



**TOWN OF BAY HARBOR ISLANDS**  
**Office of the Town Clerk**  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154  
Tel (305) 866-6241 Fax 305-866-4863

**BUSINESS TAX RECEIPT APPLICATION**  
**CHECKLIST FOR FOOD ESTABLISHMENTS**

\_\_\_ Copy of the applicant State issued Identification  
Drive License, State Identification or Passport.

\_\_\_ State Licenses

- Department of Business Regulation / Hotel and Restaurant Commission (850-487-1395)
- Department of Agriculture & Consumer Services (850-410-3800)
- Division of Food Safety (850-245-5520)
- Alcoholic Beverage License (305-470-6783)

\_\_\_ Corporate Registration from the State of Florida Division of Corporations

All businesses transacting in the State of Florida are required to register with the State of Florida. Please provide a copy of the Corporate Registration from the State of Florida Division of Corporations.

\_\_\_ Fictitious Name Registration from the State of Florida Division of Corporations

If you are not registering an Out-of-State Corporation as a Florida Corporation, you can register same as a fictitious name or if you are conducting business under another name.

\_\_\_ Copy of lease agreement (if applicant is other than owner)

\_\_\_ Copies of Deed or proof of ownership (if the property owner is the applicant)

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**PRIOR OR THE ISSUANCE OF A BUSINESS TAX RECEIPT BY THE TOWN CLERK'S OFFICE THE FOLLOWING  
INSPECTIONS SHALL BE PERFORMED PRIOR TO THE OPENING OF A BUSINESS.**

\_\_\_ Building Official - Inspection (business location only)

BHI Building Department - 305-993-1786  
Email: [buildingdepartment@bayharborislands-fl.gov](mailto:buildingdepartment@bayharborislands-fl.gov)

\_\_\_ Life Safety Inspection

Miami-Dade County Fire Department  
Office of Fire Marshall - 786-331-4800

\_\_\_ DERM (if applicable, for business opening a restaurant or cafes)

Permitting & Inspection Center  
(Building Division, Permits - Building & Zoning)  
Phone: 786-315-2000  
Inspection & Permitting Voice Response: 305-591-7966  
Email: [blgddept@miamidade.gov](mailto:blgddept@miamidade.gov)

Local Business Tax Receipts are valid from October 1st through September 30th of the following year. The tax for a new business opening after April 1st may be pro-rated to 50% of the annual tax. Transfer fees are equal to ten percent of the annual tax.



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Enclosed are the following documents:

- Application for Business Tax Receipt with the Town of Bay Harbor Islands.
- Copy of Section 23-5, Use Regulations, B-1 Business District.
- Section 9-6, Food Establishments - Enclosure of storage of garbage and collection.
- Section 9-7, Garbage Collection.
- Section 9-3, Waste Facilities.
- Section 17-20, Exterior Signs.
- Section 23-24, Parking Regulations.
- Section 12-20 and 21, Noise Regulations.
- Section 3-2 through 3-19, Liquor Regulations.
- Information and FAQ from the Florida Department of Agriculture and Consumer Services.
- Minimum Construction Standards and Specifications Checklist. (Division of Food Safety)
- Section 23-11(C), Sidewalk Café /Outside Seating Regulations - Sample Agreement

If you plan to make any renovations or remodeling to the business location, you will need to contact the Bay Harbor Islands Building Department at 305-993-1786 for additional information on how to apply for a building permit. Building, electrical, plumbing and inspections may be required.

# Town of Bay Harbor Islands

## APPLICATION FOR BUSINESS TAX RECEIPT - BUSINESS DISTRICT

**PRINT OR TYPE ALL INFORMATION REQUESTED**

**PROCESSING FEE - \$25.00**

BEFORE OPENING A BUSINESS IN BAY HARBOR ISLANDS MAKE SURE YOU CHECK WITH THE BUILDING DEPARTMENT FOR CERTAIN CONDITIONS THAT MAY APPLY TO THE BUSINESS OR LOCATION.

EXAMPLE: Change of Use and Occupancy Inspections  
Fire Department Inspections  
Sign Regulations

(For official use only)	
DATE RECEIVED: _____	
DATE ISSUED: _____	LICENSE FEE: \$ _____
ACCT. NO. _____	LICENSE NO. _____
CLASSIFICATION: _____	

**INDICATE TYPE OF OWNERSHIP OF BUSINESS:**    Individual    Corporation    Partnership    Other \_\_\_\_\_

*APPLICANT:		DATE OF BIRTH:
E-MAIL ADDRESS:		WORK PHONE:
SS#:	FEIN:	DRIVER LICENSE:
BUSINESS NAME:		CELL PHONE:
DOING BUSINESS AS (dba):		
BUSINESS ADDRESS:		
MAILING ADDRESS (if different)		
DESCRIPTION OF BUSINESS (provide details)		

ESTIMATED NUMBER OF EMPLOYEES: \_\_\_\_\_ DAYS BUSINESS WILL BE OPEN: \_\_\_\_\_ HOURS: \_\_\_\_\_  
WILL BUSINESS HAVE VENDING MACHINES \_\_\_\_\_ IF SO, WHAT PRODUCT WILL BE VENDED: \_\_\_\_\_

**ATTACH THE FOLLOWING DOCUMENTS:**

CERTIFICATIONS ISSUED BY STATE/COUNTY AGENCIES  
COPY OF ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION  
LIST OF CORPORATE OFFICERS (Including Name, Address and Telephone Numbers)  
COPY OF LEASE (IF APPLICANT IS OTHER THAN OWNER)  
IF PROPERTY OWNER, PROVIDE COPIES OF DEED OR OTHER DOCUMENTS SHOWING OWNERSHIP

<b>LIST NAME, ADDRESS AND TYPE OF BUSINESS (both current and previous) YOU HAVE OPERATED:</b>

LIST THREE (3) REFERENCES: (Note if you list a bank, corporation, etc. include name of a contact person)

NAME	ADDRESS	PHONE

I understand that in applying for a business license in the Town of Bay Harbor Islands it is my obligation to understand and comply with the rules and regulations of the Town of Bay Harbor Islands. I acknowledge receipt of a copy of the Town's sign regulations, if applicable.

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

FOR RESTAURANTS/FOOD ESTABLISHMENTS, A SOLID WASTE DEPOSIT IS REQUIRED (This amount can be adjusted depending upon monthly volume usage)

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED  
PLEASE BE SURE TO ATTACH ALL REQUIRED DOCUMENTATION**

# Town of Bay Harbor Islands

## APPLICATION FOR CERTIFICATE OF OCCUPANCY

Before the issuance of a Certificate of Occupancy will be granted for the completion of a building permit or for a Business Tax Receipt, the following information must be provided.

Per the Florida Building Code, Section 503 and 307, the premises must be inspected and approved prior to new occupancy being granted.

