stores over 1,200 square feet in floor area shall be subject to the following conditions:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum frontage on a street shall be 150 feet.
- (3) The minimum setback of any building from all street lot lines shall be 65 feet.
- (4) Convenience stores within 200 feet of properties in residential, community facility or recreation open space zoning districts, shall protect those properties from headlight glare, undesirable noise and views by the following:
 - a. A decorative masonry wall, of uniform appearance six feet in height, above finished grade, except along street frontages abutting a right-of way with a width of 80 feet or greater.
 - b. A five-foot wide landscape area which shall be outside the wall and consist of a two-foot high continuous hedge at the time of planting and maintained at a height of at least four feet.
 - c. Such masonry wall and landscaping shall be maintained in good condition at all times. This masonry wall and landscaping may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted pursuant to the LDRs.

- (d) Personal services with each use limited to 2,500 square feet of total floor area per use and limited to the following:

Barbershop

Beauty shop.

Consumer electronic repair and small appliance repair.

Drugstore.

Dry-cleaning (not included on premises).

Interior design.

Laundromat (7:00a.m. to 11:00 p.m. only).

Manicurist.

Photographic film pickup.

Postal facilities.

Restaurants or café without drive-through facilities.

Shoes repair.

Tailoring and alterations.

Travel agency.

Video rental.

- (e) Print shop limited to 2,500 square feet of gross area per establishment and subject to the following limitations:
 - (1) The plate size shall be limited to 30 by 42 inches.
 - (2) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.
- (f) Office uses such as the following, limited to 20,000 square feet per use: professional, business offices, medical outpatient or dental offices or clinics. Medical outpatient offices defined as pain management clinics shall be subject to the following limitations:
 - (1) Medical directors and/or medical practitioners employed at pain management clinics operating within the city shall be board certified in pain medicine or anesthesia by a board approved by the American Board of Medical Specialties or any other board-approved specialty organization approved by the Board of Medicine/Board of Osteopathic Medicine and as set forth in F.A.C. 64B8-11001(8) and F.A.C. 64B15-14.001, as may be amended from time to time, recognized by the Florida Boards of Medicine and Osteopathic Medicine; or has successfully completed a post-graduate training program in pain medicine/management accredited by the Accreditation Council for Graduate Medical Education/American Osteopathic Association, College of Family Physicians of Canada, or Royal College of Physicians and Surgeons in Canada.
 - (2) The primary practice of pain management clinics operating within the city shall be to provide pain management treatment. Pain management treatment under this section shall not include treatment for substance abuse.
 - (3) On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.036, unless otherwise expressly permitted by statutory or general law, is prohibited.
- (g) Banks and financial institutions, excluding drive-through facilities, limited to 20,000 square feet per establishment.
- (h) Reserved.
- (i) Reserved.
- (j) Antique shops.

- (k) Reserved.
- (l) Reserved.
- (m) Reserved.
- (n) Reserved.

704.2.2. *Conditional use.* The following uses may be established if first approved as a conditional use:

Outdoor cafes.

Drive-through facility.

Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

- (1) Be of 550 gallons capacity or less.
- (2) Be installed and operated under valid permits required of any Broward County and/or state environmental protection agency.
- (3) Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the city's landscape code.
- (4) Be located in a manner consistent with the site development standards of the B1 zoning district.
- (5) Installation of any AST shall require a building permit from the city. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a state licensed architect or landscape architect and other supporting documentation as deemed necessary by the city manager or designee.

704.2.3. *Uses prohibited.* The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following:

Any use not specifically permitted.

Adult entertainment establishments as defined in the LDRs.

Medical marijuana treatment dispensing facilities.

Sale of goods to other than the ultimate consumer.

Sales, display or storage of used merchandise other than antiques.

Sale of alcoholic beverages for on-premises consumption except with meals.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Purchase of used goods.

704.2.4. *Limitations of uses and structures.* Except for automobile parking lots and play areas of day nurseries of public and private schools, all activities of permitted uses, including sale,

display, preparation and storage, shall be conducted entirely within a completely enclosed building. Storage shall not be made above the height of the walls. Overhead doors or other openings larger than eight feet in width shall not be located on the front or immediate street side elevations of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened in accordance with the requirements contained in this chapter.

- 704.2.5. *Maximum height.* No building or structure shall be erected or altered to a height exceeding 35 feet.
- 704.2.6. *Minimum lot area and width.* There shall be no minimum required width or area of plot except as otherwise provided.
- 704.2.7. *Setbacks.* Except as otherwise provided every plot shall have a front yard not less than 65 feet in depth. Every plot shall have a street side yard of not less than 20 feet in depth. There is no side yard setback for a plot which is not adjacent to a street or alley. Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear access way of at least five feet in width shall be provided from each egress point from the building to said alley.
- 704.2.8. *Plot coverage.* The maximum combined plot area covered by all principal and accessory buildings shall not exceed 40 percent of the area of the plot for two to four story buildings or 45 percent of the area of the plot for one story building. The maximum for a single-family detached unit shall be 50 percent.
- 704.2.9. *Landscaped open space.* The minimum landscaped open space required shall be 35 percent. Water surface may be applied to the open space requirement only if it is surrounded on all sides by dry land area within the same plot.
- 704.3. *Community business (B2) district.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.
- 704.3.1. *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied:
- Automobile new parts and equipment, sales only.
- Bait and tackle shops.
- Banks, including drive-in teller service.
- Convenience stores over 1,200 square feet in floor area shall be subject to the following conditions:
- (1) The minimum lot area shall be 20,000 square feet.
 - (2) The minimum frontage on a street shall be 150 feet.
 - (3) The minimum setback of any building from all street lot lines shall be 65 feet.

- (4) Convenience stores within 200 feet of properties in residential, community facility or recreation open space zoning districts shall protect those properties from headlight glare, undesirable noise and views by the following:
- a. A decorative masonry wall, of uniform appearance six feet in height, above finished grade, except along street frontages abutting a right-of-way with a width of 80 feet or greater.
 - b. A five-foot wide landscape area which shall be outside the wall and consist of a two-foot high continuous hedge at the time of planting and maintained at a height of at least four feet.
 - c. Such masonry wall and landscaping shall be maintained in good condition at all times, This masonry wall and landscaping may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted pursuant to the LDRs.
 - d. Except that convenience stores that are within 60 feet of residential property shall be subject to the perimeter buffering requirements set forth elsewhere in this chapter.

Department stores.

Dog and pet hospitals in air-conditioned buildings, subject to the following conditions and limitations:

All facilities shall be contained within completely enclosed structures without windows in any area where animals are contained or treated.

Adequate soundproofing in any area where animals are contained or treated.

No exterior cages.

No animals may be exercised outdoors before 7:00 a.m. or after 7:00 p.m.

Shall contain an approved air-handling system for disinfection and odor control.

Shall contain adequate waste control facilities, such as a flush system or equal.

Shall contain no crematory facilities.

Such facility shall contain a minimum of 2,500 square feet.

All boarding activities shall be ancillary to the primary use.

Dry cleaning establishments, using nonflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal, provided such establishments contain not more than 3,000 square feet of floor area.

Electrical appliance and fixture stores including related repair shops.

Furniture stores, retail of new merchandise only.

Grocery stores and pharmacies with each store limited to 20,000 square feet of total floor area.

Stores for sale of new merchandise, directly to the ultimate consumer only, with each use limited to 10,000 square feet of total floor area per establishment and limited to the following:

Arts and crafts.
Bakery.
Bicycles sales, rentals and repairs (no motorized goods or vehicles permitted).
Bookstore, new or used.
Camera shops.
Dairy.
Florist.
Gift/Card shop.
Hardware.
Jewelry.
Leather goods.
Luggage.
Meat market or poultry shop.
Music store.
Newsstand.
Notions.
Optical.
Paint and wall paper.
Picture framing shop.
Pottery shops.
Shoes.
Small electronics.
Sporting goods.
Sundries.
Tailor shops.
Lawn mowers, retail, sales and service.
Motorcycles sales and repairs.

Office uses such as the following, limited to 20,000 square feet per use: professional, business offices, medical outpatient or dental offices or clinics. Medical outpatient offices defined as pain management clinics shall be subject to the following limitations:

- (1) Medical directors and/or medical practitioners employed at pain management clinics operating within the city shall be board certified in pain medicine or anesthesia by a board approved by the American Board of Medical Specialties or any other board-approved specialty organization approved by the Board of Medicine/Board of Osteopathic Medicine and as set forth in F.A.C. 64B8-11001(8) and F.A.C. 64B15-14.001, as may be amended

from time to time, recognized by the Florida Boards of Medicine and Osteopathic Medicine; or has successfully completed a post-graduate training program in pain medicine/management accredited by the Accreditation Council for Graduate Medical Education/American Osteopathic Association, College of Family Physicians of Canada, or Royal College of Physicians and Surgeons in Canada.

- (2) The primary practice of pain management clinics operating within the city shall be to provide pain management treatment. Pain management treatment under this section shall not include treatment for substance abuse.
- (3) On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.036, unless otherwise expressly permitted by statutory or general law, is prohibited.

Pet shops and dog beauty parlors in air-conditioned buildings.

Package liquor stores, limited to a maximum of one establishment per multi-tenant shopping center.

Printing shops subject to the following limitations:

The plate size shall be limited to 30 by 42 inches.

The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.

There shall be a maximum of 5,000 square feet of gross floor area per establishment.

Personal services with each use limited to 10,000 square feet of total floor area per use and limited to the following:

Barbershop.

Beauty shop.

Consumer electronic repair and small appliance repair.

Dry-cleaning (not included on premises).

Interior design.

Laundromat (7:00 a.m. to 11:00 p.m. only).

Manicurist.

Photographic film pickup.

Postal facilities.

Restaurants or café without drive-through facilities.

Shoes repair.

Tailoring and alterations.

Travel agency.

Video rental.

704.3.2. *Conditional use.* The following uses if first approved as a conditional use:

Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

- (1) Be of 550 gallons capacity or less.
- (2) Be installed and operated under valid permits required of any Broward County and/or state environmental protection agency.
- (3) Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the city's landscape code.
- (4) Be located in a manner consistent with the site development standards of the B2 zoning district.
- (5) Installation of any AST shall require a building permit from the city. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a state licensed architect or landscape architect and other supporting documentation as deemed necessary by the city manager or designee.

Automobile car wash, subject to the following:

- (a) A site plan shall be required showing vehicle stacking, circulation, turning movements in and out of car wash, and buildings, structures, parking, driveways and landscaping on the property, as required, in accordance with the provisions of section 801 of the land development regulations. Enforcement shall be administered through the regular site plan review and/or permitting process.
- (b) Vehicle stacking and parking should be accommodated within a drive-through facility as provided in accordance with the provisions of subsection 712.37.11. Accessory use standards and/or subsection 801.7.—Drive through service window, as applicable.
- (c) Car wash bays must be fully enclosed by a permanent concrete or masonry wall. Car wash opening in the building may only be provided at the entrance and exit. The sides of the car wash may not contain opening of any kind. The enclosed bay must have a roof and car wash openings at entrance and exit must have roll-up doors as regulated pursuant to the Florida Building Code.
- (d) Drying and detailing activities may be provided outside an enclosed building only within designated areas and wherein is not part of the permanent parking for the site.
- (e) All parking shall be in accordance with the required parking for the established use as specified in section 801 of the land development regulations.

Automobile, truck and trailer rentals, subject to the following:

Submittal of a site plan describing with particularity the specific storage area for rental vehicles. All parking for the storage of rental vehicles shall be in excess of required parking for the establishment.

Stored rental vehicles may not have more than two axles. Only vehicles that may be driven with a non-commercial driver's license issued by the Florida Department of Motor Vehicles may be stored on site. Rental and storage of construction and heavy equipment shall not be permitted.

Display and storage of not more than 15 trucks or utility trailers for rental purposes providing these uses are located in the rear of the principal building, and the trucks are screened from pedestrian and vehicular traffic.

Outdoor cooking and barbecuing pursuant to the limitations set forth in section 704.3.4.
Gun sales.

Self-storage facility, subject to the following:

- (1) Self-service storage facilities shall be limited to self-storage only.
- (2) Self-service storage facilities shall be located at least 2,500' from any other self-service storage facility. The distance shall be measured and computed by following a straight line from the nearest property line of the proposed self-storage facility to the nearest property line of an existing self-service storage facility.
- (3) Any self-storage facility which faces an arterial or collector street shall have a facade facing that street which presents the appearance of an office or retail commercial use and be consistent with the site development standards of the B2 zoning district.
- (4) No businesses other than the self-storage business shall be permitted to operate from, or be licensed at, the facility. No personal activities, such as but not limited to, hobbies, arts and crafts, woodworking, repair, restoration, or maintenance of vehicles, machinery or equipment, etc. shall be permitted.
- (5) Storage of hazardous materials such as toxic or explosive substances shall be prohibited.
- (6) The self-service storage facility and each unit shall be climate controlled. The maximum individual unit size shall be 400 square feet.
- (7) There shall be an on-site manager during the regular business hours when the self-service storage facility is in operation.
- (8) There shall be no outdoor storage of any kind.
- (9) There shall not be any direct access to individual self-storage units from the exterior of the building. All individual units shall be accessed from the interior of the facility.
- (10) Overnight parking and outdoor storage of vehicles shall be prohibited.
- (11) A fully operational video-surveillance system that records continuously, 24 hours a day, the interior of the building and exterior of the building at building entrances must be maintained at all times. Pin pad access shall also be provided at entrances and exits.
- (12) Site arrangement, landscaping, signage, building size and architectural design elements such as roof pitch, materials, colors, elevation details (doors, windows, trim) shall be designed so as to ensure that the property does not appear as an industrial warehouse development or facility.

704.3.3. *Uses prohibited.* The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following:

Any use not specifically permitted.

Adult entertainment establishments as defined in the land development regulations.

Medical marijuana treatment dispensing facilities.

Sale of goods to other than the ultimate consumer.

Off-premises catering.

Sales, display or storage of used merchandise other than antiques.

Purchase of used goods.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

704.3.4. *Limitations of uses and structures.* All activities of permitted uses, including sale, display, preparation and storage shall be conducted within a completely enclosed building except as follows:

Open-air retail sales of plant materials not grown on-site, home garden supplies and related merchandise (garden shop) are permitted as an accessory use to a retail business subject to the following conditions:

The garden shop must be accessory to and operating as a part of a retail business.

Total square footage of the garden shop shall not exceed the total square footage of floor space within the principal retail business.

An accessory garden shop shall be enclosed by at least an eight-foot wall; the wall on the side contiguous to the main structure must be solid concrete or masonry; however, the three noncontiguous walls may be constructed with up to 50 percent of the eight-foot height in these locations consisting of decorative or ornamental fencing (not chain link fencing or similar materials). No machinery, supplies, inventory, products, equipment or other materials other than living plant materials and the pots in which they are planted, shall be visible through the openings in the wall from the property line of the development boundary. One side of the garden center shall be contiguous to the principal use to which it is accessory.

Stocking of the garden shop shall be done internally or through a single gate at the rear of the premises.

No more than one other gate in addition to the gate described above, at the rear of premises shall be provided to allow bulky items to be carried out for customer pickup.

Any storage activity must be enclosed by a concrete or masonry wall at least eight feet in height. No machinery, supplies, inventory, products, equipment or materials, other than landscaping, exceeding eight feet in height shall be allowed in such permitted area.

Outdoor seating area when utilized as an accessory use to a restaurant.

Play areas of day nurseries or public or private schools.

Any drive-through business.

Refueling areas of vehicle service stations.

Tennis, racquetball, squash and handball courts, swimming pools, and running tracks, and outdoor seating areas appurtenant thereto.

Overhead doors or other openings larger than eight feet in width and eight feet in height shall not be located on the front or immediate streetside elevations of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened with a masonry or stucco wall in accordance with the requirements contained in this chapter.

Outdoor cooking and barbequing shall be limited to accessory uses and located towards the rear of a primary restaurant facility. Cooking shall be located within an area designated within the facility's site plan and within a structure encircled by a three feet high "knee wall." The design of the structure shall be subject to the approval of the city during site plan approval. The sale or consumption of any food prepared within an outdoor structure from such structure shall be prohibited.

704.3.5. *Maximum height.* No building or structure shall be erected or altered to a height exceeding 50 feet. That portion of a building or structure within 100 feet of any residential zone shall be subject to a height limitation of one foot in height for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to less than 25 feet.

704.3.6. *Minimum lot area and width.* Except as otherwise provided herein, there shall be no minimum width or area of plot.

704.3.7. *Setbacks.* Every plot upon which a structure is hereafter erected shall have setbacks as follows:

Notwithstanding anything to the contrary contained herein, a setback of a depth of 50 feet from the right-of-way of any trafficway, as depicted on the Broward County Trafficways Plan, as the same may exist from time to time, shall be required. From any other street or property line, 25 feet. No storage shall occur within the front yard setback.

Every plot shall have a street side yard of not less than 20 feet in depth.

Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear accessway of at least five feet in width shall be provided from each egress point from the building to said alley.

704.3.8. *Special provisions for shopping center outparcels.* No more than 30 percent of the frontage of any shopping center may be obstructed by out parcel development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. However, where an out parcel has been subdivided from the parent shopping center tract in accordance with the provisions of the land development code, no more than 33 percent of the frontage of the outparcel shall be permitted to be obstructed by development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. No out parcel building shall be located closer than 70 feet at the closest point or by the height of the higher of the two buildings to any other out parcel building, whichever is greater.

704.3.9. *Plot coverage.* The maximum combined plot area covered by all principal and accessory buildings shall not exceed 40 percent of the area of the plot for two to four story buildings

or 45 percent of the area of the plot for one story building.* The maximum for a single-family detached unit shall be 50 percent.

704.3.10. *Landscaped open space.* The minimum landscaped open space required shall be 35 percent. Water surface may be applied to the open space requirement only if it is surrounded on all sides by dry land area within the same plot.

704.4. *General business (B3) district.* T This district is intended to provide locations for planned commercial centers, sharing a common identity, parking and other support facilities developed according to an overall development plan; and for a wide range of goods and services to serve a market beyond the community itself. Such commercial concentrations are expected to draw substantial patronage from outside areas and are not expected to serve the convenience needs of local residents. As such, these centers should be oriented towards, and have direct access to arterial roadways, particularly major arterials.

704.4.1. *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied:

Accessory uses and structures.

Appliance, furniture and small equipment rental agencies.

Banquet hall.

Bar/lounge and nightclubs in accordance with Chapter 6 of the Code of Ordinances, including restaurants and dinner clubs holding a 4COP alcoholic beverage license from the state.

Billiard rooms and pool rooms.

Convenience stores over 5,000 square feet in floor area shall be subject to the following conditions:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum frontage on a street shall be 150 feet.
- (3) The minimum setback of any building from all street lot lines shall be 65 feet.
- (4) Convenience stores within 200 feet of properties in residential, community facility or recreation open space zoning districts shall protect those properties from headlight glare, undesirable noise and views by the following:
 - a. A decorative masonry wall, of uniform appearance six feet in height, above finished grade, except along street frontages abutting a right-of-way with a width of 80 feet or greater.
 - b. A five-foot wide landscape area which shall be outside the wall and consist of a two-foot high continuous hedge at the time of planting and maintained at a height of at least four feet.
 - c. Such masonry wall and landscaping shall be maintained in good condition at all times, This masonry wall and landscaping may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted pursuant to the LDRs.

- d. Except that convenience stores that are within 60 feet of residential property shall be subject to the perimeter buffering requirements set forth elsewhere in this chapter.

Childcare center, limited to a maximum of one establishment per multi-tenant shopping center, subject to the following:

- (1) Building shall be located at least 30 feet from any "RS" zoned lands.
- (2) At least one completely fenced and secured play lot shall be established, maintained and used for children at play.
- (3) The fence shall be not less than five feet in height.
- (4) Play lots located closer than 50 feet to the plot line shall be screened by an opaque fence or wall or compact evergreen hedge not less than five feet in height.

Commercial transportation business including taxi dispatch, bus and tram depot.

Communication broadcast and production facility.

Dancing halls or dancing academies in air-conditioned buildings providing that such establishments are not located closer than 500 feet to an RS district.

Employment agencies.

Grocery stores and pharmacies with each store limited to 20,000 square feet of total floor area.

Health and exercise clubs and spas, martial arts dance and exercise studios.

Hotels, motels, resorts and time share units, subject to the following:

The minimum plot area shall be 1.5 acres.

Any outdoor recreation areas including swimming pools shall be located at least 25 feet from the plot line of any adjacent residentially zoned property and screened from any such adjacent properties in accordance with the landscape code.

The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 300 square feet.

Indoor commercial recreation uses including, but not limited to: theater, bowling center, miniature golf, skating rink, health clubs and physical fitness facilities.

Off-premises catering.

Package liquor stores, limited to a maximum of one establishment per multi-tenant shopping center.

Professional offices.

Office uses such as the following, limited to 20,000 square feet per use: professional, business offices, medical outpatient or dental offices or clinics. Medical outpatient offices defined as pain management clinics shall be subject to the following limitations:

- (1) Medical directors and/or medical practitioners employed at pain management clinics operating within the city shall be board certified in pain medicine or anesthesia by a

board approved by the American Board of Medical Specialties or any other board-approved specialty organization approved by the Board of Medicine/Board of Osteopathic Medicine and as set forth in F.A.C. 64B8-11001(8) and F.A.C. 64B15-14.001, as may be amended from time to time, recognized by the Florida Boards of Medicine and Osteopathic Medicine; or has successfully completed a post-graduate training program in pain medicine/management accredited by the Accreditation Council for Graduate Medical Education/American Osteopathic Association, College of Family Physicians of Canada, or Royal College of Physicians and Surgeons in Canada.

- (2) The primary practice of pain management clinics operating within the city shall be to provide pain management treatment. Pain management treatment under this section shall not include treatment for substance abuse.
- (3) On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.036, unless otherwise expressly permitted by statutory or general law, is prohibited.

Religious facilities.

Sales and installation of automobile tires, batteries and window tinting.

Telephone exchange and telemarketing.

