





**City of Pembroke Pines**  
**Planning & Economic Development Department**  
**601 City Center Way 3<sup>rd</sup> Floor**  
**Pembroke Pines FL, 33025**

## Summary

<b>Agenda Date:</b>	June 8, 2023	<b>Application ID:</b>	AM 2023-0002
<b>Project:</b>	Alcohol Sales Special Exception Process	<b>Project Number:</b>	N/A
<b>Project Planner:</b>	Dean Piper, Zoning Administrator	<b>Enacting Document:</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance
<b>Agent:</b>	City of Pembroke Pines		
<b>Applicant Request:</b>	Amending the Land Development Code to require special exception consideration for certain businesses that wish to serve alcohol after 1 AM.		
<b>Staff Recommendation:</b>	Planning and Zoning Board to direct city staff to coordinate with the City Attorney's office to draft an Ordinance for presentation to the City Commission.		
<b>Final:</b>	<input type="checkbox"/> Planning & Zoning Board	<input checked="" type="checkbox"/> City Commission	
<b>Reviewed for the Agenda:</b>	Director:  Assistant Director: 		

## Project Description / Background

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The City of Pembroke Pines requests an amendment to the City's Land Development Code (LDC) to create new regulations regarding the late-night distribution of alcohol by certain businesses. The expressed purpose of the proposed amendment is to ensure the safety and security of the surrounding communities and businesses by addressing related noise, traffic, parking and security concerns.

The proposed amendment requires any hotel, restaurant, bar lounge, or night club which serves alcohol within the city after 1 AM and prior to 4 AM to first obtain approval through the City's special exception process. In no case shall a business be permitted to serve alcohol between the hours of 4 AM and 7 AM.

Per Section 155.301 (M), special exception applications require the review and action by the Planning and Zoning Board. The Planning and Zoning Board will utilize the special exception standards of approval which are already established within the section. The amendment will also require a business which is seeking a special exception to provide and implement a security plan as part of the special exception application.

In amending the Ordinance, the City expects to amend the following sections of the Code of Ordinances as a result of this application:

- Section 155.203 (Definitions)
- Section 155.313 (Enforcement)
- Section 155.504 (Alcoholic Beverage Establishments)

The proposed amendment will repeal the following section of the Code of Ordinances in its entirety:

- Section 110.02 (Hours of Sale, Exception of New Years's Day)

**Staff Recommendation: Planning and Zoning Board to direct city staff to coordinate with the City Attorney's office to draft an Ordinance for presentation to the City Commission.**

**Enclosures:** Existing Code Section 155.301 (M) (Special Exception)  
Existing Code Section 155.504 (Alcoholic Beverage Establishments)  
Existing Code Section 110.02 (Hours of Sale, Exception of New Years's Day)

## 155.301 (M) SPECIAL EXCEPTION

1. Purpose. To provide means for the individualized review of certain uses which, due to their nature, require special consideration of their location, design, and methods of operation, as well as the impositions of conditions to mitigate concerns before they can be deemed appropriate in a zoning district and compatible with their surroundings.

### 2. Applicability:

(a) Uses requiring special exception as outlined in Table 155.501 shall require review and action by the Planning and Zoning Board.

(b) City Commission review and approval of a special exception will be required for non residential applications that propose a floor area ratio (FAR) exceeding 0.5 to 1.0.

(c) City Commission review and approval of a special exception will be required for all development applications proposing uses as outlined in Table 155.501 that are part of the I-H (Industrial Heavy;) zoning district.

### 3. Standards for Approval:

(a) The proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood.

(b) The proposed use is deemed desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort and welfare.

(c) The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria consistent with the city regulations to the greatest extent possible. Entire site shall be void of any pre-existing code violations.

(d) There are adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas is convenient and conducive to safe and efficient operation consistent with the city standards to the greatest extent possible.

(e) There will be adequate provisions for traffic movement, both vehicular and pedestrian internal to the use and adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrian, in a manner that minimizes traffic congestion in the public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right, performed through use of a traffic study.

(f) The land area must be sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.

