

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155 "ZONING CODE", BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES - PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND STANDARDS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING"; BY AMENDING PART 5, "TERMS AND USES DEFINED"; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE"; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

In order to allow sufficient time to study the provision of pawn shops and check cashing stores in the City, on July 14, 2015 the City Commission adopted Ordinance 2015-67, which enacted a temporary moratorium on pawn shops and check cashing stores. Staff has undertaken a study of pawn shops and check cashing stores and has prepared text amendments based on the findings of the study (A copy of the study is attached). The text amendments propose creating a new use for check cashing or pay day loan stores, requiring special exception approval for this use in the B-1 and B-2 Zoning District, and requiring check cashing or pay day loan stores and pawn shops to be separated by 1,000 feet. Staff will present a brief PowerPoint presentation highlighting the proposed recommendations; a copy of which is included at the end of the back-up for this item. The text amendments were unanimously recommended at the November 30, 2015 Planning and Zoning Board meeting (A copy of the draft minutes from the Planning and Zoning Board meeting are attached.).

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	11/19/2015	Approval <i>[Signature]</i>	Memo #15-621 <i>[Signature]</i>
City Attorney	01/26/2016	Approval <i>[Signature]</i>	Memo #2016-433 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #15-077 (01/11/2016) <i>[Signature]</i>
X City Manager			<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1 st Reading	1 st Reading	Results: _____
2 nd Reading		Results: _____



City Attorney's Communication #2016-433

January 26, 2016

TO: Karen Friedman, AICP, Principal Planner
FROM: Carrie L. Sarver, Assistant City Attorney
RE: Ordinance Amending Section 155, Zoning Code

As requested, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING 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.

Please carefully review the ordinance to ensure that it meets with your requirements.

CARRIE L. SARVER

/jrm

l:cor/dev-srv/2016-433
Attachment

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 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING 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, 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 155.4221., "Commercial: Retail Sales and Service Uses – Personal Services," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

...

C. BANK OR FINANCIAL INSTITUTION

...

2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

...

M. CHECK CASHING OR PAYDAY LOAN 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
												<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>

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-1
													<u>P</u>		<u>P</u>	

2. Definition

A check cashing or payday loan store is an establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

3. Standards

A check cashing or payday loan store shall be located at least 1,000 feet from another check cashing or payday loan store or from a pawn shop.

SECTION 2. 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

...

L. PAWN SHOP

...

3. Standards

A pawn shop shall be located at least 1,000 feet from another pawn shop or from a check cashing or payday loan store.

...

SECTION 3. 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 Spaces
COMMERCIAL USES		
Retail Sales and Service Uses - Personal Services
	Bank or financial institution	1 per 300 sq ft
	<u>Check Cashing or Payday Loan Store</u>	<u>1 per 300 sq ft</u>

...

SECTION 4. 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.

...

BANK OR FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

...

CHANGE IN USE

The change in the use of a structure or land from one use to another use listed in the table of uses as a permitted use. A mere change in use requires a Zoning Use Certificate.

CHECK CASHING OR PAYDAY LOAN STORE

An establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

SECTION 5. 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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD		PD-TO	LAC	PD-I							
PRINCIPAL USES																																									
COMMERCIAL USES																																									
...																																									
Retail Sales and Service Uses - Personal Services	Bank or financial institution								S	S	S		P	P	P	P									P											P	P	P	P	P	155.4221.C
	<u>Check Cashing or Payday Loan Store</u>												S	S	P	P																						P		P	155.4221.M
...																																									

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 _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
1/26/16 - 12/29/15
L:ord/ch155/2016-78

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-077**

DATE: January 11, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code,
Alternative Financing Uses

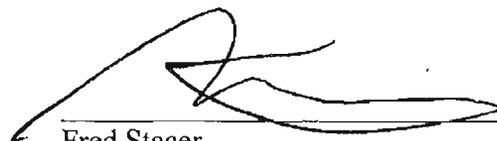
At the special set meeting of the Planning and Zoning Board/ Local Planning Agency held on November 30, 2015 to review the Moratorium Studies and Recommendations, the Board considered proposed text amendments to Article 4 (Use Standards), Article 5 (Development Standards), Article 9 (Definitions and Interpretation), and Appendix A (Consolidated Use Table) of the Zoning Code as set forth in the Department of Development Services Administrative Report 15-621 as well as the Staff Report entitled "Alternative Financing Uses".

Within Article 3 (Zoning Districts) Staff recommends revising the Atlantic Boulevard Overlay District and Downtown Pompano Beach Overlay District to prohibit "Check Cashing or Payday Loan Stores".

Within Article 4 (Use Standards) Staff recommends revising the definition of "Bank or Financial Institution"; adding "Check cashing or payday loan store"; and adding standards to "Pawn Shop."

Within other Articles Staff recommends revising Table 155.5102.D.1 "Minimum number of off-street parking spaces"; revising Article 9 Part 5; and revising Appendix A: Consolidated Use Table.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency



CITY OF POMPANO BEACH
FLORIDA

CITY HALL OFFICES:

100 W. Atlantic Boulevard
Pompano Beach, Florida
PHONE: (954) 786-4662

Visit Our Website At:
<http://www.pompanobeachfl.gov>

MAILING ADDRESS:

City of Pompano Beach
P.O. Box 1300
Pompano Beach, FL 33061

PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

November 30th, 2015
Monday

City Commission Chambers

7:00 P.M.

SPECIAL MEETING AGENDA

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 7:03pm.

B. **ROLL CALL:**

- Elizabeth Anderson
- M. Dwight Evans
- Richard Klosiewicz
- Joan Kovac
- Jerold Mills
- Fred Stacer
- Tobi Aycock *for Jeff Torrey*

Also Present

- Karen Friedman
- Robin Bird
- Carrie Sarver
- Kerrie MacNeil
- Cecelia Ward
- Patrick Jovanov
- Tara Patton
- Vincente Thrower

Mr. Evans asked for a vocal or silent moment for prayer. Mr. Stacer called for a moment of silence.

C. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Mr. Robin Bird reminded the Chairman that this is not a quasi-judicial hearing and it is not necessary to place individuals under oath. Carrie Sarver agreed that placing the audience who wishes to speak under oath is above the requirements.

City Staff and members of the public testifying before the Board at the meeting were placed under oath by Kerrie MacNeil, Zoning Technician and Notary Public in the State of Florida.

D. OTHER BUSINESS

1. Temporary Moratorium - Staff Reports

Staff has prepared reports and recommendations regarding several uses subject to the Temporary Moratorium. The reports are as follows: Health Care Uses, Thrift and Consignment Shops, and Liquor Stores (and other retail sales of alcoholic beverages), and Alternative Financing Uses.

Mr. Robin Bird introduced himself to the Board as the Director of Development Services and reviewed the temporary moratorium and the reasons why it was enacted. Mr. Bird stated that four reports are being presented tonight and a significant size team worked on the reports. Mr. Bird added that staff reserves the ability to bring items back to the next Planning and Zoning Board meeting.

Mrs. Kovac asked why restaurants were not included in the reports. Mr. Bird replied that the City Commission did not select restaurants to be placed under moratorium.

Mrs. Friedman, Principal Planner, introduced herself to the Board and stated that she would be presenting condensed versions of the reports that were included in staff's back up material and she will be focusing mostly on the recommendations. Mrs. Friedman stated that the various recommendations have the same theme: the City's need to balance access to these uses, economic development, protect single family neighborhoods and regulate secondary effects of the uses. Distance requirements.

Mrs. Friedman introduced the first topic: Thrift and consignment shops. Mrs. Friedman stated that often times the difference between thrift and consignment shops is not understood. Mrs. Friedman delivered a PowerPoint presentation to the Board which included staff's recommendations.

Mrs. Friedman introduced the next topic and began the PowerPoint presentation on Alternative Financing Uses. Mrs. Friedman presented the definition, location, history, problems, and staff's recommendations for these uses.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Mrs. Friedman gave the next presentation on Liquor Stores and other retail sales of alcoholic beverages.

Mrs. Friedman presented the next report on Health Care Uses.

Mr. Bird informed the Board that there will be four separate ordinances and suggested that the Board discuss and vote on one topic at a time. The Board agreed to discuss the reports in the order that they were presented in by staff. Mr. Stacer asked the Board if they had any questions for staff regarding Thrift and Consignment shops.

Mrs. Anderson if the consignment stores that were in B-3 that will now be considered thrift stores are considered nonconforming. Mrs. Friedman replied that they would likely be treated under the lawfully existing special exception use. Mrs. Anderson asked if this would be true even if they do not apply and Mrs. Friedman responded that it is just the designation.

Dr. Mills stated that he is unclear on the difference between consignment and thrift shop. Mrs. Friedman explained the difference between the two. Dr. Mills asked if no new business can be established under the moratorium and what is the length of the Moratorium. Mrs. Friedman responded that the Moratorium was enacted by the City Commission on July 14, 2015 and it is set to expire on January 14, 2016 unless further action is taken by the Commission. Dr. Mills asked if no new business can be established during this time and Mrs. Friedman replied that no new permits and no new business tax receipts were issued to any of the uses that have been subject to the Temporary Moratorium.