Stores for sale of new merchandise, directly to the ultimate consumer only, with each use limited to 10,000 square feet of total floor area per establishment and limited to the following:

Arts and crafts.

Bakery.

Bicycles sales, rentals and repairs (no motorized goods or vehicles permitted).

Bookstore, new or used.

Camera shops.

Dairy.

Florist.

Gift/card shop.

Hardware.

Jewelry.

Leather goods.

Luggage.

Meat market or poultry shop.

Music store.

Newsstand.

Notions.

Optical.

Paint and wall paper.

Picture framing shop.

Pottery shops.

Shoes.

Small electronics.

Sporting goods.

Sundries.

Tailor shops.

Printing shops subject to the following limitations:

The plate size shall be limited to 30 by 42 inches.

The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.

There shall be a maximum of 5,000 square feet of gross floor area per establishment.

Personal services with each use limited to 10,000 square feet of total floor area per use and limited to the following:

Barbershop

Beauty shop.

Consumer electronic repair and small appliance repair.

Dry-cleaning (not included on premises).

Interior design.

Laundromat (7:00 a.m. to 11:00 p.m. only).

Manicurist.

Photographic film pickup.

Postal facilities.

Restaurants or café without drive-through facilities.

Shoes repair.

Tailoring and alterations.

Travel agency.

Video rental.

704.4.2. *Conditional use.* The following uses may be established if first approved as a conditional use:

Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

(1) Be of 550 gallons capacity or less.

- (2) Be installed and operated under valid permits required of any Broward County and/or state environmental protection agency.
- (3) Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the city's landscape code.
- (4) Be located in a manner consistent with the site development standards of the B3 zoning district.
- (5) Installation of any AST shall require a building permit from the city. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a state licensed architect or landscape architect and other supporting documentation as deemed necessary by the city manager or designee.

Automobile car wash, subject to the following:

- (a) A site plan shall be required showing vehicle stacking, circulation, turning movements in and out of car wash, and buildings, structures, parking, driveways and landscaping on the property, as required, in accordance with the provisions of section 801 of the land development regulations. Enforcement shall be administered through the regular site plan review and/or permitting process.
- (b) Vehicle stacking and parking should be accommodated within a drive-through facility as provided in accordance with the provisions of subsection 712.37.11. Accessory use standards and/or subsection 801.7.—Drive through service window, as applicable.
- (c) Car wash bays must be fully enclosed by a permanent concrete or masonry wall. Car wash opening in the building may only be provided at the entrance and exit. The sides of the car wash may not contain opening of any kind. The enclosed bay must have a roof and car wash openings at entrance and exit must have roll-up doors as regulated pursuant to the Florida Building Code.
- (d) Drying and detailing activities may be provided outside an enclosed building only within designated areas and wherein is not part of the permanent parking for the site.
- (e) All parking shall be in accordance with the required parking for the established use as specified in section 801 of the land development regulations.

Automobile, truck and trailer rentals, subject to the following:

Submittal of a site plan describing with particularity the specific storage area for rental vehicles. All parking for the storage of rental vehicles shall be in excess of required parking for the establishment.

Stored rental vehicles may not have more than two axles. Only vehicles that may be driven with a non-commercial driver's license issued by the Florida Department of Motor Vehicles may be stored on site. Rental and storage of construction and heavy equipment shall not be permitted.

Display and storage of not more than 15 trucks or utility trailers for rental purposes providing these uses are located in the rear of the principal building, and the trucks are screened from pedestrian and vehicular traffic.

Business-related schools, subject to the following:

A maximum of one establishment when located within a multi-tenant shopping center,
and

A limitation of 20,000 square feet or 25 percent of gross leasable area, whichever is less,
per establishment when located within a multi-tenant shopping center.

Drive-through facility pursuant to the limitations set forth in section 801.7 - Drive-through
service windows, as applicable.

Gun sales.

Mortuaries or funeral homes, subject to the following conditions:

- (a) A site plan shall be required showing guest parking and storage of funeral vehicles.
- (b) The parking areas shall be located to the interior side of a lot or behind the primary building whenever possible.
- (c) Service vehicles—A maximum of 5 vehicles for each 5,000 square feet gross floor area.
- (d) Main use shall be limited to a maximum of one establishment per multi-tenant shopping center.
- (e) No mortuaries or funeral homes shall be located within 1,500 lineal feet of another such establishment.

Sale or rental of automobiles, trucks, trailers, motor homes and boat.

Storage and distribution facilities.

Outdoor cafes.

Outdoor cooking and barbecuing pursuant to the limitations set forth in section 704.4.4.

Automobile repair and service shops, excluding paint and body repair.

Automobile paint and body shops, subject to the following:

When established in conjunction with an automobile new or used car sales agency.

Building housing paint and body repair use shall be located at least 200 feet from any "R"
zoned lands.

The limitations set forth in section 712.6.

Bio-diesel processing facilities, subject to the following:

Tanks and equipment must be stored either within a completely enclosed building or
stored in an area surrounded by solid walls at least six feet high.

Facility may not serve as a bio-diesel fuel service station.

704.4.3. *Uses prohibited.* The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

Any use first permitted in industrial districts.

Adult entertainment establishments as defined in the LDRs.

Medical marijuana treatment dispensing facilities.

Sale of goods to other than the ultimate consumer.

Sales, display or storage of used merchandise other than antiques.

Purchase of used goods.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Open air sale or display of machinery or construction equipment.

704.4.4. *Limitations of uses and structures.* All permitted uses in this district shall be conducted within a completely enclosed building except as follows:

Any activity which is enclosed by a concrete or masonry wall at least eight feet in height effectively screening such use from outside direct view at ground levels.

Seating area when utilized as an accessory use to a restaurant.

Motor vehicles sales or rental providing the storage area is contained fully within a six-foot high decorative masonry wall. Said masonry wall shall provide along the extension thereof, a five-foot planting strip to be landscaped in accordance with the LDR.

Play areas of day nurseries or public or private schools.

Drive-through businesses.

Refueling areas of service stations.

Car wash.

Recreational uses.

Storage area in this district may be provided outside an enclosed building providing the storage area is contained fully within a six-foot high decorative masonry wall. Said masonry wall shall provide along the extension thereof, a five-foot planting strip to be landscaped in accordance with the LDR.

The following specific uses shall be permitted only when the entire site so utilized is not closer than 300 feet from an R district:

Cabinet and carpenter shop.

Heating and air conditioning contractor shop.

Sign shop.

Tinsmith shop.

Overhead doors or other openings larger than eight feet in width shall not be located on the immediate street side of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened in accordance with the requirements contained in this chapter.

Outdoor cooking and barbequing shall be limited to accessory uses and located towards the rear of a primary restaurant facility. Cooking shall be located within an area

designated within the facility's site plan and within a structure encircled by a three feet high "knee wall." The design of the structure shall be subject to the approval of the city during site plan approval. The sale or consumption of any food prepared within an outdoor structure from such structure shall be prohibited.

704.4.5. *Maximum height.* No building or structure shall be erected or altered to a height exceeding 50 feet. That portion of a building or structure within 100 feet of any residential zone shall be subject to a height limitation of one foot in height for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to less than 25 feet.

704.4.6. *Minimum lot area and width.* Except as otherwise provided, there shall be no minimum width or area of plot.

704.4.7. *Setbacks.* Every plot upon which a structure is hereafter erected shall have setbacks as follows:

Notwithstanding anything to the contrary contained herein, a setback of a depth of 50 feet from the right-of-way of any trafficway, as depicted on the Broward County Trafficways Plan, as the same may exist from time to time, shall be required. From any other street or property line, 25 feet. No storage shall occur within the front yard setback.

Every plot shall have a street side yard of not less than 20 feet in depth.

Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear accessway of at least five feet in width shall be provided from each egress point from the building to said alley.

704.4.8. *Special provisions for shopping center outparcels.* No more than 30 percent of the frontage of any shopping center may be obstructed by out parcel development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. However, where an out parcel has been subdivided from the parent shopping center tract in accordance with the provisions of the land development code, no more than 33 percent of the frontage of the outparcel shall be permitted to be obstructed by development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. No out parcel building shall be located closer than 70 feet at the closest point or by the height of the higher of the two buildings to any other out parcel building, whichever is greater.

704.4.9. *Plot coverage.* The maximum combined plot area covered by all principal and accessory buildings shall not exceed 40 percent of the area of the plot for two to four story buildings or 45 percent of the area of the plot for one story building.* The maximum for a single-family detached unit shall be 50 percent.

704.4.10. *Landscaped open space.* The minimum landscaped open space required shall be 35 percent. Water surface may be applied to the open space requirement only if it is surrounded on all sides by dry land area within the same plot.

704.5. *Intense business (B4) district.* This district is intended to provide locations for intensive retail, service, wholesale and light industrial or processing nature which generally play a distributive or supporting role to the overall business community and do not require immediate access to the consumer public. It is intended that sufficient setback, yard area and landscape requirements will be imposed and sufficient discretion will be vested in and

exercised by the city commission in the approval of site planning that the contiguous or nearby residential areas will not suffer as a result of the use of the area within the district.

- 704.5.1. *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied.

Air conditioning and refrigeration services.

Amusement equipment sales and service.

Bakeries.

Barber and beauty supply services.

Bottling plants.

Building contractor shops: Carpenters, electricians, masons, plasterers, plumbers, roofers and similar trades subject to the following limitations: Loading zones and parking areas for employees shall be adequately screened from public view from thoroughfares and adjacent residential districts and noisy operations are conducted in soundproofed buildings.

Carpet cleaners.

Cleaning services.

Dairy products processing.

Drugstore suppliers.

Dry cleaning plants.

Engravers and lithographers.

Furniture and home furnishings, wholesale.

Furniture manufacturers.

Linen supply services.

Lumber and construction material sales without outside storage of lumber or building products.

Machine shops.

Marine supply stores.

Monument sales.

Moving and transfer sales.

Ornamental ironworks.

Plate glass sales and installation.

Printing plants, publishers and bookbinders.

Produce distributors.

Religious facilities.

Restaurant.

Restaurant equipment and supplies.

Secondhand merchandise sales.

Sign shops.

Swimming pool sales and service.

Upholsterers.

Vending machine sales and service.

Warehouse, dry and cold storage.

Warehouse self-storage, including vehicles, boats, and recreational vehicles within enclosed bays located between 3435 NW 19th Street and 3699 NW 19th Street.

Wholesale distributors.

704.5.2. Conditional use. The following uses may be established, if first approved as a conditional use:

Adult entertainment establishments as defined in the LDRs.

Ambulance service.

Assembly plants; assembly of smaller machinery, appliances and other products that does not involve heavy equipment which emits noise beyond the property line.

Automobile and light truck, internet used sales agency subject to the specific conditions set forth in section 712.

Automobile recovery subject to the specific conditions set forth in section 712.

Automobile repair and service shops, including paint and body shops.

Boat engine repair subject to the specific conditions set forth in section 712.

Truck and heavy equipment sales and rental.

Gun sales.

Massage parlor.

704.5.3. Uses prohibited. The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Medical marijuana treatment dispensing facilities.

Open air sale or display of machinery or construction equipment.

Pawnshops.

Foundry.

Drop forging.

Stamping, dyeing, shearing or punching of metal exceeding one-eighth inch in thickness.

Paint or varnish manufacture.

Oil compounding or barreling.

Manufacture of asphalt, brick, tile, cement, lime, plaster, concrete or products thereof.

Acid or corrosive material manufacturing.

Manufacture or storage of explosives.

Packing or canning plants or slaughter yards.

Stockyards.

704.5.4. *Limitations of uses and structures.*

- (a) All permitted uses in this district shall be conducted within a completely enclosed building except as follows:

Any activity which is enclosed by a concrete or masonry wall at least eight feet in height effectively screening such use from outside direct view at ground levels.

Seating area when utilized as an accessory use to a restaurant.

Motor vehicles sales or rental providing the storage area is contained fully within a six-foot high decorative masonry wall. Said masonry wall shall provide along the extension thereof, a five-foot planting strip to be landscaped in accordance with the LDR.

Play areas of day nurseries or public or private schools.

Recreational uses.

- (b) The following specific uses shall be permitted only when the entire site so utilized is not closer than 300 feet from an R district:

Cabinet and carpenter shop.

Heating and air conditioning contractor shop.

Sign shop.

Tinsmith shop.

- (c) Overhead doors or other openings larger than eight feet in width shall not be located on the immediate street side of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened in accordance with the requirements contained in this chapter.
- (d) The passive storage of automobiles, boats, trailers and recreational vehicles is allowed as a conditional use, subject to the following limitations and requirements:
1. All storage must be within enclosed garage bays.
 2. No repair work shall be permitted to take place within garage bays.

3. No business shall be permitted to operate from the garage bays.
4. All bays proposed for such storage shall be identified on a site plan filed at the time application is filed for conditional use approval.
5. The property owner shall maintain a list of items stored within each bay approved for such storage.

Sec. 712. Specific use regulations.

The specific conditions set out below shall be applied to each proposed use during conditional use and site plan review.

712.1. *Adult uses.* Adult uses shall be subject to the following conditions:

- (a) No adult use shall be established within 1,500 feet from any established church or school, as measured from the nearest point of the church or school grounds through the air to the main entrance point of the proposed use.
- (b) No adult use shall be permitted within 1,000 feet of an existing adult use, as measured from the main entrance point of the existing establishment through the air to the nearest point of the proposed use.
- (c) No adult use shall be permitted within 500 feet of a residential zoning district or land designated as residential on the city's land use plan map, as measured through the air to the nearest point of the proposed use.

712.2. *Alcoholic beverages sales.* All establishments selling or otherwise distributing alcoholic beverages are subject to the restrictions and limitations contained in chapter 6 of the City Code. Any establishment holding a 4COP license from the state shall be considered a nightclub for purposes of subsection 6-2(c) of the City Code. An establishment holding a 4COP-SRX license may be either a restaurant or a nightclub, depending on whether the criteria for defining a nightclub contained in section 6-1 of the City Code are met.

712.3. *Automobile and light truck, new sales agency or rental.* An automobile and light truck, new sales agency or rental shall be permitted only upon approval after public hearing in any business or industrial zoning district and subject to the following conditions:

- (a) That a continuous, densely-planted greenbelt of not less than 15 feet in width, penetrated only at points approved by the community development director for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of 30 feet on center. The shade trees shall have a minimum caliper of two and one-half inches at time of planting.
- (b) That a decorative masonry wall at least five feet in height shall enclose the vehicle storage area and repair area, approved through public hearing. The placement of said wall, and openings through same shall comply with the requirements contained elsewhere in this chapter.
- (c) That all outdoor paging or speaker systems are expressly prohibited.
- (d) That no repair work of any type is permitted on premises unless approved after public hearing.

- (e) That used vehicle sales shall be permitted as an accessory use providing said vehicles are in good condition, late model and operable.
 - (f) All outdoor display areas and visitor parking areas shall be clearly designated on an approved site plan. All parking and display areas shall be paved and striped. Required yards, bufferyards, landscaping and open space shall be protected by non-mountable curbing. Visitor parking shall be provided at the rate provided for in the parking and loading requirements. Merchandise shall not be displayed within any required yard or bufferyard.
- 712.4. *Automobile and light truck, internet used sales agency.* An automobile and light truck, internet used sales agency shall be permitted only upon approval after public hearing subject to the following conditions:
- (a) Vehicles shall be stored indoors at all times.
 - (b) Viewing and test driving of vehicles shall be by appointment only.
 - (c) Vehicles for sale shall be operable.
 - (d) Number of vehicles offered for sale at any one time shall be limited to a total of 15.
 - (e) No automobile and light truck, internet used sales agency shall be located within 500 linear feet of another such establishment.
- 712.5. *Automobile recovery subject to the following conditions:*
- 712.5.1. Indoor storage of vehicles only.
 - 712.5.2. All stored vehicles shall be operable.
 - 712.5.3. No automobile recovery establishment shall be located within 500 linear feet of another such establishment.
- 712.6. *Automobile repair, paint and body shops.*
- 712.6.1. *Storage of damaged vehicles.* Damaged automobiles must be stored either within a completely enclosed building or stored in an area surrounded by solid walls at least six feet high.
 - 712.6.2. *Overnight storage of vehicles.* Vehicles left overnight must be stored either within a completely enclosed building or stored in an area surrounded by solid walls at least six feet in height.
 - 712.6.3. *Distance separation requirement.* No automobile repair, paint or body shop shall be located within 250 linear feet of another such establishment or of a boat engine repair shop.
- 712.7. *Boat engine repair shops.*
- 712.7.1. *Limitations on use.* Boat engine repair shall be limited to the repair of boat engines only. Boat hulls or bodies shall be prohibited on site.
 - 712.7.2. *Storage of damaged engines.* Boat engines shall be stored within a completely enclosed building/bay at all times.
 - 712.7.3. *Distance separation requirement.* No boat engine repair shop shall be located within 250 linear feet of another such establishment or an automobile repair, paint or body shop.

- 712.8. *Bottle club.* Any bottle club, as defined by F.S. ch. 561, shall be required to obtain conditional use approval.
- 712.9. *Child or adult care centers.* Child or adult care centers shall be required to provide a designated drop-off and pick-up area which is not part of the permanent parking for the site. All required play areas shall be grassed or mulched. Paved areas shall be not be considered as play areas. Outdoor play areas shall be fenced and screened from trafficways and adjacent properties.
- 712.10. *Drive-through windows.* All uses which provide drive-through service shall meet the design requirements contained in the parking and loading requirements.
- 712.11—712.22. Reserved.
- 712.23. *Multifamily residential.* Multifamily residential projects shall be under the unified control of a single person, homeowners' association or condominium association.
- 712.24. *Municipal uses.* Buildings, structures and facilities under the ownership or control of the city are permitted in all zoning districts.
- 712.25. *Outdoor cooking and barbecuing.* All cooking and barbecuing of meats and other foods for sale shall take place only on permanent, fully-enclosed facilities intended for such purposes. However, outdoor cooking and barbequing of foods as an accessory use to any restaurant may be permitted as a conditional use within the B-2 and B-3 zoning districts under the conditions specified within sections 704.3.2 and 704.3.4 for the B-2 zoning district and sections 704.4.2 and 704.4.4 for the B-3 zoning district.
- 712.26. *Outdoor sales.* All sales, service and storage shall be conducted in a completely-enclosed building except where specifically permitted. No permanent outdoor sales shall be permitted within any public or private right-of-way, required parking or traffic circulation area, fire lane, any landscape area or within a sidewalk.
- 712.27. *Outdoor storage.* All businesses which store materials, work in progress, finished products, machinery or equipment outside of an enclosed building shall be required to obtain conditional use approval unless otherwise specified in these regulations. This regulation shall not apply to cars or trucks used in the normal course of business parked overnight in designated parking areas. All outdoor storage shall be indicated on a site plan and buffered from adjacent properties by the required bufferyard of this chapter with the addition of a finished concrete wall.
- 712.28. *Prohibited uses.* No land, water, building or structure or part thereof shall be used, in whole or in part, for any of the following uses, either as a principal or accessory use:
- 712.28.1. Cemetery or crematory.
- 712.28.2. Check cashing store.
- 712.28.3. Firing range or gun range, either indoor or outdoor.
- 712.28.4. Fortune teller, tarot card reader, palmistry reader, or similar activity.
- 712.28.5. Garbage disposal or materials recycling facility.
- 712.28.6. Junk dealer or junkyard.
- 712.28.7. Manufacturing or storage of explosives, including fireworks and ammunition.

712.28.8. Manufacturing or storage of hazardous, radioactive or biohazardous material.

712.28.9. Pawn shop.

712.28.10. Rock and sand yard.

712.28.11. Wrecking yard, automobile.

712.28.12. Wrecking yard, building.

712.28.13. Fuel service stations (gas stations).

712.28.14. Medical marijuana treatment dispensing facilities.

712.29. *Parking of trailers, boats or recreational vehicles.* No person shall park, store or knowingly permit another person to park or store any trailer, boat or recreational vehicle in a residential or residentially-zoned area within the city, unless such trailer, boat or recreational vehicle is parked or stored in a garage or other enclosure having opaque sides and roof; provided, however, that such garage or enclosure may have a door or doors for the purpose of ingress and egress of persons and vehicles, but that such door or doors shall not be left open or ajar in such a way that the trailer is visible to the public for more than 30 consecutive minutes.

712.30. *Parking of portable storage containers.* The following rules and regulations shall apply to the storage or parking of portable storage containers:

712.30.1. Prior to parking or storing a portable storage container on any site, the owner or occupant of the site must apply for and obtain a permit from the community development department. Upon issuance, the permit shall be displayed on the outside of the portable storage container in a clear pouch.

712.30.2. The total square footage for portable storage containers shall not exceed 130 square feet in area. Only one portable storage container shall be located on a site at any given time.

712.30.3. Portable storage containers shall not be parked or stored in, upon, or across any street, right-of-way or swale; shall only be parked or stored in driveways; and shall be set back a minimum of ten feet from the front property line.

712.30.4. Portable storage containers shall not be parked or stored for periods exceeding five consecutive days, and shall not be stored at the same location in excess of six days in a calendar year. However, portable storage containers shall be removed immediately by the owner or occupant upon the issuance of a hurricane warning by an authorized governmental agency.

712.30.5. Owners and occupants of sites where portable storage containers are stored or parked must ensure that they are kept in good condition, free from evidence of vandalism or deterioration. When not in use, portable storage containers shall be kept locked. Hazardous substances shall not be stored or kept in portable storage containers.

712.31. *Rehabilitation centers.* No rehabilitation center shall be established within 1,500 feet of an existing rehabilitation center, as measured from the edge of the parcel containing the existing facility.

712.32. *Restaurants.* Reserved.

