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Owner/Applicant: James Batmasian

Property Address: 3051 N. Federal Highway
Pompano Beach, FL 33064

Application: Text Amendment to Section 155.4219

Companion Applications: Minor Site Plan and Special Exception

Date: May 12, 2022

LETTER OF INTENT

The applicant is the owner of the former Firestone parcel located at 3051 N. Federal Highway on the west side of U.S. 1. The property is bounded to the north by a McDonald's, to the west by single-family residential, to the southwest by multi-family residential, and to the south by an automobile service use. On the east side is N. Federal Highway with the city of Lighthouse Point industrial district across the street to the east. The property is zoned B-3 and recently the applicant received a special exception to allow for a resumption of the Firestone automotive service use. The applicant, however, has opted to propose a less intensive use in the form of a luxury and specialty used car full-service dealership.

Full service new car dealerships are allowed in B-3 zoning districts, but used car dealerships are relegated to B-4 districts and less desirable areas. There is no distinction in the Code for used car dealerships between high-end and mass market, or even salvage level vehicles. The applicant proposes a Text Amendment to allow for luxury and specialty used car sales within the B-3 zoning district as a special exception with a number of limitations on the size, appearance and operation of said dealership.

A copy of Section 155.4219. Commercial: Motor Vehicle Sales and Service Uses is attached as Exhibit "A." The applicant's proposed ordinance with the Text Amendments to this Code

specified is attached as Exhibit “B.” Finally, the responses to the Text Amendment Criteria are attached as Exhibit “C.”

Respectfully submitted,



JOHN D. VOIGT, ESQUIRE

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

A. Standards Applicable to Motor Vehicle Sales and Service Uses

1. Motor Vehicle Sales and Service uses that include service, repair, installation, and/or maintenance shall comply with the following standards:
 - a. In all Zoning Districts, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes.
 - b. A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers;
 - c. The use shall be designed so that the front façade is in compliance with Section 155.5602.C.7, Fenestration/Transparency.
 - d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
 - e. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
 - f. All vehicles, trucks, and trailers shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.
 - g. Vehicles, trucks, and trailers shall not be stored as a source of parts.
 - h. Vehicles, trucks, and trailers that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Vehicles, trucks, and trailers abandoned by its lawful owner before or during the repair process may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle, truck, and trailer from the premises using the appropriate legal means.
2. Motor Vehicle Sales and Service uses that include the sale or rental of new or used vehicles, trucks, and trailers shall comply with the following standards:
 - a. Vehicle, truck, and trailer display pads may be located within a perimeter buffer provided they comply with the following standards:
 - i. The use shall not have more than one display pad for every 100 feet of street frontage.
 - ii. The display pads shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.
 - b. No vehicle, truck, and trailer shall be displayed on the top of a building.
 - c. Vehicles, trucks, and trailers may be displayed in a vehicular use area provided the parking spaces used for display shall not be eligible for compliance with Minimum Off-Street Parking requirements.
 - d. No materials for sale, other than vehicles, trucks and trailers, shall be displayed between the principal structure and the street.

B. Automotive Painting or Body Shop

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

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

2. Definition

An automotive painting or body shop is a facility providing collision repair and painting services for automobiles, pick-up trucks, or trailers, including bodywork, framework, welding, and major painting and undercoating work.

C. Automotive Parts Sales without Installation

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

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

2. Definition

An automotive parts sales without installation use consists of the retail sale of various automobile parts and accessories, including but not limited to tires, brakes, batteries, audio systems, and lubricants such as engine oil. This use does not include the sale of gasoline or other fuels. This use does not include installation.

EXHIBIT "A"

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PZ22-81000002

7/6/2022

D. Automotive Parts Sales with Installation

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

An automotive parts sales with installation use consists of the on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to brakes, batteries, and audio systems. Such uses do not include the sale of gasoline or other fuels.

E. Automotive Repair and Maintenance Facility

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

An automotive maintenance facility is an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. The use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis of automobiles), automotive glass shops (which primarily engage in replacing, repairing, and/or tinting the windows and other glass in automobiles), and general automotive repair garages or shops (which primarily engage in providing a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, including diagnosing, rebuilding, or reconditioning of engines and other mechanical and electrical systems). This use does not include automotive painting or body shops or establishments primarily engaged in the repair and servicing of large trucks, recreational vehicles, and trailers (which typically have greater impacts on adjacent properties), or tire sales and mounting, muffler/transmission sales and installation, and automotive parts and installation uses (which combine retail sales with installation and servicing of automotive components).

