

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 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES- RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP; 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 thrift shops in the City, on July 14, 2015 the City Commission adopted Ordinance 2015-67, which enacted a temporary moratorium on thrift shops. Staff has undertaken a study and has prepared text amendments based on the findings of the study (A copy of the study is attached). The text amendments propose renaming and redefining consignment shop as a consignment boutique, adopting standards that more clearly distinguish a thrift shop versus a consignment boutique, and adopting standards related to the donation areas for thrift shops. 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 *KBF* 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> 1/28/16	Memo #2016-432 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #15-078 (01/11/2016)
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

Ordinance	Resolution	Consideration
Workshop		
1 st Reading 2/9/16	1 st Reading	Results:
Approved - 2/23/16-Approved		
2 nd Reading 3/8/16		



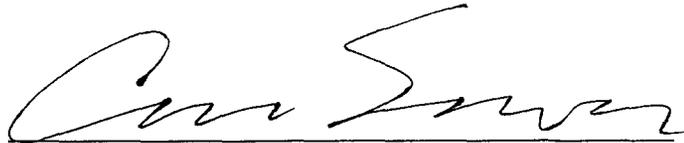
City Attorney's Communication #2016-432
January 26, 2016

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 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP, AND TO PROVIDE ADDITIONAL STANDARDS FOR THRIFT SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND THE CHART TO REFLECT SAID CHANGES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING 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/2016-432
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 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP, AND TO PROVIDE ADDITIONAL STANDARDS FOR THRIFT SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND THE CHART TO REFLECT SAID CHANGES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING 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, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements 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. 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

...

E. **CONSIGNMENT SHOP BOUTIQUE**

...

2. **Definition**

A consignment shop boutique is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. This use does not include thrift shops or antique shops non-donated, second-hand merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of guns, appliances, mattresses, or motor vehicles.

...

M. **THRIFT SHOP**

...

2. **Definition**

A thrift shop is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value. This use does not also include establishments which sell used merchandise on consignment shops or antique shops but which do not meet the

definition of consignment boutique. This use does not include the sale of used guns or motor vehicles.

3. Standards

A thrift shop shall comply with the following standards:

- a. In the B-3 Zoning District, a thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant. The thrift shop shall have a designated donation area, which shall be located at the rear of the store.
- b. Donations shall only be accepted at the designated donation area.
- c. Adequate directional signage shall be provided from the main entrance of the thrift shop to direct individuals to the designated donation area. The donation area shall be noticed to prohibit depositing goods when the shop is closed.
- d. Donations left outside for more than 24 hours is considered outdoor storage and is strictly prohibited.
- e. In the B-3 Zoning District, a thrift shop shall be operated by a single tenant.

...

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

...

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 – Retail Sales
	Consignment Shop <u>Boutique</u>	

...

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.

...

CONSIGNMENT SHOP BOUTIQUE

A retail establishment ~~primarily~~ engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. ~~This use does not include thrift shops or antique shops non-donated, second-hand merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of used guns, used mattresses, or used motor vehicles.~~

...

THRIFT SHOP

A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value, and where the revenue received from selling the merchandise may be retained by a charitable or not-for-profit organization or institution. ~~This use does not include consignment shops or antique shops.~~

...

SECTION 4. 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

...

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-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD		PD-TO
PRINCIPAL USES																																
COMMERCIAL USES																																
																														
Retail Sales and Service Uses – Retail Sales	Consignment shop boutique	...																														
																														

...

SECTION 5. 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 6. 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
1/25/16 -12/14/15
L:ord/ch155/2016-73

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-078**

DATE: January 11, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code,
Thrift and Consignment Shops

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 the 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 "The Right Use in the Right Location: Thrift and Consignment Shops".

Within Article 3 (Zoning Districts) Staff recommends revising the Atlantic Boulevard Overlay District to add standards for "Consignment Boutique".

Within Article 4 (Use Standards) Staff recommends revising "Consignment Shop" and revising the definition and standards of "Thrift 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 with the following revision:

§155.4222.E.2 & Article 9, Part 5: Consignment Boutique

The Board recommends striking the word luxury from the definition of Consignment Boutique in the above mentioned code sections.



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.

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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 Thrower (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.

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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.

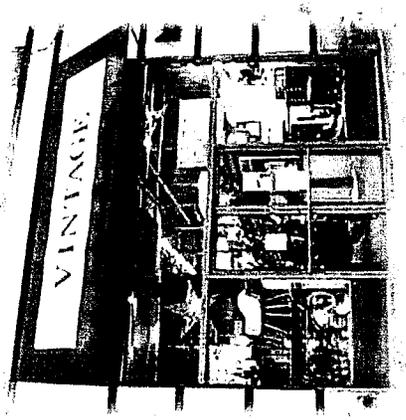
Staff's Request

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

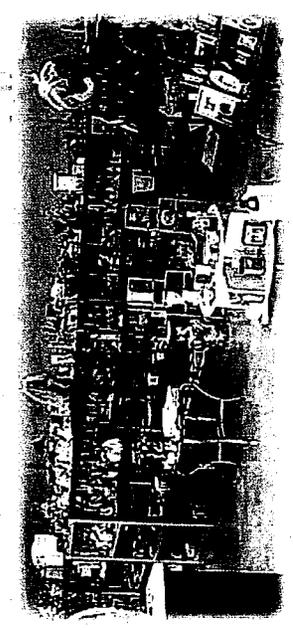
Copy of Study



The Right Use in the Right Location: Thrift and Consignment Shops



vember 2



Contents

1. Purpose
2. Pictorial Review of Existing Thrift Shops and Consignment Shops
3. Analysis of Municipal Standards
4. Outcome, Considerations, and Recommendations