Date: \_\_\_\_\_

Business Location	
Previous Tenant: (name)	
Previous Use (type of business)	
New Business Name	
New Tenant's Name	
Telephone Number	
Contractor's Name and Address and Phone Number	

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**OFFICIAL USE ONLY**

**Town Clerk:**

Type of Business Compliant with Code?  Yes  No

Council Approval Required?  Yes  No

Council Approval Date: \_\_\_\_\_

Town Clerk: \_\_\_\_\_ Town Clerk Approval Date: \_\_\_\_\_

**Police Department:**

Background Investigation Completed?  Yes  No Date: \_\_\_\_\_

Approval for License  Yes  No Date: \_\_\_\_\_

Officer's Name: \_\_\_\_\_ Officer's Signature: \_\_\_\_\_

Officer's Remark:  
\_\_\_\_\_  
\_\_\_\_\_

**Building Department:**

Change of Use?  Yes  No

Inspections Required:

<input type="checkbox"/> Code Compliance	Inspector: _____	Date: _____
<input type="checkbox"/> Building	Inspector: _____	Date: _____
<input type="checkbox"/> Electrical	Inspector: _____	Date: _____
<input type="checkbox"/> Mechanical	Inspector: _____	Date: _____
<input type="checkbox"/> Fire	Inspector: _____	Date: _____
<input type="checkbox"/> Public Works	Inspector: _____	Date: _____
<input type="checkbox"/> DERM	Inspector: _____	Date: _____

**Sec. 23-5. - Use regulations, B-1 Business district.**

*Intent.* The purpose of the district is to provide appropriate land development regulations for the business/mixed-use properties on the eastern island of the town. The lots about the Kane Concourse, the main roadway within the town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

*Permitted uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

- (1) Multiple-family dwellings including condominiums, rental apartments, townhouses, lofts and similar dwelling units, provided the residential uses are part of a mixed-use development. No residential dwelling units may be located at ground level adjoining Kane Concourse; provided however, a lobby access is permitted. Single-family detached and two-family (duplex) dwellings are not permitted. Live/work dwelling units may be permitted if approved by the town council.
- (1a) Vacation rentals subject to the provisions in Chapter 23, Article VI of the Code of Ordinances of the Town of Bay Harbor Islands.
- (2) Business and profession office uses: Banks, savings and loan associations, business and professional offices, medical offices and clinics, stock and commodity broker, employment agency and similar uses.
- (3) Retail uses: Clothing and wearing apparel, neighborhood grocery stores, liquor and wine sales, tobacco sales, stationary, shoe sales and repairs, luggage and leather goods, sporting goods, electronic and music sales and service, telephones and communication goods, computers sales and service, optical and eye glasses, office supplies, florists, drug and sundries.
- (4) Personal service uses: Barber shop, beauty shop, skin care, day spas, dog grooming salon, nail salons, wigs and hair, fitness, exercise, weight loss, yoga, meditation center.
- (5) Miscellaneous uses: Antique display and sales, jewelry sales and repairs, furniture sales, confectionary and ice cream store, bakery and pastries, art galleries and studios, auction house, post office, theater, hardware store.
- (6) Restaurant uses: Sit-down restaurants including indoor, outdoor and sidewalk cafes; coffee shops, sandwich shops, except that no fast-food shall be permitted unless approved by the town council. A fast-food restaurant is defined as an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.
- (7) Notwithstanding the foregoing, 100 percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least 75 percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two or fewer ground floor uses, at least 50 percent of the ground floor space shall be used for the purposes set forth above excluding the above referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.
- (8) Religious institutions provided any such use is located on the second floor or higher floors of buildings.

- (9) Private clubs, but only upon specific approval at a public hearing and permit from the town council. The applicant shall demonstrate compliance with subsection (8.1)(c)1., 2. and 3. herein.
- (10) Hotels and customary accessory uses, including but not limited to, restaurants, bars, swimming pools, spas and other recreational facilities, and meeting facilities. This shall include the ability of a private school to operate a facility as part of hospitality education, provided the school is open to the general public.
- (11) Duly licensed home occupations are permitted subject to the requirements of the Town Code for those uses.
- (12) Convention organization services; community centers; show and film direction or production; import/export services; interior design; internet sales and service; municipal offices, parking facilities and related functions; parking of motor vehicles as accessory uses; valet parking services if approved by the town council.
- (13) Dry cleaning pick-up and delivery, provided no on-site dry cleaning occurs; tailors, clothing alterations.
- (14) Other similar uses as may be permitted by the town council, provided that such uses are compatible with and do not adversely affect the character of the district.
- (15) Activities occurring on the rooftop of the building shall be subject to the following restrictions:
  - (a) Uses and facilities shall be limited to recreational facilities for the building tenants, such as jogging/walking paths, swimming pool and/or spa, sun decks, seating areas, food preparation and/or serving areas (barbecue grill/sink/storage) and similar facilities.
  - (b) Passive recreational activities, such as jogging, walking, conversation, eating, meditation, and similar passive recreational activities shall be permitted, provided no such rooftop activities shall occur prior to 8:00 a.m. or after 11:00 p.m. from Sunday through Thursday, and prior to 8:00 a.m. or after 12:00 a.m. (midnight) on Friday and Saturday.
  - (c) No commercial business activities shall operate on the building rooftop, unless specifically approved by the town council at an advertised public meeting. A commercial business is defined as one holding a valid town business tax receipt (formerly known as occupational license) or certificate of use.
  - (d) All electrical loudspeakers, amplifiers or musical instruments shall limit sound emission for background music or entertainment purposes, regardless of whether it is "live" or recorded. Such sound emissions shall not exceed 70 decibels at any time at its source, in accordance with the town's noise ordinance (article II of chapter 12).
  - (e) Certain limited events and/or functions such as charity events, fundraising receptions, cocktail parties and the like may be permitted for the building owner or tenants, their guests and invitees, if approved in writing by the town manager, prior to the event and/or function occurring. All such requests shall be submitted to the town manager's office, on a form provided by the town, at least 24 hours in advance of the event/function, except that the town manager may approve, but is not required to approve, an event/function on short-term notice based on special circumstances. At a minimum, the application form information shall include:
    - 1. The name, address, telephone number and e-mail address of the tenant/sponsor;
    - 2. The name, address, telephone number, e-mail address and signature of the building/property owner and any designated property manager;
    - 3. The estimated number of persons attending;
    - 4. A description of the purpose of the event/function;
    - 5. The hours of the event/function;
    - 6. A description of any planned beverage/food or entertainment; and

7. An off-street parking plan to accommodate the attendees (if required).
- (f) All events and/or functions must be sponsored or hosted by the building owner or a building tenant, with the building owner's written consent. The building owner shall sign the town's request form or submit a separate written consent letter to the town with the request. No such limited rooftop event/function activities shall occur prior to 9:00 a.m. or after 11:00 p.m. on Sunday through Thursday and prior to 6:00 p.m. or after 12:00 a.m. (midnight) on Friday or Saturday.
  - (g) No bright lights, globes, strobes or flashing lights shall be permitted.
  - (h) The town reserves the right to order that any activities causing a nuisance be altered immediately to comply with Town Code provisions, or to close any activity immediately that is deemed to be in violation of this criteria that negatively affects properties both within the town and within adjoining communities.
  - (i) Should these land development regulations conflict with any previously approved limitations for rooftop uses, the provisions set forth herein shall take precedence.

*Prohibited uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any of the following uses: Thrift shops or stores selling secondhand merchandise; pawn stores, gas stations; tattoo parlors or body piercing; check cashing stores; psychic or fortune tellers; flea markets; adult entertainment establishments; shops or stores selling dogs and cats; any use not specifically listed, unless permitted by the town council. Notwithstanding the above, bona fide antique or vintage stores selling clothing, accessories, jewelry and furnishings may be permitted by the town council so long as such stores are compatible with and do not adversely affect the character of the district. Antique and vintage sale items, as opposed to thrift or secondhand stores, are characterized as items from earlier periods of time. By way of example (in 2011), vintage items are typically from the time period prior to 1980 and antique items are typically from the time period prior to 1920 having some intrinsic value.

