

Orig. 19

**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 155.3210., "MULTIPLE-FAMILY RESIDENCE 20 (RM-20)," SECTION 155.3211., "MULTIPLE-FAMILY RESIDENCE 30 (RM-30)," AND SECTION 155.3212., "MULTIPLE-FAMILY RESIDENCE 45 (RM-45)," TO AMEND THE PURPOSE OF EACH SUCH DISTRICT BY MODIFYING REFERENCES TO INCLUDE CONDO HOTELS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO AMEND THE PRINCIPAL USES REGULATED IN SAID SECTION TO REFERENCE CONDO HOTELS; BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES FOR ELECTRIC VEHICLE CHARGING STATIONS AND EATING AND DRINKING ESTABLISHMENTS BY ADDING REFERENCES TO CONDO HOTELS; BY AMENDING SECTION 155.4501., "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO ESTABLISH SEPARATION REQUIREMENTS FOR BARS AND LOUNGES OPERATED BY CONDO HOTELS AND SETTING CRITERIA FOR SAME; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; 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 155.3210., "Multiple-Family Residence 20 (RM-20)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3210. MULTIPLE-FAMILY RESIDENCE 20 (RM-20)

A. PURPOSE

The Multiple-Family Residence 20 (RM-20) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) at moderate densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, ~~assisted living facilities~~, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and ~~apartment~~ condo hotels, are allowed as Special Exceptions.

...

SECTION 2. That Section 155.3211., "Multiple-Family Residence 30 (RM-30)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3211. MULTIPLE-FAMILY RESIDENCE 30 (RM-30)

A. PURPOSE

The Multiple-Family Residence 30 (RM-30) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development)

at moderately high densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, assisted living facilities, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and ~~apartment~~ condo hotels, are allowed as Special Exceptions.

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SECTION 3. That Section 155.3212., "Multiple-Family Residence 45 (RM 45)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3212. MULTIPLE-FAMILY RESIDENCE 45 (RM-45)

A. PURPOSE

The Multiple-Family Residence 45 (RM-45) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) at high densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, assisted living facilities, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and ~~apartment~~ condo hotels, are allowed as Special Exceptions.

...

SECTION 4. That Section 155.3708., "Downtown Pompano Beach (DP) Overlay District," 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 (DP) OVERLAY DISTRICT

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H. USE REGULATING PLAN AND MODIFIED USE STANDARDS.

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2. Principal Uses Regulating Table

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TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE																	
P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2 nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition																	
Use Types	Use Areas																
	MM1		MM2		MUR		MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR	
	1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above											
COMMERCIAL USES																	
...																	
Visitor Accommodation (155.4225)	Apartment Condo Hotel	P	P (1)	P	P	P		P			P	P	P				P

SECTION 5. That Section 155.4225., "Commercial: Visitor Accomodation Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4225. COMMERCIAL: VISITOR ACCOMODATION USES

A. APARTMENT CONDO HOTEL

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...

- 1. Districts Where Permitted**

- 2. Definition**

~~An apartment hotel is a building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.~~ A condo hotel is a hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under

condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

3. Standards

~~An apartment~~ A condo hotel shall comply with the following standards:

- a. **Owner-occupation.** Lodging units shall not be occupied by their owner(s) for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period. The restriction on owner-occupation shall be included in the Declaration of Condominium.
- b. **Lobby required.** The design of the condo hotel shall include an inner lobby that is internally oriented and which requires all tenants to pass through in order to gain access to the lodging units.
- c. **Management Operation.** A unified management operation plan shall be required as an integral part of the condo hotel facility for rental activities, including a uniform key entry service, customary daily maid services, back of house services, and other hospitality services. The management operation plan shall be included in the Declaration of Condominium.
- d. **Conversion to Residential Use.** The future conversion of an condo hotel to a residential use is prohibited unless it is determined the conversion is in compliance with the Land Use Plan and all development standards for residential uses, including but not limited to height and off-street parking, are met.
- a.e. Only ~~apartment~~ condo hotels with at least 25 ~~sleeping rooms~~ lodging units may have an eating or drinking establishment as an accessory use, and no more than 20 percent of the gross floor area of such a condo

hotel ~~or motel~~ may be devoted to eating and drinking establishments as an accessory use. The eating or drinking establishments(s) may have a patron entrance from outside the principal building.

b.f. Up to 15 percent of the gross floor area of an ~~apartment~~ condo hotel may be devoted to business-related accessory uses other than eating or drinking establishments—including conference and meeting rooms, business centers, retail services such as newsstands and gift shops, and similar uses. Such uses may have a patron entrance from outside the principal building.

B. BED AND BREAKFAST INN

1. Districts Where Permitted

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2. Definition

A bed and breakfast inn is a state-licensed private single-family dwelling engaged in renting one or more ~~sleeping rooms~~ lodging units on a daily basis and providing them breakfast.

