



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

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4668 / 954.786.4633 Fax: 954.786.4666

**Affidavit:
Sexually Oriented Business**

State of Florida}
County of Broward}

I _____ am the _____ of the business known as
(Print Name) (Title)

_____ located at _____ in the City of Pompano Beach, FL.
(Business Name) (Address)

I acknowledge that the above business location is NOT zoned for a Sexually Oriented Business, which per City of Pompano Beach **Zoning Code Section 155.4224.A.3** includes the following:

- a. Adult Book, Adult Novelty, Or Adult Video Store;
- b. Massage Establishment, Unlicensed;
- c. Any premises where members of the public or any person for consideration may participate in or may observe or view any activity, live or recorded performance, or any visual images tangibly fixed in any medium, which activity, performance, image, or recording has an emphasis on, or has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or
- d. Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. Ch. 847.

I further acknowledge that there will be NO Sexually Oriented Business at the above business location; as defined in City of Pompano Beach **Zoning Code Section 155.4224.A.3**. (SEE ATTACHED)

BEFORE ME, the undersigned authority, personally appeared _____ (PRINT NAME) who after being duly sworn, deposes and says: *That I am the person whose signature appears below, and that the information I have provided above in this document is true and correct.*

Signature: _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____ 20 ____, in Pompano Beach, Broward County, Florida.

Notary Public
Seal of Office

Notary Public, State of Florida

(Print Name of Notary Public)

_____ Personally Known

_____ Produced Identification

Type of identification Produced:



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155.4224. COMMERCIAL: SEXUALLY ORIENTED BUSINESSES

A. Sexually Oriented Business

1. Purpose

Sexually oriented businesses are recognized as having certain serious and objectionable operational characteristics and deleterious secondary effects on adjacent areas, particularly when several sexually oriented businesses are concentrated or when they are located in close proximity to residential neighborhoods and uses involving the assembly of children or other vulnerable or sensitive persons. Special regulation of these uses is necessary to ensure that these adverse effects do not contribute to the degradation or decline of surrounding neighborhoods. The primary intent of the following standards is to prevent the concentration of sexually oriented businesses in any one location and separate them from residential neighborhoods and vulnerable uses.

2. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
			P													

3. Definition

A sexually oriented business includes any of the following establishments or premises:

a. Adult Book, Adult Novelty, or Adult Video Store

A retail establishment that offers for sale or rent books, magazines, other periodicals, videos, discs, slides, photographs, instruments, devices, paraphernalia, or other printed matter or graphic media that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities, or specified anatomical areas, and which materials constitute 20 percent or more of the establishment's inventory at any time, or are displayed on more than 20 percent of that portion of the establishment's floor area used for public display of stock; or

b. Massage Establishment, Unlicensed

An unlicensed massage establishment is an establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are not licensed massage therapists under Chapter 480 of the Florida Statutes, or athletic trainers employed by on behalf of educational or professional athletic teams, or licensed physicians, nurses, or other health care practitioners engaged in the practice of their profession. A massage may also include bathing or application of oils, lotions, or similar preparations to the human body. An unlicensed massage establishment does not include a therapeutic massage establishment; or

c. Any premises where members of the public or any person for consideration may participate in or may observe or view any activity, live or recorded performance, or any visual images tangibly fixed in any medium, which activity, performance, image, or recording has an

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emphasis on, or has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or
d. Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. Ch. 847.

4. Standards

a. Separation Requirements

A new sexually oriented business shall be separated from certain existing uses and zoning in accordance with [Table 155.4224.A.4](#): Minimum Separation from Certain Existing Uses and Zoning.

TABLE 155.4224.A.4: MINIMUM SEPARATION FROM CERTAIN EXISTING USES AND ZONING

TABLE 155.4224.A.4: MINIMUM SEPARATION FROM CERTAIN EXISTING USES AND ZONING ¹	
Existing Use/Zoning	Minimum Separation
	Sexually Oriented Business
Child care facility	1,000 feet ²
School	
Other sexually oriented business	
Park	
Place of worship	
Residential zoning district	
Alcoholic Beverage Establishment	
NOTES:	
1. Compliance with these separation standards shall not be affected by the subsequent establishment of one of the uses or zoning from which separation is required on a property closer than the required separation distance. In such a case, the sexually oriented business shall be construed as continuing to comply with the separation standards.	
2. Separation shall be measured as the shortest distance between the property lines of the lot containing the sexually oriented business and the nearest property lines of the lots containing the use or zoning from which separation is required.	

b. Customary Accessory Uses

The maximum cumulative aggregate gross floor area of all accessory uses on a parcel shall be 49% of the gross floor area of a principal building or use on the development site.

- i. Bar or Lounge.
- ii. Restaurant.
- iii. Specialty eating or drinking establishment.
- iv. Retail Sales (provided the gross floor area occupied by the retail sales use does not exceed 20 percent of the gross floor occupied by the principal use).

c. Exterior Observation and Display Prohibited

No sexually oriented business shall be conducted in any manner that permits any person on any parcel of property or public right-of-way within the city, other than the parcel upon which the sexually oriented business is located, to observe any live or recorded performance, or any visual image tangibly fixed in any medium, which performances, images or recordings have as their primary or dominant theme subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or which performance, recording, or visual



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image requires the exclusion of minors pursuant to F.S. Ch. 847, other than such observation as may occur as a result of the observer's intentional reception of such a performance, recording, or visual image within an enclosed structure.

d. Presentations in Enclosed Rooms

No sexually oriented business shall permit or maintain any enclosed room for use by any member of the public, other than restrooms, and dressing rooms which are not viewable or accessible by patrons, unless each such room is greater than 500 total square feet in size.

e. Punitive Standards and Right to Appeal

- i. Other than the procedures to appeal the decision of the City's Development Services Director as provided for in subsection iii below, no variances from the standards listed in Section [155.4224.A.3](#) or [155.4224.A.4](#) shall be permitted for any reason.
- ii. No zoning conditions, restrictions, safeguards, or standards shall apply to or be imposed on any sexually oriented business, other than those prohibitions and restrictions expressly set forth in this section and in the city's code of ordinances.
- iii. A party aggrieved by the final decision of the Development Services Director on an application to establish a Sexually Oriented Business may appeal the Decision to the ZBA in accordance with the procedures and standards in Section [155.4224](#), Appeal.