(Ord. No. 108, § 5, 6-10-57; Ord. No. 125, § 1, 1-12-59; Ord. No. 287, § 1, 1-13-75; Ord. No. 699, § 1, 3-11-02; Ord. No. 747, § 3, 8-16-04; Ord. No. 794, § 1, 4-10-06; Ord. No. 7997, § 1(Exh. A), 7-10-06; Ord. No. 893, § 1(Exh. A), 11-9-09; Ord. No. 915, § 1(Exh. A), 8-8-2011; Ord. No. 931, § 1(Exh. A), 3-12-2012; Ord. No. 963, § 1(Exh. A), 4-7-14; Ord. No. 1002, § 1(Exh. A), 11-14-16; Ord. No. 1003, § 1(Exh. A), 11-14-16)

**Sec. 9-6. - Food establishments—Enclosure for storage of garbage; collection therefrom, charge.**

All restaurants, public dining establishments and any business providing food for human consumption, located in the town, are hereby required to have on their premises, a completely enclosed room, compartment or other enclosure with concrete floor, which will be refrigerated at all times while containing garbage to 50 degrees Fahrenheit, to prevent deterioration of garbage and to prevent all odors and nuisances from emanating therefrom. Said enclosure is to have a door entering directly to the inside of the food establishment and a separate door to the outside. Running water is to be provided in said enclosure as well as floor drains connected with a sewer line as approved by the town. All food establishments shall have facilities for cleaning their garbage and trash containers with running water as provided herein. Garbage, trash and waste shall be collected from the food establishments not less than three times weekly by the town or by a private waste contractor approved and licensed by the town, as provided in this chapter and the Code of the town. Where an enclosed refrigerated room or compartment is not provided, food establishments shall comply with the provisions of [section 9-7](#) below.

(Ord. No. 518, § 6, 7-13-92)

**Sec. 9-7. - Same—Daily collection of garbage, trash and waste when enclosure not provided; containers.**

All restaurants, public dining establishments, grocery stores, fruit stores, meat markets, and any business providing food for human consumption that do not have a refrigerated enclosure shall provide for collection of all garbage, trash and waste each day. Such establishment shall maintain fully enclosed and covered garbage containers in clean condition and in clean surroundings on a concrete slab, elevated four inches, with a drain connected with a sewer line as approved by the town. Said facility must be provided with running water for the purpose of cleaning containers and their surroundings. Garbage shall be collected from these establishments by the town or by a private waste contractor approved and licensed by the town as provided in this chapter or in the Town Code.

(Ord. No. 518, § 7, 7-13-92)

**Sec. 9-3. - Location of waste facilities, waste storage facilities.**

(a) All dumpsters or containers shall be kept together in or within a wall or enclosed area on private property, or in a location approved by the town. As an alternative to a wall or enclosed area, and subject to the approval of the town, containers may be screened from view by a hedge or shrubbery. Such area shall not extend into any front yard; on corner lots it shall not extend into any yard facing the street. Such area shall be accessible to both town and private waste collectors. (b) It shall be the responsibility of the property owner, operator, agent, lessee, manager, and private waste contractor to ensure the return of any containers or dumpsters to the approved location after collection, as specified in section 9-22(e). (c) The installation of all waste facilities, including containers, shall be indicated on architectural plans for new or renovated buildings when same are submitted for application for permit. (d) After the effective date of this section, all single-family, multifamily and commercial establishment(s) properties in the town shall utilize only the approved waste containers as provided by the town. Except as specifically provided herein, no other type of container may be used for waste disposal. Any nonapproved containers will not be serviced by the town or its private contractor, and such containers may be confiscated by the town or its authorized agent. (e) The town shall have the right at all reasonable times to inspect the location and

condition of all waste storage facilities including all containers to insure that they comply with the provisions of this chapter, the Code, applicable law, and the rules and regulations of the town. The town shall have the right to require relocation or removal of any facilities, including containers, which do not comply with this chapter.

(Ord. No. 518, § 3, 7-13-92; Ord. No. 668, § 4, 8-14-00; Ord. No. 710, § 3, 10-14-02)

### **Sec. 17-20. - Exterior signs.**

(a) Signs in the B-1 zone shall bear no more than the name of the building, the trade name of the establishment, and the nature of the business, without designation of any particular product or service by trade name. Signs shall be of a size which is artistically and aesthetically proportionate to the size of the building and to the part of the building on which the sign is located. Each business located on the ground/street level must provide at least one business sign (wall/window/door/etc.). If a common ground/street level building area is occupied by more than one business, only one of the uses shall be entitled to a sign. Primary signs in the business district (B-1) shall comply with the following requirements:

- (1) Maximum sign area . No primary sign shall have an area measured from end to end and top to bottom of all lettering and including spaces between exceeding one and one-half square feet for each linear foot of street frontage occupied by the licensed establishment, with a maximum overall size of 30 square feet.
- (2) Maximum height of sign . No primary sign shall have lettering exceeding 18 inches in height and lettering less than 12 inches in height per line of signage.
- (3) Maximum length of sign . No primary sign shall have a length exceeding 60 percent of the linear street frontage occupied by the licensed establishment.
- (4) Maximum height of sign above grade . The top of all primary signs shall not exceed 14 feet above grade unless otherwise approved by the planning and zoning board based on architectural and aesthetic characteristics of a particular location. Building identification signs may be permitted above 14 feet above grade for buildings three or more stories in height subject to the provisions in section 17-20(t).
- (5) [Area.] Area of a sign shall be measured and defined as square footage enclosed within a projected rectangle which includes the outer extremities of all lettering, figures, symbols, and characters shown on the sign. In cases where a wall sign consists of different letter sizes, the outer extremities of the lettering shall be determined by the letter sizes which comprise more than 40 percent of the letters in a particular sign.
- (6) Secondary business signs . Businesses occupying the corner space of a corner building may have one primary sign facing the street on which its main entrance is located. A secondary sign may be displayed provided it is no greater than 50 percent of the measurements specified for a sign in subsections (1), (2), and (3) above.
- (7) [Requirements for additional signs.] In addition to the above, one additional business sign hung under a covered walkway or canopy positioned 90 degrees to the street may be permitted, provided there is a minimum vertical clearance of eight feet and such sign shall not exceed three square feet. The sign content may include the name of the business and the nature of their goods or services. A logo may be included. The sign may be double-faced.
- (8) [Mounting.] All signage affixed to a building's exterior in the B-1 district shall be affixed to the wall surface or on top of a ledge or overhang, but in no event shall signs be allowed to hang from a ledge overhang or be mounted on poles or columns supporting a ledge or overhang without prior approval of the planning and zoning board.
- (9) [Plaques, etc.] All signage which is in the form of a plaque, or signs consisting of individual letters mounted on a flat surface which is in turn affixed to the wall or other building surface, must be approved by the planning and zoning board. Except for the letters themselves, no plastic or similar materials shall be permitted.
- (10) Prohibition of exposed wiring . No face jumping or wires visibly connected to individual letters shall be permitted.