F. Automotive Wrecker Service

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

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

2. Definition

An automotive wrecker service is an establishment operated for the purpose of temporary storage on-site of towed and recovered motor vehicles, including operable, wrecked or inoperable motor vehicles. If an establishment regularly stores vehicles for more than 90 days, stacks vehicles, or dismantles or removes portions of the vehicles for resale, it shall be considered a salvage and junkyard.

3. Standards

An automotive wrecker service use shall comply with the following standards:

- In the B-4 District, vehicles shall not be stored outdoors.
- A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers.
- Vehicles shall not be stored outdoors for more than 90 days.

G. Battery Exchange Station

1. Districts Where Permitted

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PZ22-81000002

7/6/2022

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

A battery exchange station is a facility that enables an electric vehicle with a swappable battery to use a drive-through lane and exchange a depleted battery for a fully charged battery through a fully automated process.

3. Standards

- The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
- The use shall be designed so that any service bays are not visible from an adjoining street.
- Canopies shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.

H. Car Wash or Auto Detailing

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	S

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

2. Definition

A car wash or auto detailing use is an establishment providing the washing of the exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

3. Standards

A car wash or auto detailing use shall comply with the following standards:

- The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- No overhead doors shall face the front lot line.
- Each lane shall be covered with a permanent canopy which shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires a higher clearance.

I. Gasoline Filling Station

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
													P	P	P

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

2. Definition

A gasoline filling station consists of buildings and premises where gasoline and similar fuels for automotive use are supplied and dispensed (or in connection with a private operation where the general public is excluded from use of facilities). This use may also involve the sale of oils and grease, batteries, tires, automobile accessories, drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation.

3. Standards

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PZ22-81000002

7/6/2022

A gasoline filling station use shall comply with the following standards:

- a. If the gasoline filling station is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.
- b. The gasoline filling station shall have no more than two vehicular access points. Access points shall be located at least 100 feet from any intersecting street rights-of-way and at least 15 feet from any other lot line, and shall be no more than 40 feet wide.
- c. The gasoline filling station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.
- d. Gasoline pump canopies shall comply with the applicable standards in § 155.4303.E.3.
- e. A lot containing a gasoline filling station shall be located at least 750 feet from a lot containing another gasoline filling station.
- f. A clearly identified pedestrian route, distinguished by varied paving treatments, shall be provided between the fueling pumps and the primary pedestrian entrance(s) to the building(s).

J. New Automobile and Light Truck Sales

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

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

2. Definition

A new automobile and light truck sales use consists of premises on which new automobiles, light trucks, collector cars, motorcycles, mopeds, and golf carts in operating condition are displayed for sale or lease.

3. Standards

A new automobile and light truck sales use shall comply with the following standards:

- a. New automobile and light truck sales agencies, excluding those that sell or lease collector cars, motorcycles, mopeds, and golf carts, may have accessory used car sales and auto service. Agencies that sell or lease collector cars, motorcycles, mopeds, and golf carts may have accessory auto service subject to Special Exception approval.

K. Used Automobile and Light Truck Sales with Indoor Display Only

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

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

2. Definition

A used automobile and light truck sales with indoor display only consists of premises on which used automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are displayed for sale or lease within a fully enclosed structure. This use does not include outdoor display, which is considered to be Used Automobile and Light Truck Sales with Outdoor Display.

L. Used Automobile and Light Truck Sales with Outdoor Display

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															S

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

2. Definition

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PZ22-81000002

7/6/2022

A used automobile and light truck sales with outdoor display consists of premises on which used automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are stored and displayed for sale or lease outdoors.

M. Automobile and Light Truck Rental

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

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

2. Definition

An automobile/light truck rental use consists of premises on which automobiles and light trucks in operating condition are displayed for rental.

N. Muffler/Transmission Sales and Installation

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

A muffler/transmission sales and installation use is one that involves the on-site sale and subsequent installation of mufflers or transmissions on motor vehicles. Such uses do not include the sale of gasoline or other fuels.

