

orig. 40

ORDINANCE NO. 2015-11

**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 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PERMIT OUTDOOR SEATING FOR EATING AND DRINKING ESTABLISHMENTS AS AN ACCESSORY USE IN THE I-1 ZONING DISTRICT, TO PERMIT EATING AND DRINKING ESTABLISHMENTS AS AN ACCESSORY USE IN THE PR ZONING DISTRICT, TO REVISE THE DEFINITION OF EATING AND DRINKING ESTABLISHMENTS, AND TO REVISE REQUIREMENTS FOR OFF-STREET PARKING FOR EATING AND DRINKING ESTABLISHMENTS; BY AMENDING 155.5102, "OFF-STREET PARKING AND LOADING," TO ADD BOTH ACCESSORY USES AS DESCRIBED ABOVE TO THE MINIMUM OFF-STREET PARKING TABLE IN SAID SECTION; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; 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 155.4303, "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**

|          |          |          |          |          |          |              |           |           |           |           |           |     |     |     |     |
|----------|----------|----------|----------|----------|----------|--------------|-----------|-----------|-----------|-----------|-----------|-----|-----|-----|-----|
| R<br>S-1 | RS<br>-2 | RS<br>-3 | RS<br>-4 | RS<br>-L | RD<br>-1 | R<br>M-<br>7 | RM<br>-12 | RM<br>-20 | RM<br>-30 | RM<br>-45 | MH<br>-12 | B-1 | B-2 | B-3 | B-4 |
|          |          |          |          |          |          |              |           |           |           |           |           | A   | A   | A   | A   |

|         |    |          |      |     |         |    |        |        |        |   |        |          |         |           |     |      |
|---------|----|----------|------|-----|---------|----|--------|--------|--------|---|--------|----------|---------|-----------|-----|------|
| M-<br>1 | CR | I-1      | I-IX | OIP | M-<br>2 | TO | P<br>R | C<br>F | P<br>U | T | B<br>P | RPU<br>D | PC<br>D | PD-<br>TO | LAC | PD-1 |
| S       | S  | <u>A</u> |      | A   |         | A  |        |        |        |   |        | A        | A       | A         | A   | A    |

...

**PP. EATING AND DRINKING ESTABLISHMENTS (AS AN ACCESSORY USE TO A HOTEL OR APARTMENT HOTEL)**

**1. Districts Where Permitted**

|          |          |          |          |          |          |              |           |           |           |           |           |         |         |         |         |
|----------|----------|----------|----------|----------|----------|--------------|-----------|-----------|-----------|-----------|-----------|---------|---------|---------|---------|
| R<br>S-1 | RS<br>-2 | RS<br>-3 | RS<br>-4 | RS<br>-L | RD<br>-1 | R<br>M-<br>7 | RM-<br>12 | RM-<br>20 | RM-<br>30 | RM-<br>45 | MH<br>-12 | B-<br>1 | B-<br>2 | B-<br>3 | B-<br>4 |
|          |          |          |          |          |          |              |           | S         | S         | S         |           |         | S       | A       | A       |

|         |        |     |      |         |         |        |          |        |        |   |        |          |         |           |             |      |
|---------|--------|-----|------|---------|---------|--------|----------|--------|--------|---|--------|----------|---------|-----------|-------------|------|
| M-<br>1 | C<br>R | I-1 | I-IX | OI<br>P | M-<br>2 | T<br>O | P<br>R   | C<br>F | P<br>U | T | B<br>P | RPU<br>D | PC<br>D | PD-<br>TO | L<br>A<br>C | PD-1 |
| S       | A      | A   |      | A       |         | A      | <u>A</u> |        |        |   |        |          | A       | A         | A           | A    |

## 2. Definition

Eating and drinking establishments as an accessory use are a bar or lounge, brewpub, hall for hire, nightclub, restaurant, or specialty eating or drinking establishment on the site of a hotel ~~or apartment hotel~~. This use also includes brewpubs, restaurants, or specialty eating or drinking establishments that are accessory to any principal use in the PR District.