Purpose

Consignment vs. Thrift

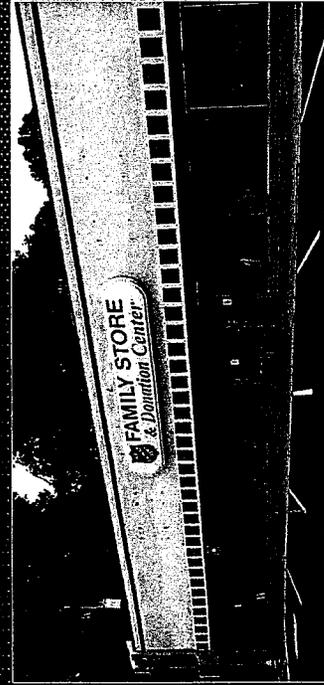
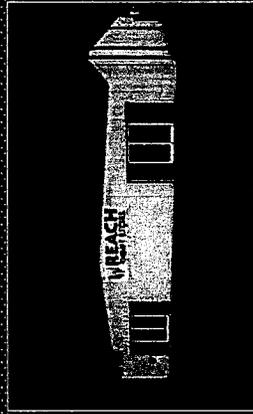
Consignment Shop:

- "Consign" means to hand over goods to be cared for while being sold on a commission.
- Sellers desiring to sell unwanted belongings can sell them through the shop and receive the advantage of avoiding advertising, display space, and storage costs. While the consignment store earns a percentage on the sales profits, in general, they only accept items in good condition.
- The goods must be durable (one to two years old) and seasonal.
- Some consignment shops accept all white goods.
- Items are not sold within a given time period; they are returned to the owner.
- Tends to focus on one or two specialty items: children's furniture, clothing, wine, or home furnishings.
- High-end furniture.



Consignment vs. Thrift

Thrift Shop:



Sell a variety of donated merchandise often quite below market value.

Thrift shop categories are classified into five categories based on the retailing system: national chain, multi-state nonprofit and for-profit, thrift shops.

National chain shops are operated by major national chains and sometimes by local religious organizations or cultural centers.

Multi-state nonprofits are often operated outside of a state's borders or in multiple states. Local chain multi-state nonprofits are often operated outside of a state's borders in multiple states.

Multi-state nonprofits are often operated outside of a state's borders in multiple states.

Local chain multi-state nonprofits are often operated outside of a state's borders in multiple states.

Consignment vs. Thrift City's Existing Regulations

CONSOLIDATED USE TABLE

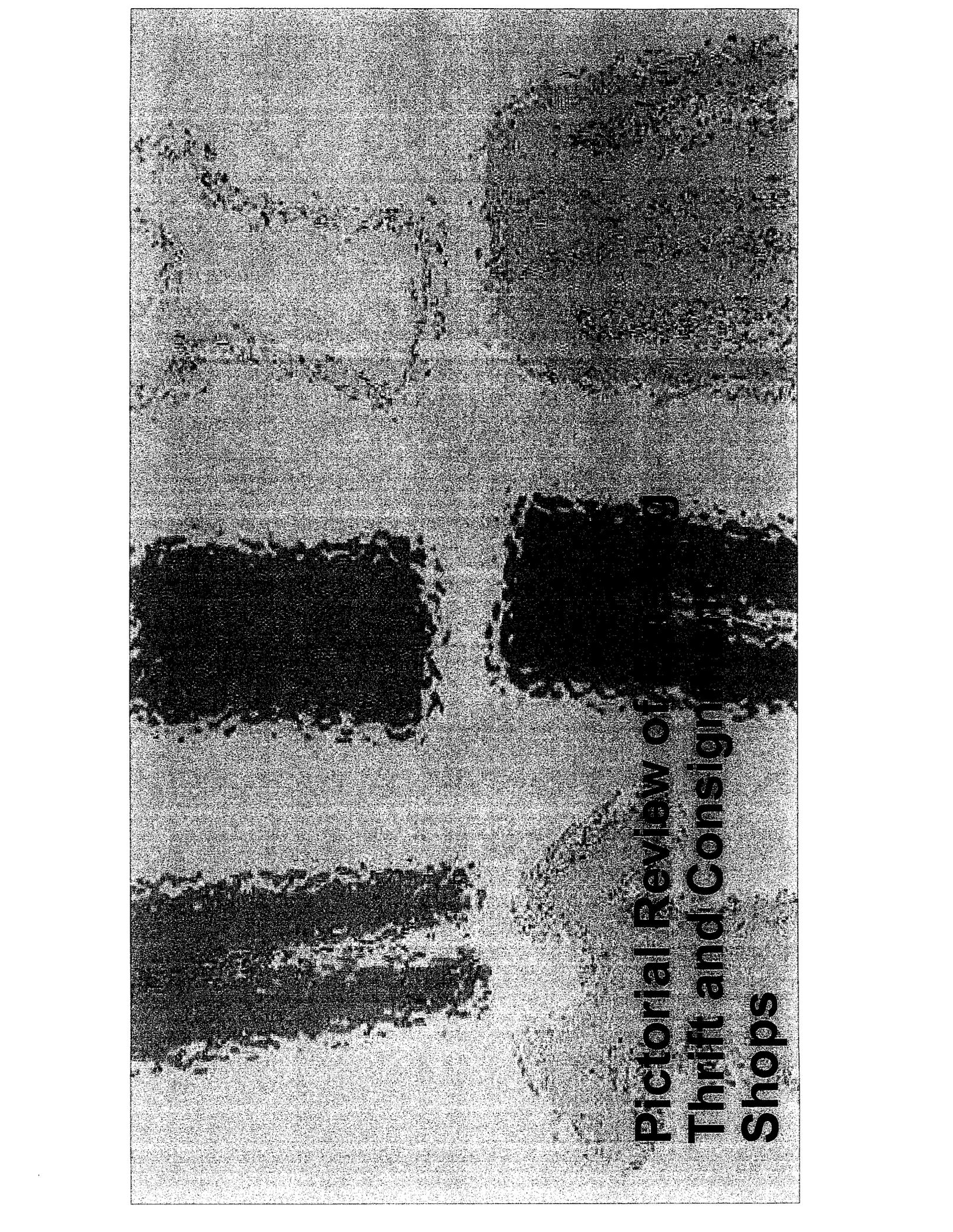
P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION BLANK CELL = PROHIBITED USE