(b) Window and door signs . The foregoing section does not apply to window signs and door signs. One window signs and one door signs are permitted per business establishment. Window signs shall not exceed 25 percent of the total window glass area of each

business establishment, excluding doors. Notwithstanding the above, if a business establishment occupies a street frontage with more than 50 feet, a second window sign shall be permitted, subject to the same design criteria. Door signs shall not exceed 25 percent of the door glass area to which the sign is affixed. The maximum letter size on any window sign shall be eight inches for letters in the primary line and four inches for letters in the secondary line. The first letter of each word in the name of the business and any logos, logotypes, symbols, graphics, bandings, ascending, descending or swash letters, or combinations thereof, may be increased up to 50 percent if it is flourished in a professional manner. Window signs may be placed only on windows that form a part of the space being occupied by the advertising business, provided however that the top of any such sign may be no higher than ten feet above grade unless otherwise approved by the planning and zoning board, based on architectural and aesthetic characteristics of a particular location. Window signs shall not be illuminated from an exterior source in any manner. Window signs may include only the business name, type of business, address, telephone number, either an E-mail address or website address, and related logos. Window signs shall not state any price or dollar amount. Non-illuminated signs placed more than five feet from the face of any window surface are exempt from the provisions of this section. Professionally designed window displays are exempt from this section. (1) Credit and debit card signs . In addition to the above, each business establishment may display, at a single location on a glass window or door, decals or stickers indicating credit card or debit cards which are accepted therein, provided the total area of the decals or stickers displayed does not exceed 24 square inches. The area of such decals or stickers shall not be included in the aforementioned 25 percent window glass area limitation. No more than four credit card or debit cards names or symbols shall be displayed. Such decals or stickers shall be placed on window surfaces no more than three inches from a door or window frame or mullion near the middle portion of the window or door. All such decals or stickers shall be maintained in a good, neat and orderly condition. Deteriorated, faded or damaged (cracked/ripped) decals or stickers are prohibited and must be replaced in a timely manner. Failure to comply with the above provisions shall be deemed a code violation subject to fines and legal action. (c) Door signs may additionally state the business hours, address number, telephone number, either an E-mail address or website address, and the name of the members, agents or brokers, of the business, as well as the licensing numbers of those individuals, if same are required by law. All such lettering shall not exceed four inches in height per line; address numbers shall not exceed four inches in height. Address numbers shall be placed on the front of any back door leading to each business location for public safety purposes and deliveries. If a business does not have a street-facing door, the business may include its telephone number and website address on its window in accordance with the provisions and limitations set forth in subsection (b), above. In the instance of no window sign, the name of the business may be placed on the door with lettering not to exceed four inches in height. (d) The owner of each building shall be responsible for selecting the color of lettering to be used for all signage on his/her building. The building owner shall notify the town of the color selected, and the owner, his/her employees or agents shall be responsible for assuring that each tenant is aware of the selection. Tenants are responsible for selecting the font, style and type sign which conform with the color as chosen by the building owner and with letters in compliance with [subsection] (e) below. However, the color of the lettering contained within window signs may only consist of one of the following colors: black, white or gold. All window signs are to be uniform as to color as all other window signage on the building. (e) Primary identification signage shall consist of individual letters (e.g., channel reverse channel, cast, formed, etc.) with a minimum depth or return of one-half inch and shall be installed or mounted in such a manner that the face of the letter is a minimum of one inch from the wall or mounting surface, however, primary signage which consists of a plaque, or of individual letters mounted on a flat surface which is in turn affixed to the wall or other building surface, as provided for in section 17-20(a)(8), shall only have a minimum depth or return of one-half inch and shall be installed or mounted in such a manner that the face of the letter is a minimum of one-half inch from the wall or mounting surface. Notwithstanding the foregoing, primary signs located less than seven feet above the sidewalk grade, affixed to a wall or other

building surface, shall have a minimum depth or return of one-quarter inch. All such signage is subject to planning and zoning department approval as to aesthetics, including methods of mounting and illumination, if any. If illumination requires the use of "raceways" (boxes behind the letters to hold wiring), such shall be of the same color as the building or background behind the raceway. (f) Only one sign of each type, i.e., primary identification, window, door, shall be permitted for each retail store and business establishment, and each building shall be permitted one primary identification sign which bears the name of such building, except as provided in sections 17-21 and 17-22. The top of all signs shall not be higher than 14 feet above the sidewalk grade with the exception of building identification signs as allowed in section 17-20(t). These provisions shall be controlling over the provisions of paragraph (a) in the case of any conflict. (g) Theater signs shall not be limited by subsection (a) above, but shall be incorporated in the basic architecture of the building and approved as a whole with the building plans. However, sign installations on theaters shall be subject to application, approval and permit requirements according to section 17-3. (h) Building tenant directory signs are required for all multi-story buildings in the B-1 District in accordance with section 17-3. All building tenant directory signs must be installed adjacent to an elevator, if placed inside a lobby, or near the lobby front door and rear door, if provided, on an exterior wall surface if placed outside of a lobby. (i) Signs in atria or semi-enclosed areas are treated for all purposes and subject to regulation in the same manner as if said areas were facing the street on an exterior wall. All provisions of this section relating to exterior signs in the B-1 zone are applicable to atria or semi-enclosed areas. Notwithstanding the foregoing provisions, illuminated or non-illuminated light boxes may be installed in the pedestrian walkways connecting the walkways paralleling Kane Concourse with the rear parking areas and/or the alley separating blocks 11, 12, 20 and 21, provided a permit is applied for and approved in accordance with section 17-3. Any such light boxes shall be positioned perpendicular to Kane Concourse unless the pedestrian walkway is angled in such a manner so that the light box is not visible from any adjoining roadway. The maximum size of any single light box shall be three feet in width by five feet in height. All such light boxes shall be maintained in proper working condition and appearance with all lighting operational, no broken glass and all framing maintained. All display items within light boxes shall be limited to those products or services owned or sold by the tenant upon which the light box is attached to the exterior of portion of the building occupied by the tenant. (j) Primary identification signage and window signs may include logos. The town has discretion to approve logos and has the final authority to limit or grant approvals of logos based on aesthetics, proportions, and overall considerations of the surrounding neighborhood. (k) No awning or canopy shall be erected bearing any sign, including, but not limited to, letters and logos. However, the awning or canopy may bear the trade name of the establishment with which it is connected if the establishment does not have a primary sign on the same side of the building on which the awning or canopy is located. All provisions of the town's ordinances regulating signs must be complied with. (l) A one-time, professionally made temporary canvas or plastic sign may be displayed for a new business to state, "grand opening" on their premises for no more than 30 days upon the receipt of a permit and the payment of a \$100.00 fee. Also, a one-time, professionally made "coming soon" sign shall be permitted upon the application for a permit and payment of a \$100.00 fee. Such sign shall not exceed two feet vertical by six feet horizontal and may contain the words "Coming Soon," the name of the establishment and the nature of the business. The permit for this sign shall be issued for a period not to exceed six months. No permits shall be issued to businesses that have not filed an application for a business tax receipt with the town clerk. (m) For an existing business to promote a special occasion or sales event, a professionally made temporary canvas or plastic banner sign may be displayed to announce the event. The location of the sign must be on the site where the business is located, and may be placed in a window, door or across the building facade. If placed outdoors, any such sign shall be securely fastened to the building. Such sign shall not exceed two feet vertical by six feet horizontal. Such signs shall not be placed on the premises more than four times per calendar year and shall not be placed for more than ten days at any one time. A time period of at least 14 days must separate any placement of such signs. Prior to installing any such sign on their