- 712.33. *Splitting of parcels into multiple zoning districts.* No single parcel or lot shall be divided into more than one zoning category. All zoning district boundaries shall follow established lot or parcel boundary lines.
- 712.34. *Warehouse-self storage.* A warehouse self-storage facility shall not be permitted to contain businesses which require an occupational license for the premises. No wholesale or retail sales are permitted.
- 712.35. *Wetland mitigation banks.* Wetland mitigation banks shall be a permitted use in land designated water or parks and recreation on the future land use map. On-site mitigation for a development project is a permitted use.
- 712.36. *Propane and liquid petroleum gas storage tanks.* Except as provided below, all propane and LP gas storage tanks larger than 125 gallons, other than gas storage tanks owned by the city, shall be required to obtain conditional use approval prior to issuance of a building permit. This subsection shall apply to gas storage tanks which are installed on a lot or parcel for the purpose of serving a primary use on that site. This subsection shall also apply to gas storage tanks used to provide service to off-site customers or clients. This provision does not apply to gas storage tanks which are maintained upon residential lots or parcels for customary accessory use by homeowners, including use for emergency generators, barbecue grills and swimming pool or spa heating purposes and similar accessory uses. This provision does not apply within the utilities zoning district.
- 712.37. *Fuel service station with mini-market/convenience store.*

712.37.1. *Locational criteria.*

- (1) Fuel service stations shall front onto either Oakland Park Boulevard or State Road 7 (U.S. Highway 441).
- (2) Minimum separation distance from a residential property (property line to property line): 200 feet. Where the pump service area is screened by the principal building, this distance may be reduced to 150 feet.

712.37.2. *Intensity standards.* Development shall be in accordance with the following standards:

| Permitted Development Intensity | | | |
|---------------------------------|----------------------------------|--|--------------------------|
| Minimum Gross Lot Area | Number of Gas Pumps ¹ | Maximum Convenience Store Size (gross sq. ft.) | Number of Accessory Uses |
| 1.0—1.499 acres | 6 | 2,500 | 1 |
| 1.5—1.999 acres | 6 | 3,500 | 2 |
| 2.0 acres and greater | 6 | 4,000 | 3 |

¹ Permitted maximum number of service positions = number of pumps × 2.

712.37.3. *Minimum street frontage.* 150 feet.

712.37.4. *Minimum setbacks from street lines.*

- a. Principal building: 65 feet.
- b. Accessory building: 75 feet.
- c. Gas pumps canopy (required): 50 feet.

712.37.5. *Hours of operation.* Where the use is located 500 feet or closer to a residential property (property line to property line), the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.

712.37.6. *Parcel access from the right-of-way.* The following provisions are intended to minimize potential traffic access and circulation conflicts and to facilitate the efficient coordination of traffic flows between the fuel service use, adjacent roads, and adjacent/nearby developments. All access drives must comply with the driveway separation standards of this Code.

(1) *Facility located on shopping center outparcel.* Street access shall be provided in accordance with the following hierarchy of alternatives. Where the highest ranked alternative is used (i.e., 1., main shopping center drive), it shall be the only access provided. Where the lower ranked alternative is proposed, the applicant must demonstrate why the highest ranked alternative is not feasible.

1. Main shopping center drive.
2. Shared access drive with adjacent outparcel. Where the site is adjacent to more than one other outparcel, only one shared access shall be permitted.

Shared internal access drives between the outparcel and other outparcels are encouraged.

(2) *Other locations.* A maximum of one full access drive (all turning movements) is permitted. Corner properties may provide a second access drive, provided it is limited to right turns only and is located on the street not containing the full access drive.

712.37.7. Reserved.

712.37.8. *Pump island planting.* At both ends of all pump islands, a planter area shall be provided to accommodate a small tree (ten feet maximum) and ground cover (shrubs).

712.37.9. *Gasoline vent stacks.* Vent stacks are to be placed either in the rear half of the property or away from the street and enclosed within a decorative structure or painted an inconspicuous color (CAB approved).

712.37.10. *Maintenance stations.* Two automotive maintenance stations are permitted, limited to the following items: air hose, water hose, vacuum. These stations shall be physically separated from other uses on the site and a minimum of one parking space provided for each station in addition to that required for the other uses.

712.37.11. *Accessory use standards.*

Automatic car wash.

- (1) The facility shall be located either to the side or rear of the principal building.
- (2) The facility shall be fully automatic, with no employees conducting any related functions or services.
- (3) Maximum capacity: One vehicle per wash cycle.
- (4) The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
- (5) The hours of operation may be no longer than the principal use, but in no case 24 hours.

- (6) Screening of vehicle opening. A wall, berm, or similar opaque visual buffer shall be provided for the facility opening when it is oriented toward the street side of the lot.

Attendant car wash.

- (1) The facility shall be located either to the side or rear of the principal building.
- (2) The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
- (3) The hours of operation may be no longer than the principal use, but in no case 24 hours.
- (4) Vehicle stacking/parking.
 - i. Drive-through facility.
 - ii. Non drive-through facility: Two per service position, separated from access drives and internal drive aisles.
- (5) Screening of service area. A wall, berm, or similar opaque visual buffer shall be provided for the service area when it is oriented toward the street side of the lot.

Convenience store/mini-market. Convenience stores meeting the size limitations specified in subsection 712.23(2) shall not be counted as an accessory use for calculating the maximum number of permitted accessory uses allowed by subsection 712.23(2).

Food service (prepared on site by staff per customer order from a menu).

- (1) Drive-through facilities are prohibited.
- (2) The hours of operation may be no longer than the principal use, but in no case 24 hours.
- (3) A maximum of two food service operations are permitted.
- (4) Indoor table service (staff receives and delivers food orders at the tables) is prohibited.
- (5) Outdoor seating is prohibited.
- (6) Where an indoor seating area is provided, additional parking shall be provided for the portion of floor area used, based on the parking ratio for a fast food restaurant use.

Oil change/lube facility.

- (1) The use shall only be conducted within an enclosed building.
- (2) The facility shall be located either to the side or rear of the principal building.
- (3) Screening of vehicle opening. A wall, berm, or similar opaque visual buffer shall be provided for the facility opening when it is oriented toward the street side of the lot.
- (4) Vehicle stacking shall be provided at the rate required by this Code for the fuel service.
- (5) The hours of operation shall be limited to 7:00 a.m.—9:00 p.m.
- (6) Vehicle storage is prohibited.
- (7) Automotive repair is prohibited.

712.37.12. *Previously approved fuel service stations.* A prior approval for a fuel service station that complies with the requirements of 712.37 shall not be considered a non-conforming use.

712.38. *Self-service storage facility.* A fully enclosed space used for warehousing which contains individual storage units with floor area no greater than 400 square feet and an interior height not to exceed 12 feet per unit. Within the intense business, B-4 district, individual storage units shall not exceed 5,000 square feet in area and 18 feet in interior height when established on properties located between 3435 NW 19th Street and 3699 NW 19th Street.

(Ord. No. 08-23, § 6, 7-22-2008; Ord. No. 2010-19, § 4, 5-10-2011; Ord. No. 2015-15, §§ 3—5, 1-12-2016; Ord. No. 2016-05, § 3, 4-12-2016; Ord. No. 2016-18, § 3, 7-12-2016; Ord. No. 2017-017, § 11, 11-28-2017; Ord. No. 2021-013, § 4, 11-9-2021)

EXHIBIT “B”

Chapter 3 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

[As used in this chapter, the following terms shall have the meanings ascribed to them herein:]

- (a) *Vendor*. "Vendor" shall include all persons selling or keeping, with the intention of selling or dealing in, the beverages defined in this chapter.
- (b) *Intoxicating beverages*. "Intoxicating beverages" shall include all liquors, wines, and beers containing more than three and two-tenths (3.2) percent of alcohol by weight.
- (c) *Alcoholic beverages*. "Alcoholic beverages" shall include all beverages containing more than one (1) percent of alcohol by weight.
- (d) *Liquor*. "Liquor" means and includes any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one (1) or more of the foregoing.
- (e) *Wine*. "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four (24) percent by volume. No other product shall be called "wine," unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominately produced, or as artificial or imitation wine.
- (f) *Beer*. "Beer" shall be interpreted to include all malt beverages containing more than one (1) percent of alcohol by weight, and not over fourteen (14) percent by weight.
- (g) *Consumption on premises*. "Consumption on the premises" means consumption of all beers, wines or alcoholic beverages of every kind, or the right to sell by the drink or bottle such beverages.
- (h) *Consumption off premises*. "Consumption off the premises" means the selling of beers, wines, etc., in the original unbroken containers, to be taken by the purchaser off the premises where sold before being consumed.

¹Editor's note(s)—Ord. No. O-76-16, adopted June 16, 1976, enacted provisions which are codified herein as superseding former Ch. 3, §§ 3-1—3-56. Former Ch. 3, pertaining to the same subject matter, was derived from Code 1960, §§ 3-1—3-25; Ord. No. 599, § 2, adopted Aug. 1, 1973; Ord. No. 74-4, adopted April 3, 1974; and Ord. No. O-75-11, § 1, adopted Nov. 5, 1975.

Charter reference(s)—Authority to regulate selling and dispensing of alcoholic beverages, Art. I, § 14(d).

Cross reference(s)—Disorderly intoxication, § 8-29.

State law reference(s)—Beverage law, Ch. 561, et seq., Fla. Stats.

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- (i) *Package store.* "Package store" means vendors licensed to sell all alcoholic beverages, but in sealed containers only and for consumption off the premises. The sealed package must not be broken and the contents must not be consumed in or on the premises under a package store license.
 - (j) *Restaurant bar.* "Restaurant bar" means a bar and any delineated area associated with such bar which is operated in connection with a restaurant and by the same management, where the principal business is the serving of full course meals and where meals are actually and regularly served. The gross floor area of such "restaurant bar" shall not exceed twenty-five (25) percent of the total customer service area of the premises. The "restaurant bar" must be directly connected with the dining room. The sale of beers, wines and liquors shall be strictly incidental to the serving of food. The sale of beers, wines and liquors shall be prohibited except during the time the restaurant is actually engaged in and open to the public for the serving of full course meals. No sign of any character shall be displayed on or in the restaurant or bar to the outside denoting that alcoholic beverages are sold therein. Restaurants which do not contain a bar and which offer alcoholic beverages for sale on premises to be consumed only in a dining area shall not be construed to be a restaurant bar.
 - (k) *Hotel or motel bar.* "Hotel or motel bar" means a bar operated in connection with a hotel, motel or apartment hotel of more than twenty-five (25) hotel or motel rooms or apartments, and operated by the same management, such bar being equipped with adequate and sanitary equipment. The sale of beers, wines and liquors shall be strictly incidental to the principal use as a hotel or motel. The sale of beer, wines and liquor shall be prohibited except during the time that the hotel or motel is actually engaged in and open to the public for operation of hotel or motel business. No signs of any kind shall be permitted to be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable therein.
 - (l) *Bar.* "Bar" means an establishment devoted primarily to the sale at retail of alcoholic beverages to be consumed on the premises, or any place where any sign visible from any public way is exhibited to indicate that alcoholic beverages are sold for consumption on the premises, other than a "restaurant bar" or "hotel or motel bar" as defined in this section. Restaurants which do not contain a bar and which offer alcoholic beverages for sale on premises to be consumed only in a dining area shall not be construed to be a bar.
 - (m) *Extra hours.* The hours of operation from 12:01 a.m. and 2:00 a.m. on weekdays and 12:01 a.m. and 3:00 a.m. on Sundays.
 - (n) *Club.* "Club" means a bona fide club, and shall consist of persons associated together under a charter as an incorporated club, incorporated by order of the circuit court judges after the charter has been found to be for objects authorized by law, and approved by such judges as organized and operated for lawful purposes and not for the purposes of dealing in or selling beverages as defined herein. Such clubs shall have a bona fide membership and shall have been in continuous active existence and operation for a period of not less than two (2) years in the county where they exist at the time of the application for such license, except municipally owned golf clubs and national veterans and fraternal organizations.
 - (o) *Reserved.*
 - (p) *Full course meals.* "Full course meals" shall be meat, fish or poultry, two (2) vegetables, salad, and a beverage and must be prepared on premises. Frozen "TV dinner-type" preparations, sandwiches and pizza are not acceptable.
 - (q) *Intoxicated person.* Shall mean any person whose blood or breath alcohol content level meets or exceed eight one-hundredths (0.08) percent.
 - (r) *Restricted area.* Shall include any area available for use by the public including but not limited to public school grounds, parks, any real property owned by the city, any real property leased to the city, any public street, highway, or sidewalk, where such area adjoins or is adjacent or appurtenant to any

establishment within the City of Oakland Park, Florida, and/or any portion of commercial or industrial property not enclosed or otherwise secured.

- (s) *Certification enforcement authority.* Shall mean the City of Oakland Park in conjunction with state and local law enforcement agencies.
- (t) *Personal alcoholic beverage seller/server's training, education and certification.* A state-accepted education, training and certification class/course and/or program with a curriculum that fully adheres to the following education/training objectives:
 - (1) An understanding of the importance of responsible alcohol sales/service.
 - (2) Knowledge of the laws that control the sale/service of alcohol.
 - (3) Knowledge of how to check IDs, refuse service to underage and intoxicated customers, prevent alcohol sales to underage persons.
 - (4) The awareness that there is a positive relationship between responsible alcohol sales/service and profitability.

The intent is have sellers/servers trained on the procedures related to the sale of alcoholic beverages from bars, nightclubs, restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores, package, food and grocery stores, supermarkets and like retail establishments that have a state approved alcoholic beverage license within the City of Oakland Park.

- (u) *Other alcoholic beverages.* Means a fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, energy drinks and any other liquid or solid containing alcohol, spirits, wine or beer that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances and not limited to any other concoctions containing alcohol, spirits, liquor, wine, beer, energy drinks and any other liquid or solid.
- (v) *Personal alcoholic beverage seller/server's education/training certification.* A certification of completion of a state-accepted personal alcoholic beverage seller/server's education, training and certification class/course and/or program.

(Ord. No. O-76-16, 6-16-76; Ord. No. O-77-19, § 1, 9-21-77; Ord. No. O-79-29, § 1, 11-7-79; Ord. No. O-81-22, § 1, 11-18-81; Ord. No. O-82-17, §§ 1, 2, 7-7-82; Ord. No. O-84-22, § 2, 9-19-84; Ord. No. O-95-9, § 2, 5-17-95; Ord. No. O-97-9, § 2, 11-5-97; Ord. No. O-2009-001, § 2, 2-4-09)

Secs. 3-2—3-11. Reserved.

ARTICLE II. REGULATING SALES

Sec. 3-12. License required.

It shall be unlawful for any person to sell, distribute, or manufacture any intoxicating liquors or alcoholic beverages as defined by section 3-1 until such person has obtained a license to do so as provided by the Florida Statutes.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-13. State and federal stamps and labels required.

No liquor or intoxicating beverages of any kind or nature, including wines, beers, liquors, porter or ale, shall be sold by any person holding a license under the provisions of the Florida Statutes, where the container thereof does not have and bear the stamps, marks and labels required by the laws of the United States and this state relating thereto; and no person shall have in his possession any liquor or intoxicating beverages unless the container thereof shall at the time have and bear the stamps, marks and labels required by the laws of the State of Florida and the United States of America.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-14. Distance of establishments from church or school.

No establishment which offers for sale liquor for off-premises consumption, and no establishment except a restaurant bar which offers for sale alcoholic beverages, regardless of alcoholic content, for consumption on the premises, shall be permitted at any location within five hundred (500) feet, measured by the closest feasible route on public right-of-way, from any church or school, measured from main entrance to main entrance, except, in case of a school, to the nearest point of the school grounds used as part of the school facilities. Whenever a license has been lawfully procured, and thereafter a church or school is established within a distance otherwise prohibited by law or ordinance, the establishment of such church or school shall not be cause for the revocation of the license, or prevent the subsequent renewal of the same.

School shall mean any state-accredited elementary, middle or high school.

(Ord. No. O-81-22, § 2, 11-18-81)

Sec. 3-15. Persons under eighteen years of age selling or dispensing alcoholic beverages prohibited.

No person licensed under the provisions of this article shall permit any person less than eighteen (18) years of age to sell or dispense any alcoholic beverages or liquors, including wines or beers, nor shall such licensees engage or employ such minor to work in the room or place where the bar or dispensary is located.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-16. Minors not permitted in room where beverages dispensed.

Minors shall not be permitted to go in or remain in the room or place where a bar or dispensary of alcoholic beverages is located, except in the case of a restaurant bar; minors shall be allowed only in areas serving food and having entertainment in the case of restaurant bar and then only when accompanied by a parent or legal guardian, and further providing that they be allowed to so remain no later than 12:00 midnight.

(Ord. No. O-76-16, 6-16-76; Ord. No. O-81-22, § 3, 11-18-81)

Cross reference(s)—Minors prohibited in poolrooms, § 7-7; curfew for minors, § 8-10.

Sec. 3-17. Persons to whom sale prohibited.

No person licensed under the provisions of the Florida Statutes, or any person, or any agent, servant or employee of any licensee thereunder shall give, sell, deliver, serve or permit to be served any alcoholic beverages or liquors, including wines or beers, as follows:

- (a) To any person less than eighteen (18) years of age, actually or apparently.
- (b) To any person who is intoxicated.
- (c) To any patient under the supervision or control of any state hospital, whether such patient is on furlough or otherwise, after notification from the police department.
- (d) To any person who is an habitual drunkard and known to be such by the dealer, after notification by the police department.
- (e) To any person brought before any court charged with nonsupport of wife, family or other dependent, after notification from the police department.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-18. Sale within licensed building only; sale of beer to persons in automobiles on premises.

No person shall sell or serve by the drink any intoxicating liquor other than malt beverages of legal alcoholic content (malt beverages meaning beer or ale), except within the building which is the address of the person holding a license for the sale of intoxicating liquor. Such malt beverages shall not be sold or served to persons in automobiles parked in or on the public right-of-way of the city.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-19. Prohibiting certain persons to loiter about premises.

It shall be unlawful for any intoxicated person to loiter in and about the premises used or occupied by any licensee, and it shall be the duty of the licensee to remove such intoxicated person from the premises. It shall also be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone and/or in consort with others, on the outside of the premises used or occupied by any licensee in such a manner so as to obstruct, hinder or impede the free and uninterrupted passage of any vehicle, traffic or pedestrian to and from the premises used or occupied by any licensee. The word "loiter" as used in this chapter shall mean: Remaining idle in essentially one (1) location, and shall include the concepts of spending time idly; being dilatory; lingering, staying; sauntering; delaying; standing around, and shall also include the colloquial expression, "hanging around."

(Ord. No. O-76-16, 6-16-76)

Sec. 3-20. Serving of setups, etc., by vendors not licensed to sell for consumption on premises.

No vendor licensed under the Florida Statutes who is not licensed to sell liquor to be consumed upon the premises shall knowingly furnish or provide any setups, glasses or other service to any person for the purpose of consuming liquor in, at or upon the licensed premises.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-21. Use of licensed premises for immoral or criminal purposes.

No licensee, his or its agents, officers, servants or employees, shall permit the premises licensed under this article to be used for any immoral, improper or criminal purposes; nor shall they permit persons of known immoral, improper or criminal habits to frequent, loiter or assemble on the premises or in the entrance thereto.

Sec. 3-22. Noise; limitations except in soundproof premises.

No person licensed under the Florida Statutes shall allow or permit between the hours of 11:00 p.m. and 7:00 a.m. the following morning, instrumental music, singing or other forms of entertainment in any room where beers, wines, liquors or alcoholic beverages are sold or offered for sale, indoors or outdoors, except that such room or rooms may be soundproof in order that the noise therefrom may not disrupt the peace and quiet of the neighborhood. It is intended hereby that in rooms soundproofed, as defined herein, music, singing, and other forms of entertainment may be conducted during the hours that alcoholic beverages may be sold, but at no other hours.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-23. Permits required for premises to remain open past midnight; revocation, suspension of state beverage license.