USE TYPE	B-1	B-2	B-3	B-4	CR	I-1	LX	DIP	TD	CF	RPLUD	PCD	PD-TO	LAC	PD-1	PARKING	USE-SPECIFIC STANDARD	DEFINITION
Consignment Shop			P	P					P			P	P	P	P	1 per 300 sq ft	None	A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment.
Thrift Shop			S	P					P			P	P	P	P	1 per 300 sq ft	In the B-3 Zoning District, a thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant.	A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment.

- Consignment Shop is Permitted in B-3, whereas Thrift Shop is Special Exception in B-3 and requires a minimum size.
- There is very minimal difference in the definitions of the two uses.

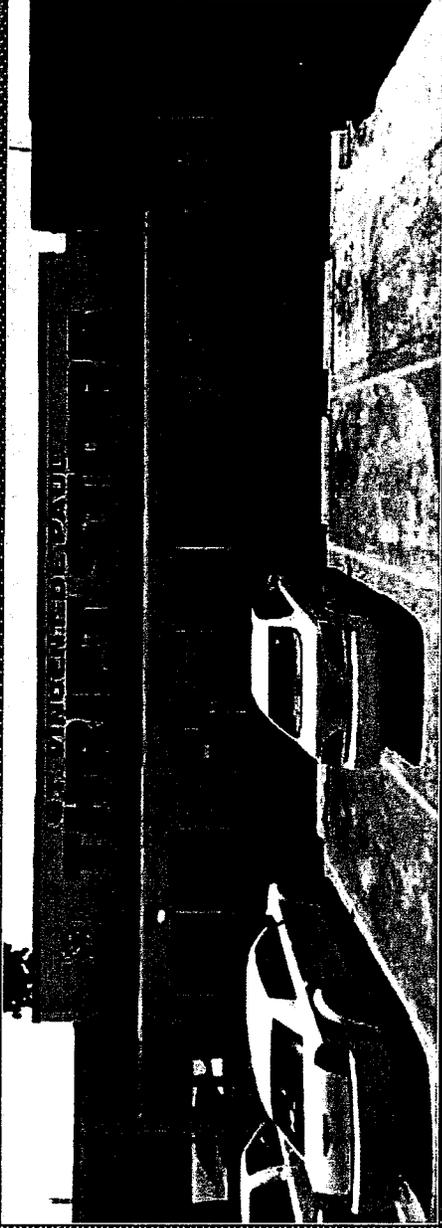
Purpose of Study -

1. Create more distinctive definitions for Consignment Shops and Thrift Shops
2. Determine if use specific standards are needed

The image is a high-contrast, grainy black and white photograph. It depicts a textured surface, possibly a wall or a piece of fabric, with several dark, irregular rectangular shapes that appear to be shadows or marks. The overall aesthetic is stark and abstract. The text is overlaid on the right side of the image.