Mrs. Aycock asked why consignment boutiques are prohibited from fronting Atlantic Boulevard in the AOD but not thrift. Mrs. Friedman responded that they Thrift Shops are a prohibited use in the AOD; therefore, we would not have to regulate where they would be located.

Mr. Klosiewicz asked who will determine what is considered "luxury merchandise." Mrs. Friedman responded that staff will be looking to see if the business is focusing on selling one type of merchandise or if they focusing on multiple items (this is a way to determine the difference between thrift and consignment). Mrs. Friedman added that this is a standard used by several other cities in South Florida and staff will make their best determination. Mr. Klosiewicz expressed that he does not believe the word luxury should be included because the word luxury may be interpreted differently by different people. Mr. Klosiewicz stated that he suggests the word be stricken from the text amendment.

Dr. Mills asked what happens to the places that are not in compliance once this goes into effect. Mrs. Friedman responded that the use will become a legal non-conforming use or lawfully existing special exception use. Mrs. Friedman added that we do not force them to comply.

Mr. Evans asked for the distinction between a shop and a boutique and if a boutique is a more specialized. Mrs. Friedman answered that it is a more specialized type of retail establishment (ex. vintage clothing or furniture).

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Mrs. Anderson asked if the lawfully existing special exception is held to the same improvement as the legal nonconforming use. Mr. Bird responded that a lawful special exception use is held to a different standard.

Mr. Stacer asked if staff is looking for a recommendation to extend the Moratorium and Mrs. Friedman responded that they are only looking for a recommendation on the text amendments.

Mr. Stacer opened up the discussion to the public.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) introduced himself to the Board and complimented Mrs. Friedman and the rest of the team on their research. Patrick stated that he has visited the Salvation Army over the years and he wishes that staff would come up with more equitable regulations. Patrick stated that this was a part of history. Patrick stated that "this is very good."

Tara Patton introduced herself to the Board as the representative of Festival Flea Market (2900 West Sample Road Pompano Beach, FL) and asked how outlet stores like Nordstrom Rack are categorized since they are selling goods below market value. Mrs. Friedman responded that there is a use in the code called "other retail establishment" that does not take into account the prices of the items sold. Mrs. Patton asked if there was an umbrella that grouped alike types of "luxury items." Mrs. Friedman answered that it would be related accessories (example: purses and jewelry). Mrs. Patton asked that her concern was who gets to make that determination.

Mrs. Kovac asked if clothing, jewelry and purses would be considered consignment and Mrs. Friedman confirmed.

Dr. Mills asked staff why the moratorium is necessary. Mr. Bird answered that staff and the City Commission have determined that the location of many of these uses were creating side effects that were concerning. The moratorium gives staff time to study the issues and decide how to go forward. Dr. Mills asked if we are currently under moratorium and Mr. Bird confirmed.

Mr. Klosiewicz asked the Chairman if the Board is going to have the opportunity, at this time, to amend the language in the text amendments. Mr. Stacer confirmed.

Mr. Stacer closed the public hearing.

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to recommend approval of the proposed text amendments to Thrift and Consignment shops with the word "luxury" stricken from code sections 155.4222.E.2 and Article 9, Part 5. All vote in favor of the above motion; therefore, the motion passed.

Mr. Stacer asked the Board if anyone had questions on the Alternative Financing presentation and recommendations.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Dr. Mills asked if the proposed changes would mean that he cannot go into a bank and cash a check. Mrs. Friedman answered that one would be able to cash a check at a bank and they are separate uses. Dr. Mills asked why staff is recommending to modify the definition of bank to exclude these items. Mrs. Friedman answered that the definition of "Bank or Financial Institution" today includes a check cashing store. If we do not exclude them, we would be treating them under two different categories. We are not taking the ability to cash a check away from a bank, but we are removing the description of a check cashing facility from the "Bank or Financial Institution" use.

Mrs. Aycock asked staff why there is no separation distance between these uses and residential uses. Mrs. Friedman responded that she found separation of like uses in her research and the intent of this is to prevent clustering.

Mr. Evans asked if staff stated that these uses cause an area to become blighted. Mrs. Friedman confirmed that this is what the report indicated and the secondary effects blight the area, attract crime, cause deterioration of shopping centers, and they have certain appearance issues that may cause blighting (ex. bullet proof glass windows). Mr. Evans asked about the benefits staff identified on page 8 of the report and stated that he thinks there is a greater benefit to keeping the uses rather than removing them. Mr. Evans asked if we have this blight in Pompano. Mrs. Friedman responded that we have four distinct clusters of these uses and three of four are within or directly adjacent to the Northwest CRA which is a blighted area of the City. Mr. Evans asked if there was more than one facility located on Atlantic Blvd just west of Dixie Highway. Mrs. Friedman pulled up the map and responded that there are multiple locations in Cluster #4.

Mr. Klosiewicz stated that he believes that these stores would not have opened if they were not needed and that competition may benefit the people that are being served.

Mr. Stacer asked staff about an inconsistency between what is permitted in the PD-I in the appendix and the backup material. Mrs. Friedman stated that **check cashing facility** should not be permitted in the PD-I and confirmed it is an error and the Appendix is correct.

Mrs. Anderson asked if staff considered implanting design criteria for these uses. Mrs. Friedman responded design guidelines were not one of the considerations.

Mr. Klosiewicz asked if the State of Florida has some control over the rates that can be charged. Mrs. Friedman answered that the state has some rates but she does not know them off hand. Mr. Klosiewicz asked why people would use this type of service. Mrs. Kovac answered that it is possible that clients of these uses do not have checking accounts. Mr. Klosiewicz asked what people would do if this use is reduced or eliminated. Mrs. Friedman responded that staff's recommendation is not to eliminate the use.

Mrs. Kovac asked staff for confirmation that we are only talking about going forward and not talking about closing any existing Alternative Financing stores. Mrs. Friedman confirmed.

Mrs. Anderson asked if any of the existing uses will become nonconforming due to the separation requirements and Mrs. Friedman confirmed (legal non-conforming use).

Mr. Klosiewicz stated that he did not say anything that expressed that he believed that the uses were being eliminated.

Mrs. Aycock stated that, according to the research, the goal is to spread them out in order to lower the crime rates and help with appearance.

Mr. Klosiewicz asked how many stores on the map would be nonconforming. Mrs. Friedman responded that she could not provide that information at that very moment; however she could return with the requested information. Mr. Bird suggested a cover memo to the Board.

Mr. Stacer opened up the discussion to the public.

Vincente Throter (1890 NW 6 AV Pompano Beach, FL) stated that the check cashing stores are needed in the minority community. Vincente stated that he believes this is a neighborhood discussion and not a board discussion on whether the neighbors want the stores in the area. Vincente expressed that the check cashing stores are important for people who have bad credit and are not able to open a bank account.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) asked staff why the research includes military bases if there are no military bases in Pompano Beach. Mr. Jovanov expressed that he does not understand why there is a reference to military bases. Mr. Jovanov shared a quote from Mark Twain and stated that what is being proposed is a recurring prejudice that was discussed at City Commission meetings several times. The lack of financial institutions in the Northwest CRA was planned or discouraged.

The Chairman closed the public hearing and asked if the Board had any additional questions.

MOTION made by Joan Kovac and seconded by Tobi Aycock to recommend approval of the text amendments to Alternative Financing Uses. All voted in favor of the above motion with the exception of Jerry Mills and Dwight Evans.

The Board moved on to discussing Liquor Stores and other retail sales of alcoholic beverages.

Dr. Mills asked if these amendments will affect the American Legion, the Elks Lodge etc. Mrs. Friedman responded that these uses are not included. Dr. Mills if regular bars are included. Mrs. Friedman responded that bars with accessory package sales will be affected because the package sales will now be a new accessory use that would require approval.

Mr. Stacer asked staff for clarification on the difference between a brew pub and a distillery. Mrs. Friedman answered that the City has both brew pubs and food and beverage manufacturing and she briefly explained the differences between the two.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) asked how the Costco Liquor store would be grouped. Mrs. Friedman stated that we treat these membership stores as retail establishments.

The Chairman closed the public hearing and asked if any Board members had any additional questions.

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to recommend approval of the text amendments to Liquor Stores and other retail sales of alcoholic beverages. All voted in favor of the above motion; therefore, the motion passed.

The Chair asked the Board if they had any questions concerning the proposed text amendments regarding Health Care uses.

Dr. Mills asked for the geographic definition of the AOD and Mr. Bird provided Dr. Mills with an explanation. Dr. Mills asked if he could open a one story office and have treatment on the first floor. Dr. Mills also asked why someone would not be able to have a doctor's office open after 7pm and expressed that he does not agree with the proposed changes.

