Ors. 14

ORDINANCE NO. 2016-46

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

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E. CONSIGNMENT ~~SHOP~~ BOUTIQUE

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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.

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M. THRIFT SHOP

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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.~~ 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.

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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

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D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	**Use Type**	**Minimum Number of Parking Spaces**
COMMERCIAL USES		
...		
Retail Sales and Service Uses – Retail Sales	...	...
	Consignment ~~Shop~~ Boutique	

. . .

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

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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.

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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.~~

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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

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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	LAC	PD-I	
PRINCIPAL USES																																			
Commercial Uses																																			
	. . .	. . .																																	
Retail Sales and Service Uses – Retail Sales	Consignment ~~shop~~ boutique	. . .																																	
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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 23rd day of February, 2016.

PASSED SECOND READING this 8th day of March, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
1/25/16 -12/14/15
L:ord/ch155/2016-73