...

C. HOTEL OR MOTEL

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2. Definition

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of

beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include ~~apartment~~ condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

...

SECTION 6. 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

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L. ELECTRIC VEHICLE (EV) LEVEL 3 CHARGING STATION

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1. Standards

Electric vehicle (EV) Level 3 charging stations are allowed as accessory to principal uses, subject to the following standards:

- a. In Business, Industrial, TO, PU, T, BP, and Planned Development districts, EV Level 3 charging stations are allowed as accessory uses to automotive repair and maintenance facilities, gasoline filling stations, parking decks or garages, and any other permitted principal use.
- b. In Residential districts, EV Level 3 charging stations are allowed as accessory uses to multifamily dwellings, ~~apartment~~ condo hotels, and hotels or motels ~~with more than 100 dwelling units and/or sleeping units.~~

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PP. EATING AND DRINKING ESTABLISHMENTS (AS AN ACCESSORY USE)

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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 condo 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 located on the site of a hotel or condo hotel 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 condo hotel has 50 or more rooms.
- b. The number of required off-street parking spaces may be reduced in accordance with the following:
 - i. No off-street parking spaces are required if establishment's cumulative gross square footage is less than 20% of the gross floor area of the hotel or condo 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 or condo hotel use and no exterior signage is provided for the establishment.

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SECTION 7. 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

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B. EXCEPTIONS

Table 155.4501.B lists uses that are exempt from the separation requirements in Table 155.4501.A.

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES		
Use and Criteria	Required Separation	
	Any other use involving the sales of alcoholic beverages; and Sexually oriented business	Child Care Facility; School; and Place of Worship
...		
A bar or lounge which is operated as an accessory use to a hotel or apartment <u>condo</u> 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 <u>condo</u> hotel.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence

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SECTION 8. 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

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D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking Spaces
COMMERCIAL USES		
<i>Visitor</i>	<i>Apartment hotel</i>	<i>1 per guest room</i>

<i>Accommodation Uses</i>	<u>Condo hotel</u>	<u>Lodging Unit without separate bedroom</u>	<u>1 per lodging unit</u>
		<u>Lodging Unit with one or more bedrooms</u>	<u>1.25 per lodging unit</u>
	<u>Bed and breakfast inn</u>		<u>2 + 1 per guest bedroom lodging unit</u>
	<u>Hotel or motel</u>	<u>100 guest rooms lodging units or less</u>	<u>1 per guest room lodging unit</u>
		<u>101 to 150 guest rooms lodging units</u>	<u>0.85 per guest room lodging unit</u>
		<u>More than 150 guest rooms lodging units</u>	<u>0.7 per guest room lodging unit</u>

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3. Multiple Use Developments

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- b. Where more than 20 percent of the total gross floor area of a hotel or motel or an ~~apartment~~ condo hotel is occupied by non-sleeping or non-dwelling principal or accessory uses (e.g., office, retail, service, restaurant, bar, nightclub, ballrooms, banquet rooms, meeting rooms), off-street parking shall be provided for each such use in an amount equal to 50 percent of the parking requirement applicable to the use if it were an individual principal use—except that where a hotel or condo hotel contains 50 or more ~~guest rooms~~ lodging units and a restaurant and/or bar advertised by exterior signage, off-street parking shall be for such restaurant and/or bar in an amount equal to 75 percent of the parking requirement(s) applicable to a restaurant and/or bar as a principal use.

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SECTION 9. 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.

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Apartment Hotel

~~An apartment hotel is a building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel-like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.~~

...

Bed and Breakfast Inn

A state-licensed private single-family dwelling engaged in renting one or more ~~sleeping rooms~~ lodging units on a daily basis and providing breakfast.

...

Comprehensive Plan

The Comprehensive Plan of the City of Pompano Beach, including the elements or portions thereof, as adopted and amended by ordinance of the City Commission pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

Condo Hotel

A hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room accessible by a lock-out key shall be considered one lodging unit for purposes of land use and zoning.

...

Hotel or Motel

A state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each hotel room accessible via a lock-out key shall be considered one lodging unit for purposes

of land use and zoning. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include ~~apartment~~ condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

...

Lodge or Club

A building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership. This use shall not include a nightclub, sexually oriented business, or an establishment that exists primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.

Lodging Unit

A unit located within a visitor accommodation use and which may be composed of a single room or suite of several rooms and which has its own key. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

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SECTION 10. 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

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	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	
PRINCIPAL USES																																
COMMERCIAL USES																																
Visitor Accommodation Uses	Apartment Condo Hotel											...																				

SECTION 11. 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 12. This Ordinance shall become effective upon passage.


PASSED FIRST READING this 14th day of February, 2017.

PASSED SECOND READING this 28th day of February, 2017.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

MEB/jrm
1/25/17
L:ord/ch155/2016-314