Mrs. Friedman stated that the intent is to balance the various needs including access (ex. hours of operation) as well as taking into consideration the impact on neighboring properties (especially the residential community). Mrs. Friedman answered that the hours of operation in the AOD would be affected. Dr. Mills mentioned that there are many senior citizens living east and he expressed that he thinks the restrictions are wrong.

Cecelia Ward introduced herself to the Board as the Planning Consultant for the Pompano CRA and stated that she would like to address a few of the comments. Mrs. Ward stated that they have performed an extensive analysis of the medical facilities in the AOD and the DPOD. The research discovered that facilities exist that close before 7pm and open after 7am. Mrs. Ward informed the Board that the purpose of the restriction on the hours of operation is to utilize the evening activity to support the pedestrian oriented uses that will help revitalize the area. The research shows that the restriction on the hours is consistent with the current operating hours of the existing facilities.

Mr. Stacer asked why Health Care uses are not proposed to be permitted in the I-1X zoning district. Mrs. Friedman stated that this district is intended for heavier uses. Mr. Bird added that no I-1X locations would be on a major corridor.

The Chairman opened up the discussion to the public.

Vincente Thrower (1890 NW 6th Ave Pompano Beach, FL) asked if someone would be prohibited from building an urgent care facility on Martin Luther King Boulevard. Mrs. Friedman responded that on MLK, a Specialty Medical Facility would be prohibited in the Downtown Pompano Beach Overlay District. Mr. Thrower asked staff why we would prohibit an urgent care facility from being constructed when there are no existing facilities in the Northwest CRA community. Mr. Bird stated that this would not prohibit an urgent

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care center in the Northwest CRA, only in the downtown overlay district (DPOD). Mr. Thrower stated that he objects this item. Mr. Thrower asked the Chair what the logic is behind this regulation.

Mr. Stacer asked staff if it is permitted today. Mr. Bird responded that it is allowed today. Mr. Thrower asked if the text amendment is adopted it will not be permitted. Mr. Bird responded that the use would be permitted west of I-95 on MLK but not east of I-95.

Mr. Thrower asked why there would not be urgent care center allowed near the new residential development across from the E. Pat Larkins Center. Mr. Thrower asked the Board to not support the text amendment. Mr. Thrower asked if the item will need to pass the City Commission and staff confirmed. Mr. Thrower stated that he believes that it does not make economic sense to restrict the urgent care centers from the MLK corridor in the DPOD.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) stated that the slide 17 of the presentation lists the "Lamb of God Recovery Centers" as being licensed since 2007 when it has been here for decades. Mr. Jovanov shared a personal account regarding a sober home and an attempted kidnapping of a small child. Mr. Stacer asked what part of the code Mr. Jovanov is referring to. Mr. Jovanov stated that the issue is allowing sober homes to be located in a residential district adjacent to schools. Mr. Jovanov stated that he does not have proof, but it is the only explanation for something like this happening in his neighborhood. Mr. Jovanov asked if sober homes are still permitted in the City under the temporary moratorium. Mrs. Friedman answered that the recommended text amendments do not deal with any housing uses and added that the question is unrelated to the topic at hand. Mr. Jovanov stated that he agrees with Mr. Thrower that not allowing urgent care is discrimination, prejudice, etc.

Mr. Stacer asked if this will happen in the east and west CRA. Mrs. Friedman responded that the use "Specialty medical facility" would be a special exception in B-3, permitted in B-4, I-1 and OIP. However, it would be prohibited in the AOD and DPOD. Mrs. Friedman stated that it is consistent with the goals of these districts in terms of promoting pedestrian activity uses and active night life activity. Mr. Stacer asked which uses are allowed in the AOD and DPOD and Mrs. Friedman answered that retail clinics, personal care services, and medical offices are all permitted uses in these districts.

Mr. Klosiewicz asked if an urgent medical facility open from 7am to 7pm would be permitted and Mrs. Friedman responded that it would not because the hours of operation are not the only issue. Other issues are ambulances (noise) and medical waste etc.

Mrs. Friedman answered that it is also ambulances, medical waste, (specialty medical uses), more intense than a regular doctor's office. Go here in lieu of the ER. Mr. K asked if these uses are permitted in the area that Vincente was worried about.

Mr. Evans said he thought that being transported in an ambulance to an urgent care facility occurs very infrequently. Mrs. Friedman stated that these uses have some deleterious secondary effects and we need to treat them with more regulation. Mr. Evans asked why

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it is necessary to go outside of the core area if there are not significant adverse effects. Mr. Bird stated that these uses will negatively affect redevelopment efforts.

Mrs. Kovac asked how many blocks from Martin Luther King Boulevard could there be an urgent care center.

Cecilia Ward explained the purpose of the redevelopment efforts for the DPOD area.

Mrs. Friedman explained the boundaries of the DPOD.

Mr. Evans asked if the zoning regulations of the area should adjust in the area as time goes on and be updated to reflect changes. Mrs. Friedman stated that this is what staff is trying to do and the point of the moratorium. Mr. Evans asked staff if it is their belief if a specialty medical facility located in the DPOD on MLK Boulevard would adversely affect development of the area.

Mr. Bird stated that there are many uses within the specialty medical facility (not just the urgent care center). Dr. Mills stated that he is asking specifically about medical offices and how these text amendments would eliminate these uses from the area. Mrs. Friedman stated that these uses are not consistent with the redevelopment efforts in the AOD and DPOD.

Mrs. Kovac asked if Dr. Mills is aware the urgent care centers close at 7pm as well.

Dr. Evans asked if the Board will be making a recommendation regarding one of staff's recommendations and Mrs. Friedman responded that those (that Mr. Evans is referring to) are the overriding recommendations and the proposed text amendments came from these recommendations. Mrs. Friedman stated that the Board could think of them as "Considerations 1, 2, 3 and 4" and the text amendments were prepared from these considerations.

Mr. Stacer asked if staff mapped the locations of the medical facilities. Mrs. Friedman replied that staff did mapping and staff was able to conclude from the mapping is that the change in the location of uses has not changed significantly from 2005 to 2015. The maps would not be useful because they would be so cluttered with the multiple locations.

Mr. Stacer closed the discussion to the public.

MOTION made by Elizabeth Anderson and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments. All voted in favor of the above motion, with the exception of Jerry Mills and Dwight Evans, therefore the motion passed.

Mr. Stacer stated that he has questions for staff that are specific to the AOD. Mrs. Friedman placed a document on the screens for the Board to see and Mr. Stacer directed her to page 2, item number 3. Mr. Stacer asked what uses fall under 3b. Mrs. Friedman stated that the changes that were made reflected the changes coming out of the moratorium. Mrs.

Friedman stated that staff will meet with the CRA and discuss visitor accommodation uses being permitted in a residential mixed use project.

Dr. Mills asked for clarification on the outcome of the most recent vote on health care uses and Mr. Stacer and Carrie Sarver clarified that there were two “Nays” or a 5-2 vote.

Mr. Stacer stated that, referring to page 3 and the parking exemptions, he is concerned about big projects that would theoretically not have to provide parking. Mrs. Friedman responded that this is an incentive for smaller projects that are looking to do adaptive reuse. Mrs. Friedman stated that this is an effective mechanism to get sites to convert their use to a more desirable use without meeting the parking requirements.

Mr. Stacer said that he considers it to be potentially dangerous to not require parking for new projects such as a large retail redevelopment project (100,000 square feet of retail).

Mr. Bird stated that this regulation has been in effect for 5 years and we have seen neither benefits nor deleterious effects. Mr. Bird used Delray Beach as an example of a City not requiring restaurants to provide additional parking and there were still new parking garages constructed. Mr. Stacer stated that he is still concerned about this concept. Mr. Bird suggested having staff come back before the Board with a separate report on this item. Mr. Stacer said that he is ok with this proposal.

Mrs. Aycock suggested staff look at the parking scheme in downtown Gainesville for ideas.

Mr. Klosiewicz complimented Mr. Bird and staff for their hard work regarding the reports on the moratorium uses.

E. AUDIENCE TO BE HEARD

Mr. Stacer asked if there was anyone in the audience who wished to speak and no one responded.

F. BOARD MEMBERS DISCUSSION

Mr. Stacer asked if the Board members had anything to discuss and there was no response.

G. REPORTS BY STAFF

Mr. Stacer asked if staff had anything to report and Ms. MacNeil announced that the next regularly scheduled meeting is December 16th, 2015.

H. ADJOURNMENT

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to adjourn the meeting at 9:29pm; all voted in favor of the above motion.

Approved at the meeting held on January 27, 2016.

Fred Stacer
Chairman
Planning and Zoning Board/Local Planning Agency

DRAFT

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-621

DATE: November 19, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Temporary Moratorium – Staff Reports

Staff has prepared reports and recommendations regarding several uses subject to the temporary Moratorium. A copy of each report and supporting text amendments is following.

Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

Copy of Study

ALTERNATIVE FINANCING USES

Karen Friedman, AICP, Principal Planner

November 2015

Contents

- Introduction and Purpose
- What are "Alternative Financing" Uses?
- Current city regulations
- General Research
- Pictorial Review of existing establishments

Introduction and Purpose

Introduction and Purpose

Ordinance 2015-67, Temporary Moratorium on Check Cashing Stores and Pawn Shops

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses for the citizens of Pompano Beach and to create a long term strategy to ensure adequate access to such services is provided; and,

WHEREAS, the moratorium is intended to allow sufficient time to study the provision and location of these uses does not result in an over-concentration of these uses that will result in the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses to ensure that there is a balance between the existing residential uses and the projected demand for and location of these uses;

- Understand the issues related to these uses (and other alternative financing uses)
 - Understand the secondary effects of these uses
 - Provide an overview of national, state, and local regulations of these uses
- Where are these uses in the City?
 - Are the uses clustered?
- How should city regulate these uses?

What are *Alternative Financing* Uses

- Payday Loan providers
 - Payday loan is a small, short-term, unsecured, single-payment, consumer loan. The borrower writes a personal check to the lender, with the amount of the check equal to the loan amount plus the finance charge. The lender agrees to hold the check for a specified period of time (usually until the customer's next payday) before depositing it. The term of the loan is typically between seven and thirty days. The payday lending industry began in the mid-1990s, with roughly 200 stores throughout the United States between 2007-2010, storefront loan volume declined to approximately \$30 billion. In 2010, through traditional and online channels, the payday lending industry had an approximate loan volume of \$44.3 billion.⁷ Today, the industry shows tremendous growth through online lending.
 - 15 States and the District of Columbia prohibit Payday Lending
- Check cashing facilities
 - Check-cashing outlets cash checks in exchange for a fee that is typically a percentage of the face value of the check. Most of the checks that they cash are paychecks or government-issued checks. Fees charged for cashing these types of checks are a percent of the face value of the check. The number of check-cashing outlets grew rapidly from the early 1980s through the mid-1990s, and more slowly in recent years. The slowdown in growth over the past decade is at least partially attributable to a decline in demand for check-cashing services, as the share of wage payments and government transfer payments made by direct deposit has increased.
- Pawn Shops
 - Pawnshops make small, non-recourse loans collateralized by tangible personal property, such as jewelry, consumer electronics, tools, musical instruments or firearms. Pawnbrokers do not attempt to assess the creditworthiness of their customers; rather, they rely upon the estimated value of the collateral in making their loan decisions.
 - As of 2007, the number of pawnshops in the U.S. was estimated to be between 10,000 and 15,000.

City's Current Regulations

Payday Loan and Check Cashing:

- No separate use.
- Both are considered Bank or Financial Institution.
- Allowed in many Zoning Districts including RM-20, RM-30, and RM-45.

Pawnshop

- Separate Use
- Primarily limited to B-4 Zoning

155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES - PERSONAL SERVICES

C. Bank or Financial Institution

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	P	P	P

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

2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.

155.4222. COMMERCIAL: RETAIL SALES AND SERVICE USES - RETAIL SALES

L. Pawn Shop

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

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

2. Definition

A pawn shop is a business that advances funds to a person on the security of pledged tangible personal property on condition that the pledged property is left in the possession of the pawnbroker until redeemed by the pledger within an established default time period, after which title in unredeemed property vests in the pawnbroker, who may then sell the property.

General Research and Overview of National and Local Regulations

Including Municipal Zoning Regulations

Federal Reserve Board's "Determinants of the Locations of Payday Lenders, Pawnshops and Check-Cashing Outlets" (2009)

- This study examines the determinants of the locations payday lenders, pawnshops, and check-cashing outlets.
- Supporters of these uses argue that the firms locate in areas that are inadequately served by banks and other mainstream financial service providers, thereby fulfilling otherwise unmet needs of the residents of these neighborhoods.
- Critics argue that these firms prey upon disadvantaged segments of the population by strategically locating their stores in low-income, high-minority-population neighborhoods.
- Consistent with the prior research, this report found these uses are more prevalent in areas where a large percentage of the population is black or lacks a high school diploma.
- This report found that credit scores are found to be a strong predictor of concentration: counties where a larger percentage of the population has no credit score have a greater density of all three types of uses, while counties where a larger percentage of the population has a credit score that would place them in the subprime category have increased concentrations of both payday lenders and pawnshops.
- This finding suggests that these uses may simply locate where the demand for their services is likely to be greatest because a significant portion of the population does not qualify for more mainstream (and less expensive) forms of credit.

Federal Reserve Board's "Determinants of the Locations of Payday Lenders, Pawnshops and Check-Cashing Outlets" (2009)

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2006 / 2015 - Military Lending Act

Congress passed the Military Lending Act (MLA) in 2006 with bipartisan support to provide specific protections for active duty service members and their dependents in consumer credit transactions. In particular the Act was intended to help protect all active duty service members and their families from committing to loans with excessive fees and charges. This rule applies to all forms of payday loans, vehicle title loans, refund anticipation loans, deposit advance loans, installment loans, unsecured open-end lines of credit, and credit cards.

- Originally adopted in 2006 / Updated in 2015
- Applies to active-duty military personnel.
- Caps annual interest rates for consumer credit to military borrowers at 36 percent including all fees and charges, credit insurance premiums and other ancillary charges.
- Prohibits lender from securing a consumer credit loan to a military borrower with a personal check, debit authorization, wage allotment, or title to a vehicle.
- Requires written and oral disclosure of interest rates and payment obligations before loan is issued.
- Lenders cannot require that borrowers waive their right to legal recourse under any law, including the Service members Civil Relief Act.
- 2015 Update extends MLA protections, including the 36 percent Military Annual Percentage Rate (MAPR) cap, to a wider range of credit products, including credit cards.
- 2015 Update modifies the MAPR to include fees for credit-related ancillary products sold in connection with the credit transaction, finance charges associated with consumer credit, and certain application and participation fees.
- Also, for credit cards, the MAPR excludes certain fees if bona fide and reasonable.
- Prohibits all rollovers, renewals or refinances of payday loan transactions or other deferred presentment transactions by creditors other than banks, thrifts or credit unions.

2013 - Florida's Check Cashing Database

- FL SS Ch. 560, Money Services Businesses, regulates Check Cashing (cashing payment instruments) and Deferred Presentment Providers (payday loan lenders).
- In 2008 Ch. 560 was significantly updated to incorporate recommendations from the Senate Interim Project 2008-101, "Regulation of Money Services Businesses," the Office of Financial Regulation.
 - From Senate Staff report: *"Currently, Florida ranks first in the nation with respect to the total number of MSB firms, branches, and vendors (approximately 35,000) registered with the state regulator, the Office of Financial Regulation (office). In recent years, an increasing number of state and federal law enforcement actions have been taken against MSBs. Many of these actions have targeted those entities attempting to avoid the payments of state and federal taxes and workers' compensation premiums. Check cashers, in particular, can be used, knowingly or unknowingly, as facilitators of fraudulent insurance activity or money laundering activities."*
- In 2013 the Florida Legislature passed House Bill 217 which requires check cashers to log check cashing data into a statewide database for any check cashed in excess of \$1,000.
- House Bill 217 was a result of a 2011 program by Florida's Chief Financial Officer, who convened the Money Service Business Facilitated Workers' Comp Fraud Work Group. This group consisted of regulators, Office of Financial Regulation, law enforcement, and industry stakeholders to study the issue of workers' compensation premium fraud, with particular regard to the role that check cashers play in facilitating the fraudulent schemes.
- The work group made a number of findings and recommendations, including the establishment of a statewide, real-time database for regulators and law enforcement to quickly and effectively detect and deter workers' compensation premium fraud. The work group recommended that the database interface with the Secretary of State's database for verifying corporate registration records and with the Department of Financial Services' database for verifying workers' compensation coverage.