(a) *Permits required.*

- (1) All vendors who are licensed by the state division of beverage desiring to remain open for business for the purposes of selling, offering for sale, delivery, serving or permitting liquors, beers or wines of any alcoholic content between the hours of midnight and 2:00 a.m. on weekdays and midnight and 3:00 a.m. on Sundays shall make application with the city manager for an open past midnight permit, at such time as the vendor applies for a business tax receipt pursuant to Chapter 7, Article II, of the Code of Ordinances.
- (2) The open past midnight permit application shall be on forms provided by the city and shall contain the following:
 - a. The name of applicant;
 - b. The location where the business is to be conducted;
 - c. The names of the individuals operating the business under their own names or under a trade name;
 - d. The names and addresses of the officers and all persons having a financial interest of five (5) percent or more in the vendor;
 - e. Photocopies of the state application for the state beverage license and said license;
 - f. The applicant's current City of Oakland Park Business Tax Receipt number;
 - g. An application fee shall be established by resolution by the City Commission.
- (3) The city manager or his designee shall review the open past midnight permit application and, if the application is complete, a permit shall be issued to the vendor to remain open between the hours of 12:01 a.m. and 2:00 a.m. on weekdays and 12:01 a.m. and 3:00 a.m. on Sundays.
 - a. The city manager or designee has the discretion to not issue a permit, if one or more of the following conditions occur:

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1. Excessive police calls for service at the location; or
 2. Building and permitting issues that exist and have not been remediated; or
 3. Fire and safety violations that have not been remediated; or
 4. Open code cases or liens that have not been remediated.
- b. Any person whose application has been denied as provided herein shall have the right to appeal to the special magistrate in accordance with the procedures of section 24-234 of the Code of Ordinances.
- (4) Such open past midnight permit expires on the thirtieth day of September and shall be renewed annually on or before the first day of September unless it is suspended or revoked or unless there is a change in ownership, change in ownership of shares, change in use, or change in location.
- a. Failure to renew or allowing the permit to expire, without a valid renewal, prior to said expiration date, will result in the permit no longer being valid. The establishment will not be permitted to serve, allow consumption, or sell alcohol after midnight until a valid permit is obtained. Failure to abide by this provision may result in enforcement penalties allowed under applicable laws.
- (5) The open past midnight permit application fee for such permit issued on or after the first day of April shall be one-half ($\frac{1}{2}$) the rate in accordance with the appropriate fee schedules.
- (6) In order for an alcoholic beverage establishment to be eligible for an open past midnight permit, the privilege to sell, offer for sale, deliver, serve or permit liquors, beers or wines of any alcoholic content between the hours of midnight and 2:00 a.m. on weekdays and midnight and 3:00 a.m. on Sundays shall be granted by the city manager if an establishment and their employees participate in a state-accepted personal alcoholic beverage seller/server's education, training and certification program as described in section 3-32.
- (7) No person shall work as a manager, alcoholic beverage seller/server, store clerk, and/or in any other capacity in any alcoholic beverage establishment open past midnight until certification by all applicants of a state-accepted personal alcoholic beverage seller/server's education, training and certification class/course and/or program is obtained, provided to the city and a open past midnight permit is granted by the city manager.
- (b) *Permit revocation, suspension.* The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage beyond the hour of 12:00 midnight on any day of the week including Sunday, is hereby declared to be and is a privilege subject to termination by the special magistrate, and no person may reasonably rely on a continuation of that privilege.
- (1) If at any time the city manager or designee determines that any person, vendor, distributor, or any place of business is operating in any manner harmful to the public health, safety or welfare, or has been convicted of a violation of the laws of the United States, State of Florida, or as determined by the city's special magistrate or code enforcement board that a violation of the Code of Ordinances of the City of Oakland Park has occurred by the permittee or his/her or its agents, servants, or employees on the license premises or elsewhere while in the scope of employment or has had his/her or it's state beverage license revoked or suspended by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or has violated a rule or regulation promulgated by the Florida Division of Beverages and Tobacco, the city manager or designee may file a notice of violation through the special magistrate.
- (2) After consideration of the matter and allowing the person or entity to be heard, the special magistrate may revoke or impose conditions on the open after midnight permit. The criteria to be applied by the special magistrate shall be the criteria specified in subparagraphs (2)(a), (b), (c), (d), (e) and (f) below:

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- a. The amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to the adverse impact on adjacent residential areas of any illegal or hazardous parking.
 - b. The amount and degree of law enforcement activities generated by the extra hours of operation, both outside and inside the particular location, with particular emphasis on the vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees, patrons or others associated with the establishment during or immediately after the extra hours of operation.
 - c. The adverse effects, if any, that the extra hours of operation will have on neighboring properties, especially with respect to the effects of noise, parking and glare from headlights or exterior lighting on nearby residential properties.
 - d. Such licenses shall only be granted to those establishments which are wholly enclosed, soundproofed, and air-conditioned, and any windows, doors or other opening kept closed, except for normal and emergency ingress and egress, in order that noise and music emanating there from will not disturb the peace and quiet of the neighborhood; provided, however, that the special magistrate may, in its discretion, grant an extra hours license to an establishment that is not wholly enclosed, soundproofed and air-conditioned, upon a showing that said establishment does not disturb the peace and quiet of the surrounding neighborhood.
 - e. The special magistrate may require, as a condition of the privilege of extra hours of operation, compliance with any reasonable conditions deemed by the special magistrate to be necessary to mitigate or eliminate the adverse effects of such extra hours. These conditions may include, without being limited to, provision by the owner or operator of the premises to provide, at his expense, additional off-street parking, security personnel and screening and buffering from nearby properties.
 - f. The status and nature of any violation of the laws of the United States, State of Florida, or the Code of Ordinances of the City of Oakland Park, by the permittee or his/her or its agents, servants, or employees on the licensed premises or elsewhere while in the scope of employment or has had his/her or its state beverage license revoked or suspended by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or has violated a rule or regulation promulgated by the Florida Division of Alcoholic Beverages and Tobacco.
 - g. Should the permit be revoked or conditioned, the person, permittee, vendor, distributor or place of business may seek review of such action before the special magistrate after six (6) months. The special magistrate may then modify or refuse to modify its action. Only one (1) such review shall be given within a twelve-month period.

(Ord. No. O-77-19, 9-21-77; Ord. No. O-81-22, § 4, 11-18-81; Ord. No. O-84-8, § 1, 3-7-84; Ord. No. O-84-22, §§ 1, 3, 9-19-84; Ord. No. O-88-28, § 1, 9-21-88; Ord. No. O-2009-001, § 3, 2-4-09; Ord. No. O-2013-017, Ord. No. O-2016-010, § 2, 9-7-16; Ord. No. O-2019-011, § 2, 6-5-19)

Sec. 3-24. Seizure and forfeiture of conveyances used in transportation of illicit liquor and stilling apparatus; disposition of funds.

Any vehicle, vessel, aircraft or animal used in the transportation or removal of, or for the deposit or concealment of any illicit liquor, still or stilling apparatus or any mash, wort, wash or other fermented liquids capable of being distilled or manufactured into an alcoholic beverage containing more than one (1) percent of alcohol by weight, or any alcoholic beverage, commonly known and referred to as "moonshine whiskey," where

seized by a municipal police officer within the corporate limits of the city, shall be forfeited, as provided for by the general state law, and all sums received therefrom shall go into the general operating fund of the city.

(Ord. No. O-76-16, 6-16-76; Ord. No. O-2013-017, § 2, 12-4-13)

Sec. 3-25. Rules of evidence relating to alcoholic beverage prosecutions.

In all prosecutions for violations dealing with alcoholic beverages, proof that the beverage in question was and is known as whiskey, rum, gin, brandy, vodka, wine, beer, ale or by other similar name or names shall be prima facie evidence that such beverage contains more than one (1) percent of alcohol by weight and that the same is intoxicating. Any sealed bottle, can or other container which is labeled or stamped in accordance with the beverage law of Florida shall be prima facie evidence that the contents thereof contains more than one (1) percent of alcohol by weight and that the same is intoxicating. Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell or the drinking of such beverages has knowledge as to the intoxicating nature thereof, may testify as to his opinion whether such beverage or liquor is or is not intoxicating, and a verdict based upon such testimony shall be valid.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-26. Penalty.

Any person or any agent, servant or employee of any licensee hereunder violating the provisions of this chapter shall upon conviction be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, such fine and punishment [being] in the discretion of the municipal court. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-27. Inspection and search of licensed premises.

All licensees, as defined in the Florida Statutes, shall allow their places of business to be inspected and searched without search warrants during business hours by police officers of the city.

(Ord. No. O-76-16, 6-16-76)

Sec. 3-28. Permitted hours of sale, consumption and service.

(a) *Permitted hours of sale, consumption and service.*

- (1) Clubs, nightclubs, cocktail bars, hotel bars and restaurant bars licensed under the state beverage laws to sell beer, wine or alcoholic beverages may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, between the hours of 7:00 a.m. and 12:00 midnight, on any day of the week as long as the beer, wine or alcoholic beverage is served and consumed on the premises.
- (2) Convenience stores, package stores, vendors licensed under the state beverage laws to sell beer, wine or alcoholic beverages and any vendor not listed in section (1) above may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, on any weekday or Saturday between the hours of 7:00 a.m. and 12:00 midnight, or any Sunday between 7:00 a.m. and 12:00 midnight.

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- (3) Any beer, wine or alcoholic beverage, regardless of content, ordered by a patron from a club, nightclub, cocktail bar, hotel bar, restaurant bar, convenience store, bottle club, package store or vendor and served prior to 12:00 midnight may be consumed on licensed premises by a patron until no later than 12:30 a.m.
 - (4) Sale, service or consumption after the applicable hours in this section are prohibited.
 - (5) No vendor licensed under the provision of this chapter or Florida Statutes, or any employee thereof, shall permit any person who is not an employee or vendor to remain on the premises beyond the legal closing hour as referenced above. However, if the premises are divided so that the portion of said premises where alcoholic beverages are kept, stored, or dispensed is segregated by partitions and locked doors, then the first sentence of this paragraph shall not apply to any portion of said premises where alcoholic beverages are not kept, stored, or dispensed.

(Ord. No. O-79-6, § 3, 3-21-79; Ord. No. O-79-29, § 2, 11-7-79; Ord. No. O-79-30, § 1, 11-7-79; Ord. No. O-81-22, § 5, 11-18-81; Ord. No. O-2013-002, § 2, 1-16-13; Ord. No. O-2017-001, § 2, 1-4-17)

Sec. 3-29. Conditional uses and use approvals.

- (1) Bars which meet the distance requirements of section 3-14 as well as existing bars which request an increase in building or parking area, must nevertheless be approved by the city commission as a conditional use in accordance with Chapter 24, section 24-41, Master Business List, and section 24-41(D)(7).
- (2) Restaurant bars and hotel and motel bars, and any additions to the building or parking for such bars, may be permitted as a use approval in accordance with Chapter 24, section 24-41, Master Business List, section 24-163, Types of Applications, and section 24-164, Site Plan Review, subject to the approval of the city commission after a public hearing at a regular public meeting.

(Ord. No. O-82-17, § 3, 7-7-82; Ord. No. O-96-17, § 3, 10-16-96; Ord. No. O-97-9, § 3, 11-5-97)

Sec. 3-30. Bottle club regulations.²

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:
 - (a) *Person* shall mean any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or any combination thereof, or other entity.
 - (b) *Bottle club* shall mean any establishment located in Oakland Park in which an alcoholic beverage is received or kept, where patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in or maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises and which is located in a building or other enclosed structure.
 - (c) *Consideration* shall mean:
 - (1) The payment of or obligation to pay any cover charge, entrance fee, dues, or commission for the right or privilege to enter or remain upon the premises;

²**Code of Broward County reference**—Bottle clubs, County Code, § 3-21 et seq.; license tax on bottle clubs, County Code, § 20-48.

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- (2) The payment, or obligation to pay, for ice, nonalcoholic mixes or other nonalcoholic liquids used in connection with alcoholic beverage drinks;
 - (3) The payment, or obligation to pay, for use of glassware or other containers for the consumption of alcoholic beverage drinks;
 - (4) The payment, or obligation to pay, for food;
 - (5) The payment, or obligation to pay, for entertainment of any kind, whether live, recorded, taped, or on file; or
 - (6) The payment, or obligation to pay, for any combination of the foregoing.
- (2) *Unlicensed premises; prohibitions; nuisances; abatement.*
- (a) It shall be a violation of this section, and a public nuisance, for any person to operate a bottle club, or for such person's agents, servants or employees to be employed therein, unless a license has first been obtained from the City of Oakland Park and is displayed conspicuously at the place of business in such manner as to be open to the view of the public and available for inspection by all duly authorized officers of the City of Oakland Park. Nothing contained herein shall prohibit or restrict the leasing or use of a bottle club as defined hereby by any organization or club enumerated in subsection (c) hereof.
 - (b) All bottle clubs operated within the city shall be open only during the hours permitted by law or ordinance for establishments selling alcoholic beverages. It is a violation of this section, and a public nuisance, for any person, or his agents, servants or employees, to open a bottle club at any other time or to permit a bottle club to remain open at any other time.
 - (c) This section shall apply to any religious, charitable or fraternal organization operated not for profit and all establishments operating within the municipality and pursuant to an occupational license issued by the City of Oakland Park with the exception of the bottle clubs in current operation within the city at the time of the enactment of this section, which shall operate pursuant to a conditional use permit.
- (3) *Enforcement of violations.*
- (a) The Broward County State Attorney may bring an action to abate a public nuisance under this section upon written request of the city to bring the action. Alternatively, the city may restrain violations of this section as provided by general law or ordinance for enforcement of city ordinances.
- (4) *Inspection.*
- (a) Licensees, by the acceptance of a bottle club license, agree and consent that their licensed business shall always be subject to inspection and search by the city and officers of the city police department during all hours that such premises engage in business and at any other time such premises are occupied by the licensee or other persons.
- (5) *License fee.*
- (a) Every individual or entity who shall operate a bottle club, as the term "bottle club" is defined in this Code, shall pay to the city a license fee pursuant to section 7-22 of the Code of Ordinances of the City of Oakland Park for each bottle club.

(Ord. No. O-80-23, § 1, 8-20-80; Ord. No. O-82-22, § 1, 10-6-82; Ord. No. O-92-6, § 4, 3-18-92)

Sec. 3-31. Prohibition of open containers of alcoholic beverages and/or consumption of alcoholic beverages in restricted areas.

- (a) *Prohibitions.* It shall be unlawful for any person to possess any open container of alcoholic beverages and/or to consume any alcoholic beverage within a restricted area.
- (b) *Exceptions.*
- (1) *City approved special events.* The city commission may by resolution grant approval to nonprofit charitable or religious organizations or subdivisions of the city to conduct special events[,] having a public or quasipublic purpose as determined by the commission[,] which [organizations or subdivisions] shall be permitted to sell and/or serve, under the auspices of the applying organization, alcoholic beverages otherwise prohibited[, such] alcoholic beverages to be possessed and/or consumed by agents and/or patrons of the event[,] provided each of the following conditions is met and observed:
- a. The organization has demonstrated to the city that it is a nonprofit organization, it is a subdivision of the city, or a charitable or religious organization authorized to conduct not for profit operations pursuant to law;
 - b. The organization has submitted a written request to the city public service department, a minimum of thirty (30) days prior to the beginning of the event. The request must contain a detailed description of the special event proposed to be conducted including all elements set forth in subsection d. below. The public service department will coordinate a review of the request, by the police, fire, public service, and community development departments and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request if it is determined to be inconsistent with the public interest that may have an adverse affect upon the public safety, health, or welfare;
 - c. The organization has obtained a temporary liquor license from the state and all other regulatory agencies with jurisdiction over the subject matter;
 - d. The organization has executed an agreement with the city at least thirty (30) days in advance of the event which agreement will contain, but [not] be limited to the following elements:
 1. A designation of the event, dates and hours for sale and/or distribution of alcoholic beverages. The city retains in its sole discretion the right to approve or disapprove such dates and hours;
 2. A plan for enclosing, restricting, or controlling access to the special event area, which must be approved by the police and public service departments as well as any other governmental agency which may have jurisdiction;
 3. A plan for police protection, crowd and traffic control. The plan and personnel necessary to implement such plan shall be approved by the police department and furnished at the expense of the organization;
 4. Provisions for sanitary facilities and for safety inspections as determined to be necessary by the fire and building and zoning departments;
 5. Provisions for the posting of an adequate cash security bond or other security approved by the public service department and city attorney to ensure that refuse generated by the event will be collected and that the event area will be cleaned;
 6. A provision under which the applicant agrees to indemnify, defend, and hold the city, its officials and employees harmless from any claim resulting from the event together with the provision of a comprehensive general liability insurance policy issued by a company

approved by the risk manager in a minimal amount of one million dollars (\$1,000,000.00) combined single limit coverage to be evidenced by delivery to the city manager not less than ten (10) days prior to commencement of the event, of certificate of insurance naming the city as a loss payee;

7. Provision which reserves the right to the city to immediately revoke permission or to suspend or terminate the event or any portion thereof if any of the elements of the agreement are violated;
 8. Any other provision, term, plan, or condition deemed reasonably necessary by the city.
- e. Events sponsored or cosponsored by a subdivision of the city and conducted upon municipal property or municipal facilities shall also comply with the above provisions.
- (2) *Reserved.*
- (c) *State law adopted.* Florida Statutes, Section 316.1936 is hereby adopted and incorporated by reference as an offense against a municipality and may be enforced as such by duly appointed police officers of the City of Oakland Park.
- (Ord. No. O-95-9, § 3, 5-17-95)

Sec. 3-32. Personal alcoholic beverage seller/server's education, training and certification.

- (a) *Declaration of intent.* It is the legislative intent of the city commission to require that all persons employed as managers, beverage sellers/servers, store clerks and all other persons who sell alcoholic beverages in any existing and new open past midnight permit type alcoholic establishments as provided for in section 3-23 and that are licensed by the city or in any other capacity as bars, nightclubs, restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores, package, food and grocery stores, supermarkets and like retail establishments that have a state approved alcoholic beverage license possess a personal alcoholic beverage seller/server's education/training certification that is accepted by the city manager if the course/class and/or program with a curriculum that fully adheres to the following education/training objectives:
- (1) An understanding of the importance of responsible alcohol sales/service.
 - (2) Knowledge of the laws that control the sale/service of alcohol.
 - (3) Knowledge of how to check IDs, refuse service to underage and intoxicated customers, prevent alcohol sales to underage persons.
 - (4) The awareness that there is a positive relationship between responsible alcohol sales/service and profitability.

This places responsibility directly on the owner, manager and/or employee to comply with city and state laws and codes regarding alcoholic beverage sales and also be subject to the penalties as identified in subsection 3-23(b) and section 3-26. This education/training certification is granted to the owner, manager and/or employee and is not attached to a specific employment situation or city occupational business license other than the open past midnight permit.

- (b) *Requirements.* No person shall work as a manager, beverage seller/server, store clerk, and/or in any other capacity in such open past midnight permit type establishments granted by the city including any bars, nightclubs, restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores, package, food and grocery stores, supermarkets and like retail establishments that have a state approved alcoholic beverage license where such person may sell or deliver alcoholic beverages in or from premises licensed under Chapter 7 of the City of Oakland Park Code of Ordinances, and no licensee shall permit any such

person to be so employed, unless such person, within seven (7) days after being first employed, shall provide a personal alcoholic beverage seller/server's education/training certification to the city to engage in such business. No person may be so employed to sell alcoholic beverages for any length of time the applicant's certification is not obtained.

- (c) *Possession of certification.* The holder of a personal alcoholic beverage seller/server's certification must provide a copy to the city, possess and provide proof of certification at all times while on duty or in the employment at any past midnight type bar, nightclub, restaurant, restaurant bar, convenience store, gasoline service station, liquor store, food and grocery store, supermarket and like retail establishments that have a state approved alcoholic beverage license within the City of Oakland Park. Failure to possess or provide proof of the seller/server's education/training certification will subject the alcoholic beverage establishment owner/manager to the penalties as identified in subsection 3-23(b) and section 3-26. In addition, the owner/manager of any such existing and/or new open past midnight type establishment licensed by the city that does not notify their employee of the needed possession of the education/training certification requirement will be subject to the penalties identified in subsection 3-23(b) and section 3-26.
- (d) *Posting of sign.* Every owner of an existing or new open past midnight permit type establishment licensed by the city or in any other capacity such as bars, nightclubs, restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores, food and grocery stores, supermarkets and like retail establishments that have a state approved alcoholic beverage license and that sell alcoholic beverages pursuant to the provisions of this article shall post a copy of all operational standards, training requirements and any special conditions of the permit and participation in a state-accepted personal alcoholic beverage seller/server's education/training certification class/course and/or program in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment. Failure to provide an approved alcoholic beverage sales sign and proof of certification will subject the alcoholic beverage establishment owner/manager to the penalties as identified in subsection 3-23(b) and section 3-26.

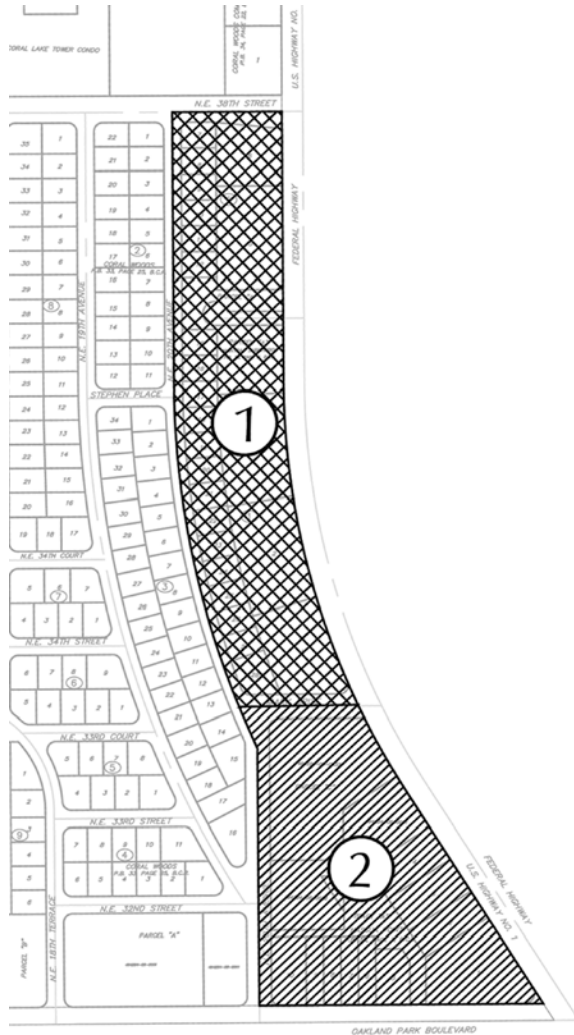
(Ord. No. O-2009-001, § 4, 2-4-09)

Secs. 3-33—3-37. Reserved.

Sec. 24-50. Federal Highway Mixed Use Business and Entertainment Overlay District.

- (A) *Intent.* It is the intent of the city commission to create a Mixed Use Business and Entertainment Overlay District for the purpose of encouraging mixed use redevelopment opportunities for existing business owners in the area identified as the Federal Highway Mixed Use Business and Entertainment Overlay District. The city commission does intend the Federal Highway Mixed Use Business and Entertainment Overlay District will provide a means of achieving mixed-use flexibility not currently allowable in the B-1 zoning classification of the City of Oakland Park's Land Development Code of Ordinances. It is the express intent of the city commission that the Federal Highway Mixed Use Business and Entertainment Overlay District shall enhance the properties located within it, offering a number of redevelopment opportunities along the corridors of Federal Highway and Oakland Park Boulevard.
- (B) It is the intent of the city commission that the creation of the Federal Highway Mixed Use Business and Entertainment Overlay District accomplish the following objectives:
- (1) Introduce a mix of uses to include residential, retail, entertainment, and office.
 - (2) Encourage diversifications of uses, structures and open spaces not in conflict with surrounding properties and land uses.
 - (3) Allow for a conditional 4:00 a.m. license for entertainment, eating and drinking related businesses if specific incentive criteria are satisfied.
- (C) The geographical boundary of the Federal Highway Mixed Use and Business Overlay District shall consist of all land, and roads between the centerline of NE 20th Avenue, the north right-of-way line of Oakland Park Boulevard, the west right-of-way line of boundary of Federal Highway, and the centerline of NE 38th Street.
- (D) *District sub-areas.*
- (1) There shall be two (2) sub-areas in the Federal Highway Mixed Use Business and Entertainment Overlay District whose locations are depicted on the map in this section. The sub-areas are as follows:
 - (a) Federal Highway Mixed Use Business and Entertainment Overlay District—North District
 1. North District Boundary—All land, roads, and structures between Federal Highway and NE 20th Avenue from NE 38th Street to the centerline of NE 33rd Court.
 2. Federal Highway Mixed Use Business and Entertainment Overlay District—South District.
 1. South District Boundary— All land, roads, and structures between Federal Highway and NE 20th Avenue from centerline of NE 33rd Court to Oakland Park Boulevard.

