

Orig. 18

**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 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PERMITTED PRINCIPAL USES, PROHIBITED USES, STANDARDS SPECIFIC TO COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENTS AND SEPARATION REQUIREMENT FOR SALES OF ALCOHOLIC BEVERAGES AND EXEMPTIONS; BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DP)," TO AMEND CHART TO REFLECT SAID CHANGES AND AMEND THE MODIFIED USE STANDARDS FOR THE DPOD; 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 155.3703., "Atlantic Boulevard Overlay District (AOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

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C. MODIFIED USE STANDARDS

1. Permitted Uses

Uses in the Atlantic Boulevard Overlay district shall be subject to the use standards applicable in the underlying base zoning district except as otherwise provided below.

a. Permitted Principal Uses

Irrespective of the use standards applicable in the underlying base zoning district, and except as otherwise provided in subsection 2 below, the following modified use standards shall apply to principal uses in the Atlantic Boulevard Overlay district:

- i. A hotel or motel shall be a permitted use in any underlying multifamily residential (RM-) or commercial base district.
- ii. A consignment ~~shop~~ boutique shall only be a permitted use ~~in any underlying base district allowing retail sales uses,~~ provided ~~the lot on which it is located~~ no portion of the use fronts on a secondary street Atlantic Boulevard.
- v. A medical office shall only be permitted provided it complies with the following standards:
 - (A) Hours of operations for treatment are limited to 7:00 a.m. until 7:00 p.m.
 - (B) Medical offices located in a multistory building fronting Atlantic Boulevard shall not have any space used for treatment on the first floor.
 - (C) Medical offices located in a single story building fronting Atlantic Boulevard shall not have any space devoted to treatment in the portion of the building abutting Atlantic Boulevard.
- vi. A personal services establishment whose principal services are massage therapy shall only be permitted provided it complies with the following standards:

- (A) Hours of operations for treatment are limited to 7:00 a.m. until 7:00 p.m.
- (B) Public access is limited to a storefront abutting a street.
- (C) Special exception approval is required if the establishment is located less than 1,000 feet from another personal services establishment whose principal services are massage therapy. For purposes of this subsection, the distance shall be measured from public entrances.

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2. Prohibited Uses

a. Prohibited Principal Uses.

Irrespective of subsection 1 above and the use standards applicable in the underlying base zoning district, the following principal uses shall be prohibited in the Atlantic Boulevard Overlay district:

- i. Auction house
- ii. ~~Blood/tissue collection center~~ Specialty Medical Facility
- iii. ~~Drug or Alcohol Treatment Facility which provides inpatient treatment~~ Urgent Care Facility – 24 Hours
- iv. Specialty Hospital
- ~~iv.~~ v. General Hospital
- ~~v.~~ vi. ~~Medical or Dental Clinic which provides overnight care and treatment~~ Lab
- ~~vi.~~ ~~Psychiatric Treatment Facility which provides inpatient treatment~~

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- xiv. All use types within the Motor Vehicle Sales and Service Uses category, except Parking deck or

garage and Parking lot-

xv. Thrift Shops

xvi. Check Cashing or Pay Day Loan Store

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3. Standards Specific to Commercial/Residential Mixed-Use Developments

a. General

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b. On Land Classified Commercial by Land Use Plan

The following standards apply to commercial/residential mixed-use development located on land classified Commercial by the Land Use Plan:

- i. Commercial principal uses shall be limited to:
 - (A) Eating or drinking establishments (including accessory outdoor seating areas);
 - (B) ~~Office~~ Professional office and travel agency uses; and
 - (C) Retail sales and service uses.

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c. On Land Classified as Residential by Land Use Plan

The following standards apply to commercial/residential mixed-use development located on land classified Residential by the Land Use Plan:

- i. Commercial principal uses shall be limited to:
 - (A) Eating or drinking establishments (including accessory outdoor seating areas);
 - (B) ~~Offices for architects, engineers, attorneys, real estate agents, insurance agents, and similar non-medical professionals~~ Professional offices;

- (C) ~~Offices for physicians, dentists, and similar medical professionals~~ Medical offices; and
- (D) Neighborhood-scale retail sales and service uses.

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4. Separation Requirements for Sales of Alcoholic Beverages Not Applicable for Certain Eating or Drinking Establishments

The separation requirements applicable to uses involving the sale of alcoholic beverages (Section 155.4501) shall not apply to ~~such uses~~ bars or lounges, brewpubs, restaurants, or specialty eating or drinking establishments located within the Atlantic Boulevard Overlay district.

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SECTION 2. That Section 155.3708., "Downtown Pompano Beach (DP) Overlay District," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

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H. USE REGULATING PLAN AND MODIFIED USE STANDARDS.

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2. Principal Uses Regulating Table

Table 155.3708.H.2 includes the principal uses permitted in the DPOD along with any required restrictions on such uses, for each of the use areas listed above. Principal uses not included in Table 155.3708.H.2. are not permitted in the DPOD. Principal uses in the DPOD shall be subject to the use-specific standards as provided for in Part 2, of Particle 4, unless specifically noted otherwise in Section 155.3708.H.5 (Modified Use Standards).

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TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core
3 = Not Permitted in Historic Transition

Use Types		Use Areas																
		MM1		MM2		MUR		MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR	
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above											
INSTITUTIONAL USES																		
Health Care Uses (155.4209)	Drug or alcohol treatment facility	S	S(1)	S	S	S		S			S	S	S				S	
	Massage therapy establishment	P	P(1)	P	P	P		P			P	P	P				P	
	Medical or dental clinic -office	P	P(1)	P	P	P		P			P	P	P				P	
	Medical or dental lab	P	P(1)	P	P	P		P			P	P	P				-	

	Psychiatric treatment facility	S	S(1)	S	S	S		S			S	S	S				S	
COMMERCIAL USES																		
Retail/Retail Sales (155.4222)	Consignment shop Boutique (2) (3)	P	P(1)	P	P	P		P			P	P	P				P	
	Convenience store	P	P(1)	P	P	P		P			P	P	P				P	
	Meat, poultry, or seafood market	P	P(1)	P	P	P		P			P	P	P				P	
	Thrift shop (2) (3)	P	P(1)	P	P	P		P			P	P	P				P	
	Regional Liquor or Package Store (2) (3)	S		S		S		S			S	S	S				S	
	Beer or Wine Store	S		S		S		S			S	S	S				S	

4. Modified Use Standards

The following use-specific standards are modified for the DPOD:

~~a. The following Health Care Uses are permitted provided there is no overnight treatment or stays:~~

~~i. Section 155.4209.B (Drug and Alcohol Treatment Facility)~~

~~ii. Section 155.4209.E (Medical or Dental Clinic)~~

~~iii. Section 155.4209.I (Psychiatric Treatment Facility)~~

a. Medical offices hours of operations for treatment are limited to 7:00 a.m. until 7:00 p.m.

i. A personal services establishment whose principal services are massage therapy shall only be permitted provided it complies with the following standards:

(A) Hours of operations for treatment are limited to 7:00 a.m. until 7:00 p.m.

(B) Public access is limited to a storefront abutting a street.

(C) Special exception approval is required if the establishment is located less than 1,000 feet from another personal services establishment whose principal services are massage therapy. For purposes of this subsection, the distance shall be measured from public entrances.

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SECTION 3. 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 4. 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
1/26/16 - 1/6/16
L:ord/ch155/2016-84