2015 - U.S. Department of the Treasury's Financial Crimes Enforcement Network's Geographic Targeting Order

- Beginning on August 3, 2015 and ending on January 30, 2016
- Requiring check cashers located in Broward and Miami-Dade counties to obtain and record identifying information about persons cashing Federal tax refund checks in excess of \$1,000
- South Florida has become a hotbed for stolen identity tax refund fraud. In a typical scheme, the criminal files a fraudulent tax return after stealing a victim's identity and then cashes the refund check at a local check casher. The criminal typically cashes the check using fake identification in an attempt to evade law enforcement.
- *"For the past several years, the State of Florida and IRS Criminal Investigation have seen a significant increase in Stolen Identity Refund Fraud cases," said Richard Weber, Chief, IRS Criminal Investigation. "One common thread in many investigations was the ability of criminals to cash tax refund checks with little fear of repercussion. Using this information from countless investigations, we felt that more needed to be done on the front end to prevent this type of crime from happening and to make it more difficult for criminals to successfully steal a person's identity. By issuing this Geographic Targeting Order, the Treasury Department has put a roadblock in the path of those who would steal another person's identity. This GTO will make it difficult for these criminals to reap the rewards of their actions and the end result will be fewer losses to the U.S. Treasury and taxpayers.*

National Regulations (page 1 of 2)

City	Definitions/terminology	Dispersal, setback, and density requirements
Blue Springs, Missouri ¹²⁷	Short Term Loan Service	1,500 feet between uses; 200 feet from residential areas; 1,500 feet from schools, parks, and city limits; 1 per 4,500 population
Clark County, Nevada ¹²⁸	Check cashing	1,000 feet between uses; 250 feet from residential areas
Clayton, Ohio ¹³⁰	Payday loan business, title loan business	1,000 feet between uses; 1,000 feet from residential areas; 1,000 feet from schools, places of worship, and places selling alcohol
Irving, Texas ¹⁴²	Non-depository financial institutions, check cashing business, payday advance/loan business, car title loan business	1,000 feet between uses; 200 feet from residential areas; 500 feet from major highways
Kansas City, Missouri ¹⁴³	Short-term loan establishment	One mile between uses; 1,000 feet from landmark and historic districts
Layton City, Utah ¹⁴⁴	Title loan, payday loan, deferred deposit lending	1,500 feet between uses; 1 per 10,000 population

City	Definitions/terminology	Dispersal, setback, and density requirements
Cuyahoga Falls, Ohio ¹³⁵	Advance or payday loan	1,000 feet between uses; 1 per 10,000 population
Des Moines, Iowa ¹³⁶	pawnbroker, delayed deposit services business	1/2 mile between uses; 250 feet from residential areas
Fairview Heights, Illinois ¹³⁷	Consumer Installment Loan Business	Maximum of 2
Gladstone, Missouri ¹³⁸	Payday loan business, title loan business	5,280 feet between uses; 200 feet from residential areas
Greenbay, Wisconsin ¹³⁹	Payday loan business, title loan business	5,000 feet between uses; 150 feet from residential areas
Greenville, South Carolina ¹⁴⁰	Check cashing establishment	
Hellertown, Pennsylvania ¹⁴¹	Check cashing business	1,000 feet between uses; 1,000 feet from traditional banks
North Kansas City, Missouri ¹⁵⁶	Car title lenders, check cashing lenders, pay day lenders	
North Las Vegas, Nevada ¹⁵⁷	Deferred deposit loan, short-term loan, auto title loan, pawn shop	2,500 feet between payday loan uses; three miles between auto title lenders; 500 feet from residential areas
Norwalk, California ¹⁵⁸	Payday loan establishments	1,320 feet between uses; maximum of 8

National Regulations (page 2 of 2)

City	Definitions/terminology	Dispersal, setback, and density requirements
Cleveland, Ohio ¹³¹	Check cashing business	1,000 feet between uses; 1 per 20,000 population
Clinton, Mississippi ¹³²	Alternative financial services provider, pawn shops, check cashing businesses, cash for title stores, tax refund anticipation loan offices	500 feet between uses; 500 feet from residential areas; 500 feet from places of worship, schools, hospitals, parks, and playgrounds
Clive, Iowa ¹³³	Pawnbrokers, delayed deposit services	1,000 feet between uses; 1,000 feet from residential areas; 1,000 feet from day cares, schools, places of worship, and parks; 1,000 feet from adult businesses
Columbia, South Carolina ¹³⁴	Non-depository personal credit institutions	3,000 feet between uses
Overland Park, Kansas ¹⁶²	Payday loan business, title loan business	5,280 feet between uses; 200 feet from residential areas
Pima County, Arizona ¹⁶³	Non-chartered financial institution	1,320 feet between uses; 500 feet from residential areas

City	Definitions/terminology	Dispersal, setback, and density requirements
Madison, Wisconsin ¹⁴⁷	Auto title loan, payday loan	5,000 feet between uses
Manassas, Virginia ¹⁴⁸	Short-term loan establishment, high impact business	750 feet from residential areas; 750 feet from adult businesses; 750 feet from places of worship, schools, parks, libraries, and ball fields
Mesa, Arizona ¹⁴⁹	Pawn shops, non-chartered financial institutions	1,200 feet between uses; 1,200 feet from schools
Mesquite, TX ¹⁵⁰	Non-depository institutions, alternative financial establishments, car title loan business, check cashing business, money transfer business, payday advance or loan business	1,000 feet between uses; 200 feet from residential areas; 500 feet from major highways
American Fork, Utah ¹²⁴	Check cashing business, payday loan business, title loan business, deferred deposit lender	5,280 feet between uses; 1 per 10,000 population
Avondale, Arizona ¹²⁵	Non-chartered financial services, pawnshops	1,320 feet between uses; 1,320 feet from adult business, bars, and night clubs

Florida Municipal Regulations

City	Use	Regulation
Boca Raton	Check Cashing, Pawn Shops	"Problematic uses" means commercial retail and service uses such as pawn shops, check cashing centers and blood plasma centers which are typically characterized by poorly maintained facilities, loitering and other indices of neighborhood deterioration or urban blight.
Dania Beach	Check Cashing, Pawn Shops	2,500 ft separation from similar use
Daytona Beach	Check Cashing, Pawn Shops	Prohibited in North Ridgewood Overlay District
Deerfield Beach	Check Cashing	Conditional Use in B-3 Zoning
Fort Walton Beach	Non-Chartered Financial Institutions	Within Downtown Design Overlay District, 1,000 ft separation from similar use
Holly Hill	Check Cashing	Prohibited on property on or within 250 ft of LPGA Blvd
Hollywood	Check Cashing, Pawn Shops	1,000 ft separation from similar use
Hollywood	Check cashing store, payday loans, Pawn Shops	Prohibited Use in North Federal Highway Commercial Zoning District
Lauderhill	Check cashing / Payday loan store	Prohibited Use
North Miami	Check Cashing	200 ft separation from residential use
North Miami	Check Cashing, Pawn Shops	Problematic uses mean commercial retail and service uses including, but not limited to, day labor, tattoo parlors, body piercing, pawn shops, check cashing centers and blood plasma centers which are typically characterized by poorly maintained facilities, loitering and other indicates of neighborhood deterioration or urban blight.
Orange County	Check Cashing, Pay Day Loans, Pawn Shops	Prohibited in South Orange Avenue Corridor Overlay District, Conway Road Corridor Overlay District, State Road 436/State Road 50 Corridor Overlay District
Orlando	Check Cashing, Pay Day Loans, Pawn Shops	Prohibited in Semoran Gateway Special Plan, Conway Road Special Plan, and Semoran Blvd. Special Plan
West Palm Beach	Check Cashing	Prohibited in Coleman Park districts
West Palm Beach	Pawn Shop	Requires approval by Planning and Zoning Board