Figure 1. Overlay District Map



Overlay District Map

(E) *Permitted uses.*

- (1) Federal Highway Mixed Use Business and Entertainment Overlay District permitted use list. See the Master Business List in chapter 24, article III, section 24-41.

(F) *Mix of uses.*

- (1) Buildings fronting Federal Highway and Oakland Park Boulevard are permitted and encouraged to have a vertical mix of uses consisting of active retail/commercial office and residential. Residential uses are prohibited on the ground floor.
- (2) Townhome buildings and structured parking shall be permitted adjacent to NE 20th Avenue, with specific setback requirements. Structured parking ingress and egress will only be permitted on Federal Highway, NE 38th Street or NE 33rd Court. No parking structure ingress or egress will be allowed on NE 20th Avenue. Outdoor dining is permitted and encouraged as an accessory use to an enclosed

restaurant. The total service area permitted for outdoor dining shall be no greater than an area equal to twenty-five (25) percent of the total service area for dining purposes.

(G) *Building orientation and design.*

- (1) Mixed use or commercial buildings shall be oriented toward Federal Highway and/or Oakland Park Boulevard, and away from any existing residential neighborhoods (i.e. along NE 38th Street and NE 20th Avenue).
- (2) Townhomes along NE 20th Avenue shall be oriented towards NE 20th Avenue.
- (3) Townhome driveway access from NE 20th Avenue shall be limited. Internal alleyway or structured parking is encouraged. (See circulation, parking and access in section 24-50 (L)).
- (4) The architecture of the townhomes shall "meet" NE 20th Avenue with front doors, front porches, addresses numbers, walkways and landscape. In addition, maximum height of fences shall be four (4) feet in height and shall be no more than twenty-five (25) percent opaque.
- (5) Parking structures shall provide architectural fenestration, which shall consist of, but not be limited to window details, mantles, cornice details and should resemble residential architecture with landscape screening and buffering. Parking structure exhaust fans shall not be visible from NE 20th Avenue.

(H) *Pervious area.* Thirty (30) percent of the site must be in open space. Open space, for the purposes of this section, shall include all areas on the site not covered by structures. A minimum of fifty (50) percent of the required open space shall be landscaping.

(I) *Density.*

- (1) Commercial activities within the Federal Highway Mixed Use Business and Entertainment Overlay District shall be limited to the first floor of all mixed use buildings. Office uses may be located above the first floor. No residential units, with the exception of townhomes, are permitted on the ground floor.
- (2) Residential density. Residential shall not exceed twenty-five (25) dwelling units per acre (DU/AC). Additional density may be achieved by compliance with the density incentives. See section 24-50(R).

(J) *Setbacks and bufferyards.*

(1) *North district setbacks.*

- (a) Federal Highway: A minimum of fifty (50) feet shall be maintained along Federal Highway.
- (b) NE 38th Street: A minimum of twenty-five (25) feet shall be maintained along NE 38th Street.
- (c) NE 20th Avenue:
 1. A minimum of thirty-five (35) feet with landscape screening, buffering and architectural fenestration shall be maintained along NE 20th Avenue to buffer existing residents from mixed use activities, including parking garages when townhomes are not introduced along NE 20th Avenue.
 2. When townhomes are introduced onto NE 20th Avenue, a minimum building setback of fifteen (15) feet from property line to building face of townhome is required when units have garages and vehicular access only from the rear. (See building orientation and design section 24-50(G)). When a minimum fifteen-foot setback is incorporated, townhome units shall maintain "pedestrian entrances" such as front doors, address numbers and front porches. Maximum height of fences is four (4) feet and shall not be more than twenty-five (25) percent opaque along NE 20th Avenue.

3. When townhomes are introduced onto NE 20th Avenue, a building setback of a minimum of twenty-five (25) feet from property line to building face of townhome is required when driveways access NE 20th Avenue. (See building orientation and design, section 24-50 (G)).
 - (d) NE 33rd Court. A minimum of twenty (20') feet shall be maintained along NE 33rd Court
 - (e) Setbacks abutting private property. A minimum of twenty (20) feet shall be maintained along property lines abutting adjacent parcels.
 - (2) *South District setbacks.*
 - (a) Federal Highway. A minimum of fifty (50) feet shall be maintained.
 - (b) Oakland Park Boulevard. A minimum of fifty (50) feet shall be maintained.
 - (c) NE 20th Avenue.
 1. A minimum of thirty-five (35) feet with landscape screening, buffering and architectural fenestration shall be maintained along NE 20th Avenue to buffer existing residents from mixed use activities, including parking garages when townhomes units are not introduced along NE 20th Avenue.
 2. When townhomes are introduced onto NE 20th Avenue, a minimum building setback of fifteen (15) feet from property line to building face of townhome is required when units have garages and vehicular access from the rear. (See building orientation and design, section 24-50(G)). When a minimum fifteen-foot setback is incorporated, townhomes units shall maintain "pedestrian entrances", such as front doors, address numbers and front porches. Maximum height of fences is four (4) feet and shall not be more than twenty-five (25) percent opaque along NE 20th Avenue.
 3. When townhomes are introduced onto NE 20th Avenue, a building setback of a minimum of twenty-five (25) feet from property line to building face of townhome is required when driveways are included on NE 20th Avenue. (See building orientation and design, section 24-50 G)).
 - (d) NE 33rd Court. A minimum of twenty (20) feet shall be maintained along NE 33rd Court.
 - (e) Setbacks abutting private property. A minimum of twenty (20) feet shall be maintained along property lines abutting adjacent parcels.
 - (3) *Bufferyards.* In the event townhomes are not constructed along NE 20th Avenue, a layered landscape buffer, with a three-foot high berm, is required within the setback along NE 20th Avenue and NE 38th Street. This bufferyard landscape is to buffer and screen the district from the adjacent neighborhood.
- (K) *Height limit and vertical plan moderation.*
- (1) All mixed use buildings with residential uses shall not exceed thirty-six (36) feet in height.
 - (2) Additional height may be achieved through the green building density and height incentives, see section 24-50(R).
 - (3) Building height and roof structures. Overall height of a building or structure shall be measured from the minimum floor elevation as per sections 24-131 and 24-134(B) of the City of Oakland Park Land Development Code, to top of beam of the uppermost story. Roof structures are not included in the overall height of the building; however, they shall not exceed twenty-five (25) feet in height for fifty (50) percent of the roof area, allowing for elevator equipment, stairwells, and roof structure applications which screen roof equipment.

- (4) Mechanical equipment. No mechanical equipment shall be visible from or adjacent to a residential zoning district. Mechanical equipment shall be fully screened.
- (5) Vertical plane moderation.
 - (a) Building exceeding thirty-six (36) feet in height shall be required to provide a horizontal moderation in the vertical surface plane between floors three and four, along NE 20th Avenue and Federal Highway. The vertical plane moderation shall be twenty (20) feet in depth.
 - (b) NE 20th Avenue.
 - 1. When townhomes are attached to a building that exceeds thirty-six (36) feet in height, then the twenty-foot vertical plane moderation shall occur between floors three and four measured from the rear of the townhome. No building exceeding thirty-six (36) feet in height, including balconies and/or roof structures shall project over the townhome unit.
 - 2. When townhomes are not introduced along NE 20th Avenue, a vertical plane moderation between floors three and four shall be maintained. The step back from floor three to floor four shall be measured horizontally, forty-five (45) feet.
- (L) *Circulation, parking and access.*
 - (1) *Parking.* All existing development and redeveloped areas within the Federal Highway Mixed Use Business and Entertainment Overlay District shall comply with all parking requirements in Article VI; Parking, Loading and Access. In addition to the city's parking Code, the following parking provisions shall apply:
 - (a) No on-street parking facilities are permitted on Federal Highway, Oakland Park Boulevard, NE 20th Avenue, NE 38TH Street and NE 33rd Court.
 - (b) Private, back out parking into the public right-of-way (ROW), is prohibited, with the exception of limited townhome driveways on NE 20th Avenue at a maximum width of twenty-two (22) feet. (See building orientation section, 24-50(G)).
 - (c) Driveways located along NE 20th Avenue shall only occur at a minimum of every ninety (90) feet measured from centerline to centerline of each driveway. Therefore vehicular access from townhomes must alternate between front and rear access.
 - (d) Tandem parking in townhomes units is allowed.
 - (e) Adjacent at grade parking lots shall provide for pedestrian and vehicular cross access to existing and future parking lots and structured parking facilities.
 - (2) *Structured parking.*
 - (a) Structured parking facilities are allowed and encouraged within the district and may include permitted commercial uses on main transportation corridors (Federal Highway and Oakland Park Boulevard). All parking structures shall be treated with architecturally aesthetic façades, including architectural fenestration, false window treatments, etc. Street level openings to parking structures shall occur only on NE 38th Street, NE 33rd Court, and Federal Highway. Parking structure openings are not permitted on Oakland Park Boulevard and NE 20th Avenue.
 - (b) Structured parking facility exhaust systems shall not be visible from any existing residential area and shall be screened from view.
 - (3) *Shared parking.* The intent of shared parking is to permit a reduction in the total number of required parking spaces when a parcel is occupied by two (2) or more uses which typically do not experience peak parking demands at the same time. A parking study may be submitted for review by DRC staff for consideration and recommendation to the city commission for a parking reduction.

(M) *Site landscape.* Article VIII, Landscape and Fences, shall apply.

(N) *Site furnishings.*

- (1) *Seating.* Outdoor seating within the Federal Highway Mixed Use Business and Entertainment Overlay District shall be designed to discourage overnight sleeping. Seating shall be provided at bus stops and future transit stations.
- (2) *Tree grates.* Tree grates shall be provided for perimeter trees planted in paved areas along Oakland Park Boulevard and Federal Highway.
- (3) *Trash receptacles.* Receptacles are to be sited only where they will be accessible and used. They shall be placed along major pedestrian corridors, but shall not impede pedestrian traffic. They shall also be located at portals, pedestrian nodes, intersections, and seating area. Trash receptacles shall be waterproof and shall contain a lid. Each receptacle shall have a sturdy removable liner for easy maintenance and be sized to accept standard trash bags. All transit stops or bus stops shall have at least one trash receptacle.

(O) *Signs and graphics.* The signage and graphics element of the City of Oakland Park Downtown Mixed Use District Design Guidelines are hereby adopted by reference as if set forth fully herein.

(P) *Fees.*

- (1) *Cost recovery fee.* To offset the cost of planning the Federal Highway Mixed Use Business and Entertainment Overlay District, a cost recovery fee shall be paid before issuance of a building permit for any development or redevelopment within the Federal Highway Mixed Use Business and Entertainment Overlay District. A fee established by resolution adopted by the city commission shall be paid for in the area designated the Federal Highway Mixed Use Business and Entertainment Overlay District.
- (2) *Student station fee.* This fee is required by the Broward County School Board, collected by Broward County pursuant to Chapter 5, Article IX, Broward County Code of Ordinances and is based on the published State of Florida Student Station Cost Factors.
- (3) *Local transportation fee.* The construction of transportation improvements within the public right-of-way will be necessary to mitigate traffic patterns and volumes associated with development permitted within the overlay district. Therefore, the city shall collect a local transportation fee for every dwelling unit and every one thousand (1,000) gross square feet of commercial and office space developed or redeveloped within the Federal Highway Mixed Use Business and Entertainment Overlay District. The fee shall be paid in full prior to the issuance of a building permit. Each applicant for development approval shall be required to submit a traffic analysis which will be reviewed by the neighborhood traffic committee and will identify project-related improvements for traffic calming associated with each development project. The local transportation fee may be reviewed and adjusted on an annual basis by the city commission. The local transportation fees shall be as established by resolution adopted by the city commission.
- (4) *City-wide park impact fee.* See section 24-175(G).
- (5) *Development review fee.*
 - (a) The city intends to collect a development review fee for review of applications for development within the Federal Highway Mixed Use Business and Entertainment Overlay District. This fee shall be utilized to offset administrative and legal costs incurred by the city in reviewing and processing any plans submitted to the city for purposes of developing within the district. A fee established by resolution adopted by the city commission shall be charged.

- (b) Each fee set forth herein shall be placed in a separate account and shall be expended only for the purpose of its collection.
- (Q) *Development review procedure.* The development review process shall be as set forth in section 24-272 of the Code of Ordinances. Staff appointed by the city manager, functioning as the development review committee (DRC) shall be responsible for project review.
- (R) *Density and height incentives.*
 - (1) If townhomes are introduced along NE 20th Avenue, approval for an additional ten (10) dwelling units per acre (DU/AC) may be sought.
 - (2) *Green building density incentive program:*
 - (a) Density may be increased by a total of fifteen (15) dwelling units per acre (DU/AC) through the green building density incentive program. In order to be considered eligible to achieve a density bonus, buildings are required incorporate a number of green building elements in order to be eligible for the additional density. The green building principles are in accordance with the United States Green Building Council (USGBC) www.usgbc.org; Green Building Council's Leadership in Energy and Environmental Design (LEED-NC) document, Version 2.2, dated October 2005, and as hereby incorporated by reference and as may be amended in the future. Additional density and height may be allowed only after a series of prerequisites are met in two (2) tiers.
 - (b) As part of the site plan approval process the applicant shall do the following in order to be considered for the green building density and height incentive program:
 - 1. The applicant must successfully register the project with the United States Green Building Council (USGBC) and have necessary documentation.
 - 2. Applicant shall have a minimum of one (1) LEED accredited professional on the design team. Applicant shall provide a copy of the LEED accreditation certificate and describe the role of the LEED accredited professional on the design team.
 - 3. Provide a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the seven (7) prerequisites as described in LEED-NC version 2.2 dated October 2005, or the most recent version as published by the USGBC.
 - 4. Provide a written narrative and detailed drawings and plans illustrating the applicant's intent to meet Tier 1 and/or Tier 2 as described in the USGBC's Green Building Rating System for New Construction and Major Renovations, (LEED-NC), version 2.2 dated October 2005.
 - 5. Provide a bond, or other security acceptable to the city, for the additional density through the green building density and height incentive program. The bond requirement shall be calculated based on the additional square footage of building area as described in the green building density and height program and the following:
 - a. For commercial space, the bond shall be calculated on the square footage of the additional space multiplied by one hundred fifty dollars (\$150.00) per square foot. The bond shall equal ten (10) percent of the one hundred fifty dollars (\$150.00) per square foot multiplied by the total incentive square feet. The method of calculating the bond for additional density through green building density and height incentive program may be reviewed and adjusted on an annual basis by the city commission.
 - b. For residential space, the bond shall be calculated on the square feet of the additional space multiplied by two hundred dollars (\$200.00) per square foot.

The bond shall equal ten (10) percent of the two hundred dollars (\$200.00) per square foot multiplied by the total incentive square feet. The method of calculating the bond for additional density through green building density and height incentive program may be reviewed and adjusted on an annual basis by the city commission.

- c. The bond amount shall be approved by the city at the time of site development plan approval and submitted prior to the issuance of any final certificate of occupancy for the project.
- (c) The city shall release the bond after project completion and certificate of occupancy (CO) has been issued by the city, the applicant has certified the project with the United States Green Building Council (USGBC) and provides the certification letter to the city. If the project fails to meet criteria required for certification by the United States Green Building Council (USGBC), the applicant will forfeit one hundred (100) percent of the bond. If the project applies for Tier 2, and falls short of the Tier 2 requirements, but still is certified with the United States Green Building Council (USGBC), then the applicant shall forfeit fifty (50) percent of the bond.
- (d) Funds that become available to the city from the forfeiture of bonds associated with the green building height and density program shall be utilized for improvements such as landscape, open space improvements, traffic calming, pollution mitigation, drainage and sanitary sewer improvements or similar improvements as deemed appropriate by the city commission within or immediately adjacent to the district.
- (e) If the applicant is applying for green building height and density incentives, as part of the construction permitting process the applicant shall provide the necessary drawings, written narratives and or exhibits fully illustrating the intent to incorporate the green building principles described in the seven (7) prerequisites as well as Tier 1 and or Tier 2 as described in the USGBC's Green Building Rating System for New Construction and Major Renovations (LEED-NC) version 2.2, dated October 2005.
- (3) *Green building density prerequisites.* In order to be eligible for the green building density and height incentive program, the seven (7) prerequisites shall be satisfied, as described in the USGBC LEED-NC Version 2.2, dated October 2005 and as determined by the city.
- (4) *Density bonus: Tier 1, green building incentive density and height.*
 - (a) Tier 1 will allow an additional ten (10) DU/AC in the North District and ten (10) DU/AC in the South District.
 - (b) In order to be granted additional density and height, at least twenty-six (26) points shall be achieved, as outlined in the USGBC's LEED-NC Version 2,2 or USGBC's most recent Green Building Rating System for New Construction and Major renovations (LEED-NC).
- (5) *Density bonus: Tier 2, green building incentive density and height.*
 - (a) Tier 2 will allow an additional 5 DU/AC in the North District and 5 DU/AC in the South District.
 - (b) In order to be eligible for Tier 2, at least twenty-eight (28) points shall be met from Tier 1. If more points were met and granted in Tier 1, they may count towards the total of Tier 2. In order to be granted the additional density in Tier 2, at least an additional eight (8) points shall be achieved in Tier 2, or a total of thirty-six (36) points.
- (6) *Specific height requirements: If green building incentive programs are met:*
 - (a) North District. In the instance where Green Building Density and Height incentives have been met, mixed use buildings with residential uses shall not exceed one hundred (100) feet in height.

Buildings over thirty-six (36) feet must include a vertical plane moderation (see vertical plane moderation section 24-50 (K)(4)).

- (b) South District. In the instance where green building density and height incentives have been met, mixed use buildings with residential uses shall not exceed one hundred and twenty (120) feet in height. Buildings over thirty-six (36) feet must include a vertical plane moderation (see Vertical plane moderation, section 24-50 (K)(5)).
- (8) *Green building density and height incentives.* All development, including but not limited to, buildings that are requesting additional height and density through the green building are subject to the criteria stated in the 24-50 Federal Highway Mixed Use Business and Entertainment Overlay District. The city commission shall approve all development in the Federal Highway Mixed Use Business and Entertainment Overlay District that is requesting additional density and height in accordance with the United States Green Building (USGBC) LEED-NC for New Construction or Major Renovations Version 2.2, dated October 2005 and Tier 1 and Tier 2 as described herein section 24-50 Federal Highway Mixed Use Business and Entertainment Overlay District. The USGBC LEED-NC version 2.2, dated October 2005 include criteria for green building.
- (9) The USGBC LEED-NC is hereby adopted by reference and as may be amended in the future.
- (S) *4:00 a.m. operational license.*
 - (1) Entertainment establishments, restaurants including sexually oriented businesses (See permitted uses table, section 24-41) entertainment uses wishing to apply for a 4:00 a.m. operational license within the Federal Highway Mixed Use Business and Entertainment Overlay District shall comply with the following:
 - (a) Section 24-37 of the City of Oakland Park District Regulations, the B-1 District:
 - 1. Building site coverage and green space.
 - 2. Setbacks and bufferyards.
 - (b) Article VI. Parking, Loading and Access.
 - 1. Section 24-80. Off-street parking.
 - 2. Section 24-81. Off-street loading.
 - 3. Section 24-83. Access.
 - (c) Article VIII. Landscaping and Fences.
 - (d) Existing code compliance issues: City community development staff shall submit a report to a property owner requesting a 4:00 a.m. operational license in order to document code compliance requirements.
 - (2) In addition to the above-existing code requirements, the following criteria must also be met for consideration of a 4:00 a.m. operational license:
 - (a) Buildings.
 - 1. No reflective windows shall be placed on any exterior windows. windows shall have opaque coverings or shades.
 - 2. Be in full compliance with noise chapter, sections 8-46 through 8-53 of the City of Oakland Park Code of Ordinances.
 - (b) Signage and advertising.
 - 1. No signage shall be closer than fifteen (15) feet of public right-of-way.

2. Signage shall meet existing City of Oakland Park Signage Ordinance, sections 24-143 through 24-153.
 3. No painted signs shall be permitted on building face.
 4. No signage held by individuals, or flag men, along Federal Highway, or any other traffic corridor within a one (1) mile radius of the district, twenty-four (24) hours, seven (7) days a week shall be allowed.
 5. No advertising search lights at any time shall be allowed.
- (c) Maintenance of traffic. Business shall remove exiting vehicular ingress and egress from NE 20th Avenue. Ingress and egress points shall be closed with a solid gate. Ingress and egress points shall be accessible for emergency vehicles and city sanitation trucks.
- (d) Buffering along NE 20th Avenue.
1. A continuous landscape buffer with a three-foot high berm and six-foot high wall shall be installed ten (10) feet east of the property line, on private property. The landscape buffer shall be a ten-foot wide layered planting area that screens the wall located adjacent to NE 20th Avenue. A variety of plant species and a variety of heights and textures shall be planted to properly buffer the site from the neighboring properties. Sixty-five (65) percent of the following plant material shall be incorporated into the landscaped buffer plan:
 - a. Shade trees, a minimum of twenty (20) percent of the overall plant materials shall be either:
 - i. Live Oak, *Quercus virginiana*.
 - ii. Gumbo Limbo, *Bursera simaruba*.
 - iii. Pitch Apple, *Clusia rosea*.
 - iv. Seagrape, *Coccoloba uvifera*.
 - v. Geiger Tree, *Cordia sebestena*.
 - vi. Glaucous Cassia, *Cassia surattensis*.
 - vii. Loquat Tree, *Eriobotrya japonica*.
 - viii. Jacaranda, *Jacaranda acutifolia*.
 - ix. Wax Privet, *Ligustrum japonica*.
 - b. Palms, a minimum of twenty (20) percent of plant material shall be either:
 - i. Fishtail Palm, *Caryota mitis*.
 - ii. Coconut Palm, *Cocos nucifera*.
 - iii. Alexander Palm, *Ptychosperma elegans*.
 - iv. Sabal Palm, *Sabal palmetto*.
 - v. Paurotis Palm, *Acoelorrhaphe Wrightii*.
 - c. Shrubs, a minimum of forty (40) percent of plant material shall be either:
 - i. Cassia, *Cassia beariana*.
 - ii. Cocoplum, *Chrysobalanus icaco*.
 - iii. Yaupon, *Ilex vomitoria*.