premises, a permit must be obtained from the town and the posting of a bond to ensure its removal at the end of the permit period. (n) No permits may be issued for box signs and/or signs utilizing flat plastic letters affixed to a flat surface subsequent to the effective date of this section. Such signs existing as of the effective date of this section shall be considered to be nonconforming, and should be replaced with signage in conformance with this section at the earliest practicable date. All such nonconforming signage as described in this subsection shall have been removed or replaced within five years of the effective date (August 12, 1997). (o) Business located on the second floor of a building or higher, and businesses which do not occupy space directly adjacent to the street, are not permitted any signage other than door signs and building directories. This subsection (o) shall not apply to religious institutions, as religious institutions are restricted only to the second floor of a building and higher. (p) Notwithstanding the above, windows, doors, directory, temporary and interior signs may be approved by the town manager or his/her designee as long as it meets the current provisions of the Town Code as set forth in this chapter. (q) Notwithstanding any contrary provision(s) of this section, a publicly elected local, state or federal governmental official conducting a public business will be permitted to place a sign on the ground floor in the B-1 Business district which identifies his or her elected position and identity, subject to prior approval of the planning and zoning board of the town. (r) "Visitor parking," "no parking," "private parking" or other designated parking signs shall be permitted on private property to identify private parking and limitations thereto in the Business district (B-1) subject to prior approval of the town as to size, placement, and aesthetics. The "no parking" signs may be freestanding, but shall not exceed four feet in height, and shall be weighted or anchored into the ground at the bottom to keep the signs from toppling over. Not more than one sign shall be permitted at the driveway entrance(s) to a parking facility and not more than one sign per four parking spaces within an off-street parking facility. (s) For sale, for rent, or for lease signs shall be permitted in the Business district (B-1) but shall not exceed one sign on each business, shall be no greater than 1.5 square feet in size, and shall be limited to: situation (sale, rent, lease, zoning, size of property); name of owner; broker or agent; phone number/E-mail; designs or trademarks, provided such design or trademark shall be appropriate to the scale of the sign. In addition, one sign may be hung from, or attached to the approved sign for temporary use announcing one additional bit of information limited to: For rent, for lease, open, by appointment only, size, zoning, associate's or salesperson's name. A "Sold" sign may be attached to the sign for a period of 30 days subsequent to the date of the sale. All of the above signs shall not exceed 48 square inches). Signs may be double-faced. No handmade signs shall be permitted. The sign shall be placed on a stand in front of the business, but not on town right-of-way, when physically possible. If the location of the business does not permit such placement, then the sign shall be placed on the window or door so it can be seen from the street. Before any "for sale," "for rent," "for lease" or "no parking" signs are displayed, an application for a permit for such display shall be filed with the town and a fee of \$25.00 paid by the applicant to the building department who shall issue such permit if applicant has complied with all provisions of this section. If a real estate company or its agent obtains a permit for a sign and sells the property before the expiration of the permit, the sign may be transferred to another property within the town so long as the real estate company or its agent notify the building department in writing of the change in location. Such signs shall be outdoors only and in plain black lettering on white background, with no iridescent paint or coloring or other lighting, and shall be of neat professional appearance. Notwithstanding the above, a company logo or trademark may be colored, provided the logo or trademark colors are compatible and not bright iridescent "neon" colors. (t) Building identification signs . Buildings with three or more stories in height may be allowed to have building identification signs exceeding 14 feet above the sidewalk grade subject to the approval of the planning and zoning board per subsection (a)(4) and subject to the following conditions: (1) The sign(s) should be placed at the uppermost portion of the building and designed to be in proportion to the architectural facade or wall of the building upon which it is attached; (2) Such signs, if permitted, shall be attached only to building facades facing an adjoining street frontage where the land across the adjoining street is within the B-1 Business District. For the purpose of this section, the alleys between Blocks 11,

12, 20 and 21 are not considered street frontages; (3) No more than two building identification signs are allowed per building and only one sign is allowed per street frontage; (4) A building identification sign is primarily intended to identify a multi-story/multi-tenant building complex rather than a single tenant, and as such, a single tenant's name, regardless of the amount of floor space occupied, may not be used unless additional wording is included such as "plaza," "center," "tower," etc.; (5) No building identification sign shall include off-premises tenants, sponsor or advertising of any type; (6) Building identification signs, if allowed, shall be placed so as to not break important horizontal or vertical building lines or architectural features. This requirement will be considered met if none of the following types of lines are broken: a. Cornice lines; lintel or sill lines, actual or extended; belt course lines; b. Column or pilaster lines; c. Columns, decorative panels, friezes, keystones, medallions, ornamental trim, ornaments, pediments, pilasters, rosettes, windows, and similar architectural detail features. (7) The sign length should not exceed 60 percent of the architectural façade or wall of the buildings upon which it is attached; (8) The maximum overall square footage for each individual sign shall not exceed 150 square feet; (9) The maximum height of all letters, numbers or logos in a sign shall not exceed 18 inches in height. (u) Notwithstanding the above provisions, based on the proposed sign design, sign location, building height, architectural features or other unique circumstances, the planning and zoning board may vary the above criteria. If the planning and zoning board varies from the above criteria, copies of the approved sign and written reasons for the modifications shall be forwarded to the town council within 15 days. Upon receipt of the planning and zoning board's action a member of the town council or the town manager may appeal the board's decision. If the board's decision is appealed the matter shall be placed on the next available town council meeting agenda for action. (v) Sidewalk café/outdoor restaurant menu board/sandwich sign. One menu board or sandwich sign is allowed per restaurant and shall be limited to six square feet in area. The color of the sign frame and sign background shall be approved by the Town. White, grays, or wood colored earth tones are required for the above. There shall be no signage or logos displayed on umbrellas that can be seen from the public right-of-way, other than the name of the business establishment; (w) Holiday decorations. Holiday decorations are permitted to be installed up to two weeks before and one week after the specified holidays listed herein. All holiday decorations must be placed on the interior of the business. No holiday decorations may contain any business names or logos. No holiday decorations shall be placed on the Town's property. Holiday decorations are permitted on private property for the following holidays: (1) United States federal holidays. New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day; (2) Other holidays. Valentine's Day, St. Patrick's Day, Mothers Day, Flag Day, Fathers Day, Halloween; (3) Religious Holidays. (x) Vacant property . If any commercial property is vacant for more than 15 days, all glass surfaces visible to the public at street grade shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways until the property is occupied: (1) All glass surfaces visible to the public at street grade shall be covered with a town-approved material having a common design motif and a consistent predetermined color (material available at the building and zoning department); or (2) Decorative displays of the future tenant of the vacant store. Such screening shall consist of a town-approved material having a common design motif and a consistent predetermined color. Such screening material shall be mounted on a freestanding partition, attached to a wooden frame or affixed by other temporary means.

(Ord. No. 617, § 1, 4-14-97; Ord. No. 619, § 1, 6-9-97; Ord. No. 665, § 1, 7-10-2000; Ord. No. 737, § 1, 2-9-04; Ord. No. 745, § 1, 7-12-04; Ord. No. 755, § 1, 11-8-04; Ord. No. 763, § 1, 1-10-05; Ord. No. 796, § 1, 6-12-06; Ord. No. 804, § 1, 8-14-06; Ord. No. 825, § 1(Exh. A), 9-10-07; Ord. No. 829, § 1(Exh. A), 12-10-07; Ord. No. 834, § 1(Exh. A), 3-10-08; Ord. No. 861, § 1(Exh. A), 10-13-08; Ord. No. 862, § 1(Exh. A), 10-13-08; Ord. No. 880, § 1, 5-11-09; Ord. No. 883, § 1(Exh. A), 8-10-09; Ord. No. 916, § 1(Exh. A), 9-12-2011; Ord. No. 957, § 1(Exh. A), 12-9-12; Ord. No. 964, § 1(Exh. A), 6-9-14; Ord. No. 1001, § 1(Exh. A), 11-14-16)

**Sec. 23-24. - Commercial parking approval required; enclosing commercial parking lots; parking of vehicles on certain unimproved lots; prohibition of parking spaces and parking structures on private property on the ground level within 60 feet of the pedestrian right-of-way of Kane Concourse and prohibiting visibility and access from Kane Concourse; number of parking spaces required generally.**

(a) In the B-1 business district commercial parking is prohibited except on specific approval of the town council. Commercial parking is defined as the operation of parking lots either with or without a charge. Such lots shall be enclosed on all sides, except at exits and entrances, by a solid masonry wall or hedge of a type approved by the town, or both, five feet in height just within the property lines. At all exits and entrances, the wall and/or hedge shall be installed and maintained at three feet in height for a distance of 25 feet on each side of each exit or entrance. Parking of vehicles on unimproved property on any lot in Blocks 11, 12, 20 and [21](#) is prohibited, excepting vehicles owned by the property owner, unless such parking fully complies with the provisions herein set forth. In the B-1 business district, parking spaces and parking structures are prohibited on an private property on the ground level within 60 feet of the pedestrian right-of-way of Kane Concourse, and visibility and access from Kane Concourse are prohibited.