## 3. Standards

Eating and drinking establishments ~~as accessory to~~ located on the site of a hotel or motel shall comply with the following standards:

- a. An eating or drinking establishment shall only be permitted in the RM-20, RM-30, and RM-45 zoning districts provided the hotel ~~or apartment hotel~~ has 50 or more rooms.
- ~~b. In all zoning districts, if the establishment's cumulative gross square footage is less than 20% of the gross floor area of the hotel or apartment hotel use, and no exterior signage is provided for the establishment, no off-street parking shall be required.~~
- ~~c. In all zoning districts, if the establishment's cumulative gross square footage is 20% or more of the gross floor area of the hotel or apartment hotel use, and no exterior signage is provided for the establishment, off-street parking spaces shall be required at 50% of that required for the eating and drinking establishment per Table 155.5102.D.1, Minimum Number of Off-Street Parking.~~
- ~~d. In all zoning districts, if exterior signage is provided for the establishment, off-street parking spaces shall be required at 75% of that required for the eating and drinking establishment per Table 155.5102.D.1, Minimum Number of Off-Street Parking.~~
- b. The number of required off-street parking spaces may be reduced in accordance with the following:
  - i. No off-street parking spaces are be required if establishment's cumulative gross square footage is less than 20% of the gross floor area of the hotel use

and no exterior signage is provided for the establishment.

ii. Fifty percent of the required off-street parking spaces shall be provided if the establishment's cumulative gross square footage is 20% or more of the gross floor area of the hotel use and no exterior signage is provided for the establishment.

iii. Regardless of the establishment's size, 75% of the required off-street parking spaces shall be provided if exterior signage is provided for the establishment.

...

**SECTION 2.** That Section 155.5102, "Off-Street Parking and Loading," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.5102 OFF-STREET PARKING AND LOADING**

**D. OFF-STREET PARKING SPACE REQUIREMENTS**

**1. Minimum Number of Off-Street Parking Spaces**

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| <b>TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES</b> |  |  |
|--|--|--|
| <b>Use Category</b>  | <b>Use Type</b>                            | <b>Minimum Number of Parking</b>   |
| ***  |  |  |
| Eating and Drinking Establishments                                     | Bar or lounge                              | 1 per 4 persons of maximum occupancy capacity of customer service area(s) <sup>5</sup> |
|  | Brewpub                                    |  |
|  | Hall for hire                              |  |
|  | Nightclub                                  |  |
|  | Restaurant                                 |  |
|  | Specialty eating or drinking establishment |  |
| ***  |  |  |

|                |  |  |
|----------------|--|--|
| Accessory Uses | <u>Outdoor Seating (including sidewalk cafes)</u>              | <u>1 per 8 persons of maximum occupancy capacity of outdoor seating area(s).</u><br><u>Except no parking is required for outdoor seating within the AOD or DPOD Districts.</u>   |
|                | Outdoor Storage (as an accessory use)                          | 1 per 5,000 sq ft of outdoor storage area  |
|                | <u>Eating and Drinking establishment (as an accessory use)</u> | <u>1 per 4 persons of maximum occupancy capacity of customer service area(s).</u><br><u>Off-street parking may be reduced per accessory use standards,</u><br><u>155.4303.PP</u> |
|                | Dormitory (as accessory to educational use)                    | See Section 155.5102.D.2   |

NOTES: sq ft = square feet

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~~4. Parking spaces for outdoor eating areas are not required for eating or drinking establishments within the Atlantic Boulevard Overlay district (AOD).~~

~~5. Only 50 percent of the maximum occupancy capacity of outdoor seating areas shall count when computing the number of required parking spaces~~

~~6 4. Where restaurants, theaters, places of worship, or similar uses occupy more than 33 percent of a shopping center's gross floor area, parking requirements for such uses shall be determined separately for each such use and added to the appropriate shopping center standard as applied to the remaining floor area.~~

~~7 5. Floor area devoted to office use shall not count when computing the minimum number of required parking spaces, provided such floor area does not exceed 20 percent of the total gross floor area of the industrial use.~~

~~8 6. Furniture stores may provide one parking space for 500 sq ft.~~

~~9 7. For the LAC - John Knox Village, in connection with every multi-family residence of two or more families there shall be provided a minimum of one parking space for each dwelling unit regardless of type or number of bedrooms. Accessory spaces shall be provided throughout the - John Knox Village at a minimum of one space per four units.~~

~~10 8. For the LAC - John Knox Village, Medical or Dental Clinics shall provide one parking space for each 250 square feet, or fraction thereof, of floor area used for office purposes.~~

~~11 9. For the LAC - John Knox Village, Retail stores shall provide one parking space for each 350 square feet, or fraction thereof, of gross floor area.~~

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**SECTION 3.** That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**ARTICLE 9: DEFINITIONS AND INTERPRETATION**

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**PART 5 TERMS AND USES DEFINED**

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

**EATING OR AND DRINKING ESTABLISHMENT (AS AN ACCESSORY TO A HOTEL OR APARTMENT HOTEL USE)**

A bar or lounge, brewpub, hall for hire, nightclub, restaurant, or specialty eating or drinking establishment on the site of a hotel ~~or apartment hotel~~. This use also includes brewpubs, restaurants, or specialty eating or drinking establishments that are accessory to any principal use in the PR District.