**Pictorial Review of
Thrift and Consignment
Shops**

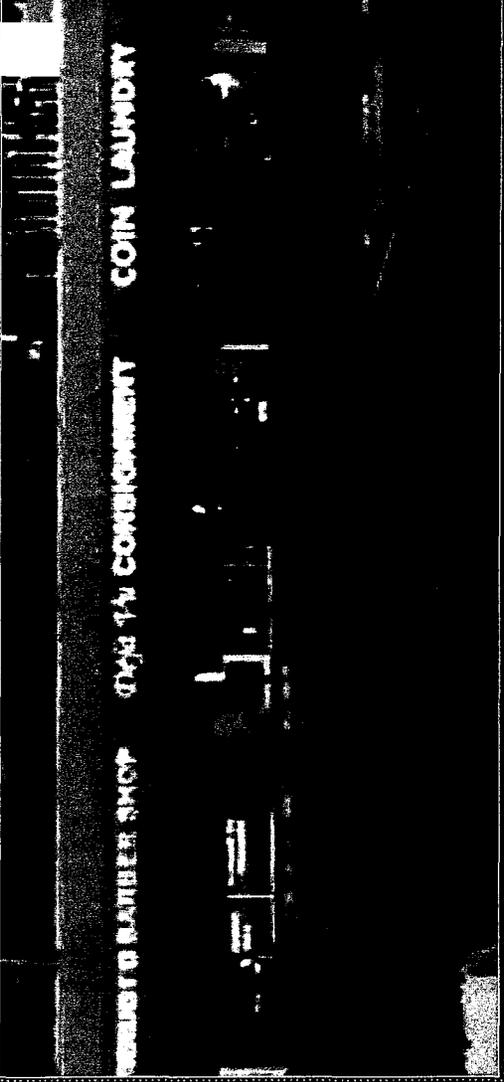
St. Vincent DePaul
Thrift Store
2323 N. Dixie Hwy



The Salvation Army Family
Store
4151 E. Coburn Rd



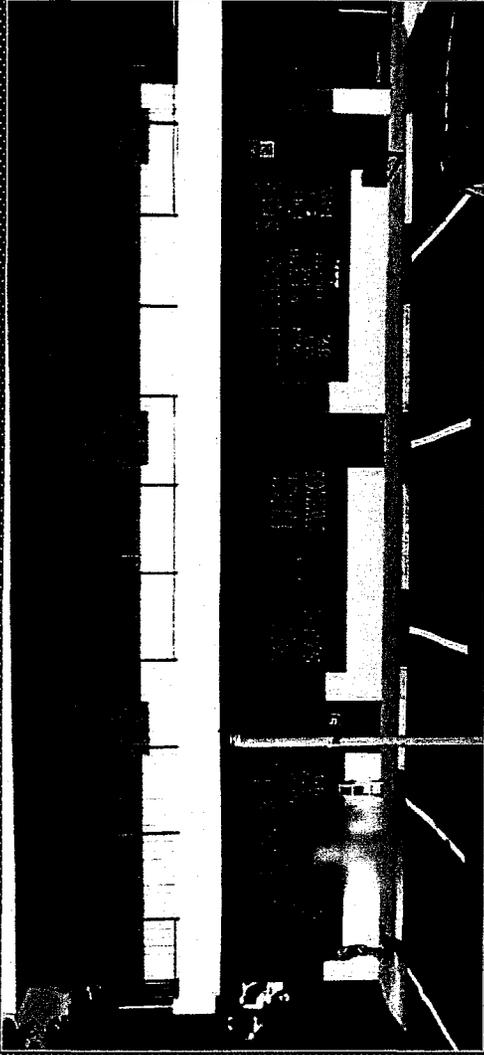
Deja Vu Consignment
452 S. Cypress Rd.



18th Furniture Consignment
2169 N. Dixie Hwy



Alpha 2000 Thrift Store
1857 S. Dixie Hwy

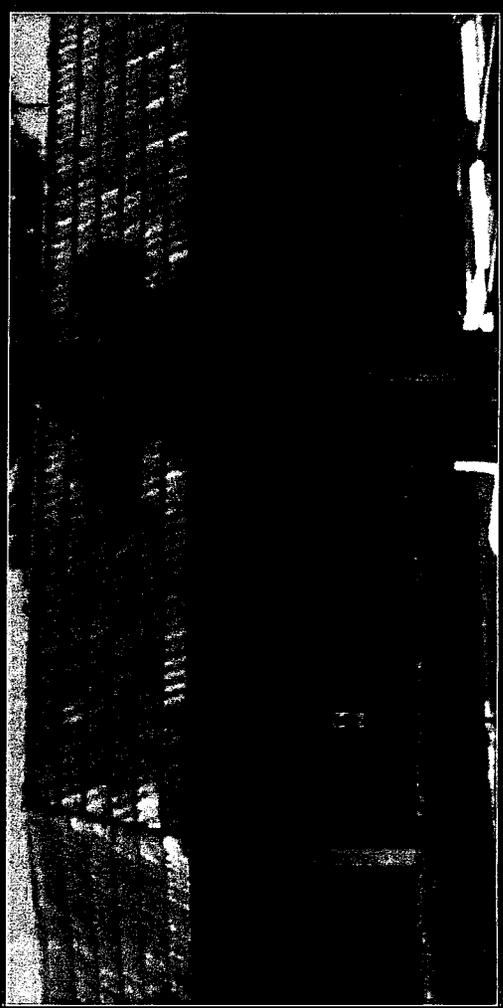


Fancy Nancy's Consignment
11823 Sample Rd
(Closed) Pic April 2015



Thrifty & Nifty
Consignment Store
598 E. Alameda Rd

Hanky Panky
Consignment Store
2301 W. Salmolle
(Closed by May 2015)