(b) Upon the occasion of any person seeking a permit for the erection, construction, reconstruction, structural alteration or addition to any buildings, the applicant for such permit shall, simultaneously with the submission of plans and specifications to the building department of the town, and simultaneously with the complying with any and all requirements therefor, specify in writing to the building department and designate on the plans for such building work an area or areas set aside for the exclusive use as parking and driveway facilities for vehicles on the building plot on which the proposed construction work is to be done, all in accordance with the provisions of this article.

(c) The number of parking spaces to be provided in particular instances is as follows:

(1)	Single-family dwelling	Two spaces
(2)	Two-family dwellings	Two spaces for each dwelling unit
(3)	Multiple-family dwellings, including townhouses	A minimum of two parking spaces shall be required on the building plot for each dwelling unit within a multiple-family development, except as provided for otherwise in this article. In addition, guest parking spaces shall be provided for multiple-family developments in accordance with the following:
		1) At least one guest parking space shall be required for each whole platted lot.
		2) Within the RM-3 zoned tracts guest parking spaces shall be provided at a rate of 5% of the total number of required parking spaces.

		3) Guest parking spaces may be counted as a subset of the total number of required parking spaces within a development site.
		4) No guest parking spaces are required for townhouse developments that have the front of the dwelling unit facing directly on a public roadway with access to a garage. In this instance the individual dwelling unit driveway connecting the public road to the garage shall serve for guests. For townhouse developments with garages or parking facilities that are interior to the site, additional guest parking spaces are required at a rate of one parking space per platted lot.
		5) Through the Town's site development plan process the Town may allow dimensional variations of landscape strips to provide such guest parking spaces or for drop-off areas at building entrances. In no event shall the minimum percentage of green open space be reduced.
		6) All required guest parking spaces shall be placed within the development site. Guest parking spaces shall not be located on remote public or private parking lots/garages without prior approval of the Town Council.
		7) All required guest parking spaces shall be located in the front yard areas of a site, unless otherwise approved by the Planning and Zoning Board. Guest parking spaces may be co-designated as temporary delivery/loading areas. At least one guest parking space shall be so co-designated. All guest parking spaces/drop-off areas shall be noted by the use of signage/pavement markings.
		8) Notwithstanding the above, no guest parking spaces are required for a single-lot development site that is built without using TDR units. If any TDR units are requested guest parking spaces shall be required.
(4)	Hotels	One space for each of the first 20 individual guest rooms. One added space for each two guest rooms, or fraction thereof, in excess of 20.
(5)	Restaurants, public dining rooms, bars, private clubs, cocktail lounges	One parking space for each 100 square feet of customer service area. The above shall not be intended to include food and drink preparation areas, bathrooms, waiting areas or storage areas.

(6)	Retail, commercial, personal service, miscellaneous uses and business uses	One space for each 300 square feet of net floor area.
(7)	Office and professional uses	One space for each 300 square feet of net floor area
(8)	Private banking operations	A minimum of one space for each 475 square feet of net floor area or fraction thereof.
(9)	Places of assembly, religious institutions	One space for every four fixed seats, or one space for every six feet of bench seats, or one space per 60 square feet of net floor area for seating.
(10)	Public schools	The town adopts the minimum off-street parking requirements listed in F.S. chapter 423.10.2.8 as of July 1, 2005, and/or as modified as listed hereinafter: Faculty and staff—One parking space for each member of the faculty and staff (including administration, teachers and support staff); Visitors—One parking space for each 50 students; Community Clinic—Ten parking spaces, including at least one accessible space; High Schools—One space for every ten students in grades 11 and 12.

(d) Whereas, multifamily buildings of more than one story in height generate a gross multitude of cars parked in the setback areas as well as all around the multifamily buildings themselves and thereby adversely affect the aesthetic beauty of the East Island of Bay Harbor Islands; and whereas multifamily buildings of one story do not create the poor appearance of a gross multitude of cars because not so many cars are parked around the perimeters of such one-story multifamily buildings; now, therefore, no automobiles or vehicles of any kind shall be parked in the setback area of any multifamily buildings in the East Islands which exceed one story in height, unless such multifamily buildings are presently constructed, except as allowed below.

*Multifamily development parking design criteria.*

- (1) A single-story multifamily building or townhouse may have required surface parking within the minimum building setback areas. A minimum ten-foot-wide landscape strip shall be provided between the street right-of-way line and any parking space or drive aisle and a minimum five-foot-wide landscape strip shall be provided between the interior lot line and any parking space or drive aisle. For townhouse developments, see subsection (5) below.
- (2) Off-street parking for multifamily buildings with more than one story shall be required to have, at a minimum, the following setbacks:

	Waterfront	Side Yards	Streets
Ground Level	10 feet	5 feet	5 feet
Below Grade	5 feet	5 feet	10 feet

- (3) Below-grade parking must shield the parking spaces and structure from view from all sides with decorative walls, earthen berms and landscaping.
- (4) Parking garages must meet the minimum setback requirements found with the appropriate multifamily zoning district; however, a below grade parking structure may cantilever to the setbacks established in this section. If a parking garage structure is provided above grade, the building facades of the parking garage facing adjoining development sites shall be closed-in and/or screened as required by the Planning and Zoning Board so that vehicular visibility, noise or odors emanating onto adjoining lots is minimized. If mechanical ventilation is used for the parking garage it shall be vented to outdoor areas and designed in such a manner to minimally impact adjoining residential development sites.
- (5) All multifamily developments shall provide for a designated drop-off area to a walkway at the building entrance into a lobby by the use of a driveway or shared driveway that does not block the normal flow of traffic for more than a few moments. This provision shall not apply to townhouse developments or development sites of one platted lot.
- (6) Special provisions for townhouse developments. Notwithstanding the above, due to the unique design characteristics of townhouse developments, the following variations in the design standards apply:

a.

Townhouse developments are strongly encouraged to provide access to on-site parking areas and parking garages through internal driveways and frontage roads to minimize the number of driveway connections to adjoining roadways. When possible, garage doors should face either side or rear property lines and adequate screening from adjoining properties shall be provided.

b.

For instances where townhouse units are approved in a row where each unit provides a direct driveway connection from an adjoining roadway to an on-site parking space or garage, driveway connections shall be limited to a maximum width of 12 feet for a single driveway and 18 feet for a double driveway at the curb line. Individual driveways shall be separated by landscaped islands of at least two feet in width and designed to include privacy walls or fences, shrubs and small trees/palm species to avoid a continuous

hardscape appearance and to provide privacy between individual units. Not more than 50 percent of a property street frontage may have hard driveway surfaces. The remaining land must be landscaped area.

b.

Townhouse developments shall provide a minimum of two parking spaces. At least one of the parking spaces shall be within a fully enclosed garage within each unit. Each parking space shall be accessible without driving over or through another parking space.

(e)

Notwithstanding the above, existing buildings in the B-1 business district shall be exempt from the parking requirements of subsection (c)(5) and (6) as of the effective date of this ordinance [Ord. No. 1008, adopted May 8, 2017]. For purposes of this section an existing building is defined as one that is present, available and in operation as of the effective date of this ordinance and shall not include any future development that have not received a certificate of occupancy as of the date of this ordinance [Ord. No. 1008, adopted May 8, 2017].

