

ORDINANCE NO. 2017-\_\_\_\_\_

**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 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "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; 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 155.4225., "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 HOTEL

...

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.~~ An apartment 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 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 apartment 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 apartment 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 apartment 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 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~~ an apartment 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 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**

...

**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**

**1. Districts Where Permitted**

...

**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 hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

...

**SECTION 2.** 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**

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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	
<b>COMMERCIAL USES</b>			
<i>Visitor Accommodation Uses</i>	<del>Apartment hotel</del>	<del>1 per guest room</del>	
	Apartment hotel	<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>
	Bed and breakfast inn		<u>2 + 1 per guest bedroom lodging unit</u>
	Hotel or motel	<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>	

...

**3. Multiple Use Developments**

...

- b. Where more than 20 percent of the total gross floor area of a hotel or motel or an apartment 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 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.

...

**SECTION 3.** 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.

...

### **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. 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 apartment hotel room accessible by a lock-out key shall be considered one lodging unit for purposes of land use and zoning.~~

...

### **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.

...

### **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 hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

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### **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 4.** 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 5.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
9/21/16  
L:ord/ch155/2016-314