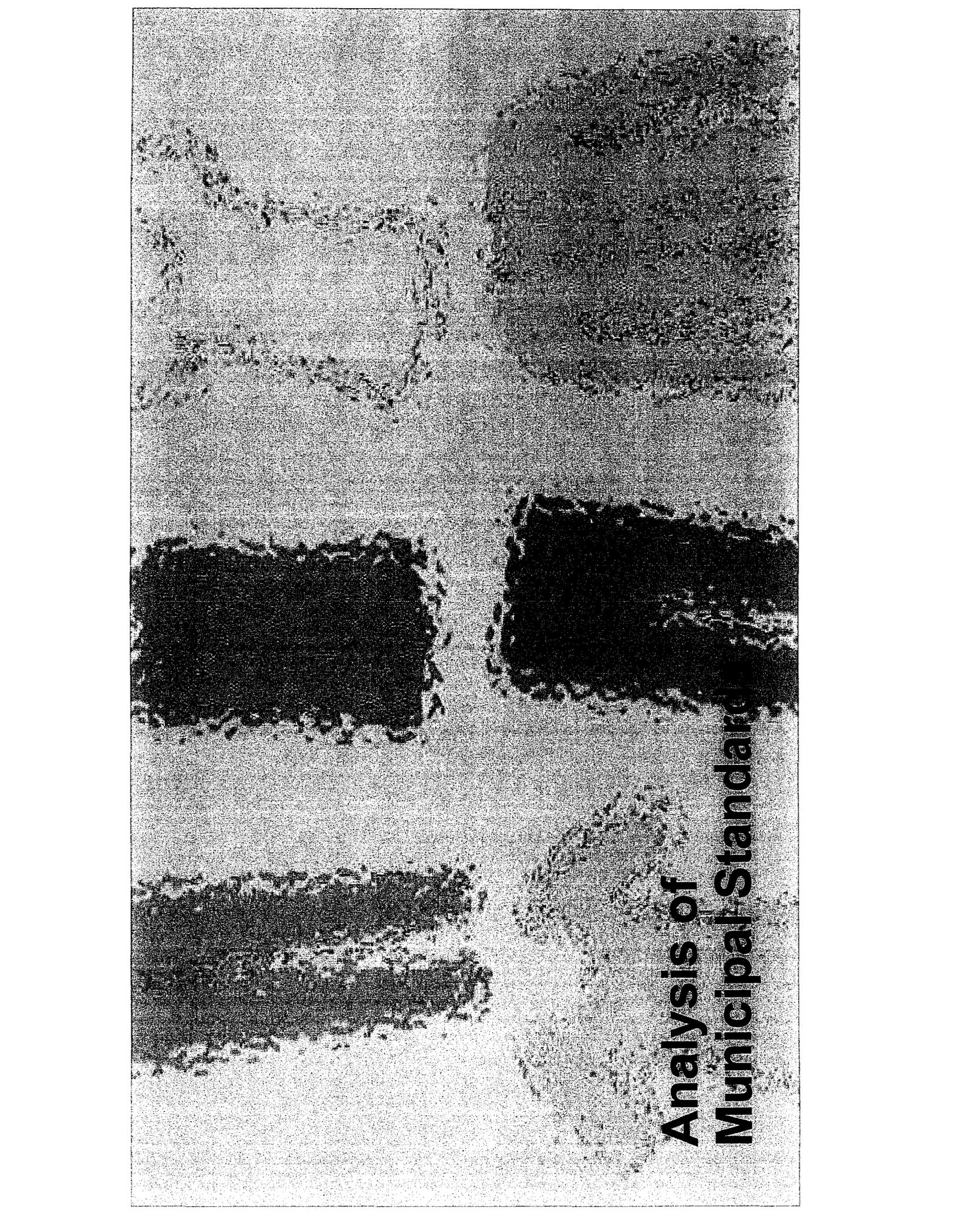


M&M Thrifty Consignment
200 S. Dixie



M&M Thrift Store
721 S. Dixie Hwy East





**Analysis of
Municipal Standards**

Definitions: Consignment Shop vs. Thrift Shops

City	Definition of Consignment Shop	Definition of Thrift Shop
Pompano Beach	Consignment Shop. A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment.	Thrift Store. A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment.
Dania Beach	Consignment store or shop. A business establishment in which secondhand merchandise is offered for sale; such merchandise is placed for sale with the business establishment by the owner of the item of merchandise and upon sale of the item the purchase price is divided between the business establishment owner and the owner of the item.	Charity or thrift shop. A shop in which the items sold (or given away to the needy) have been obtained through donations or gifts and where the donor receives no value upon the sale (or gift) of such merchandise to a thrift shop customer, and where the use is designed to sell donated merchandise at a price below reasonable market value, or where the revenue received from selling same is retained by a charitable or not-for-profit organization or institution.
Hallandale Beach	Consignment shop means an establishment wherein goods such as clothing, shoes and/or accessories for adults and/or children are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the profits, or other consideration. Such goods may be comprised of used goods and/or new goods. As used within this definition, "used goods" shall be limited to wearing apparel and accessories to such apparel, which are clean and not stained, abraded or worn out in any area, and which (but for the sole fact that the item was previously owned) are generally merchantable as first quality merchandise.	None.
Hollywood	Consignment Store or Shop. A business establishment in which secondhand merchandise is offered for sale; such merchandise is placed for sale with the business establishment by the owner of the item of merchandise and upon sale of the item the purchase price is divided between the business establishment owner and the owner of the item.	Thrift Shop. A shop in which the items sold (or given away to the needy) have been obtained through donations or gifts and where the donor receives no value upon the sale (or gift) of such merchandise to a thrift shop customer, and where the use is designed to sell donated merchandise at a price below reasonable market value, or where the revenue received from selling same is retained by a charitable or not-for-profit organization or institution.