- iv. Indian Hawthorn, raphiolepis "majestic beauty."
 - v. Gardenia, Gardenia jasminoides.
 - vi. Red Ixora, Ixora coccinea (or varieties).
 - vii. Star Jasmine, Jasminum multiflorum.
 - viii. Plumbago, Plumbago auriculata.
 - ix. Cardboard Palm, Zamia furfuracea.
 - x. Shell Ginger Lily, Alpinia zerumbet.
 - xi. Crinum Lily, Crinum asiaticum.
 - xii. Split Leaf Philodendron, Philodendron selloum.
 - xiii. Tripsacum dactyloides, Fakahatchee Grass.
 - d. Other twenty (20) percent to be groundcover varieties, including grass/sod.
 - e. All landscaped areas shall be fully irrigated and maintained by the property owners.
- (e) Parking. Introduce landscape islands within surface parking lots with large shade trees, shrubs and groundcover. Islands shall comply with section 24-105(C)(3), landscaping.
- (f) Loading facilities. Dumpsters, trash areas shall be completely screened around the area with either a fence, or a wall and dense plantings.
- (g) Maintenance. The buffer wall and landscape buffer shall be maintained at all times. Any dead or damaged plant material shall be replaced. If maintenance of landscape area is not to Code, the 4:00 a.m. license may be revoked.
- (T) *4:00 a.m. operational license application process.*
- (1) A 4:00 a.m. license shall be available only to the business establishments at the following locations, all of which were open to the public and holding a state-issued alcoholic beverage license at any time between January 1, 2004 and March 1, 2006:
- (a) 3599 North Federal Highway.
 - (b) 3485 North Federal Highway.
 - (c) 3471 North Federal Highway.
 - (d) 3411 North Federal Highway.
 - (e) 3339 North Federal Highway.
 - (f) 3101 North Federal Highway.
- (2) To be eligible for a 4:00 a.m. operational license, the applicant must be operating with all applicable licenses and in compliance with all applicable federal, state, and local laws and be open to the public in the capacity of a restaurant or bar or one of the two (2) sexually oriented businesses operating at any time as of January 1, 2004 to March 1, 2006. In order to request a 4:00 a.m. operational License, the applicant shall submit the following to the City of Oakland Park Community Development Department for consideration:
- (a) A fee in the amount of half of the development review fee charged to review a site development plan in this district.

- (b) Notarized letter from the property owner and parties in possession requesting city staff to complete a code compliance review and report.
- (c) Signed and sealed survey of existing conditions, including boundary information.
- (d) After receipt of the code compliance report prepared by the city, the applicant shall submit plans and documents to the staff appointed by the city manager functioning as a review committee, known as the Development review committee (DRC), illustrating the proposed required improvements, as set forth by the code compliance report, to site and structures per the above stated requirements. Plans and documents shall include:
 - 1. Parking.
 - 2. Landscape and Buffers.
 - 3. Perimeter treatments.
 - 4. Signage Improvement.
 - 5. Access.
 - 6. Building improvements.
 - 7. Summary report responding to City staff code compliant report.
 - 8. Existing DRC requirements, as defined by the Land Development Regulations.
- (e) The proposed plans and documents are forwarded to the city manager for review and approval or denial. The city manager shall review the proposed plans and documents within fourteen (14) calendar days. At the conclusion of this review period, the city manager may either approve, deny, or forward to city commission for review and approval or denial. If no action is taken by the city manager within the fourteen-day period, the proposed 4:00 a.m. license application is deemed approved, upon completion of proposed improvements.
- (f) The DRC shall review the application and the plans and documents submitted in support thereof. The application shall meet the following criteria:
 - a. Compliance with the provisions of the Federal Highway Mixed Use Business and Entertainment Overlay District Ordinance;
 - b. That the license extension of 4:00 a.m. shall be in harmony with the purpose and intent of this district as set forth in the ordinance adopted by the city commission creating the district;
 - c. That the license extension shall not be injurious or detrimental to the surrounding area;
 - d. When reviewing an application for the 4:00 a.m. license, the DRC may attach conditions and safeguards as it may determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the ordinance adopted by the city commission creating the district.
- (g) If the 4:00 a.m. license is approved, said license shall become effective after all proposed improvements have been permitted per City of Oakland Park Code of Ordinances, construction completed by the business owner and parties in possession and successfully be inspected and approved by the city.
- (h) In order for the applicant to appeal the city manager's decision to the city commission, the applicant shall submit a notice to appeal within thirty (30) calendar days upon receipt of the city manager's determination. The city commission shall review, approve or deny the applicant's appeal within thirty (30) calendar days.

- (i) During the review process the DRC may take into consideration existing site constraints and may recommend to the city manager adjustments to the requirements enumerated in subsection (S) above to the extent that the adjustment does not diminish the intent of the affected requirements and provided that approval of the adjustments will result in a superior project. All comments prepared by the DRC shall be forwarded to the city manager for review.
 - (3) *Reserved.*
 - (4) If an entertainment establishment is granted the right for the 4:00 a.m. license, the city reserves the right to discontinue the 4:00 a.m. operational license if:
 - (a) The above stated requirements are removed;
 - (b) The site is not properly maintained;
 - (c) Additional requirements as stated in section 24-50(S);
 - (d) Landscape buffer is not properly maintained, as described in subsection 24-50(S);
 - (e) Buffer wall is not free and clear of graffiti.
 - (5) The City may revoke a 4:00 a.m. operational license through the special master process, as identified in section 23-234 of the Oakland Park Regulations.
- (U) *Duration of license:*
- (1) The 4:00 a.m. license shall be granted for an initial four-year period, with two (2) renewals, with an increment of three (3) years, or a maximum of ten (10) years.
 - (2) The 4:00 a.m. license shall be granted from 12:01 a.m. to 4:00 a.m. on Wednesdays, Thursdays, Fridays, and Saturdays. A license shall be granted for 12:01 a.m. to 3:00 a.m. on Sunday morning. A license shall be granted from 12:01 a.m. to 2:00 a.m. for Monday and Tuesday. When an applicant wishes to apply for a renewal of the license, the approval of the renewal shall be subject to the requirements of this ordinance, as described above.
- (Ord. No. O-2006-002, § 2, 3-1-06; Ord. No. O-2007-024, §§ 2, 3, 9-19-07; Ord. No. O-2008-028, §§ 2, 3, 8-6-08; Ord. No. O-2009-004, § 2, 2-18-09; Ord. No. O-2017-008, § 2, 5-3-17; Ord. No. O-2021-016, § 2, 9-22-21)

Sec. 5.32. Restaurants.

5.32.1. *General.* The following shall apply to all restaurants, including restaurant bars:

A. *Prohibited hours of operation.*

1. *Arterial and collector roads.* Restaurants fronting on an arterial or collector road shall be closed during the following hours: Monday through Saturday, 2:00 a.m. to 5:30 a.m. and Sundays, 2:00 a.m. to 6:00 a.m.
2. *Local roads.* Restaurant fronting on local roads shall be closed during the following hours: Monday through Saturday, 10:00 p.m. to 7:00 a.m. and Sunday 5:00 p.m. to 9:00 a.m.
3. *Adjustments.* The City Commission, sitting as the Board of Adjustment, may adjust the days and hours of operation for a restaurant through the special exception use process.
4. *Amortization period.* Existing restaurants currently operating within the prohibited days and hours of operation may continue to operate until December 31, 2011. Thereafter, the restaurant will be an illegal nonconforming use.
5. *Exceptions: Hours of operation.* Restaurants, restaurant-bars and bars and taverns and microbrewery, brewery also including a tap rooms located within the CE zoning district shall be closed during the following hours: Monday through Saturday 4:00 a.m. to 7:00 a.m. and Sundays from 4:00 a.m. to noon.

Restaurants, Restaurant-bars and bars and taverns and microbrewery, brewery also including a tap rooms located within the CW zoning district and the Arts and Entertainment Overlay District shall be closed during the following hours: Monday through Saturday 2:00 a.m. to 7:00 a.m. and Sundays from 2:00 a.m. to noon.

6. Alcoholic beverage establishment hours during which sales and consumption are prohibited shall follow Article III, Section 5.3.1.
- B. *Dumpster enclosure.* Each restaurant shall have access to a dumpster enclosure equipped with a drain, hose and bib and shall be constructed consistent with the standards and requirements identified elsewhere in this LDR.
- C. *Outdoor seating.*
1. *Administrative development order.* The City Manager may grant, grant with conditions or deny an administrative development order to allow the outdoor placement of tables, benches and chairs as an accessory use to a restaurant or restaurant bar. The Applicant shall submit an application, fee, outdoor floor plan showing the location of the outdoor furniture and width of the walking aisles, an indoor floor plan showing the uses and square feet by use, and a parking inventory. The City Manager shall consider whether an accessible route and whether sufficient parking is available when rendering its final determination on an outdoor seating application.
 2. *Reserved.*
 3. *Repealing an administrative development order.* The City Manager may repeal a previously granted or granted with conditions development order for outdoor seating if the City Manager determines such outdoor seating is having an adverse impact to the public safety, health and general welfare. A prima facie case for repealing the administrative development order shall be established if the City Manager finds that at least three (3) police incidents are attributable to the outdoor seating within any one-year period.

4. *Appeals.* A restaurant owner or other affected person may appeal to the City Commission, sitting as the Board of Adjustment, any City Manager final determination on an outdoor seating application or the repeal of an administrative development order. The term other affected person is to be construed and applied broadly in order to protect the public safety, health and general welfare.
 5. *Parking ratio.* The parking ratio for outdoor seating shall be one (1) space for each three (3) parking spaces.
- D. *Outdoor grilling accessory to full service or take-out restaurant.* Notwithstanding any other provisions to the contrary in this LDR or the City Code, a full service or take-out restaurant may have accessory outdoor grilling upon demonstration that the site meets all applicable site plan review requirements, including, but not limited to, land development, zoning, landscaping, parking, building and fire codes, and subject to the following provisions:
1. A certificate of use, in accordance with City Code of Ordinances, Chapter 12, Article II, shall be obtained from the city prior to the establishment of accessory outdoor grilling to full service or take-out restaurants. An existing restaurant holding a current certificate of use shall obtain a new certificate of use to establish accessory outdoor grilling.
 2. An applicant for a certificate of use for accessory outdoor grilling shall submit written authorization of the plot/property owner and proof of compliance with all applicable state and local laws and requirements, including, but not limited to the specific requirements of the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Recommended Guidelines for Food Establishments With Outdoor Cooking Operations, NFPA 110.11.6 Outdoor Cooking Equipment, local business tax requirements, health and safety regulations, and all permitting and licensing requirements, together with proof of general liability coverage in the minimum amount of one million dollars (\$1,000,000,000.00), including product liability.
 3. The certificate of use shall be posted in a conspicuous location at the restaurant so that it may be easily read at any time during regular business hours.
 4. Accessory outdoor grilling shall be permitted only during the period of time that the restaurant is open for food service to customers.
 5. The owner and operator of the restaurant shall be responsible for cleaning and maintaining the area of outdoor grilling free of litter, trash, garbage, or other refuse.

5.32.1.1. *Restaurant, fast food in-line:* A restaurant located within a multi-tenant structure. Such restaurant shall not have a drive-through facility or exterior walk-up window or counter. Take-out service is permitted. The gross leasable floor area of the use when added to the remaining gross leasable square footage of all types of restaurants on the site results in less than ten (10) percent of the gross leasable floor area of the site being devoted to all types of restaurant uses.

5.32.2. *Restaurant, fast food with or without drive-through and high turnover with drive-through:* A restaurant located in a freestanding structure that includes a drive-through service. The following conditions apply:

- A. An illuminated entrance sign located in proximity to beginning of the drive-through lane;
- B. Communication equipment associated with the drive-through shall be oriented away from areas zoned residential district;
- C. Lighting associated with the drive-through shall be shielded from areas zoned residential district; and
- D. A trash receptacle shall be located between the service window where food is dispensed and the end of the driveway and shall be installed no later than December 31, 2012.

- E. All fast food and high turnover with drive-through restaurants shall be located a minimum of one thousand (1,000) feet from another freestanding fast food drive-through restaurant and a minimum of one thousand five hundred (1,500) feet from any public or private school measured by the airline measurement distance from property line to property line, or when located within a retail center shall be measured from the closest point of one (1) restaurant building to the other restaurant building, whichever is the closest.
- F. Existing Buildings originally improved for a Restaurant, fast food with or drive-through and high turnover with drive-through use are not subject to the distance separation requirements established in Article III, Section 5.32.2.E.
- G. Exterior walk-up windows or counters may be permitted subject to the following:
 - 1. Restaurant shall front an Arterial Road.
 - 2. Restaurant shall be located on a piece of property within the General Commercial zoning district.
 - 3. Walk-up window or counter must be approved by Special exception when used in conjunction with the following restaurant types outlined in Article 9, Schedule B, Table B-2:
 - a. Sit-down, high turnover.
 - b. Sit-down, high turnover with drive-through.
 - c. Fast food in-line.
 - d. Fast food with drive-through.
 - 4. Walk-up window or counter is prohibited for sit-down, low-turnover restaurants.
 - 5. Site plan (SP) or site plan modification (SPM) approval is required for siting of a walk-up window and associated waiting area.
 - 6. All existing walk-up windows that were installed with an approved building permit are vested and do not require approval of a new site plan (SP) or site plan modification.
- H. The restaurant drive-through lane, outdoor menu board or ordering, pick-up or pay station shall be located a minimum distance of two hundred (200) feet from any residentially zoned property.
- I. All fast food drive-through and high turnover drive-through restaurants shall comply with Schedule P, Design Standards and Guidelines.
- J. The drive-through shall not be located along the principal road frontage.
- K. The entire length of the drive-through between the ordering and pickup locations must be screened from view by architectural or landscape elements.

Further, unless site conditions are unduly restrictive, a drive-through by-pass lane shall be provided.

[5.32.3.] Accessory uses. The following uses may be deemed accessory to a restaurant.

- A. **Banquet room.** A portion of the restaurant may be made available for private parties provided that the restaurant is made available to the general public at the same time.
- B. **Catering.** Food and meals prepared on the premises may be delivered to another location for consumption off premises.
- C. **Live entertainment.**
 - 1. Indoor live entertainment shall be allowed as an accessory use to a restaurant (or restaurant bar) provided all the following conditions are satisfied:

- a. The restaurant does not exceed a size of two thousand five hundred (2,500) gross square feet;
- b. The restaurant does not include any open area designed or used for dancing;
- c. The restaurant does not have an elevated stage;
- d. The number of performers cannot exceed two (2) persons; and
- e. A cover charge, entrance or similar fee is not charged for admittance.
- f. Exceptions:
 1. Indoor live entertainment. Restaurants, Restaurant-Bars and Bars and Taverns located within the CE zoning district, the CW zoning districts, and the Arts and Entertainment Overlay District shall be exempt to 5.32.3.C
 2. Outdoor live entertainment shall be allowed as an accessory use to a restaurant (or restaurant bar) within the CE zoning district and the Arts and Entertainment Overlay District
 3. The City Manager may repeal the live entertainment accessory use if it is determined to have an adverse impact to the public safety, health and general welfare. A prima facie case for repealing the use shall be established if the City Manager finds that at least three (3) police incidents are attributable to the use within any one-year period.
 4. Alcoholic Beverage Establishment hours during which sales and consumption are prohibited shall follow Article III, Section 5.3.1.

(Ord. No. 010-01-03, § 3, 1-29-01; Ord. No. 040-01-104, §§ 1—6, 1-26-04; Ord. No. 050-03-128, § 1, 3-28-05; Ord. No. 100-05-125, § 3, 6-14-2010; Ord. No. 120-06-124, § 1, 6-25-2012; Ord. No. 160-02-107, §§ 1, 2, 3-28-2016; Ord. No. 160-06-125, § 2, 7-11-2016; Ord. No. 180-07-125, § 3, 8-27-2018; Ord. No. 190-08-116, § 6, 9-12-2019; Ord. No. 190-10-144, § 3, 11-25-2019; Ord. No. 210-06-120, § 1, 6-28-2021; Ord. No. 210-12-161, § 1, 1-10-2022)

Editor's note(s)—Formerly Schedule B-2, note (2).

HALLENDALE BEACH

Restaurant bar means a bar operated in connection with a restaurant and by the same management, where the principal business is the serving of meals and where meals are actually and regularly served, having accommodations for service of 150 or more patrons at tables and occupying more than 3,000 square feet of space, such space being provided and equipped with adequate and sanitary kitchen and dining room equipment. The restaurant bar must be directly connected with such dining room. The sale of beers, wines and liquors shall be strictly incidental to the serving of food. No sign shall be displayed on the restaurant or restaurant bar to the outside, denoting that alcoholic beverages are sold there.

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Full service restaurant. A full service restaurant shall mean a restaurant which functions for the purpose of serving complete meals, prepared and cooked in a kitchen within the restaurant to people seated at tables on the premises, and within which no entertainment is provided other than recorded or live music during the service of meals.

Fast food restaurant. A fast food restaurant shall mean a restaurant which functions for the purpose of serving either meals or individual food items, prepared and cooked in a kitchen within the restaurant to people either seated at tables on the premises or for consumption off the premises.

Sec. 5.51. Hookah lounge/bar.

Ventilation—Uses shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code.

(Ord. No. 23O-10-136, § 3, 11-13-2023)

Editor's note(s)—Ord. No. 19O-07-112, § 1, adopted Aug. 26, 2019, repealed § 5.51, which pertained to medical marijuana dispensing centers and derived from Ord. No. 18O-04-109, § 4, adopted May 14, 2018; and Ord. No. 19O-04-105, § 1, adopted April 29, 2019.

CITY OF HOLLYWOOD

CHAPTER 124: RESTAURANTS, SIDEWALK CAFES

Section

Sidewalk Cafés

- 124.01 Definitions
- 124.02 Permissible only within cafe zones
- 124.03 Permit required
- 124.04 Permit application
- 124.05 Standards and criteria for application review
- 124.06 Liability and insurance
- 124.07 Issuance; form and conditions of permit
- 124.08 Denial, revocation or suspension of permit
- 124.09 Appeals
- 124.10 Permit renewal procedures
- 124.11 Enforcement procedures

SIDEWALK CAFÉS

§ 124.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAFÉ ZONES. Those geographical areas designated by the City Commission and set forth in a resolution.

ENTERTAINMENT. A live performance between the hours of 12:00 noon and 2:00 a.m., including but not limited to music, dance, magic, mime, puppetry, singing, storytelling, and clown performances.

ENTERTAINMENT AREA. A designated area within the permitted Sidewalk Café located in the Downtown District of the CRA to which entertainment shall be confined.

MANAGER. The City Manager.

PERMITTEE. The recipient of a Sidewalk Café permit under the terms and provisions of this chapter.

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RESTAURANT. Any establishment that is maintained and operated as a place where food is prepared within the premises either for takeout service or to be served for consumption within the premises.

RETAIL TOBACCO SHOP. Any enclosed indoor workplace dedicated to or predominately for the retail sale of tobacco, tobacco products, and accessories for such products.

SIDEWALK. That portion of the street between the curbline or the lateral lines of a roadway and the adjacent property lines intended for use by pedestrians. For purposes of the chapter, the public property adjacent to Hollywood Beach known as the "Broadwalk" shall be considered a sidewalk.

SIDEWALK CAFÉS. The placing, locating, or permitting of the placing or locating of chairs, umbrellas, benches, tables and/or an Entertainment Area that may include a platform within the sidewalk area adjacent to and within 100 feet of an applicant's Restaurant or Retail Tobacco Shop or within the designated area along the Broadwalk that is adjacent to or within 100 feet of an applicant's Restaurant or Retail Tobacco Shop.

('72 Code, § 29-72) (Ord. O-88-75, passed 11-2-88; Am. Ord. O-93-11, passed 4-7-93; Am. Ord. O-2001-11, passed 3-21-01; Am. Ord. O-2009-03, passed 1-22-09; Am. Ord. O-2010-37, passed 10-6-10)

§ 124.02 PERMISSIBLE ONLY WITHIN CAFÉ ZONES.

(A) Sidewalk Cafés shall only be permitted within the following geographical areas designated as "café zones" by resolution of the City Commission.

(B) "Temporary café zones" may be established for a period of one year by the City Commission, or by the City Manager or his/her designee, in order to test the feasibility of additional "Café Zones." After such time, the administration may bring forward to the City Commission a resolution for the establishment of an additional permanent Café Zone.

('72 Code, § 29-73) (Ord. O-88-75, passed 11-2-88; Am. Ord. O-95-74, passed 12-20-95; Am. Ord. O-96-59, passed 12-4-96; Am. Ord. O-2001-11, passed 3-21-01) Penalty, see § 10.99

§ 124.03 PERMIT REQUIRED.

(A) Operating a Sidewalk Café on city sidewalks shall be unlawful without a permit. No person(s) shall conduct business as herein defined without first obtaining a permit from the City Engineer, and paying the required fee. It shall be unlawful for any person to operate a Sidewalk Café on any sidewalk within the city except as provided by this chapter.

('72 Code, § 29-71)

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(B) No person shall establish a Sidewalk Café on any public street or sidewalk unless such person has obtained a valid permit to operate that Sidewalk Café in such a manner pursuant to this chapter.

