Ag. 16

ORDINANCE NO. 2016-48

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 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE STANDARDS FOR GROCERY AND CONVENIENCE STORES; TO MODIFY THE PERMITTED LOCATIONS FOR, THE DEFINITION OF, AND STANDARDS FOR LOCAL LIQUOR OR PACKAGE STORES, REGIONAL LIQUOR OR PACKAGE STORES AND BEER OR WINE STORES; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES" TO AMEND THE DEFINITION OF FOOD AND OR BEVERAGE PRODUCTS MANUFACTURING; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO AMEND THE DEFINITION OF ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY AND PROVIDE FOR DISTRICTS WHERE PERMITTED; AMENDING THE DEFINITION OF PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE AND PROVIDING FOR DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND THE USES THAT ARE EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR VARIOUS ALCOHOL BEVERAGE ESTABLISHMENTS; 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, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4222., "Commercial: Retail Sales and Service Uses – Retail Sales," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4222. COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES

. . .

F. GROCERY OR CONVENIENCE STORE

. . .

3. Standards

a. Sales of beer or wine may only be considered an accessory use to a Grocery or Convenience Store provided the display area for the sales of beer or wine does not exceed 20% of the total display area used for all other merchandise and no exterior signage for the sale of beer or wine is provided.

b. Grocery or Convenience Stores with sales of beer or wine which exceed the standards listed in subsection a. above and/or provide exterior signage for the sale of beer or wine also be considered a Beer or Wine Store and subject to all of the standards for such use.

. . .

K. LOCAL LIQUOR OR PACKAGE STORE

1. Districts Where Permitted

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
												~~P~~ S	~~P~~ S	~~P~~ S	~~P~~ S

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
						P							P	P	P	P

2. **Definition**

A local liquor or package store is an alcoholic beverage establishment with a gross floor area of less than 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

3. **Standards**

Drive-through service is strictly prohibited.

L. REGIONAL LIQUOR OR PACKAGE STORE

1. **Districts Where Permitted**

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
												S	S	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
						P							P	P	P	P

2. **Definition**

A regional liquor or package store is an alcoholic beverage establishment with a gross floor area of at least 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

3. **Standards**

Drive-through service is strictly prohibited.

M. BEER OR WINE STORE

1. **Districts Where Permitted**

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
												S	S	S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
						P							P	P	P	P

2. Definition

A beer or wine store is an alcoholic beverage establishment licensed by the state exclusively for the retail sale of beer and/or wine in sealed containers for consumption off the premises where sold. A beer or wine store maybe considered a specialty store if the establishment emphasizes a single unique type of specialty beer or wine not readily available at a grocery or convenience store, such as beer or wine made from craft or microbreweries or wineries, or beer or wine from a specific geographic region.

3. Standards

Drive-through service is strictly prohibited.

~~L~~N. Pawn Shop

. . .

~~M~~O. THRIFT SHOP

. . .

~~N~~P. RETAIL SALES ESTABLISHMENT, LARGE

. . .

~~O~~Q. INDOOR MALL OR MARKETPLACE

. . .

~~P~~R. OTHER RETAIL SALES ESTABLISHMENT

SECTION 2. That Section 155.4227., "Industrial: Manufacturing and Production Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§155.4227. INDUSTRIAL: MANUFACTURING AND PRODUCTION USES

. . .

E. FOOD AND/OR BEVERAGE PRODUCTS MANUFACTURING (WITHOUT SLAUGHTERING)

. . .

2. Definition

A food and/or beverage products manufacturing use is an establishment primarily engaged in manufacturing of food and/or

beverage products including, but not limited to, products made from livestock or agricultural products; fresh and frozen bread and other bakery products (e.g., cookies, crackers); frozen food products such as ice or ice cream; ~~alcoholic beverages such as ale, beer, malt liquors, wine~~ brewery, winery, or distillery; and nonalcoholic beverages. This use also includes vegetable or fruit packing, fish hatcheries and hydroponic garden facilities.

. . .

SECTION 3. 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

. . .

SS. ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY, OR DISTILLERY

1. Districts Where Permitted

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
															A

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		A	A	A									A			

2. Definition

Alcoholic beverage sales as an accessory use to a brewery, winery, or distillery is the accessory retail sales of beer, wine, or liquor at the same location where the beverage is manufactured, including for consumption on the premises and for consumption off the premises.

TT. PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE

1. Districts Where Permitted

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
												S	S	S	A

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		A	A	A		A						A	A	A	A	A

2. Definition

Package sales as an accessory use to a bar or lounge is the accessory retail sales of beer, wine, or liquor for consumption off the premises at a bar or lounge.

SECTION 4. 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
An establishment limited by its state beverage license ~~to the sale of beer or wine for consumption off the premises~~ for the distribution of alcoholic beverages to vendors and other distributors.	Exempt	Exempt
Grocery or Convenience Store with accessory sales of beer or wine. Sales of beer or wine may only be considered an accessory use to a Grocery or Convenience Store provided the display area for the sales of beer or wine does not exceed 20% of the total display area used for all other merchandise and no exterior signage for the sale of beer or wine is provided.	Exempt	Exempt
Beer or Wine Store which meets the definition of a specialty store.	Exempt	Exempt
An enclosed restaurant which sells only beer and/or wine for consumption on the premises.	Exempt	Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages

A food and/or beverage manufacturer limited by its state beverage license for manufacturing of wines and cordials, brewing malt beverages, or distiller of spirituous liquor.	Exempt	Exempt
Alcoholic beverage sales as an accessory use to a brewery, winery, or distillery.	Exempt	Exempt
A bowling alley that contains more than nine bowling lanes.	Exempt	Exempt
A motion picture theater that contains more than 100 seats.	Exempt	Exempt
~~A retail sales establishment that is an anchor store containing more than 10,000 square feet of gross floor area.~~ Regional Liquor or Package Store	Exempt	Exempt
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 dining accommodations for service of 150 or more patrons at tables occupying more than 2,500 square feet, 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
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.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence
~~An enclosed restaurant which sells only beer and/or wine.~~	~~Exempt~~	~~Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages~~
A lodge or club which limits on-premise consumption of alcoholic beverages to only lodge or club members.	Exempt	Exempt if no externally visible display window or sign indicating the sale of alcoholic beverages
A use located on property owned by the city.	Not Exempt	Exempt
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).	Exempt if no package sales are offered at bar or lounge	Exempt if no package sales are offered at bar or lounge

SECTION 5. 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

. . .