Continued on next page...

City	Definition of Consignment Shop	Definition of Thrift Shop
Pompano Beach	Consignment Shop. A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment.	Thrift Store. A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment.
North Miami	Consignment shop means an establishment wherein goods limited to clothing, shoes and/or accessories for adults and/or children are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the profits, or other consideration. Such goods may be comprised of a combination of used goods and new goods, or of used goods only.	Thrift store or resale shop means an establishment wherein secondhand articles are sold, such as clothing, shoes, accessories, furniture and other assorted items, the value of which is only a fraction of the original cost, for which price guides are not available, and which normally have no collectible or antique value. This term shall not apply to businesses which sell primarily new goods, and which may occasionally sell secondhand articles as a result of trade-ins, or unclaimed merchandise.
Parkland	Consignment store means stores which sell non-donated items such as art work, used musical instruments, antiques, or a particular class of items that could be fairly characterized as vintage due to their association with a particular time in history or period of production or other luxury items whether new or used; provided that a pawn shop as defined in F.S. § 539.001 shall not be considered a consignment store.	None
Plantation	Resale boutique. A business engaged in the purchasing, selling, and consigning of qualified, previously owned or used merchandise which is not "second-hand goods" as defined in section 538.03, Florida Statutes (1991), as same may be amended, and which principally deals with buying and selling only one specific type or category of tangible personal property which is not identified as an item of extra value within the definition of "second-hand dealer" in section 14-91 of this Code, as amended, or which is subject to state certificate of title laws where the item is registered and a certificate of title is issued to identify ownership. A resale boutique shall not be defined to include the business of a "secondary dealer" as defined in section 4-91 of this Code of Ordinances, as same may be amended, or a "second-hand dealer" as defined in section 538.03, Florida Statutes (1991), as amended. As used within this definition, "qualified, previously owned or used merchandise" shall be limited to wearing apparel and accessories thereto, which are clean and not stained, abraded, torn, or worn out in any area, and which (but for the sole fact that the item was previously owned) are generally merchantable as "first quality" merchandise. Whenever in this chapter a use is defined sufficiently broad arguably to include the sale of previously owned items, such as "wearing apparel stores," but where the usual and customary connotation of such use would be for the sale of new and unused merchandise, then such use shall not be deemed to include the sale or consignment of previously owned or used merchandise.	Thrift shop. A shop wherein the items sold (or given away to the needy) have been obtained through donations or gifts and where the donor receives no value upon the sale (or gift) of such merchandise to a thrift shop customer, where the use is designed to sell donated merchandise at a price below reasonable market value, and where the revenue received from selling same is retained by a charitable, not-for-profit, or religious organization or institution. The term "resale boutique," as used in this chapter, shall not be deemed to include "thrift shops."
Boynton Beach	MERCHANDISE, USED (OTHER) - An establishment primarily engaged in the sale of used merchandise, such as a clothing or book store. "Merchandise used (other)" may also include any of the following types of establishments: (1) secondhand sales of personal items resold through a broker (consignment); (2) loaning money on the security of pledges of personal property (pawnshop); or (3) merchandise principally donated (thrift store). This classification does not include the sale of secondhand motor vehicles or parts.	

Additional Municipal Regulations for Thrift Shops

Hollywood, FL

- Shall have a minimum floor area of 10,000 square feet
- All goods donated for sale at the Thrift Shop must be accepted through the rear of the store
- No more than 50% of the floor area shall be utilized for receiving, sorting and storage of donated goods
- The sale of furniture is prohibited and
- Only the sale of small table top electronics is permitted
- Shall post signs advising patrons that the merchandise stored within the store are primarily pre-owned

Dania Beach, FL

- 2,500 foot separation from another such use, property line to property line

Boynton Beach, FL

- 2,400 foot separation from another used merchandise store

Boca Raton, FL (consignment shops)

- Required to post a \$10,000 surety bond

North Miami, FL (consignment shop)

- 600 foot separation from another such use

**Outcome,
Considerations, and
Recommendations**

Considerations

- The City's existing Consignment Shops and Thrift Shops have similar exterior appearances, they are indistinguishable except in name only.
- The City's regulations, which permit Consignment Shops in B-3, while requiring a Thrift Shop to obtain Special Exception approval, are inadvertently encouraging business owners to apply as Consignment Shop even when they are operating a Thrift Shop.
- City Staff is unable to effectively determine when an applicant's request is a Consignment Shop versus a Thrift Shop.
- City's definitions should enable applicants, staff, and code enforcement officers to easily distinguish between the two uses.

Recommendation: Consignment

- Rename Consignment Shop to Consignment Boutique
 - Similar to Hatfield Beach, Parkland and Planetarium
- Revise definition to limit boutique to one type of merchandise. Examples include:
 - Clothing and related accessories
 - Maternity clothes
 - Children's apparel and furniture
 - Sporting equipment
 - Furniture and related accessories
- Specifically excludes sales of guns, appliances, mattresses, and motor vehicles
- In AOD prohibit Consignment Boutiques from locating on Atlantic Blvd

E. CONSIGNMENT SHOP BOUTIQUE

2. Definition

A consignment shop boutique is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. This use does not include thrift shops or antique shops non-donated, second-hand luxury merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of guns, appliances, mattresses, or motor vehicles.

