



Legislation Text

File #: 24-370, Version: 2

**P.H. 2024-42: (PUBLIC HEARING 2ND READING)**

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.

(Fiscal Impact: N/A)

**FIRST READING: MAY 28, 2024**

(Staff Contact: Max Wemyss/David Recor)

**Summary Explanation/Background:**

Section 155.4501 of the Zoning Code provides the separation requirements for alcoholic beverage establishments. Prior to obtaining an Alcohol Beverage License from the State, applicants must obtain approval from the City for satisfaction of the separation requirements from certain existing uses. Many types of businesses or licenses are exempt from the separation requirement.

One exemption reads as follows:

"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 in a covered area, and occupying more than 2,500 square feet of floor space, and deriving at least 51% of the gross revenue from the sale of food and non-alcoholic beverages."

This exemption is intentionally consistent with the State's Classification of a 4COP/Specialty (SFS) License. Florida alcohol beverage laws generally allow restaurants meeting certain criteria to qualify for 4COP-SFS liquor licenses, which allow for the sale of beer, wine, and spirits (hard liquor) for on-premise consumption. Whereas a restaurant in Pompano presently requires at least 2,500 square feet and capable of serving 150 at one time (as identified in the exception above), restaurants can now qualify for the full liquor licenses from the State if they have only 2,000 square feet and 120 seats.

To be consistent with our approach and separation rationale as established, Staff is recommending amending the separation requirement to match the State amended classification criteria.

For general information, the new qualification requirements for a type 4COP-SFS liquor license from the State are that an applicant must:

- Have a minimum of 2,000 square feet of service area;
- Be equipped to serve meals to 120 people at one time;
- Have at least 120 physical seats available for patrons to use during operating hours;
- Hold itself out as a restaurant; and
- At least 51% of the restaurant's gross food and beverage revenue must come from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.

**Origin of request for this action:** Development Services  
**Fiscal impact and source of funding:** n/a