

ORDINANCE NO. 240-02-110

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) AMENDING ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS, SECTION 5.3, ALCOHOLIC BEVERAGE USES, TO CLARIFY THE METHODOLOGY TO MEASURE DISTANCES; AMENDING SECTION 5.49, TOBACCO STORE, TO ESTABLISH A NEW METHODOLOGY TO MEASURE THE DISTANCES BETWEEN TOBACCO STORES AND OTHER USES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, at their duly noticed meeting and public hearing of January 30, 2024, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance and all other relevant and substantial competent evidence into the record, and forwarded the record to the City Commission with the recommendation that the proposed Ordinance be adopted; and

WHEREAS, at their duly noticed meeting and public hearing of February 26, 2024, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their subsequently duly noticed meeting and public hearing of March 25, 2024, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Section 5.3.3 amended. Land Development Regulations Article III, Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 5.3 , Alcoholic Beverage Uses, is hereby amended to read as set forth below:

Article III- Zoning Districts

Section 5.3. – Alcoholic beverage uses

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5.3.2. Separation requirements. Establishments which sell alcoholic beverages shall be subject to the following location limitations and requirements:

A. Distance between establishments. The following separation or distance standards shall apply:

1. On-premises. Establishments which sell alcoholic beverages for consumption on premises shall be located at least one thousand (1,000) feet from any other such establishment.
 2. Off-premises. Establishments which sell alcoholic beverages for consumption off premises shall be located at least one thousand (1,000) linear feet from any other alcoholic beverage establishment.
 3. On and off-premises. Any establishment which sells alcoholic beverages for consumption on and off premises shall be located at least one thousand (1,000) feet from any other establishment which sells alcoholic beverages for consumption on or off premises.
- B. Distance from schools. It shall be unlawful to sell or dispense any alcoholic beverage within one thousand (1,000) feet of any public or private elementary or secondary school. The placement of a school shall not cause an establishment currently selling alcoholic beverages to cease to sell same.
- C. Distance from houses of religious worship. It shall be unlawful to sell or dispense any alcoholic beverage within one thousand (1,000) feet of any house of religious worship. The placement of a house of religious worship shall not cause an establishment currently selling alcoholic beverages to cease to sell same.
- D. When distance requirements not applied. The separation standard or distance requirement set forth herein shall not be applied to the location of an existing alcoholic beverage establishment when there is
1. A renewal of an existing certificate of use;
 2. A transfer in ownership;
 3. A change in business name; or
 4. A change in a state issued 4COP license to a 3PS license, and any decrease in the numerical designation of a state issued license which is of the same series (type) provided the physical location of the establishment does not change. No increases in the numerical designation of a series (type) of state issued license which is of the same series (type) shall be allowed at or for a location (new or existing) unless approved through the special exception use process.
- 5.3.3. Measurement. The separation standard methodology in Article I, Section 1.5., Definitions, General, shall not apply. Instead, for purposes herein, the distance shall be measured by the shortest route of ordinary pedestrian travel along the public thoroughfare or any walkway made available for public use from the main entrance of the establishment in question to the main entrance of the other establishment. Separation from the establishment and the public park shall be measured from main normal public entrance of the establishment in

question to the nearest point of the public park property measured along public thoroughfares by the shortest route of ordinary pedestrian traffic.

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SECTION 2. Section 5.49 amended. Land Development Regulations Article III, Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 5.49, Tobacco Store, is hereby amended to read as set forth below:

Sec. 5.49. - Tobacco store.

Sec. 5.49. - Tobacco store.

5.49.1. **A. Separation standard.** There shall be a minimum one thousand (1,000) feet separation standard between a tobacco store and any other tobacco store, any private or public primary or secondary school, and any public park.

B. Measurement. The separation standard methodology in Article I, Section 1.5., Definitions, General, shall not apply. Instead, for purposes herein, the distance shall be measured by the shortest route of ordinary pedestrian travel along the public thoroughfare or any walkway made available for public use from the main entrance of the establishment in question to the main entrance of the other establishment. Separation from the tobacco store and the public park shall be measured from main normal public entrance of the establishment in question to the nearest point of the public park property measured along public thoroughfares by the shortest route of ordinary pedestrian traffic.

5.49.2. **Warning labels.** At least thirty (30) percent of any entry door shall be covered with the following language: "SURGEON GENERAL WARNING: Tobacco Smoke Increases The Risk Of Lung Cancer and Heart Disease, and Tobacco Use Increases The Risk Of Infertility, Stillbirth, and Low Birth Weight."

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SECTION 2. Findings and Conclusions. The Development Review Report prepared by the Planning and Zoning Department is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending Land Development Regulations.

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

SECTION 4. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this ____ day of _____, 2024.

PASSED on first reading this ____ day of _____, 2024.

PASSED AND ADOPTED on second reading this ____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____