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**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2407, "SITE PLAN," TO DELETE THE REQUIREMENT OF A DEVELOPMENT ORDER FOR A MINOR SITE PLAN FOR A SIDEWALK CAFÉ; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," BY DELETING THE REQUIREMENT FOR MINOR SITE PLAN APPROVAL FOR A SIDEWALK CAFÉ PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.247, "Site Plan," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.247 SITE PLAN

...

B. APPLICABILITY

...

2. Minor Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Minor Site Plan in accordance

with this section is required before issuance of a Zoning Compliance Permit for any development other than those for which a Major Site Plan is required in accordance with subsection 1 above. ~~A development order for a Minor Site Plan is also required before the issuance of a Zoning Compliance Permit for a Sidewalk Café accessory to an existing eating or drinking establishment.~~

...

SECTION 2. That Section 155.4303, "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4303 STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

V. OUTDOOR SEATING, INCLUDING SIDEWALK CAFES (AS ACCESSORY TO AN EATING AND DRINKING ESTABLISHMENT)

...

1. Districts Where Permitted

...

3. Standards

Outdoor seating is allowed as an accessory use to any eating or drinking establishment subject to the following standards:

- a. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the outdoor seating area at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor seating area, and that would disturb the peace, quiet, or comfort of adjoining properties.

...

g. SIDEWALK CAFES.

The following standards are applicable only to Sidewalk Cafes:

~~i. Existing eating or drinking establishments seeking a sidewalk café permit shall be required to obtain Minor Site Plan approval.~~

ii. A sidewalk café permit issued pursuant to this section expires annually on September 30.

iii ii. Insurance / hold harmless requirements

The operator of the eating or drinking establishment shall enter into a Hold Harmless agreement with the city that has been approved as to form by the City Attorney and includes the following:

...

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 8th day of April, 2014.

PASSED SECOND READING this 22nd day of April, 2014.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
3/24/14
L:ord/ch155/2014-205