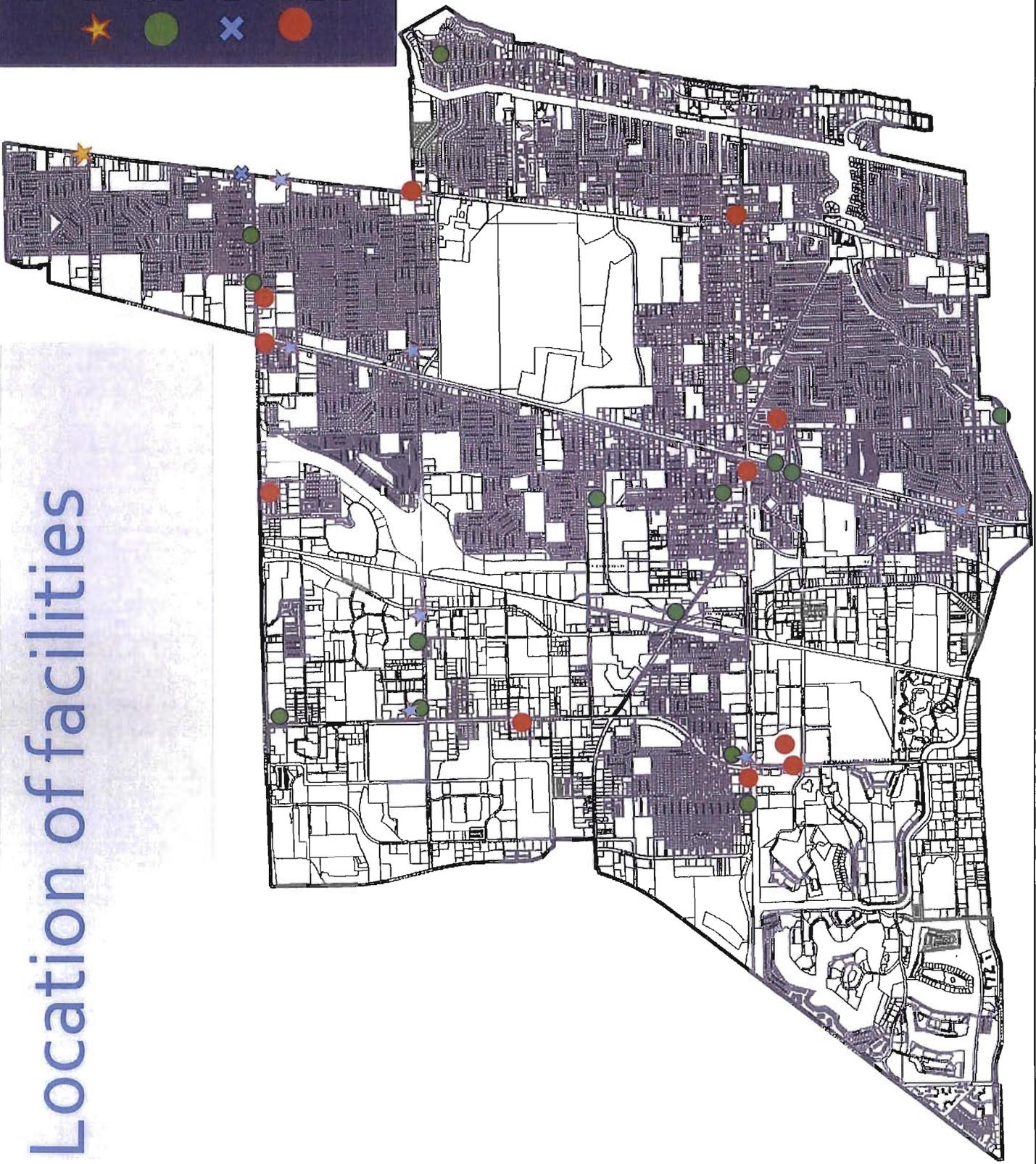
Location of Uses in Pompano Beach

A focus on Corridors

Location of facilities

Legend

- ★ Pawn Shop
- Check Cashing Facility
- ✕ Pay Day Loan
- Check Cashing Facility & Pay Day Loan



Location of Facilities: NW CRA

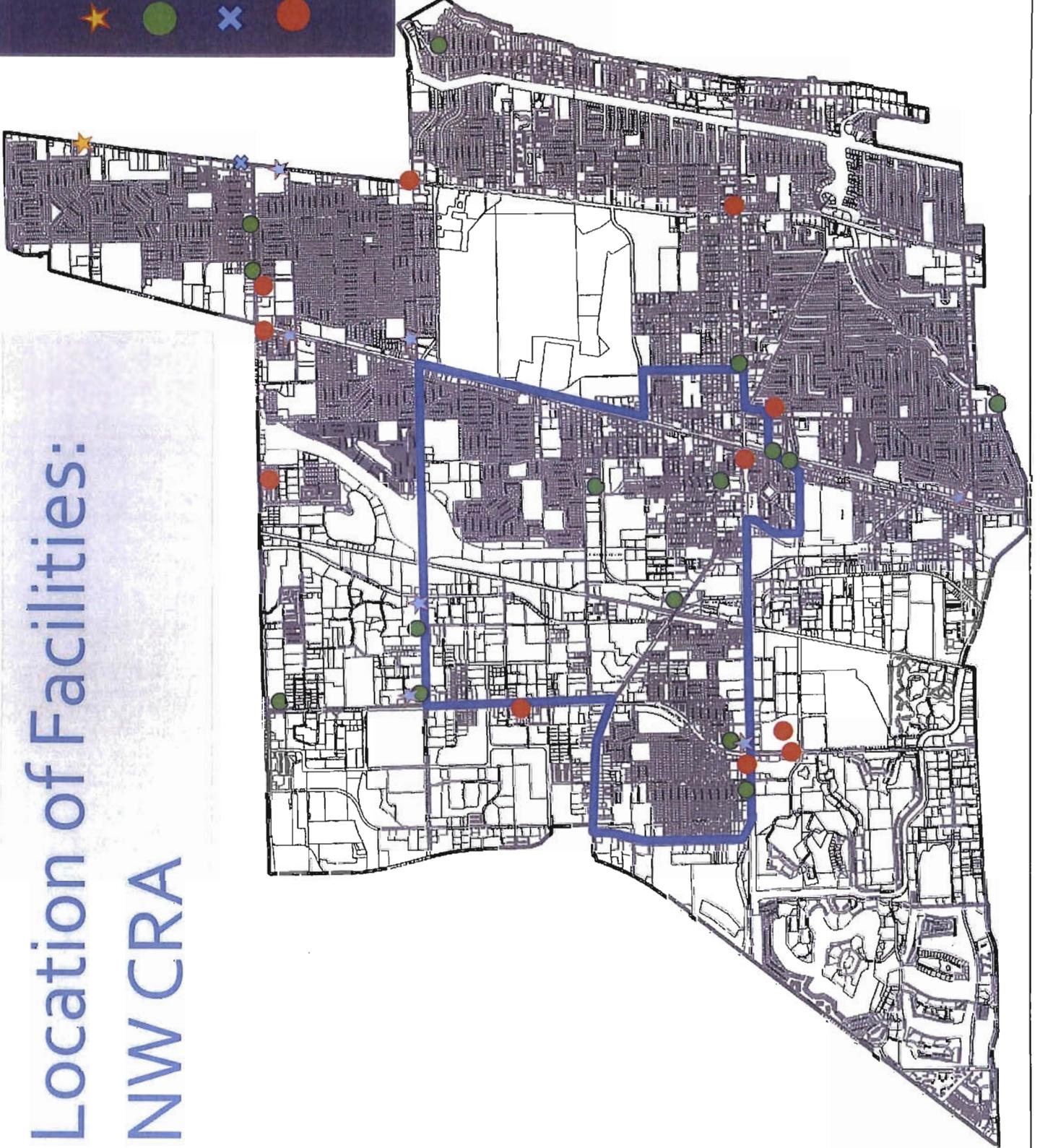
Legend

★ Pawn Shop

● Check Cashing Facility

✕ Pay Day Loan

● Check Cashing Facility & Pay Day Loan



Corridors: North / South

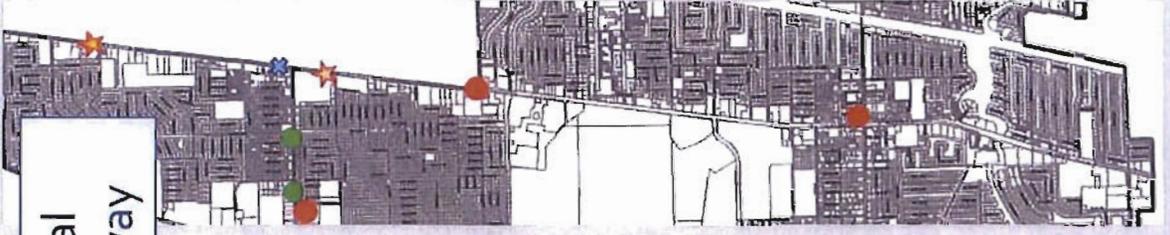
Powerline Road



Dixie Highway



Federal Highway



Legend

- ★ Pawn Shop
- Check Cashing Facility
- ✕ Pay Day Loan
- Check Cashing Facility & Pay Day Loan

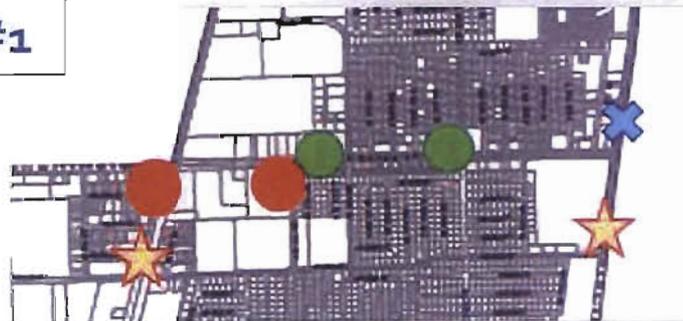
Corridors: Clusters

1. Sample Rd; Dixie Highway to Federal Highway
2. Copans Rd; Powerline Road to Andrews Avenue
3. Intersection of Atlantic Boulevard & Powerline Road
4. Intersection of Atlantic Boulevard & Dixie Highway

Legend

- ★ Pawn Shop
- Check Cashing Facility
- ✕ Pay Day Loan
- Check Cashing Facility & Pay Day Loan

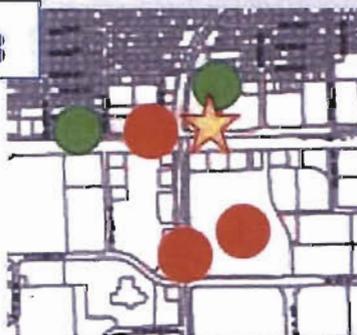
#1



#2



#3



#4



Outcomes and Recommendations

Outcomes

- There is a wealth of research detailing the problematic impacts of alternative financing uses
- There is a wealth of research detailing the tendency of these uses to locate in blighted areas and in adjacency to vulnerable populations (low-income, minority, or military)
- Mapping of the location of these uses indicate they are clustered in four primary locations in the city, three of which are in or directly adjacent to the NW CRA

Recommendations

- Create a new use called “Check Cashing or Payday Loan Store”
 - Modify definition of Bank to exclude these uses
- Prohibit Check Cashing or Payday Loan Stores from AOD and DPOD
 - Pawn Shops are already prohibited
- Require separation of 1,000 ft between all uses i.e.
 - A Check Cashing Store would need to be 1,000 ft from another Check Cashing Store, a Payday Loan Store, and a Pawn Shop

155.3703 ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

- C. Modified Use Standards
- 2. Prohibited Uses
- 3. Prohibited Principal Uses
- ixi Check Cashing or Payday Loan Store

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

C. BANK OR FINANCIAL INSTITUTION

2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

M. CHECK CASHING OR PAYDAY LOAN 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
												<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>

M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RP-UD	PC-D	PD-TO	LA-C	PD-I
													<u>P</u>		<u>P</u>	<u>P</u>

2. Definition

A check cashing or payday loan store is an establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

3. Standards

A check cashing or payday loan store shall be located at least 1,000 feet from another check cashing or payday loan store or from a pawn shop.

