



Staff Report

File #: LN-621

PLANNING AND ZONING BOARD

Meeting Date: JUNE 26, 2024

Text Amendment - Section 155.4501. Separation Requirements for Alcoholic Beverage Establishments

Request: Text Amendment - Section 155.4501. Separation Requirements for Alcoholic Beverage Establishments

P&Z# N/A

Owner: N/A

Project Location: N/A

Folio Number: N/A

Land Use Designation: N/A

Zoning District: N/A

Commission District: N/A

Agent: N/A

Project Planner: Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

Summary:

Section 155.4501 of the Zoning Code provides the separation requirements for alcoholic beverage establishments, as well as several exemptions. Prior to obtaining an Alcohol Beverage License from the State, applicants must obtain approval from the City to satisfy any separation requirements that may apply.

One exemption reads as follows:

Within the Atlantic Boulevard Overlay District (AOD) and/or East Overlay District (EOD) 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).

A bar, lounge, brewpub, restaurant, or specialty eating establishment within the Atlantic Boulevard Overlay District or the East Overlay District are exempt from a separation requirement from Child Care Facilities, Schools, Places of Worship, Other Alcoholic Beverage Establishments, and Sexually Oriented Businesses.

The proposed revision is to add the Downtown Pompano Overlay District as an area where separation requirements for a bar, lounge, brewpub, restaurant, or specialty eating establishment would not apply. The rationale for this proposed revision is the same for the exemption in the AOD or the EOD. The City seeks to encourage the redevelopment and commercial activation of the district. The coalescence of uses within the DPOD today, while encouraged in this mixed-use district, are preventing the establishment of new alcoholic beverage establishments. For example, places of worship have such a frequency that no bar would be able to establish within the downtown, unless otherwise exempt.

Therefore, the following amendment is submitted for the Planning and Zoning Board’s consideration:

155.4501. SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS

A. General

Except as otherwise provided in [Table 155.4501.B](#) [below](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46335), any alcoholic beverage establishment shall be separated from certain existing uses in accordance with [Table 155.4501.A](#) [Minimum Separation from Certain Existing Uses](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46335).

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, <u>DPOD</u> , or EOD, 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

[Table 155.4501.B](#) [lists uses that are exempt from the separation requirements in \[Table 155.4501.A\]\(#\) \[.\]\(https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46335\)](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46335)

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 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
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 120 or more patrons at tables in a covered area, and occupying more than 2,000 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
A bar or lounge which is operated as an accessory use to a hotel or condo hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or condo hotel.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence
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), <u>Downtown Pompano Overlay District (DPOD)</u> , and/or East Overlay District (EOD) 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

Staff Request

Staff finds that the proposed text amendment is consistent with the Text Amendment Review Criteria established in Section 155.2402. TEXT AMENDMENT, as follows:

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. Is consistent with the comprehensive plan;*
- 2. Does not conflict with any provision of this Code or the Code of Ordinances ;*
- 3. Is required by changed conditions;*
- 4. Addresses a demonstrated community need;*
- 5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;*
- 6. Would result in a logical and orderly development pattern; and*
- 7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The Department of Development Services is seeking a recommendation of approval of the proposed text amendment to the City Commission.