

03.17

**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 155.4218, "COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS," TO REVISE DEFINITION OF AND STANDARDS FOR BAR AND LOUNGE; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO REVISE SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS AND PLACE IN TABLE FORM; 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 155.4218., "Commercial: Eating and Drinking Establishments," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4218. COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS

A. BAR AND LOUNGE

1. Districts Where Permitted

...

2. Definition

A bar or lounge is an establishment having as its principal or predominant use the serving of beer, wine, or liquor alcoholic beverages for consumption on the premises, ~~and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food.~~ This use includes bottle clubs, as defined in Chapter 561 of the Florida Statutes, in which patrons consume alcoholic beverages they bring onto the premises.

3. Standards

A bar or lounge may only be considered an accessory use to a restaurant provided it is operated by the same management, and the restaurant has indoor dining accommodations for service of 200 150 or more patrons at tables occupying more than 3,000-2,500 square feet of customer service area, and the sale of alcoholic beverages is strictly incidental to the serving of food deriving at least 51% of the gross revenue from the sale of food and non-alcoholic beverages.

...

SECTION 2. That Section 155.4501., "Separation Requirements for Alcoholic Beverage Establishments," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.4501. SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS

A. GENERAL

Except as otherwise provided in ~~subsection B~~ Table 155.4501.B below, any alcoholic beverage establishment shall be separated from certain existing uses in accordance with Table 155.4501.A, Minimum Separation from Certain Existing Uses.

TABLE 155.4501.A: MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES

TABLE 155.4501.A: MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES ¹

EXISTING USE	MINIMUM SEPARATION ²
Any other use involving the sale of alcoholic beverages other than those uses listed in Section 155.4501.B	1,000 feet (Measurement Type 1)
Sexually oriented business	
Child care facility	500 feet (Measurement Type 2) and 300 feet (Measurement Type 3)
School	
Place of worship	

NOTES:

1. Measurement Type 1: Separation shall be measured from main entrance to main entrance of the establishments by airline route.
2. Measurement Type 2: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measured along public thoroughfares by the shortest route of ordinary pedestrian traffic.
3. Measurement Type 3: Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measure by airline route.
4. All separations shall be measured from establishments located within or outside of the City limits.
5. Compliance with these separation standards shall not be affected by the subsequent rezoning of the site of the alcoholic beverage establishment to AOD, conveyance of city-owned property, or the establishment of one of the uses from which separation is required on a property closer than the required separation distance. In such case, the alcoholic beverage establishment shall be construed as continuing to comply with the separation standards.

B. EXCEPTIONS

The Table 155.4501.B lists uses that are exempt from the separation requirements in subsection A above shall not apply to the following alcoholic beverage establishments: Table 155.4501.A.

1. ~~An establishment limited by its state beverage license to the sale of beer or wine for consumption off the premises;~~
2. ~~A bar or lounge, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory~~

outdoor seating) located within the Atlantic Boulevard Overlay district (AOD);

3. ~~A bar or lounge operated as an accessory use to a restaurant whose dining area(s) accommodate 200 or more seated customers and occupy more than 3,000 square feet of floor area, provided, however, that this exemption shall apply in respect to required separation from child care facilities, schools, and places of worship only if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence other than a lounge sign indicating dancing and entertainment;~~
4. ~~A bar or lounge operated as an accessory use to a hotel or apartment hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or apartment hotel provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence other than a lounge sign indicating dancing and entertainment;~~
5. ~~An enclosed restaurant that sells only beer and/or wine provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no externally visible display window or sign indicating the sale of alcoholic beverages;~~
6. ~~A lodge or club that limits on-premise consumption of alcoholic beverages to only lodge or club members provided, however, that this exemption shall apply in respect to required separation from a child care facility, school, or place of worship only if there is no externally visible display window or sign indicating the sale of alcoholic beverages;~~
7. ~~A bowling alley that contains ten or more bowling lanes within an enclosed building;~~
8. ~~A motion picture theater with more than 100 seats;~~
9. ~~A retail sales establishment that is an anchor store containing more than 10,000 square feet of gross floor area; or~~
10. ~~A use located on property owned by the city provided, however, that this exemption applies only to required separation from a child care facility, school, or place of worship.~~

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES

<u>Use and Criteria</u>	<u>Required Separation</u>	
	<u>Any other use involving the sales of alcoholic beverages; and Sexually oriented business</u>	<u>Child Care facility; School; and Place of Worship</u>
<u>An establishment limited by its state beverage license to the sale of beer or wine for consumption off the premises.</u>	<u>Exempt</u>	<u>Exempt</u>
<u>A bowling alley that contains more than nine bowling lanes.</u>	<u>Exempt</u>	<u>Exempt</u>
<u>A motion picture theater that contains more than 100 seats.</u>	<u>Exempt</u>	<u>Exempt</u>
<u>A retail sales establishment that is an anchor store containing more than 10,000 square feet of gross floor area.</u>	<u>Exempt</u>	<u>Exempt</u>
<u>A bar or lounge which is operated as an accessory use to a restaurant and therefore meets the following standards: it is operated by the same management, and the restaurant has indoor dining accommodations for service of 150 or more patrons at tables occupying more than 2,500 square feet of customer service area, and deriving at least 51% of the gross revenue from the sale of food and non-alcoholic beverages.</u>	<u>Exempt</u>	<u>Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence</u>
<u>A bar or lounge which is operated as an accessory use to a hotel or apartment hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or apartment hotel.</u>	<u>Exempt</u>	<u>Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence</u>
<u>An enclosed restaurant which sells only beer and/or wine.</u>	<u>Exempt</u>	<u>Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages</u>
<u>A lodge or club which limits on-premise consumption of alcoholic beverages to only lodge or club members.</u>	<u>Exempt</u>	<u>Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages</u>
<u>A use located on property owned by the city.</u>	<u>Not Exempt</u>	<u>Exempt</u>
<u>Within the Atlantic Boulevard Overlay District (AOD) only, a bar or lounge, brewpub, restaurant, or specialty eating establishment (whether a principal use or an accessory use to a hotel, and including any accessory outdoor seating).</u>	<u>Exempt</u>	<u>Exempt</u>

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 28th day of April, 2015.

PASSED SECOND READING this 12th day of May, 2015.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

GBL/jrm
4/7/15
L:ord/ch155/2015-294