Recommendation: Thrift

- Revise definition to clarify that users for items bought on bulk or donated items, which are sold below reasonable market value.
- Definition also includes establishments that sell on consignment but are not a considered a Consignment Boutique, including:
 - o Consignment Appliances or Mattresses
 - o Consignment for more than one type of merchandise (furniture, books, clothing, ...)
- Require a designated donation area and require that the area be located in the rear of the building.
- Require signage for the designated donation area, including no donating signage.
- Clarify that donation is outside of 24 hours are considered illegal outdoor storage and is prohibited.
- Remove limitation on minimum size in B.3.
 - o The removal of the limitation reflects that this use now includes some consignment shops, which currently are permitted in B.3, but they do not meet the standard for Consignment Boutique.
- Continue to restrict Thrift Shops in both AOD and DPOB.

Recommendation: Thrift

M. THRIFT SHOP

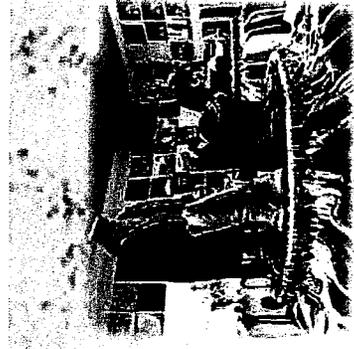
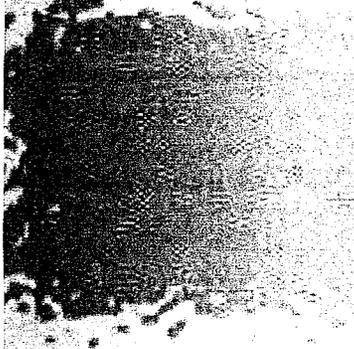
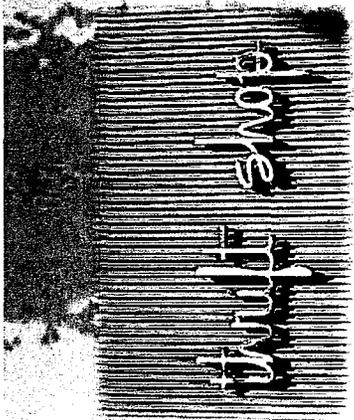
2. Definition

A thrift shop is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value. This use does not also include establishments which sell used merchandise on consignment shops or antique shops but which do not meet the definition of consignment boutique. This use does not include the sale of used guns or motor vehicles.

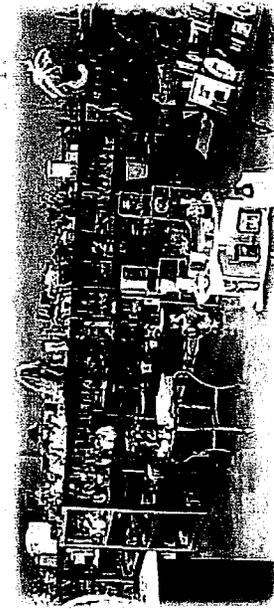
3. Standards

A thrift shop shall comply with the following standards:

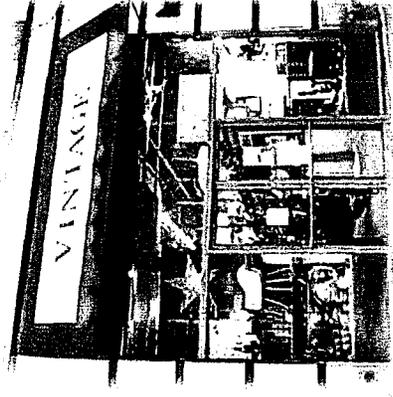
- a. In the B-3 Zoning District, a thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant.
- a. The thrift shop shall have a designated donation area which shall be located at the rear of the store.
- b. Donations shall only be accepted at the designated donation area.
- c. Adequate directional signage shall be provided from the main entrance of the thrift shop to direct individuals to the designated donation area. The donation area shall be noticed to prohibit depositing goods when the shop is closed.
- d. Donations left outside for more than 24 hours is considered outdoor storage and is strictly prohibited.
- e. In the B-3 Zoning District, a thrift store shall be operated by a single tenant.



The Right Use in the Right Location: Thrift and Consignment Shops



vember 2



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

...
E. CONSIGNMENT SHOP-BOUTIQUE
...

2. **Definition**

A consignment shop boutique is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. This use does not include thrift shops or antique shops non-donated, second-hand luxury merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of guns, appliances, mattresses, or motor vehicles.

...

M. THRIFT SHOP

2. Definition

A thrift shop is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value. This use does not also includes establishments which sell used merchandise on consignment shops or antique shops but which do not meet the definition of consignment boutique. This use does not include the sale of used guns or motor vehicles.

3. Standards

A thrift shop shall comply with the following standards:

- a. In the B-3 Zoning District, a thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant.
- a. The thrift shop shall have a designated donation area which shall be located at the rear of the store.
- b. Donations shall only be accepted at the designated donation area.
- c. Adequate directional signage shall be provided from the main entrance of the thrift shop to direct individuals to the designated donation area. The donation area shall be noticed to prohibit depositing goods when the shop is closed.
- d. Donations left outside for more than 24 hours is considered outdoor storage and is strictly prohibited.
- e. In the B-3 Zoning District, a thrift store shall be operated by a single tenant.

