

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO MODIFY DISTANCE SEPARATION REQUIREMENTS IN THE CITY'S CODE OF ORDINANCES TO CORRESPOND WITH CHANGES IN STATE 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 155.4501., "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 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 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 | |
| <p>NOTES:</p> <p>1. Measurement Type 1: Separation shall be measured from main entrance to main entrance of the establishments by airline route.</p> <p>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.</p> <p>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.</p> <p>4. All separations shall be measured from establishments located within or outside of the City limits.</p> <p>5. Compliance with these separation standards shall not be affected by the subsequent rezoning of the site of the alcoholic beverage establishment to AOD <u>or</u> <u>EOD</u>, 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.</p> | |

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 | | |
|--|----------------------------|---|
| <u>Use and Criteria</u> | <u>Required Separation</u> | |
| | | <u>Any other use involving the sales of alcoholic beverages; and Sexually oriented business</u> |

| | | |
|---|--------|---|
| An establishment limited by its state beverage license for the distribution of alcoholic beverages to vendors and other distributors. | 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 150 120 or more patrons at tables in a covered area , and occupying more than 2,500 <u>2,000</u> square feet of floor space, 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 2. 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

/jrm/mcm
5/22/24
L:ord/ch155/2024-154