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

L. PAWN SHOP

3. Standards

A pawn shop shall be located at least 1,000 feet from another pawn shop or from a check cashing or payday loan store.

ALTERNATIVE FINANCING USES

Karen Friedman, AICP, Principal Planner

November 2015

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

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												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	

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

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§ 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 Spaces
...		
Retail Sales and Service Uses - Personal Services	...	
	<u>Check Cashing or Payday Loan Store</u>	<u>1 per 300 sq ft</u>
	...	

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.

...

BANK OR FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

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CHECK CASHING OR PAYDAY LOAN STORE

An establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

**Copy of
Ord. 2015-67**

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR IMPOSITION OF A MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS RELATING TO HEALTH CARE USES, CHECK CASHING STORES, CONVENIENCE STORES, LIQUOR OR PACKAGE STORES, PAWN SHOPS, THRIFT SHOPS AND DORMITORIES WITHIN THE CITY; PROVIDING FOR VESTED RIGHTS; APPEALS; AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A SIX (6) MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission and the City's Planning and Zoning Board, the Local Planning Agency, have previously undertaken the necessary studies and adopted a Comprehensive Plan to guide and control growth in the City; and,

WHEREAS, the goals, objectives and policies contained within the City's adopted Comprehensive Plan require that the City:

- i. Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan. (Future Land Use Element - Objective Inconsistent Land Uses - 01.03.00)
- ii. Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations. (Future Land Use Element - Policy - 01.03.10)
- iii. Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation

Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations. (Future Land Use Element - Objective New Land Use Regulations - 01.07.00)

- iv. Continually review and amend new land use designations for Residential, Mixed Use and Transportation Oriented Districts. (Future Land Use Element - Policy - 01.07.02)
- v. Through ongoing updates to the land development regulations revise prohibited and permitted uses in the commercial, industrial and non-residential zoning districts. (Future Land Use Element - Policy - 01.07.07)
- vi. Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings. (Future Land Use Element – Community Redevelopment - 01.08.01)
- vii. Redevelopment activities in the Community Redevelopment Areas shall be guided by their respective Community Redevelopment Plans, adopted pursuant to Chapter 163, Part III, Florida Statutes. (Future Land Use Element - Policy - 01.11.03)
- viii. Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services. (Future Land Use Element - Objective Urban Infill Criteria - 01.12.00);

and,

WHEREAS, the City of Pompano Beach contains two (2) Community Redevelopment Areas: the West Pompano Beach District CRA, also known as the NW CRA, a 3,000 acre area established in 1989, and the East Pompano Beach District CRA, a 158 acre area, that was established in 2001; and

WHEREAS, the NW CRA and the EAST CRA areas were established for the purpose of removing existing slum and blight conditions and provide economic benefits to the City's residents; and

WHEREAS, the East CRA area encompasses the majority of lands contained within the Atlantic Boulevard Overlay District (AOD) and the NW CRA area encompasses the Transit Oriented Corridor District (TOC); and

WHEREAS, the City adopted land development regulations for the AOD and the TOC; and

WHEREAS, the projects and programs of the City's Community Redevelopment Agency in the East CRA and in the NW CRA are designed to solve underlying problems that have a blighting influence on the redevelopment areas as further expressed in East CRA Redevelopment Plan and in the NW CRA Redevelopment Plan; and

WHEREAS, the AOD encompasses the Atlantic Boulevard Corridor which was included in a 2008 Urban Land Institute Technical Advisory Panel wherein the ULI recommended medium density, mixed-use development on Atlantic Boulevard; lower-scale development between the medium density and single family; creating great public spaces that exemplify and promote pedestrian activity; maintaining a small town feel and encouraging smaller scale (not big box) uses; and

WHEREAS, the AOD was also the subject of the City's Beach Master Plan which was approved in September 2008, which included measures for the restoration of the dune system along the public beach; streetscape improvements and realignment for Pompano Beach Boulevard; streetscape improvements for the east end of Atlantic Boulevard; a mixed use project and parking garage with 500 parking spaces; a new Fire Station, Library and upgrades to North Riverside Drive Park; and

WHEREAS, the City's Community Redevelopment Agency adopted an East Financing and Implementation Plan, which sets forth financial resources required and necessary for the

CRA to attain its redevelopment goals in the East CRA, which includes the majority of the AOD area; and

WHEREAS, the City's Community Redevelopment Agency adopted a Northwest Financing and Implementation Plan, which sets forth financial resources required and necessary for the CRA to attain its redevelopment goals in the NW CRA; and

WHEREAS, in its adopted Comprehensive Plan, the City identified "Major Issue No. 5: City Sense of Place" wherein the City expressed that there is a unique opportunity for the City to capitalize on its key transportation corridors, its major attractions and the Northwest and East Redevelopment CRA's to improve on its sense of place; and

WHEREAS, the City also adopted a Strategic Plan for the City of Pompano, wherein the City adopted the following strategies in support of the CRA redevelopment plans:

- i. 2.0 Tourism: Make the City more attractive to residents, visitors and tourists and expand visitor and tourism markets.
- ii. 5.0 Corridor Redevelopment: Enhance Corridor Redevelopment
 - 5.1 Begin implementation of corridor studies and plans for Federal Highway, Atlantic Boulevard and Dixie Highway
 - 5.2 Promote Class A office space development on Atlantic Boulevard near I-95 and along the Dixie corridor
 - 5.3 Support and facilitate development of an education corridor along MLK
 - 5.4 Improve overall aesthetic appearances
- iii. 6.0 CRA Redevelopment: Enhance CRA area redevelopment
 - 6.1 Expand CRA incentive programs

WHEREAS, the City has contracted with The Renaissance Planning Group to prepare corridor studies for Atlantic Boulevard, Dixie Highway and Federal Highway to identify

elements crucial to economic development and redevelopment along these major city transportation corridors; and

WHEREAS, the Zoning Code of the City of Pompano Beach, is designed to promote health, and general welfare, and to promote adequate light and air, and to prevent the overcrowding of land, and to avoid the undue concentration of population, and to facilitate adequate transportation, water, sewage treatment, schools, parks and other public requirements; and

WHEREAS, the process of growth and change within the City requires the continuing analysis of living and working conditions; and

WHEREAS, the health, safety and welfare of the citizens of Pompano Beach are proper and necessary for the consideration of the City Commission; and

WHEREAS, the continual flux of patterns in the urban community requires intensive restudy of areas of the community; and

WHEREAS, the changing patterns often cause existing zoning districts to become outdated, inequitable, unbalanced and inappropriate as applied; and

WHEREAS, it is in the public interest to make a determination as to whether existing zoning uses are appropriate where it appears that changing patterns have cast doubt on their propriety; and

WHEREAS, it is in the public interest to review the Zoning Code so as to ensure that the City's economic redevelopment efforts are not frustrated due to a proliferation of incompatible uses; and

WHEREAS, it is in the public interest to protect the substantial financial investment the City has made in recent years to promote economic redevelopment; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses for the citizens of Pompano Beach and to create a long term strategy to ensure adequate access to such services is provided; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision and location of these uses in a manner that does not result in an over-concentration of these uses that will further result in the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses to ensure that there is a balance between the existing residential uses and the projected demand for and location of these uses; and

WHEREAS, the moratorium is also intended to allow sufficient time to study the provision of these uses within the AOD and the DPOD, TOC, East CRA, NW CRA, corridors connecting the CRA areas and the corridors being studied by The Renaissance Planning Group and to determine the impact of these uses on the economic redevelopment efforts included in the City's Comprehensive Plan, the City's Community Redevelopment Plans, the CRA East Financing and Implementation Plan, the CRA NW Financing and Implementation Plan, the City's Beach Master Plan, and the City's Strategic Plan; and

WHEREAS, while the study conducted by The Renaissance Planning Group will address the City's major transportation corridors, additional studies are needed to address the impact of permitted and prohibited uses in the City; and

WHEREAS, the City desires to ensure, while necessary studies are presently underway for the formulation and implementation of remedial measures referenced herein, that additional Applications, Orders and Permits, as specified in the City's Code of Ordinances ("CODE") listed

below not be processed or issued in the City within the scope of the moratorium which is described herein:

Health Care Uses (Code Sec. 155.4209), Check Cashing Store (Code Sec. 155.4221.C), Convenience Store (Code Sec. 155.4222.F), Liquor or Package Store (Code Sec. 155.4222.K), Pawn Shop (Code Sec. 155.4222.L), Thrift Shop (Code Sec. 155.4222.M) and Dormitory (Code Sec. 155.4303.II);

and

WHEREAS, in accordance with Florida Statutes, Section 166.041 (3)(c)2, advertisement 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. Moratorium Imposed; Applicability.