(C) Permits shall be issued only to restaurants or retail tobacco shops that wish to provide chairs, benches, and/or tables on the sidewalk(s).

('72 Code, § 29-76)

(Ord. O-88-75, passed 11-2-88; Am. Ord. O-93-11, passed 4-7-93; Am. Ord. O-94-06, passed 2-2-94; Am. Ord. O-95-67, passed 11-1-95; Am. Ord. O-95-74, passed 12-20-95; Am. Ord. O-2001-11, passed 3-21-01; Am. Ord. O-2009-03, passed 1-22-09; Am. Ord. O-2010-37, passed 10-6-10; Am. Ord. O-2016-19, passed 10-19-16) Penalty, see § 10.99

§ 124.04 PERMIT APPLICATION.

(A) Application for a permit to operate a Sidewalk Café shall be made to the City Engineer in a form deemed appropriate by the City Manager or his/her designee. Such application shall include but not be limited to the following information:

- (1) Name and address of the applicant;
- (2) A copy of a valid business license to operate a restaurant adjacent to the sidewalk area which is the subject of the application. See § 124.05, in instances where the Sidewalk Café extends to property that is not directly in front of the restaurant;
- (3) A copy of current liability insurance;
- (4) A drawing showing the layout and dimensions of the existing sidewalk area and adjacent private property, proposed location, size and number of tables, chairs, umbrellas, Entertainment Area, location of doorways, location of trees, parking meters, bus shelters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstruction either existing or proposed within the pedestrian area; and
- (5) Photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas, Entertainment Area that may include a platform, or other objects related to the Sidewalk Café.

(B) Applications shall be accompanied by a non-refundable application fee to be established by resolution of the City Commission, which shall be credited toward the first year permit fee, should the application be approved.

(C) Applications shall be reviewed by the following departments: Risk Management, Finance, as well as the Engineering, Planning Divisions of the Department of Development Services, and the Executive Director of the Community Redevelopment Agency or his/her designee.

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('72 Code, § 29-75) (Ord. O-88- 75, passed 11-2-88; Am. Ord. O- 95-74, passed 12-20-95; Am. Ord. O-2001-11, passed 3-21-01; Am. Ord. O-2010-37, passed 10-6-10; Am. Ord. O-2016-19, passed 10-19-16)

§ 124.05 STANDARDS AND CRITERIA FOR APPLICATION REVIEW.

(A) Sidewalk Cafés are restricted to the frontage of the establishment to which the permit is issued or in front of other businesses that are adjacent to the applicants property. In case of the latter, the applicant shall provide a written statement that shows that the owner of the property and the tenant, if different from the owner, approves the placement of the tables and chairs in front of their business. The owner or tenant may revoke this approval with ten days written notice to the City Engineer.

(B) Permits shall not be issued where the tables and chairs would be placed within five feet of bus stops, taxi stands, or counter service windows.

(C) Tables or chairs shall not be permitted within two feet of a pedestrian crosswalk.

(D) An Entertainment Area(s) shall be set back a minimum of five feet from any adjacent business.

(E) All furniture and objects associated with Sidewalk Cafés, not on the Broadwalk, shall be located in such a manner that a minimum four-foot clear pedestrian path is maintained at all times. The paths may be located in any configuration on the Sidewalk. In areas of congested pedestrian activity, the City Manager or his/her designee is authorized to require a wider pedestrian path, as circumstances dictate. All furniture and objects associated with Sidewalk Cafés on the Broadwalk shall be located within six feet of the property line, and only in those locations where at least eleven-foot wide pedestrian pathways are maintained.

(F) Temporary objects, including landscaping, shall be permitted around the perimeter of an area occupied by tables and chairs.

(G) Tables, chairs, umbrellas and any other objects associated with the Sidewalk Café shall be of quality design, materials and workmanship, both to ensure the safety and convenience of users, and to enhance the visual and aesthetic quality of the urban environment. Design, materials and colors shall be sympathetic and harmonious with the urban environment and compliment the design and paint colors on the building, as well as adhere to the requirements set forth in (K) below.

(H) Tables, chairs, umbrellas and any other objects associated with the Sidewalk Café may remain on the sidewalk area when the permittee's Restaurant or Retail Tobacco Shop is open or closed to the public unless ordered to be removed or closed pursuant to the provisions of this chapter.

(I) Pass-through windows, take out windows or similar types of windows are permitted when adjacent to a 7' clear sidewalk path. The Sidewalk Café table area required adjacent

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to a pass- through window shall be a minimum of 2' in depth. Service counters shall be flush with exterior walls if they would otherwise encroach into the public right- of-way.

(J) Cooking facilities are prohibited on the sidewalk with the exception of those temporary mobile facilities that are used in the finishing of meals that were substantially prepared inside the building. All cooking facilities permitted under this subsection shall be removed when the patron finishes the meal. All exterior cooking facilities shall be approved by the Fire Marshall and any other governmental agencies having jurisdiction.

(K) All design guidelines set forth in the Design Review Manual shall be adhered to and all designs shall be reviewed by the Planning Division of the Department of Development Services and the CRA. For Sidewalk Cafes which are located in a State right-of-way and require Florida Department of Transportation consent, the following design standards must also be adhered to:

(1) Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System - Topic No. 625-010-003 (Department Procedure);

(2) Plans Preparation Manual (PPM) - Topic No. 625-000-007 (Department Procedure); and

(3) Facilities Access for Persons with Disabilities (ADA Compliance)-Topic No. 625-020-015 (Department Procedure).

(L) Signage shall not be provided on any furniture or object that is associated with the Sidewalk Café. However, one menu board not exceeding four square feet is permitted within the Café Zone. The menu board shall be designed to occupy as little space as possible and be compatible with the architectural style of the building.

('72 Code, § 29-77) (Ord. O-88- 75, passed 11-2-88; Am. Ord. O- 93-11, passed 4-7-93; Am. Ord. O- 95-74, passed 12-20-95; Am. Ord. O-2001-11, passed 3-21-01; Am. Ord. O-2009-03, passed 1-22-09; Am. Ord. O-2010-37, passed 10-6- 10; Am. Ord. O-2016-19, passed 10-19-16) Penalty, see § 10.99

§ 124.06 LIABILITY AND INSURANCE.

(A) Prior to the issuance of a permit, the applicant shall furnish the City Manager or his/her designee with a signed statement that the permittee shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

(B) The permittee shall furnish and maintain such public liability insurance, food products liability insurance, liquor liability insurance, and insurance coverage for property damage arising from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage

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otherwise existing therein and shall name as additional insured the City, the Hollywood, Florida Community Redevelopment Agency, and the Florida Department of Transportation, it shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without 45 days' written notice to the Risk Management Department of the city and the City Manager's office.

('72 Code, § 29-78) (Ord. O-88- 75, passed 11-2-88; Am. Ord. O- 2001-11, passed 3-21-01; Am. Ord. O-2010-37, passed 10-6-10; Am. Ord. O-2016-19, passed 10-19-16)

§ 124.07 ISSUANCE; FORM AND CONDITIONS OF PERMIT.

(A) The permit shall be issued on a form deemed suitable by the City Manager or his/her designee.

(B) In addition to naming the permittee and any other information deemed appropriate by the City Manager or his/her designee, the permit shall contain the following conditions:

- (1) Each permit shall be effective for one year, subject to annual renewal.
- (2) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- (3) The permit may be suspended by the City Manager or his/her designee when an ordinance or resolution passed by the City Commission providing for a "community or special event" shall so provide. The permittee shall not be entitled to a refund or abatement of the annual permit fee for such suspension of the permit.
- (4) The City Manager or his/her designee may require the temporary removal of Sidewalk Cafés when street, sidewalk or utility repairs necessitate such action. The permittee shall not be entitled to a refund or abatement of the annual permit fee for such temporary removal of Sidewalk Cafés.
- (5) The Department of Public Works, the Police Department, and the Fire Department may immediately remove or relocate all or parts of the Sidewalk Café in emergency situations.
- (6) The city and its officers and employees shall not be responsible for Sidewalk Café components relocated during emergencies.
- (7) The permit shall be specifically limited to the area and the number of tables shown on the exhibit attached to and made a part of the permit.
- (8) The permittee shall use positive action to assure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free unobstructed passage.
- (9) The use of the tables and chairs at a Sidewalk Café shall be only for the customers of the Restaurant or Retail Tobacco Shop with which the Sidewalk Café is associated.

CITY OF HOLLYWOOD

(10) Tables, chairs, umbrellas and any other objects provided with a Sidewalk Café shall be maintained with a clean and attractive appearance and shall be in good repair at all times.

(11) The sidewalk area covered by the permit shall be pressure cleaned and sealed by the permittee, with a product approved by the City and CRA, at the time of issuance of the permit and any renewal of the permit, or as requested by the City Manager or his/her designee. The permittee shall maintain the Sidewalk Café area in a neat and orderly appearance at all times, and the area shall be cleared of all debris on a periodic basis during the day and again at the close of each business day.

(12) No general advertising signs or identification signs shall be permitted in the public right-of-way; this shall not prohibit the use of planters or the valance portion of umbrellas from carrying the name and logo of the Restaurant. Additionally, one menu board, not exceeding four square feet in size, shall be allowed.

(13) No tables and chairs nor any other parts of Sidewalk Cafés shall be attached, chained or in any manner affixed to any tree, post, sign, or other fixtures, curb or sidewalk within or near the permitted area.

(14) The permit covers only the public sidewalk. Tables and chairs on private property will be governed by other applicable regulations.

(15) A copy of the permit/drawing must be maintained on premises at all times and shall be subject to inspection by city personnel upon request.

(16) In the Hollywood Beach Area, all tableware shall be non-disposable and composed of materials that are sturdy and substantial to ensure that the tableware remains on the table in spite of wind that customarily occurs in South Florida. In addition, cloth napkins shall be used on all tables.

(17) When a customer vacates the premises, all tableware that was used shall be immediately removed.

(18) Outdoor entertainment taking place in the designated Entertainment Area shall not utilize any amplified or otherwise electrically powered instruments and shall not include any animal. The use of a generator shall not be permitted within the Entertainment Area.

(19) Outdoor entertainment taking place in the designated Entertainment Area shall not block the passage of the public through the sidewalk or public area. If a crowd gathers within the designated Entertainment Area such that the passageway of the public is blocked, a police officer may disperse that portion of the crowd that is blocking the public passageway. The police officer may direct the business to temporarily suspend the entertainment when such action is necessary to protect the health, safety and welfare of the public.

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('72 Code, § 29-79) (Ord. O-88- 75, passed 11-2-88; Am. Ord. O- 95-74, passed 12-20-95; Am. Ord. O-2001-11, passed 3-21-01; Am. Ord. O-2010-37, passed 10-6-10; Am. Ord. O-2016-19, passed 10-19- 16) Penalty, see § 10.99

§ 124.08 DENIAL, REVOCATION OR SUSPENSION OF PERMIT.

(A) The City Manager or his/her designee may deny, revoke or suspend a permit for any Sidewalk Café authorized in the city if it is found that:

- (1) Any necessary business or health permit has been suspended, revoked or canceled.
- (2) The permittee does not have insurance which is correct and effective in the minimum amount described in this chapter.
- (3) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of Sidewalk Café. Such decision shall be based upon findings of the City Manager or his/her designee that the minimum six-foot pedestrian path provided is insufficient under existing circumstances and represents a danger to the health, safety or general welfare of pedestrians or vehicular traffic.
- (4) The permittee has failed to correct violations of this chapter or conditions of his permit within three days of receipt of the City Manager's or his/her designee's notice of same delivered in writing to the permittee.
- (5) Tables, chairs and other vestiges of the Sidewalk Café may be removed by the Department of Public Works, and a reasonable fee charged for labor, transportation and storage, should the permittee fail to remove said items within 36 hours of receipt of the City Manager's or his/her designee's final notice to do so for any reason provided under this chapter.
- (6) The permittee has been found to be in violation of this chapter or of any condition of his/her permit by a Special Magistrate or court of competent jurisdiction pursuant to Chapter 36 of the City's Code of Ordinance on more than three separate occasions within a one-year period.
- (7) The permittee has been found to have committed four separate civil infractions in accordance with § 36.27 of the Code of Ordinances within a one year period.
- (8) For Sidewalk Cafes that are located in a Florida Department of Transportation (FDOT) right-of-way, and are permitted pursuant to a Lease Agreement between the City and FDOT, the permits are subject to the lease terms and the Sidewalk Café permittee is not entitled to an extension or renewal of the permit. Any termination or expiration of the Lease Agreement will automatically terminate any Sidewalk Café permit issued by the City at which time all items must be removed from the lease area.
- (9) The use of the City's and FDOT's rights-of-way is subject to any and all Utility Permits, Access Permits and Rights-of-Way Improvement Permits that have been issued or may be issued by either the City and/or FDOT in the future. The City may suspend the

CITY OF HOLLYWOOD

Sidewalk Café Permit for any period of time required to complete the work included in the permit.

(B) Upon denial, suspension, or revocation, the City Manager or his/her designee shall give notice of such action to the applicant or the permittee in writing stating the action which has been taken and the reason thereof. If the action of the City Manager or his/her designee is based on divisions (A)(2), (3), (8) or (9) of this section, the action shall be effective upon giving such notice to the applicant or permittee. Otherwise, such notice shall become effective within ten days unless appealed to the City Commission.

('72 Code, § 29-80) (Ord. O-88- 75, passed 11-2-88; Am. Ord. O- 2001-11, passed 3-21-01; Am. Ord. O-2005-02, passed 3-2-05; Am. Ord. O-2010-37, passed 10-6-10; Am. Ord. O-2016-19, passed 10-19-16)

§ 124.09 APPEALS.

(A) Appeals shall be initiated within ten days of the denial, revocation or suspension of a permit by filing a written notice of appeal with the City Manager or his/her designee.

(B) The City Manager or his/her designee shall place the appeal on the next available City Commission agenda. At the hearing upon appeal, the City Commission shall hear and determine the appeal; and the decision of the City Commission shall be final and effective immediately.

(C) The filing of a notice of appeal by a permittee shall not stay an order by the City Manager or his/her designee to remove a Sidewalk Café or parts thereof. Vestiges of the Sidewalk Café shall be removed immediately, as set out in this chapter, pending disposition of the appeal and final decision of the City Commission.

('72 Code, § 29-81) (Ord. O-88-75, passed 11-2-88; Am. Ord. O-95-74, passed 12-20-95; Am. Ord. O-2001-11, passed 3-21-01)

§ 124.10 PERMIT RENEWAL PROCEDURES.

(A) The annual permit fee for establishing or maintaining a Sidewalk Café shall be determined by the City Commission and set forth in a resolution.

(B) At the time the permittee submits the annual permit fee, the permittee shall submit proof of current liability insurance. Failure by the permittee to submit all required documentation as set forth in this chapter shall be the basis for denying a renewal permit, whereby the permittee shall immediately remove all tables, umbrellas, chairs and other vestiges of the Sidewalk Café. In the event that the permittee does not remove all tables, umbrellas, chairs and other vestiges of the Sidewalk Café, the Department of Public Works may remove such, and a reasonable fee charged for labor, transportation and storage shall be payable by the permittee.

CITY OF HOLLYWOOD

('72 Code, § 29-74) (Ord. O-88-75, passed 11-2-88; Am. Ord. O-2001-11, passed 3-21-01)

§ 124.11 ENFORCEMENT PROCEDURES.

Nonconforming Sidewalk Cafés. Within 60 days after the effective date of this section, and at any time thereafter, any Sidewalk Café in violation of any provision of Chapter 124 shall be subject to the procedures, remedy and due process under Chapter 36 of the city's Code of Ordinances, entitled Code Enforcement, issuance of a Notice to Appear, citation, or removal of the Sidewalk Café furniture (i.e. chairs, tables, umbrellas) by the city. In the event that the city removes a nonconforming Sidewalk Café, the permittee shall be responsible for paying the city its actual costs associated with the removal and storage of the Sidewalk Café furniture prior to obtaining possession. Should the permittee not take possession of the Sidewalk Café furniture within 90 days, the city shall consider the Sidewalk Café furniture surplus material and dispose of it appropriately.

(Ord. O-2001-11, passed 3-21-01)

PEMBROKE PINES

§ 155.519 OUTDOOR DINING.

(A) Authorization. Outdoor dining is permitted as an accessory use in accordance with the following criteria set forth in this section.

(B) Review process.

(1) All outdoor dining proposals shall require the approval of the city's zoning official.

(2) The approval of a master outdoor dining shall be required prior to the approval of tenant outdoor dining areas.

(3) Proposed outdoor dining areas shall require a parking analysis, detailed seating plan, details of architectural features and amenities as well as a narrative summary showing all improvements.

(C) Standards.

(1) Access. An aisle, complying with the minimum width established by the Americans with Disabilities Act (ADA), as amended from time to time, must be maintained to the restaurant door and to allow passage in front of the restaurant along the shopping center.

(2) Food preparation. All kitchen and other equipment (for example, bus service stations, remote menu computer stations, hostess stations) and refuse containers used to service the open-air café or outside seating area shall be located within the primary restaurant and dining room.

(3) Location. The dining area must be on private property and be authorized by both the property owner and tenant. The outdoor dining area must be adjacent to the principal indoor food service establishment.

(4) Noise. No sound systems or amplified music shall be permitted unless the owner of the establishment can verify that such sound system or amplified music will not interfere with the neighboring properties and uses. Any and all such sound systems or amplified music shall comply with the City of Pembroke Pines Code of Ordinances. The burden of proof of compliance with the requirements herein shall be on the owner of the establishment.

(5) Parking. The outdoor dining area, in excess of 50 square feet, will be interpreted as additional customer service area and will require requisite parking.

(6) Screening. The outdoor dining area shall be screened from all residential property and appropriately screened from adjacent commercial property and parking lots. Specific landscaping and/or screening shall be provided and may be in excess of required landscaping code to effectively protect other property. Landscaping and screening must be provided to prevent light spillover onto adjacent uses and/or properties.

(7) Setbacks. No outdoor dining shall be allowed within the required setbacks.

PEMBROKE PINES

(8) Signage. No signs except those required by code shall be allowed within the outdoor dining area.

(9) Lighting. Lighting may be permitted within the outdoor dining areas in accordance with the standards in §§ 155.600 et seq.

(10) Architectural features. Dining areas in excess of 50 square feet shall be contained by architectural features. (Ord. 2021-02, adopted 3-17-21; sought to be reconsidered, Commission passed 4-21-2021)



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4634 Fax: 954.786.4666

Sidewalk Café Permit

A NON-REFUNDABLE FEE OF \$20.00 FOR THE FIRST FOUR TABLES PLUS \$20 FOR EACH ADDITIONAL TABLE IS REQUIRED.

REVIEW STANDARDS: Zoning Code Section 155.4303.V

3. The following standards are applicable only to Sidewalk Cafes:

- A. A sidewalk café permit expires annually on September 30. Current Certificate of Liability Insurance is required with renewal.
- B. Insurance / hold harmless requirements
 - i. The operator of the eating or drinking establishment shall enter into a Hold Harmless agreement with the city that has been approved as to form by the City Attorney and includes the following:
 - ii. Ensures that the operator is adequately insured against and indemnifies and holds the city harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition:
 - a. Commercial general liability insurance in the amount of \$1,000,000.00, per occurrence, for bodily injury and property damage; and
 - b. The city must be named as an additional insured on this policy, and a certificate of insurance containing an endorsement must be issued as part of the policy.
 - iii. For sidewalk cafes which serve alcoholic beverages, alcoholic-license liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy and a certificate of insurance containing an endorsement must be issued as part of the policy.
 - iv. Authorizes the city to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area.

4. Revocation of Sidewalk Café Permit

The approval of a sidewalk cafe permit is subject to revocation at all times. A sidewalk cafe permit may be revoked or suspended if it is found that:

- A. The permit holder does not have insurance which is correct and effective in the minimum amounts described in Section 155.4303.V.3.c.i.B;
- B. Any necessary business or health permit or license has been suspended, revoked or canceled;
- C. The permit holder exceeds the approved square footage by placing any additional tables, chairs, etc., beyond the approved area;
- D. The permit holder has failed to correct violations of this article or conditions of this permit within 72 hours of receipt of the notice of violations delivered in writing to the property; or.
- E. The site is not in compliance with the approved outdoor seating site plan.

APPLICATION CHECKLIST

| | | | |
|--------------------------|--|--------------------------|---|
| <input type="checkbox"/> | Original Sidewalk Café Permit Application & applicable fees (due at permit submission); | <input type="checkbox"/> | Original Hold Harmless Agreement; |
| <input type="checkbox"/> | Original Zoning Certificate Application & applicable fees (due at permit pick-up); | <input type="checkbox"/> | Original Landowner's Consent to Operate a Sidewalk Café form; |
| <input type="checkbox"/> | Original Business Tax Receipt Application & applicable fees (due at permit pick-up);; | <input type="checkbox"/> | Copy of a valid certificate of liability insurance in the amount of \$1,000,000 showing the City as additionally insured; |
| <input type="checkbox"/> | Completed template with interior floor plan dimensions, outdoor café area dimension, and shows all tables, seats, walkways and any other proposed building or site features; parking calculations may be required; | <input type="checkbox"/> | Copy of a valid liquor license, if applicable. |
| <input type="checkbox"/> | Copy of a valid Business Tax Receipt for existing business and; | <input type="checkbox"/> | Any other documents necessary to demonstrate compliance with 155.4303 V. |
| <input type="checkbox"/> | Outdoor furniture specifications | <input type="checkbox"/> | Current survey |



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 **Fax:** 954.786.4666

Sidewalk Café Permit

One (1) copy of the approved plans must be stored on-site and made available to City Code Compliance or BTR inspector upon request. This application shall be reviewed for compliance with city ordinances and must be approved by the Development Services Department, Fire Rescue, BTR, Building, and any other city department deemed necessary by city staff.