### 4. Procedure:

(a) Refer to Table 155.301 for application review process.

(b) A Special Exception shall be processed concurrent with a site plan or site plan amendment.

## 155.504 ALCOHOLIC BEVERAGE ESTABLISHMENTS

(A) Scope of regulations. The following regulations shall apply to the location, design, construction, operation, and maintenance of all places or establishments where alcoholic beverages are sold or dispensed, and shall be in addition to other requirements or limitations of this LDC. Cross-reference: Alcoholic beverages, sale and licensing regulations, see Ch. 110.

(B) Locations near day care, religious institutions, and schools

1. Establishments for the sale of alcoholic beverages shall be located not nearer to any day care, religious institutions, public, private, or parochial, elementary, middle, or high school, than 200 feet airline measurement; measurements being between the nearest entrance to the alcoholic beverage establishment and the nearest entrance to the day care, religious institutions, public, private, or parochial, elementary, middle, or high school. However, the aforesaid separation requirement shall not apply to:

(a) An establishment incidental to and within a portion of a building used for a restaurant or a restaurant bar.

(b) An establishment incidental to and within a portion of a building used as a hotel bar.

(c) An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served.

2. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this LDC, the subsequent locating of a day care, religious institutions or school in the proximity of that existing establishment shall not be construed to cause that establishment to be in violation of this LDC.

(C) Beer and wine package stores. There shall be no separation requirement or limitation applicable to the location of places for the sales of beer or wine for consumption off the premises.

#### 110.02 HOURS OF SALE; EXCEPTION FOR NEW YEAR'S DAY.

(A) No person, vendor, or distributor shall sell, or offer to sell, deliver, serve, or permit to be consumed upon the premises of that person, vendor, or distributor, any alcoholic beverage, regardless of alcoholic content, between the hours of 3:00 a.m. and 11:00 a.m. ('69 Code, § 3-13(a)) (Ord. 60, passed 9-4-62; Am. Ord. 349, passed 11-19-73; Am. Ord. 674, passed 12-14-83; Am. Ord. 680, passed 2-15-84; Am. Ord. 944, passed 1-2-91)

(B) All persons firms or entities duly and regularly licensed to operate a nightclub in the city, and to sell and dispense spirituous, vinous, and alcoholic beverages therein, shall not sell, permit to be sold, offered for sale, delivered, served, or permit to be consumed upon the premises of that person, any spirituous, vinous, or alcoholic liquors on any weekday between the hours of 4:00 a.m. and 11:00 a.m. The fee for a nightclub local business tax receipt shall be \$375.

(C) A special permit extending the hours of sale to 6:00 a.m. on January 1, may be obtained by licensed vendors of alcoholic beverages upon the payment to the city of a fee of \$150, which shall be valid for one extended closing time only. The permit shall be issued by the City Clerk.

(D) No person, firm, or entity duly and regularly licensed by the city to operate a hotel, golf club, or racquet club as defined herein and licensed to sell and dispense spirituous, vinous, and alcoholic beverages therein, shall sell or offer to sell any alcoholic beverage regardless of alcoholic content between 3:00 a.m. and 7:00 a.m. or 4:00 a.m. and 7:00 a.m. if also duly licensed as a nightclub.

(1) A hotel for the purpose of this section is defined as a facility that provides public lodging and meals for the public on a transient basis.

(2) A golf club for the purpose of this section shall provide at least one 18 hole golf course and related facilities for the use of its patrons, including a restaurant or banquet hall and such other amenities as locker rooms, pro shop, and other related support services.

(3) A racquet club for this section shall provide at least six racquet ball, tennis, or squash courts or other indoor/outdoor court type facility and related facilities for the use of its patrons including a restaurant or banquet hall and such other amenities as locker rooms, pro shop, and other related support services.

(E) The holding of more than one city local business tax receipt shall not be used to circumvent hours of sale restrictions.

(F) No person, vendor or distributor shall sell, or offer to sell, deliver, serve, or permit to be consumed "off the premises" of that person, vendor or distributor, any alcoholic beverage, regardless of alcoholic content, between the hours of 3:00 a.m. and 7:00 a.m.