...

**SECTION 4.** That Appendix A, "Consolidated Use Table," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**APPENDIX A: CONSOLIDATED USE TABLE**

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**APPENDIX A: CONSOLIDATED USE TABLE**

P = PERMITTED PRINCIPAL USE   S = USE ALLOWED AS A SPECIAL EXCEPTION   A = PERMITTED ACCESSORY USE  
T = TEMPORARY USE ALLOWED WITH A MAJOR TEMPORARY USE PERMIT   t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT  
√ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT  
I = INTERIM USE ALLOWED WITH AN INTERIM USE PERMIT   BLANK CELL = PROHIBITED USE


| USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE  | RESIDENTIAL DISTRICTS |      |      |      |      |      |      |       |       |       | COMMERCIAL DISTRICTS |       |     |     |     | INDUSTRIAL DISTRICTS |     |    |     |          | SPECIAL DISTRICTS |          |    |    |    | PLANNED DEVELOPMENT DISTRICTS |   |    |      |     | USE-SPECIFIC STANDARDS |       |     |      |   |   |   |   |                               |            |             |
|--|-----------------------|------|------|------|------|------|------|-------|-------|-------|----------------------|-------|-----|-----|-----|----------------------|-----|----|-----|----------|-------------------|----------|----|----|----|-------------------------------|---|----|------|-----|------------------------|-------|-----|------|---|---|---|---|-------------------------------|------------|-------------|
|  | 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     | OH                | M-2      | TO | PR | CF | PU                            | T | BP | RPUD | PCD |                        | PD-TO | LAC | PD-I |   |   |   |   |                               |            |             |
| <b>ACCESSORY USES AND STRUCTURES</b>   |                       |      |      |      |      |      |      |       |       |       |                      |       |     |     |     |                      |     |    |     |          |                   |          |    |    |    |                               |   |    |      |     |                        |       |     |      |   |   |   |   |                               |            |             |
| ***  |                       |      |      |      |      |      |      |       |       |       |                      |       |     |     |     |                      |     |    |     |          |                   |          |    |    |    |                               |   |    |      |     |                        |       |     |      |   |   |   |   |                               |            |             |
| Outdoor Seating, Including Sidewalk Cafes (as accessory to an eating and drinking establishment) |                       |      |      |      |      |      |      |       |       |       |                      |       |     | A   | A   | A                    | A   | S  | S   | <u>A</u> |                   | A        |    | A  |    |                               |   |    |      |     |                        |       |     |      | A | A | A | A | A                             | 155.4303.V |             |
| ***  |                       |      |      |      |      |      |      |       |       |       |                      |       |     |     |     |                      |     |    |     |          |                   |          |    |    |    |                               |   |    |      |     |                        |       |     |      |   |   |   |   |                               |            |             |
| Eating and Drinking Establishments (As an Accessory Use to a Hotel or Apartment Hotel)           |                       |      |      |      |      |      |      |       | S     | S     | S                    |       |     | S   | A   | A                    | S   | A  | A   |          | A                 |          | A  | A  |    |                               |   |    |      |     |                        |       |     |      |   | A | A | A | A                             | A          | 155.4303.PP |
| ***  |                       |      |      |      |      |      |      |       |       |       |                      |       |     |     |     |                      |     |    |     |          |                   |          |    |    |    |                               |   |    |      |     |                        |       |     |      |   |   |   |   |                               |            |             |
| Limited Mental Health Treatment Facility   |                       |      |      |      |      |      |      |       |       |       |                      |       |     |     |     |                      |     |    |     | <u>A</u> |                   | <u>A</u> |    |    |    |                               |   |    |      |     |                        |       |     |      |   |   |   |   | <u>155.4303.R</u><br><u>R</u> |            |             |

**SECTION 5.** 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 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 10th day of November, 2014.

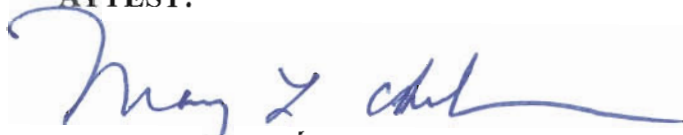
**PASSED SECOND READING** this 9th day of December, 2014.



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**LAMAR FISHER, MAYOR**

**ATTEST:**



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**MARY L. CHAMBERS, CITY CLERK**

GBL/jrm  
10/9/14  
L:ord/ch155/2015-13