Yes ☐ No ☐ **Existing restaurant at this location. If yes, include copy of current Business Tax Receipt.**

BUSINESS NAME

APPLICANT'S

NAME BUSINESS ADDRESS

APPLICANT HOME ADDRESS

BUSINESS PHONE NUMBER

HOME PHONE

BUSINESS FAX NUMBER

E-MAIL ADDRESS

Application is hereby made for the Sidewalk Cafe permit described hereon. The undersigned has reviewed this application and all information contained herein is true and correct. I understand that this is an application only and submission thereof does not authorize me to begin operation of the Sidewalk Cafe. I may begin operation only after a permit has been issued. I acknowledge that the application fee is non-refundable. I understand that the application, attachments and fees become public record. I also acknowledge that the payment of the application fee does not guarantee approval. Any questions regarding this process shall be directed to the Development Services Department. I have read "City Code Chapter 155.4303V, Outdoor Dining" and understand the regulations pertaining to sidewalk cafes. I acknowledge I must submit a Certificate of Liability Insurance listing the City of Pompano Beach as an additional insured annually to renew this permit.

APPLICANT'S SIGNATURE

DATE



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4634 **Fax:** 954.786.4666

Sidewalk Café Permit

| | | |
|---|---|----------------|
| Total number of tables : | Alcohol License: | Permit Number: |
| Staff Review | | |
| Department | Signature / Approval Department Designee | Date |
| Planning/ Zoning | | |
| Risk Management | | |
| Legal | | |
| Engineering | | |
| Building | | |
| BTR | | |
| | | |
| Applications Review for Completeness: | | |
| Development Services Department Designee | | |
| Issues/ Concerns: | | |
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HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

_____, assumes all risks in the operation and maintenance of the permitted area during the term of this permit and any renewal thereto and shall be solely responsible and answerable for all accidents or injuries to persons or property arising out of or caused in pursuant of the Sidewalk Café Permit, or arising out of the outdoor dining operation and/or maintenance of the permitted area and appurtenances thereto. Permit Holder further agrees to maintain its outdoor facilities in good repair and in a neat and clean condition. Permit Holder shall observe the conditions of Section 155.4303 of the City Code of Ordinances including maintaining clear pathways as well as all laws and ordinances of the city, county, state and federal agencies directly relating to the operation of the sidewalk café described in the permit.

_____, hereby covenants and agrees in consideration of the grant by the City of Pompano Beach ("City"), of a permit to operate a Sidewalk Café and for other good and valuable consideration, I hereby agree to defend, indemnify and forever hold the City, its officers, officials, employees and agents, harmless against any and all claims brought against the City, its agents, officers, officials and/or employees from all claims (which shall include, but not limited to, the defense of any claim and any and all costs in any judicial or quasi-judicial proceedings and for any and all damages or penalties of any kind or nature), for any loss, damage or injury of any kind or character whatsoever without limitation, including reasonable attorney's fees, sustained by any person or property whatsoever kind and nature, whether direct or indirect, as a result and in relation with the operation and maintenance of a Sidewalk Café on City owned property whether such damages are due or claimed to be due to any carelessness, negligence or improper conduct of the Permit Holder, or any servant, agent or employee of the Permit Holder.

_____, further agrees that at any time the CITY may request the temporary removal of the outdoor dining facilities to make repairs to the sidewalk, parking area, water, sewer, or other utilities located on the sidewalk or adjacent to CITY property if said facilities interfere with the ability of the City to access or to make repairs. _____ agrees to Hold the CITY Harmless for any disruption, loss or termination of business during the repair period.

_____, further agrees that he/she has obtained and will continue to maintain the required Commercial General Insurance and has listed the City of Pompano Beach as an additional insured on said policy and the certificate of endorsement has been made part of said insurance policy. Said Certificate of Insurance shall be furnished to the CITY. It is intended to provide a source, in addition to the Permit Holder, from which the CITY may seek payment of (a) Permit Holder's liability for both its own negligence, as well as actual or alleged negligence of the City and/or (b) the cost of defending such claims.



City of Pompano Beach
Department of Development Services
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Sidewalk Café Permit

I HAVE CAREFULLY READ THE FOREGOING HOLD HARMLESS AGREEMENT AND KNOW THE CONTENTS THEREOF AND HAVE SIGNED THIS DOCUMENT AS MY OWN FREE ACT.

I expressly agree that this Hold Harmless Agreement is intended to be as broad and as inclusive as permitted by laws of the State of Florida, and that if any portion thereof is held invalid, it is agreed that the balance shall notwithstanding, continue in full force and effect.

State of Florida
Count of

On this, the day of _____, 20____ before me, the undersigned Notary Public of the State of Florida, the foregoing instrument was acknowledged by _____ (name of corporate officer), _____ (title), of _____ a _____ (state of corporation) corporation, on behalf of the corporation.

WITNESS my hand and official seal

Applicant's name and signature

Notary Public, State of Florida
My Commission Expires: _____

Printed, typed or stamped name of Notary Public
Exactly as Commissioned

Personally known to me; or Produced Identification
Type of ID: _____



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Sidewalk Café Permit

**LANDOWNER'S CONSENT TO OPERATE
A SIDEWALK CAFÉ**
(Note: This is not a license.)

The owner of the premises where you plan to operate your sidewalk café must complete this form.

I certify that I, _____, am the legal owner of the land and improvement located at:
(Name)

(Address)

Further, I give my consent to, _____
(Name of Applicant/Lease Holder)

to maintain a sidewalk café in front of said land and improvement while I am the owner, unless sooner revoked by me. Owner hereby agrees to provide Lessee with a thirty (30) day notice of Revocation. Owner is hereby responsible to provide notice of such revocation to the City of Pompano Beach within ten (10) days of the revocation.

I swear that the information provided herein is true, accurate, and complete.

Signature of Owner

Print Name

(_____) _____
Telephone Number

Address

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2021, by _____ as _____ of _____, a Florida corporation, on behalf of the corporation, who is personally known to me or who has produced _____ as identification



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 **Fax:** 954.786.4666

Sidewalk Café Permit

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2021, by _____, who is personally known to me or who has produced _____, as identification.

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4668 or 954.786.4633 **Fax:** 954.786.4666

Zoning Use Certificate

\$30.00 Processing Fee

- Approval of a Zoning Use Certificate does not give you permission to open for business.
- You must complete a Business Tax Receipt application and pay the appropriate fees before opening for business.
- Approval of a Zoning Use Certificate is only good for 60 days, after which you must re-apply and pay a new fee.
- Prior to installing any sign you must obtain a sign permit. For specific details regarding the City's Sign Code regulations please contact the Zoning Department at 954-786-4679.

| | | | |
|--|------------------------------------|--|--------------------------|
| Outdoor Seating | | Number of tables _____ | |
| Please describe the operation of your business IN SUFFICIENT DETAIL to enable the City to determine whether the proposed activity is permitted by zoning regulations. Depending on the type of business additional documentation and/or a more detailed description of the business could be required prior to or at time of filing for the Business Tax Receipt. | | | |
| | | | |
| Applicant | | Business | |
| Print Name and Title | | Name of Business | |
| | | | |
| Street Address | | Street Address | |
| | | | |
| Mailing Address City/ State/ Zip | | Mailing Address City/ State/ Zip | |
| | | | |
| Phone Number | | Phone Number | |
| Fax Number | | Fax Number | |
| Email | | Email | |
| Number of Employees | | Square Feet occupied | |
| Signature | | | Date |
| FOR STAFF USE ONLY (DO NOT WRITE BELOW THIS LINE) | | | |
| Zoning District: | | Paid by: Cash <input type="checkbox"/> Check No. <input type="checkbox"/> _____ (non-refundable) | |
| | | Date Paid: | Receipt No.: |
| The above described business has been determined to be | <input type="checkbox"/> | in compliance with use requirements of the district in which the activity is proposed to be located. | |
| | <input type="checkbox"/> | not in conformance with the use requirements of the district in which the activity is proposed to be located. | |
| Additional comments: | | | |
| | | | |
| | | | |
| Reviewed by: | Approved: <input type="checkbox"/> | Date: | Date Applicant Notified: |
| | Denied: <input type="checkbox"/> | | |



City of Pompano Beach
Department of Development Services
Business Tax Receipt Division

License Year _____

100 W. Atlantic Blvd Pompano Beach, FL 33060

Application for Business Tax Receipt

Phone: 954.786.4668 / 954.786.4633 **Fax:** 954.786.4666

Name of Business _____ Date _____
Address of Business _____ Zip _____
Date business opened at this location _____ Number of Employees _____ Square Feet Occupied _____
Mailing Address _____ City _____ State _____ Zip _____
Federal ID # _____ **OR** Social Security Number _____ Sales Tax # _____
Bus. Phone # _____ Bus. Fax # _____ Web Address _____
Owner's Name _____ Date of Birth _____ Emergency Phone # _____
Owner's Address _____ City _____ State _____ Zip _____
E-Mail Address _____
Corp. Name _____ Address. _____ City _____ State _____ Zip _____
Type of Ownership Corporation [] LLC [] Partnership [] Sole Proprietor []

****ATTENTION**** If the business involves outdoor sales or storage, a site plan is required. If the business involves a use **other than** retail, wholesale or manufacturing, a floor plan and site plan are required.

Describe any and all conduct or activity of the business _____

The undersigned does hereby request that a Business Tax Receipt be issued to him on the basis of and subject to the herein set forth information with the understanding that all City of Pompano Beach Ordinances shall be complied with whether specified or not and all information supplied on this application (other than social security number) shall become public record. Giving false information on this application is unlawful and may result in prosecution, suspension or revocation of your Business Tax Receipt.

_____, (Print) **X** _____
Owner, Partner, or Corporate Officer's Name **Owner, Partner, or Corporate Officer's Signature**

| FOR STAFF USE ONLY (DO NOT WRITE BELOW THIS LINE) | | | | | | |
|--|-------------------------------|--|--|--------------------------------|---|--|
| Transfer of: | Name <input type="checkbox"/> | Ownership <input type="checkbox"/> | Address <input type="checkbox"/> | New <input type="checkbox"/> | Inventory Increase <input type="checkbox"/> | Category change <input type="checkbox"/> |
| Transferred Account Number: | | | Transferred License No. | | | |
| Zoning District: | | Paid by: Cash <input type="checkbox"/> | Check No. <input type="checkbox"/> _____ | Date Paid: | | Receipt No.: |
| The above described business has been determined to be | <input type="checkbox"/> | in compliance with use requirements of the district in which the activity is proposed to be located. | | | | |
| | <input type="checkbox"/> | not in conformance with the use requirements of the district in which the activity is proposed to be located. | | | | |
| Category: | | | | Account Number: | | |
| Ord. No.: | | | | | | |
| Zoning Fee: | | | | Zoning Official: | | |
| Administrative Fee: | | | | | | |
| Penalty Fee: | | | | Business Tax Receipt Official: | | |
| Business Tax Fee: | | | | | | |
| Transfer Fee: | | | | Total \$: | | Date Issued: |
| Sub Total: | | | | | | |

Research Summary – Entertainment Regulations

City of Miami, Florida

An entertainment establishment in the City of Miami is defined and includes a cinema, billiard parlor, teen club, dance hall, or video arcade. The zoning ordinance allows entertainment establishments by right in Commercial (T4-O, T5-O, and T6-O), High Density Limited Commercial (T6-L), Light Industrial (D1), and Industrial (D2) zoning districts, and by an administrative special permit in Medium Density Limited Commercial districts (T5-L). Alcoholic beverage establishments, not including restaurants, are also regulated and require the equivalent of a conditional use permit be approved by the City's Planning Board (Article 4, Table 3, Miami 21 Code), with certain exceptions. Food service establishments, which may serve alcoholic beverages, are permitted in all commercial and limited commercial districts.

The city code provides additional regulations for the location and distance separation of alcoholic service establishments, which excludes restaurants serving alcohol. Alcoholic service establishments are required to be a minimum of 1,500 feet from other establishments of the same type, in addition to separation from churches and schools. The code also establishes entertainment districts such as Wynwood, Little Havana, Brickell Village, Brickell Riverside, Park West, etc., Establishments located in these districts are approved administratively thru a conditional use permit and are not subject to distance separation requirements. The number of establishments within a district are capped and hours of operation and operating conditions apply (Chapter 4, Miami Code of Ordinances). Additionally, the administrative review for the conditional use permit requires that a noise attenuation plan addressing noise control be submitted for staff review.

The ability to have live music in other types of establishment is not regulated by the City. However, noise is regulated through the city's noise ordinance (Chapter 36, Miami Code of Ordinances). The ordinance provides that it is unlawful for noise or music to be "*plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced.*" The city commission is authorized to provide exceptions from these provisions for special occasions by resolution.

City of Fort Lauderdale, Florida

The City of Fort Lauderdale Unified Land Development Code generally allows for bars, cocktail lounges and nightclubs as a permitted use in several of the city's commercial districts and as an accessory to hotels containing 100 or more rooms (Chapter 47, Article II, Fort Lauderdale Unified Land Development Code).

The code provides additional regulations regarding the sale of alcohol, including distance separation requirements. It also requires that no establishment, except nightclubs, allow, after 11:00 p.m., playing of instrumental music, singing or conduct other forms of entertainment, in any room where beer, wine, liquor or alcoholic beverages are sold or offered for sale, indoors or outdoors, unless such room or rooms are soundproofed, (Chapter 5, Article II, Fort Lauderdale Code of Ordinances). The code also allows for the establishment of special entertainment overlay Districts for areas of two acres or larger under common control. The overlays include operational criteria, but removes distance separation requirements and allows for music, singing and other forms of entertainment whether amplified or not to be played indoors at any time

that the business is open and for outdoor music until midnight on weekdays and 1 a.m. on weekends (Chapter 5, Article III, Fort Lauderdale Code of Ordinances).

While there are some limitations in hours for entertainment in alcoholic beverage establishment that aren't sound proofed, the City of Fort Lauderdale does not prohibit entertainment in other types of establishments. However, noise is regulated by the city's noise control ordinance (Chapter 17, Fort Lauderdale Code of Ordinances). The ordinance establishes decibel levels by types of sounds, during different hours, and by use. It also provides for greater decibel levels within a special entertainment district overlay.

City of Coral Gables, Florida

The City of Coral of Coral Gables Zoning Code defines "*Entertainment Use*" as "*a commercial accessory use where entertainment, either passive or active, is provided for the pleasure of the patrons of the principal use, including but not limited to vocal and instrumental music, dancing, comedy, and theater, but not including an adult use.*" Nightclubs are also defined as an accessory use to a restaurant. Since entertainment use is an accessory to commercial uses, it is allowed in all districts where commercial uses are permitted. The zoning code provides specific conditions for the playing of music, including hours of operation and noise limitations subject to the city's general noise ordinance; however, entertainment use is not prohibited in any area, but accessory only to commercial uses.

Like other cities, Coral Gables regulates noise emanating from a property, and provides decibel limits for different types of sound emanating from different districts, along with hours in which sound can emanate (Chapter 34, Article VI, Coral Gables Code of Ordinances). The playing of music is subject to these limitations found therein.

City of West Palm Beach, Florida

The City of West Palm Beach land development regulations do not define entertainment. The regulations do allow for bars, lounges, and related entertainment, as a permitted use in most commercial districts and with extra requirements in neighborhood commercial and office commercial districts. The code provides for operating hours and special requirements for such uses, along with modified hours for specific streets.

The code establishes requirements for the sale of alcoholic beverages and establishes separation requirements from other establishments and residential districts, hours of operation, and other requirements, along with providing specific exemptions and limitations for the downtown area, (Chapter 6, West Palm Beach Code of Ordinances).

The city has a noise control ordinance which establishes limits for sound citywide and also provides for specific areas where higher levels of noise are permitted, which include the city's downtown and entertainment areas (Chapter 34, Article II, West Palm Beach Code of Ordinances).

City of Austin, Texas

The City of Austin Land Development Code establishes requirements for permitting entertainment uses within the city (Title 25, Article 1, Land Development Code of Austin). "*Indoor entertainment*" is a *conditional use, permitted use, or not permitted use* depending on the zoning district. "*Outdoor entertainment*" is a *conditional use or not permitted* depending on the zoning district. However, the code provides that live

entertainment is permitted at restaurants and cocktail lounges if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises.

Additionally, the code provides additional regulations regarding noise and amplified sound and establishes decibel limits for sound at the property line. (Chapter 9-2, Code of Austin). For example, a business cannot operate equipment that produces sound in excess of 85 decibels between 10:00 a.m. and 2:00 a.m. and audible at the property line between 2:00 a.m. and 10:00 a.m. Any sound that exceeds the prescribed decibel levels requires a permit to operate sound equipment audible to the public. The ordinance also has separate requirements for “*outdoor music permits*” and outdoor “*live music permits*,” which have different standards depending on the specific neighborhood. Permits are issued administratively, however, they have specific criteria which must be considered before they can be issued.

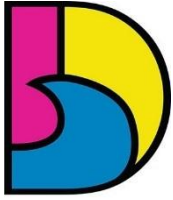
DANIA BEACH

Sec. 110-200. Outdoor restaurant seating.

Outdoor restaurant seating is permitted as an accessory use to an indoor restaurant containing at least five hundred (500) square feet of gross floor area, in accordance with the following requirements:

- (A) Outdoor seating as an accessory use to an indoor restaurant is permitted without a special exception in the commercial zoning districts listed in section 100-60(c), provided that the subject property is not adjacent to any residential use or any property located within a residential zoning district or mixed-use zoning district as listed in section 100-60(a) and (b).
- (B) Outdoor seating on properties within the commercial zoning districts which are adjacent to residential use or any property located within a residential zoning district shall require a special exception.
- (C) A minimum five hundred-foot separation between outdoor seating in a commercial zoning district and any residentially zoned land is required. Within the CRA form-based zoning districts outdoor dining shall be separated a minimum distance of one hundred (100) feet from any residentially zoned property.
- (D) Music shall not be permitted to be performed or amplified within outdoor seating areas.
- (E) Outdoor seating requires its own certificate of use.

(Ord. No. 2010-20, § 2(Exh. A), 9-14-10; Ord. No. 2013-001, § 2, 2-26-13; Ord. No. 2023-006, § 2, 4-25-23)



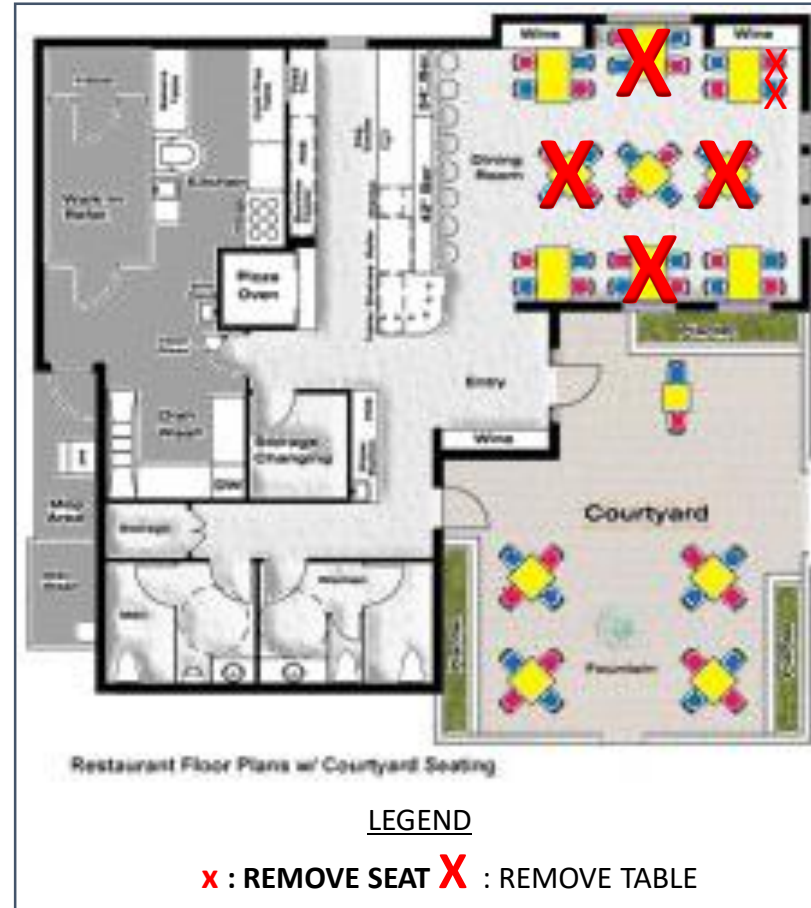
DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

TEMPORARY OUTDOOR SEATING PERMIT APPLICATION

MUST DISPLAY PERMIT NEAR THE FRONT DOOR OF THE BUILDING, TO BE VISIBLE FROM OUTSIDE
IN **NO** CASE, CAN THE MAXIMUM CAPACITY BE EXCEEDED PER **FLORIDA BUILDING CODE**.

STEPS TO BE FOLLOWED:

1. Complete the application
2. Prepare a drawing/sketch, preferably on a survey or aerial photo.
3. Email both the application and drawing/sketch to Community Development, Zoning Division at dlozandier@daniabeachfl.gov or mail to City of Dania Beach, Community Development Department, Zoning, 100 W. Dania Beach Boulevard, Dania Beach, FL 33004 for processing.
4. Approval will be delivered to the restaurant by Code Compliance.
5. NO FEE



LEGEND

REDACTED : OUTDOOR SEATING NOT TO EXCEED 50% TOTAL CAP.

EXAMPLE: Total Max. Cap. = 36 persons
50% Inside: 36 persons / 2 = 18 persons
50% Outside*: 36 persons / 2 = 18 persons
* (MUST FOLLOW 6' SOCIAL DISTANCING)

NEW TOTAL CAP. ALLOWED:
18 inside + 18 outside = 36 persons

SOCIAL DISTANCING TOGETHER

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact:

Contract Requirement:

| |
|-------|
| Title |
|-------|

A. FUTURE MEETING DATES: NOVEMBER 04, 2025

| |
|---------|
| Summary |
|---------|

| |
|----------------------|
| Staff Recommendation |
|----------------------|

Background:

Funding Source:

Fiscal Impact:

Sponsor Name/Department:

Meeting Date: 10/7/2025