§ 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
...		
Retail Sales and Service Uses - Retail Sales	...	
	Consignment Shop Boutique	...

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.

...

CONSIGNMENT SHOP BOUTIQUE

A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. This use does not include thrift shops or antique shops non-donated, second-hand luxury merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise and upon sale of the merchandise the purchase price is divided between the establishment owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of used guns, used mattresses, or used motor vehicles.

...

THRIFT SHOP

A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment merchandise which has been obtained through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value, and where the revenue received from selling the merchandise may be retained by a charitable or not-for-profit organization or institution. This use does not include consignment shops or antique shops.

...

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			
COMMERCIAL USES																																					

Retail Sales and Service Uses – Retail Sales	Consignment Shop Boutique ...																																				

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.

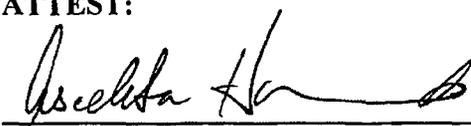
PASSED FIRST READING this 23rd day of June, 2015.

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



LAMAR FISHER, MAYOR

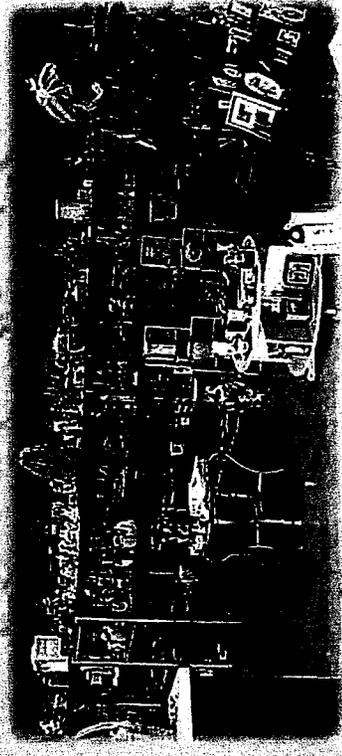
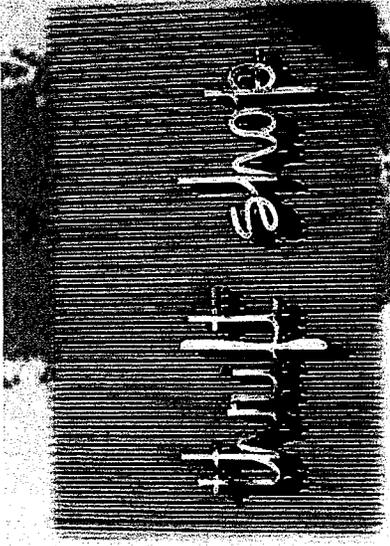
ATTEST:



ASCELETA HAMMOND, CITY CLERK

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

PowerPoint
Presentation for
the City
Commission
Hearing



The Right Use in the Right Location: Thrift and Consignment Shops



City Commission Hearing
February 9, 2016



Consignment vs. Thrift

Consignment Shop:

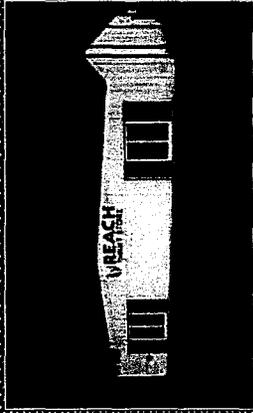
- Consignor means to hand over goods to be sold for while being sold for a commission
- Sellers desiring to sell unwanted belongings can sell them throughout the shop and have the advantage of avoiding advertising, display space, and storage costs. While the consignment store earns a percentage on the sales profits
- In general, they only accept items in good condition
- The goods must be current (one to two years old) and seasonal
 - Some consignment shops do specialise in vintage goods
- Items are not sold within a given time period; they are returned to their owner
- Trends for focus on one or two specialty items
 - Children's Furniture/ clothing
 - Vintage or high end clothing
 - High end furniture



Consignment vs. Thrift

Thrift Shop:

- > Sells a variety of donated merchandise, often quite below market value
- > Thrift/charity shops are classified into three categories based on their operating system:
 - Nonprofit, charitably affiliated for-profit, and for-profit thrift shops
 - Nonprofit Thrift Shops are operated by major national chains and sometimes by local religious groups, dioceses, or cultural institutions
 - Donated merchandise is often sold on-site within or outside of a donation bin for an outlet also
- > Illegal dumping and/or unrecycled merchandise left outside or extended periods create an unsightly appearance
- > Donated merchandise left outside can attract animals and hitchhiker



Recommendations

Consignment

- ✓ Rename as *Consignment Boutique*
- ✓ Revise definition to limit boutique to one type of merchandise
- ✓ Specifically excludes sales of guns, appliances, mattresses, and motor vehicles
- ✓ In AOD, prohibit Consignment Boutiques from fronting on Atlantic Blvd

Thrift

- ✓ Revise definition to clarify that users for items bought on bulk or donated items which are sold below reasonable market value
- ✓ Require a designated donation area
- ✓ Require donation area be located in the rear of the building
- ✓ Require "No dumping" signage
- ✓ Prohibit donations from being left outdoors for 24-hours
- ✓ Remove limitation on minimum size in B-3
- ✓ Continue to prohibit Thrift Shops in both AOD and DPOD