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking
COMMERCIAL USES		
Retail Sales and Service Uses - Retail Sales	Local Liquor or Package Store	1 per 300 sq ft
	Regional Liquor or Package Store	
	Beer or Wine Store	
	Pawn Shop	1 per 300 sq ft
	. . .	
. . .	. . .	. . .
INDUSTRIAL USES		
. . .	. . .	. . .
Accessory Uses	. . .	. . .
	Dormitory (as accessory to educational use)	See Section 155.5102.D.2
	Alcoholic Beverage Sales as an Accessory Use to a Brewery, Winery, or Distillery	1 per 300 sq ft. Except no parking is required if gross floor area used for accessory sales is less than 20% of total gross floor area of the principal use
. . .		

. . .

SECTION 6. 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

. . .

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.

. . .

ALCOHOLIC BEVERAGE ESTABLISHMENT

Any facility that sells or provides alcoholic beverages to be consumed on or off the premises.

ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY, OR DISTILLERY

The accessory retail sales of beer, wine or liquor at the same location where the beverage is manufactured, including for consumption on the premises and for consumption off the premises.

. . .

BED AND BREAKFAST INN

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

BEER OR WINE STORE

An alcoholic beverage establishment licensed by the state exclusively for the retail sale of beer and/or wine in sealed containers for consumption off the premises where sold. A beer or wine store maybe considered a specialty store if the establishment emphasizes a single unique type of specialty beer or wine not readily available at a grocery or convenience store, such as beer or wine made from craft or microbreweries or wineries, or beer or wine from a specific geographic region.

. . .

FOOD ~~PROCESSING~~ AND/OR BEVERAGE PRODUCTS MANUFACTURING (WITHOUT SLAUGHTERING)

An establishment primarily engaged in ~~processing livestock or agricultural products into food products for immediate or final consumption. Such products are typically sold to wholesalers or retailers for distribution to consumers. Food processing does not include slaughtering animals.~~ manufacturing of food and/or beverage products including, but not limited to, products made from livestock or agricultural products; fresh and frozen bread and other bakery products (e.g., cookies, crackers); frozen food products such as ice or ice cream; brewery, winery, or distillery; and nonalcoholic beverages. This use also includes vegetable or fruit packing, fish hatcheries and hydroponic garden facilities.

. . .

~~**LIQUOR OR PACKAGE STORE**~~

~~An alcoholic beverage establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.~~

LIVE ENTERTAINMENT

Visual entertainment for the public usually accessory to a commercial use, in the form of an act, production, or performance, and that may include-but is not limited to-performances by a musical band, disc jockey, cancer, or other type of entertainer.

LOCAL LIQUOR OR PACKAGE STORE

An alcoholic beverage establishment with a gross floor area of less than 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

. . .

OWNER OF RECORD

The owner of a lot of record reflected on the current Broward County tax roll.

PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE

The accessory retail sales of beer, wine, or liquor for consumption off the premises at a bar or lounge.

. . .

REDEVELOPMENT

Any proposed expansion, addition, reduction, or other alteration to an existing building, structure, or other constructed feature on a lot or site. Redevelopment also includes changes in use to existing buildings, as well as modifications to site features such as parking, signage, landscaping, grading, stormwater management devices, or changes to outdoor storage.

REGIONAL LIQUOR OR PACKAGE STORE

An alcoholic beverage establishment with a gross floor area of at least 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

. . .

SECTION 7. 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	LAC	PD-1	
PRINCIPAL USES																																			
COMMERCIAL USES																																			
Retail Sales and Service Uses – Retail Sales																																			
	Home and building supply center	…																																	155.4222.~~K~~ J
	Local liquor or package store													~~P~~ S	~~P~~ S	~~P~~ S	~~P~~ S							P							P	P	P	P	155.4222.~~L~~ K
	Regional liquor or package store													S	S	P	P							P							P	P	P	P	155.4222.L
	Beer or wine store													S	S	P	P							P							P	P	P	P	155.4222.M
	Pawn shop	. . .																																	155.4222.~~L~~ N
	Thrift shop	. . .																																	155.4222.~~M~~ O
	Retail sales establishment, large	. . .																																	155.4222.~~N~~ P
	Indoor mall or, marketplace	. . .																																	155.4222.~~O~~ Q
	Other retail sales establishment	. . .																																	155.4222.~~P~~ R

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	LAC	PD-I	
ACCESSORY USES AND STRUCTURES																																			
...		...																																	...
Limited Mental Health Treatment Facility		...																																	...
Alcoholic beverage sales as an accessory use to a brewery, winery or distillery																	A			A	A	A									A				155.4303.SS
package sales as an accessory use to a bar or lounge														S	S	S	A			A	A	A		A						A	A	A	A	A	155.4303.TT

SECTION 6. 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 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of February, 2016.

PASSED SECOND READING this 8th day of March, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
1/26/16 - 1/4/16
L:ord/ch155/2016-79