(f)

Parking requirements for restaurants approved as a mixed-use development in the Gateway District which open only for dinner between the hours of 6:00 p.m. and 2:00 a.m are exempt from the parking requirements set forth above. Town licenses for restaurants which are open for business only between the hours of 6:00 p.m. and 2:00 a.m. shall specify on their faces that the license is restricted to the hours between 6:00 p.m. and 2:00 a.m., and if the restaurant is open for business before or after such hours, the license is void unless arrangements are made to secure additional parking spaces, pay into the parking trust, or the town has approved a parking reduction order. This exemption shall only be applicable to the Gateway District.

(g)

Buildings that are enlarged in floor area, volume, capacity or space occupied shall provide the additional off-street parking facilities as specified above.

(Ord. No. 130, §§ 4, 5, 6-8-59; Ord. No. 133, § 1, 12-14-59; Ord. No. 217, § 2, 3-31-69; Ord. No. 266, §§ 1, 2, 7-20-73; Ord. No. 350, § 1, 4-9-79; Ord. No. 387, § 1, 2-9-81; Ord. No. 405, § 1, 12-2-82; Ord. No. 659, § 1, 3-13-00; Ord. No. 688, § 1, 9-10-01; Ord. No. 738, 2-9-04; Ord. No. 740, § 2, 3-8-04; Ord. No. 747, § 4, 8-16-04; Ord. No. 770, § 1(Exh. A), 5-9-05; Ord. No. 779, § 1(Exh. A), 9-12-05; Ord. No. 810, § 1(Exh. A), 10-9-06; Ord. No. 813, § 1(Exh. A), 1-8-07; Ord. No. 949, § 1(Exh. A), 5-13-2013; Ord. No. 950, § 1(Exh. A), 6-10-2013; Ord. No. 951, § 1(Exh. A), 6-10-2013; Ord. No. 1008, § 1, 5-8-17)

## **Noise Regulations**

### **Sec. 12-20. - Purpose.**

The purpose and intent of this article is to control and restrict noises that may cause hardship or offense to residents or disrupt their right to the quiet enjoyment of their property.

(Ord. No. 30, § 1, 4-14-51; Ord. No. 42, § 1, 12-10-51; Ord. No. 647, § 1, 4-12-99; Ord. No. 938, § 3, 8-6-2012)

### **Sec. 12-21. - Definitions.**

Appliance means any air conditioner, pool pump, clothes washer, clothes dryer, or generator in service within the town prior to the effective date of this section.

Commercial landscaping means the cutting or trimming of grass, trees, shrubs or other foliage by a business entity or individual other than the owner or resident of the property for a fee.

Construction activity means any activity associated with the construction, renovation, repair alteration or demolition of any building, structure or any part thereof.

Noise means any audible sound emanating from any source.

Noise disturbance means any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, or which unnecessarily interferes with the enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities. Noises measured at an A-weighted equivalent sound level (Leq) in excess of 65 decibels between the hours of 9:00 a.m. and 10:00 p.m. (daytime decibel levels) or in excess of 60 decibels between the hours of 10:00 p.m. and 9:00 a.m. (nighttime decibel levels), taken with a calibrated sound level meter at the location of the dwelling unit or premises of the complaining party shall be considered prima facie evidence of a violation of this article. If there is no complaining party, the measurement shall be taken at approximately 100 feet from the property from which the noise is emanating.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and A-weighted sound level network with fast and slow integrating time constants used to measure sound pressure levels. The sound level meter shall be capable of measuring the A-weighted equivalent sound level (Leq) and maximum sound level. The period of time over which sound levels are measured shall reflect the nature of the sound.

(Ord. No. 938, § 3, 8-6-2012)

**Sec. 3-2. - License required.**

No person shall engage in, manage, operate or cause to be operated the business of vendor, as defined herein, without first procuring a license therefor as provided by statute and pay the amounts fixed and required.

**Sec. 3-3. - License payment.**

Annual licenses shall be paid at the time required by statute.

Provided, further, if the holder of a license hereunder shall make a bona fide sale of the business for which the license was issued, and the vendee in said sale shall apply for and receive and pay for a similar license for the identical location, the vendor in said sale may make application for the voidance of such license so issued to him and 50 percent of the sum of money paid by the vendee in such sale for said similar license shall forthwith be refunded to the vendor in said sale.

(Ord. No. 8, § 3, 3-6-48)

**Sec. 3-4. - Transfer or assignment of license.**

No license shall be transferable or assignable except as provided by statute.

**Sec. 3-5. - No license tax exemption.**

There shall be no exemptions from license taxes except as provided by statute.

**Sec. 3-6. - Doing business without license; license amounts.**

No person shall engage in or manage, carry on or conduct the business of a vendor or club, without first obtaining a separate annual license for each location in the town.

**Sec. 3-7. - Sale in filling stations and motion picture theaters.**

No liquor or intoxicating beverage of any nature whatsoever, including wines, liquors, porter, ale or beer, shall be sold in any gasoline filling station, nor in any motion picture theater, nor in any room opening directly or indirectly into or in connection with any motion picture theater.

(Ord. No. 8, § 7, 3-6-48)

**Sec. 3-8. - Stamps, marks and labels required.**

No liquor, wine, beer, ale or other intoxicating beverages shall be sold to any person under this chapter where the container thereof does not have and bear the stamps, marks and labels required by the laws of the United States and the state relating to intoxicating beverages.

(Ord. No. 8, § 8, 3-6-48)

**Sec. 3-9. - Curb service.**

No liquor or intoxicating beverages except beer and ale shall be sold or served to persons in automobiles and all curb service of liquor and intoxicating beverages except beer and ale is hereby prohibited.

(Ord. No. 8, § 9, 3-6-48)

Sec. 3-10. - Wholesale license required for sale for resale.

No wholesale vendor licensed hereunder shall sell to any person for resale within the town, any liquors, wine, beer, ale or intoxicating beverages except those persons holding a license therefor.

(Ord. No. 8, § 10, 3-6-48)

Sec. 3-11. - Purchase by retailers from wholesaler, etc., licenses.

No retail vendor licensed under this chapter shall purchase any liquors, wines, beer, ale or intoxicating beverages from any person other than a licensed wholesale vendor, distiller, rectifier or winery licensed as such within the state, or directly from manufacturers licensed by the United States of America.

(Ord. No. 8, § 11, 3-6-48)

Sec. 3-12. - Persons to whom sale prohibited.

Alcoholic beverages or liquors shall not be sold:

(a) To any person who is intoxicated, nor to any person who is known to be an habitual drunkard. (b) To any patient under the supervision or control of any state hospital, whether such patient be on furlough, or otherwise. (c) To any person actually less than 18 years of age.

(Ord. No. 8, § 12, 3-6-48)

Sec. 3-13. - Purchase by minor; placard.

It shall be unlawful:

(a) For any minor of the age of 17 years or under to enter the premises of any vendor for the purpose of purchasing or having served or delivered to him or her any liquor, wine or beer. (b) For any minor of the age of 17 years or under to misrepresent his age for the purpose of inducing any vendor or any employee of any vendor to sell or serve any liquor, wine or beer to him. (c) For any minor of the age of 17 years or under to purchase, or attempt to purchase or have another purchase for him or her, any liquor, wine or beer at the premises of a vendor. (d) For any parent or guardian to intentionally permit any minor child of which he may be the parent or guardian to violate the provisions of this section. (e) For any retail vendor to fail to display prominently at all times in the place of business of such vendor a printed card which shall read substantially as follows:

"WARNING TO MINORS

MALE OR FEMALE PERSONS UNDER 18 YEARS OF AGE ARE SUBJECT TO FINE UNDER TOWN ORDINANCE IF THEY:

1. ENTER LICENSED PREMISES TO BUY OR HAVE SERVED TO THEM ALCOHOLIC BEVERAGES;  
2. PURCHASE OR ATTEMPT TO PURCHASE OR GET ANOTHER TO PURCHASE ALCOHOLIC BEVERAGES;  
3. MISREPRESENT THEIR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC BEVERAGES."

