

ORDINANCE NO. 2014-48

**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 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO PERMIT BREWPUBS WITH CONDITIONS; AND TO REVISE DESIGN STANDARDS FOR PARKING DECKS AND GARAGES; AND BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO PERMIT BREWPUBS WITH CONDITIONS; 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 155.3703, "Atlantic Boulevard Overlay District (AOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

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C. MODIFIED USE STANDARDS

1. Permitted Uses

Uses in the Atlantic Boulevard Overlay district shall be subject to the use standards applicable in the underlying base zoning district except as otherwise provided below.

a. Permitted Principal Uses

Irrespective of the use standards applicable in the underlying base zoning district, and except as otherwise provided in subsection 2 below, the following modified use standards shall apply to principal uses in the Atlantic Boulevard Overlay district:

i. A hotel or motel shall be a permitted use in any underlying multifamily residential (RM-) or commercial base district.

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iv. Brewpubs may be permitted to produce up to 930,000 gallons of fermented malt beverage annually, provided they comply with the following standards:

(A) No more than 75% of the total gross floor area of the brewpub shall be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

(B) At least 10% of the total gross floor area or 1,000 square feet, whichever is greater, shall be used for an accessory commercial component (i.e., tasting room and retail showroom); and

(C) The brewery function shall be carried out so as to not allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the brewpub.

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F. DESIGN STANDARDS

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6. Parking Deck or Garage Design

A parking deck or garage shall be designed in accordance with the following design standards:

a. Vehicular entranceways and exits shall be provided from a side street where feasible and shall be only as wide as necessary to safely accommodate vehicular and pedestrian traffic into and out of the parking deck or garage.

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~~e. At least 75 percent of the width of the ground level street facing facade(s) of a parking deck or garage shall be occupied by commercial or institutional uses (which may include display windows). Such occupied space shall extend at least 20 feet into the structure.~~

~~d. A parking deck or garage with occupied space above a ground level parking area shall provide occupied space at least 20 feet deep along the structure's ground level street facing facade.~~

e c. Upper floor elevations of a parking deck or garage that are visible from a public street shall be treated with a high quality architectural design, screening, and finish that is intended to mitigate the appearance of an open structured parking facility.

d. Ground Level Standards. Facades which face a street shall provide habitable space along the ground level façade in accordance with the following standards:

i. A parking deck or garage with occupied space above a ground-level parking area shall provide occupied space at least 20 feet deep along the structure's ground-level street-facing facade.

ii. A parking deck or garage with only one street-facing façade shall provide at least 75% of the width of the street-facing façade with habitable space. Such habitable space shall extend at least 20 feet into the structure.

iii. A parking deck or garage with more than one street-facing façade shall provide at least 75% of the width of one of the street-facing façades with habitable space. Such habitable space shall extend at least 20 feet into the structure. The other street facing facades shall either provide 75% habitable space, or they shall comply with the standards listed below. Except that facades facing East Atlantic Boulevard, Pompano Beach Boulevard, or Federal Highway shall provide the 75% habitable space.;

(A) All architectural elements that face the street shall appear consistent and harmonious with that of habitable space;

(B) The facade shall be articulated in a manner that promotes pedestrian activity including the provision of pedestrian-oriented street furniture or other seating surfaces, hardscaping and landscaping, awnings, and alternative paving materials in areas of pedestrian access; and

(C) No vehicles parked within the garage shall be visible from the street.

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SECTION 2. That Section 155.3708, "Downtown Pompano Beach Overlay District (DPOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3708. DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DPOD)

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H. USE REGULATING PLAN AND MODIFIED USE STANDARDS.

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1. Use Regulating Plan

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4. Modified Use Standards

The following use-specific standards are modified for the DPOD:

a. The following Health Care Uses are permitted provided there is no overnight treatment or stays:

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h. Brewpubs may be permitted to produce up to 930,000 gallons of fermented malt beverage annually, provided they comply with the following standards:

i. No more than 75% of the total gross floor area of the brewpub shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

ii. At least 10% of the total gross floor area or 1,000 square feet, whichever is greater, shall be used for an accessory commercial component (i.e., tasting room and retail showroom); and

iii. The brewery function shall be carried out so as to not allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the brewpub.

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 July, 2014.

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



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
6/24/14
L:ord/ch155/2014-296