



City Attorney's Communication #2015-1571
September 3, 2015

TO: Karen Friedman, AICP, Principal Planner
FROM: Mark E. Berman, City Attorney
RE: Ordinance Amending Chapter 155, "Zoning Code"

As requested in your memorandum of August 26, 2015, Department of Development Services Memorandum No. 15-453, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

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 MODIFY STANDARDS FOR BARS OR LOUNGES AS ACCESSORY USES TO RESTAURANTS; BY AMENDING SECTION 155.4501., "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO MODIFY REQUIREMENTS FOR BARS OR LOUNGES OPERATED AS ACCESSORY USES TO RESTAURANTS WHICH ARE EXEMPT FROM SEPARATION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1571

Attachment

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 MODIFY STANDARDS FOR BARS OR LOUNGES AS ACCESSORY USES TO RESTAURANTS; BY AMENDING SECTION 155.4501., "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO MODIFY REQUIREMENTS FOR BARS OR LOUNGES OPERATED AS ACCESSORY USES TO RESTAURANTS WHICH ARE EXEMPT FROM SEPARATION REQUIREMENTS; 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

...

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 150 or more patrons at tables in a covered area, and occupying more than 2,500 square feet of ~~customer service area~~ floor space, and 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

...

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 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 <u>in a covered area, and</u> occupying more than 2,500 square feet of customer service area <u>floor space</u> , and deriving at least 51% of the gross revenue from the sale of food and non-alcoholic beverages.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence
...

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 _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/3/15
L:ord/ch155/2015-482