A. During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon the acceptance of applications and the issuance of Development Orders and Permits, as defined in Section 163.3164, Florida Statutes, (collectively “Development Orders”) approving Health Care Uses (Code Sec. 155.4209), Check Cashing Store (Code Sec. 155.4221.C), Convenience Store (Code Sec. 155.4222.F), Liquor or Package Store (Code Sec. 155.4222.K), Pawn Shop (Code Sec. 155.4222.L), Thrift Shop (Code Sec. 155.4222.M) and Dormitory (Code Sec. 155.4303.II).

SECTION 2. Vested Rights.

A. Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

1. A governmental act of development approval obtained prior to the effective date of this Ordinance; and
2. Upon which the owner has detrimentally relied, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and
3. That it would be highly inequitable to deny the property owner the right to complete development.

B. Except as provided by paragraph (C) below, any property owner claiming to have vested rights under this Section must file an application with the City Manager for a vested rights determination within thirty (30) days after the effective date of this Ordinance. The application shall be accompanied by a fee of \$600.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City Manager and other documentary evidence supporting the claim. The City Manager shall review the application and, based upon the evidence submitted, shall make a determination as to whether the property owner has established vested rights. The City Manager's decision shall be subject to appeal by the applicant for vested rights determination or by a third party claiming to be adversely affected by the City Manager's decision, provided that the third party can demonstrate a legally recognizable interest which is or will be affected by the decision and that such interest, which while it may be shared in common generally with other members of the community, is definite and exceeds in degree the general interest in the community good shared by all persons. Such appeals may be made to the City Commission by notice of appeal filed with the City

Manager within ten (10) days after the City Manager's written decision. In the event of a timely appeal, the City Commission shall hold a public hearing on appeal and, based upon the evidence submitted, shall make a determination as to whether or not the property owner has established vested rights. To the extent that a property owner demonstrates vested rights, the moratorium shall not be applied to that owner.

C. Any property owner establishing vested rights under this Section shall not be subject to this moratorium and shall be authorized to apply for Orders, and Permits in accordance with a Vested Rights Determination Agreement to be executed by the City and the property owner. A copy of the Vested Rights Determination Agreement shall be filed with the City Clerk, accompanied by a letter which references this paragraph (C) within Forty-five (45) days after the effective date of the City Commission's determination under this Section.

SECTION 3. Appeals. Appeals from final decision by the City Commission under Section 2 of this Ordinance shall be by the filing of a Petition for Certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial rulings of municipalities.

SECTION 4. Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim unless he or she has first exhausted all administrative remedies provided for in Section 2.

SECTION 5. Term. The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in six (6) months from the effective date of this Ordinance unless otherwise extended in accordance with applicable law.

The moratorium may be reasonably extended, if, necessary, by Ordinance of the City Commission.

SECTION 6. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8. Effective Date. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of June, 2015.

PASSED SECOND READING this 14th day of July, 2015.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

GBL/tal/ds:jrm
7/15/2015
l:ord/2015-367a

PowerPoint
Presentation for
the City
Commission
Hearing

ALTERNATIVE FINANCING USES

City Commission Hearing

February 9, 2016

Alternative Financing Uses

- Payday Loan providers
- Check cashing facilities
- Pawn Shops
- Wealth of research detailing the problematic impacts of alternative financing uses
 - Federal Reserve Board's "Determinants of the Locations of Payday Lenders, Pawnshops and Check-Cashing Outlets" (2009)
 - 2006 / 2015 – U.S. Military Lending Act
 - 2013 - Florida Legislature passed House Bill 217 which requires check cashers to log check cashing data into a statewide database for any check cashed in excess of \$1,000.
 - 2015 - U.S. Department of the Treasury's Financial Crimes Enforcement Network's Geographic Targeting Order
- Wealth of research detailing the tendency of these uses to cluster in blighted areas and/or in adjacency to vulnerable populations
- Mapping of the location of these uses indicate they are clustered in four primary locations in the city, three of which are in or directly adjacent to the NW CRA

Location of Facilities

Legend

★ Pawn Shop

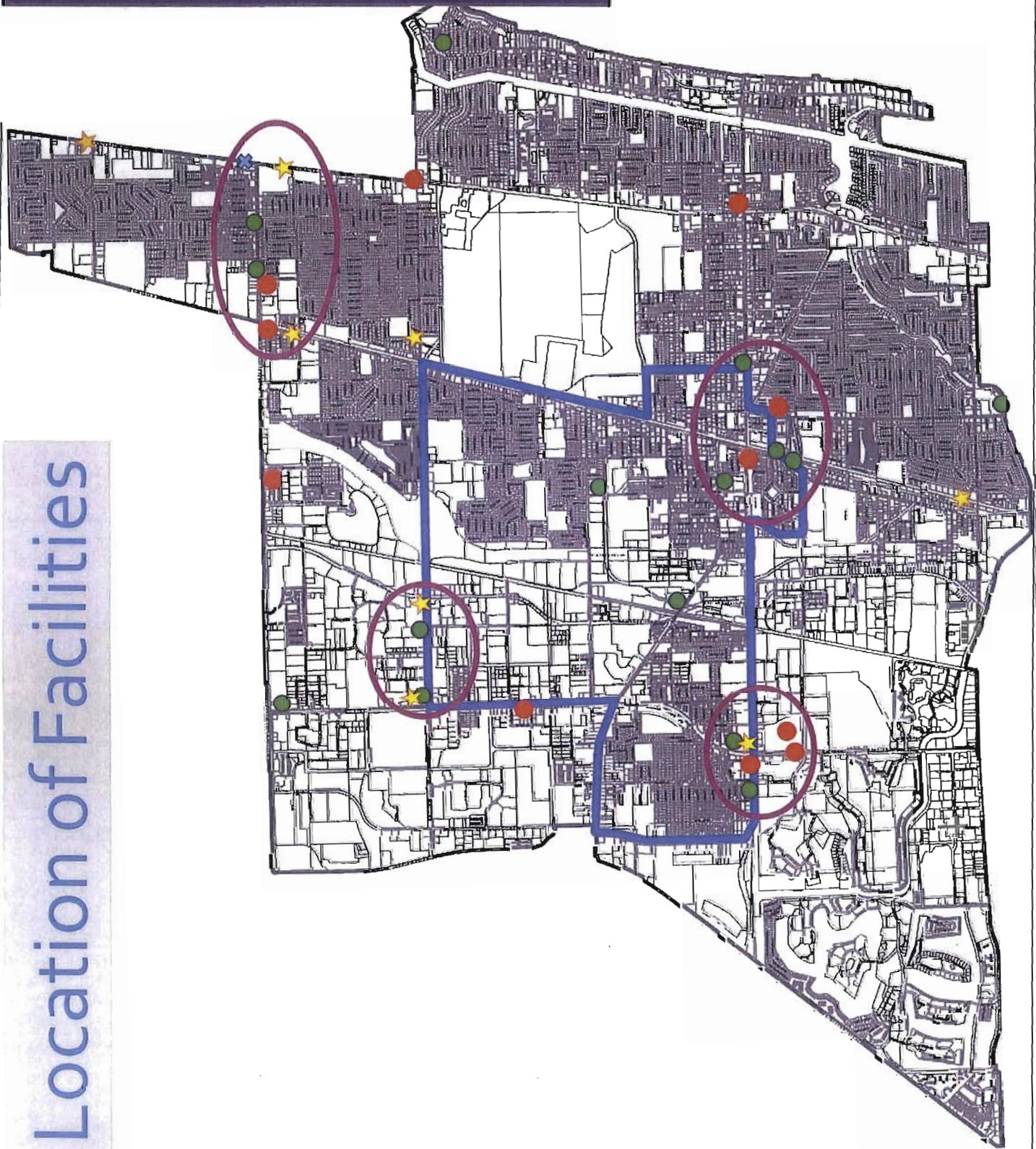
● Check Cashing Facility

✕ Pay Day Loan

● Check Cashing Facility & Pay Day Loan

➔ NW CRA Boundary

○ Clusters



Recommendations

Check Cashing / Payday Loan

- Create a new use called "Check Cashing or Payday Loan Store"
- Require Special Exception approval in B-1 and B-2 Districts
- Prohibit use in AOD and DPOD
- Require 1,000 ft separation from other check cashing or pay day loan stores
- Require 1,000 ft separation from pawn shops

Pawn Shop

- Continue to prohibit in AOD and DPOD
- Require 1,000 ft separation from other check cashing or pay day loan stores
- Require 1,000 ft separation from pawn shops