(Ord. No. 8, § 13, 3-6-48)

Sec. 3-14. - Hours of sale; operation of nightclubs—On-premises consumption and package sales on weekdays.

No vendor of liquors, beer, wine, or intoxicating beverages of any nature shall sell, offer for sale, deliver, serve or permit to be consumed upon the premises of such vendor, any liquors, beer, or wine, or intoxicating beverages of any nature on any weekday between the hours of 2:00 a.m. and 8:00 a.m., except January first, and no such vendor, except as set forth in section 3-15, hereinafter set forth, shall sell, offer for sale, or deliver any liquors, beer, or wine, or any intoxicating beverages of any nature whatsoever by the package, bottle, or container on any weekday between 8:00 p.m. and 8:00 a.m., except January first, and every such vendor shall close and keep closed his place of business and shall not allow customers to remain therein during the hours in which sales are prohibited.

(Ord. No. 8, § 14, 3-6-48; Ord. No. 81, § 1, 3-11-55; Ord. No. 118, § 1, 3-10-58)

Sec. 3-15. - Same—Package sales exclusively.

No vendor of liquors, beer, or wine or any intoxicating beverages of any nature exclusively by the package, bottle, or container which vendor does not sell such beverages to be consumed upon the premises of such vendor, shall sell, offer for sale, or deliver any liquors, beer, wine or any intoxicating beverages of any nature whatsoever by the package, bottle, or container on Sundays nor on any week day between the hours of 8:00 p.m. and 9:00 a.m.; and every vendor shall close and keep closed his place of business and shall not allow customers to remain therein during the hours in which sales are prohibited.

(Ord. No. 8, § 14, 3-6-48; Ord. No. 81, § 2, 3-11-55; Ord. No. 118, § 2, 3-10-58; Ord. No. 165, § 1, 5-13-63)

Sec. 3-16. - Same—On-premises consumption and package sales on Sundays.

No vendor of liquors, beer, wine, or intoxicating beverages of any nature shall sell, offer for sale, deliver, serve or permit to be consumed upon the premises of such vendor, any liquors, beer, or wine, or any intoxicating beverages of any nature on any Sunday between the hours of 2:00 a.m. and 1:00 p.m., except January first, and no such vendor shall sell, offer for sale, or deliver any liquors, beer, or wine, or any intoxicating beverages of any nature whatsoever by the package, bottle, or container at any hour on Sunday, except as provided for in the foregoing section 3-15, and except on January first.

(Ord. No. 8, § 14, 3-6-48; Ord. No. 81, 3-11-55; Ord. No. 118, § 3, 3-10-58)

Sec. 3-17. - Same—Nightclubs prohibited.

Nightclubs within the territorial limits of the town are prohibited. The term "nightclub" shall mean restaurant, dining room, or other establishment where intoxicating liquor is sold, given away or consumed on the premises, and where floor shows or other forms of entertainment, in addition to music, are provided for guests.

(Ord. No. 81, § 3, 3-11-55; Ord. No. 118, § 4, 3-10-58)

Sec. 3-18. - Slot machines and games prohibited.

No vendor licensed under subsection (a), (c) or (d) of section 3-6 hereof shall permit or allow any jukeboxes, pinball machines, games of skill or chance on the premises of said vendor, or in any room

where liquor is sold, or any room connecting directly or indirectly therewith through stairways, hallways, doors or other means of ingress or egress.

(Ord. No. 8, § 15, 3-6-48)

Sec. 3-19. - View of interior; passageways to other premises; signs indicating liquor sales.

No licensed vendor shall permit or allow on his premises where such liquor or alcoholic beverages are sold:

(a) Any swinging entrance doors; (b) Any box, stall, partition, or any obstruction which prevents a full view of the entire room by every person present therein; (c) Any opening or means of entrance or passageway for persons or things between the licensed premises and other rooms or places in the building containing the licensed premises, or any adjoining or abutting building, except where said licensed premises adjoins a restaurant or hotel lobby. All glass in any window or door on said licensed premises shall be clear and shall not be opaque, colored, stained or frosted; (d) Any display sign visible from the street indicating that liquor is offered for sale.

(Ord. No. 8, § 16, 3-6-48)

## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### **Contact Information**

#### **Hotlines**

- Consumer Assistance and Information: 1-800-HELP-FLA or 1-800-435-7352
- Arson Hotline: 1-800-342-5869
- Plant Industry Helpline: 1-888-397-1517
- Fair Rides 24-Hour Accident Reporting: 1-800-663-3542

#### **General Resources**

- [FAQ](#): See the top 10 most frequently asked questions about the Florida Department of Agriculture and Consumer Services.
- [A-Z Resource Guide](#): Find contact numbers by subject.

#### **Mailing Address**

Florida Department of Agriculture and Consumer Services

Plaza Level 10, The Capitol

400 S. Monroe St.

Tallahassee, FL 32399-0800

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#### **Need Assistance?**

(Mon.– Fri. 8 a.m.–5 p.m. EST)

1-800-HELP-FLA (1-800-435-7352)

En Español: 1-800-FL-AYUDA (1-800-352-9832)

#### **FDACS Custodian of Records**

Steven Hall, General Counsel

(850) 245-1000

# Food Safety FAQ

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## Where can I find information about food safety?

Information can be obtained from the following:

- Florida Department of Agriculture and Consumer Services, 1-800-HELP FLA, (850) 245-5520
- U.S. Department of Agriculture, 1-800-535-4555
- U.S. Food and Drug Administration, 1-800-332-4010

### **To build and open a new restaurant. Where do I start?**

You need to submit a completed Application for Plan Review packet with all required documents to our plan review office in Tallahassee so the plans can be reviewed for approval prior to the start of any construction. You also have the option to submit your license application and licensing fee with the plan review application. Detailed instructions can be accessed at the division home page.

Plans for all establishments should be mailed to or dropped off at:

- **Department of Business and Professional Regulation**

Division of Hotels and Restaurants Plan Review Office

2601 Blair Stone Road

Tallahassee, Florida 32399-1011

The plan review application packet includes a checklist to help you make sure you submit everything correctly. You may call the Customer Contact Center at 850-487-1395 if you have any questions about the application or plan review requirements.

### **References:**

- [F.S., Section 509.032\(2\)\(e\), Duties](#)
- [F.S., Section 509.241, Licenses Required; exceptions](#)
- [F.A.C., Section 61C-1.002\(5\)\(c\), Plan Reviews and Variances](#)
- [F.A.C., Rule 61C-1.008\(5\)\(c\), License Fees](#)

### **More Details:**

- [DBPR EZ Apply Menu](#)
- [Division of Hotels and Restaurants Home](#)
- [Food Service Plan Review Information](#)
- [Plan Review Variances](#)
- [General Plan Review Guide](#) (PDF)
- [Mobile Food Dispensing Vehicle Plan Review Guide](#) (PDF)
- [Hot Dog Cart Plan Review Guide](#) (PDF)
- [Public Food Service and Plan Review Listings](#)
- [New Operator's Training Guide](#) (PDF)
- [Food Service and Lodging Licensing](#)
- [Applying for a Food Service or Lodging License](#)
- [Food Service and Lodging Licensing Guides](#)