O. Parking Deck or Garage (as a principal use)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
													P	P	P

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

2. Definition

A parking deck or garage (as a principal use) is a structure used primarily for the temporary storage of motor vehicles, where such structure is the principal use of a lot as opposed to being accessory to the lot's principal use(s). The structure may be partially enclosed (parking deck) or fully enclosed or located underground (parking garage).

3. Standards

A parking deck or garage operated as a principal use shall comply with the following standards:

a. Parking shall be the principal use of the parking structure. Parking spaces may be rented for parking, and retail sales and service and office establishments may be located on the ground floor of the structure. No other business of any kind shall be conducted in the structure, including repair, servicing, washing, display, or storage of vehicles or other goods.

b. The parking deck or garage shall not be located within 50 feet of any Single-Family Residential (RS-) zoning district.

c. Where structural steel is used in construction of a parking deck or garage, long-term protection of steel framing, decking, or rebar from corrosion shall be provided through use of hot-dip galvanized steel, metallic thermal spray coatings, or paint coatings in accordance with ASTM standards.

P. Parking Lot (as a principal use)

1. Districts Where Permitted

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PZ22-81000002

7/6/2022

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

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

2. Definition

A parking lot (as a principal use) is an off-street, hard-surfaced, ground level area used for the temporary storage of motor vehicles, where such area is the principal use of a lot as opposed to being accessory to the lot's principal use(s).

3. Standards

A parking lot operated as a principal use shall comply with the following standards:

a. Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved Temporary Use Permit or other permit from the city, but no other business of any kind shall be conducted on the lot, including repair, servicing, washing, display, or storage of vehicles or other goods.

b. The parking lot shall not be located within 50 feet of any Single-Family Residential (RS-) zoning district.

Q. Taxi or Limousine Service Facility

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

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

2. Definition

A taxi or limousine service facility is a service that offers transportation in passenger automobiles and vans to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or limousines.

R. Tire Sales and Mounting

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

A tire sales and mounting use is one that involves the on-site sale and subsequent mounting of tires on motor vehicles. Such uses do not include the sale of gasoline or other fuels.

S. Heavy Truck/Recreational Vehicle/Trailer Repair and Servicing

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

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

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PZ22-81000002
7/6/2022

2. Definition

A heavy truck/recreational vehicle/trailer repair and servicing use is an establishment primarily engaged in the general repair, rebuilding, or reconditioning of the engines and other parts of heavy trucks, recreational vehicles, and trailers.

T. Heavy Truck/Recreational Vehicle/Trailer Sales

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

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

2. Definition

A heavy truck/recreational vehicle/trailer sales use consists of premises on which new and used heavy trucks, recreational vehicles, and trailers in operating condition are displayed for sale or lease.

3. Standards

A heavy truck/recreational vehicle/trailer sales use may have accessory service and repair.

U. Heavy Truck/Recreational Vehicle/Trailer Rental

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

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

2. Definition

A heavy truck/recreational vehicle/trailer rental use consists of premises on which heavy trucks, recreational vehicles, and trailers in operating condition are displayed for rental.

V. Limited Auto Dealership - Fleet Automobile Sales

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	S

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

2. Definition

A limited auto dealership - fleet automobile sales use consists of premises on which fleet automobiles owned by a corporate entity for short-term rental purposes, are offered for sale.

3. Standards

A limited auto dealership - fleet automobile sales use shall comply with the following standards:

- The minimum parcel size for such use shall be 0.75 acres;
- Fleet automobiles offered for sale shall not be more than two model years old;
- Fleet automobiles offered for sale shall have less than 35,000 miles on the odometer;
- Fleet automobiles offered for sale shall be in good working condition such that they shall not be in any need of mechanical or auto body repair;
- A 1,750 square foot minimum interior showroom area shall be provided for the display of fleet vehicles in addition to any outside display;
- A limited auto dealership, fleet automobile sales use shall be located within one-half mile of a new automobile and light truck sale use;

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PZ22-81000002

7/6/2022

g. The use shall not be permitted within the Community Redevelopment Agency (CRA) boundaries as established by Ordinance No. 90-9 and Resolution No. 2002-11. This prohibition shall survive the life of said CRA and shall be applicable currently, and in the future, to all areas that are located within said boundaries;

h. The use shall not be permitted within the Atlantic Boulevard Overlay (AOD) District boundaries as established by Ordinance No. 99-27 and amended;

i. The use shall not be permitted within the proposed East Transit Oriented Corridor (ETOC) land use designation boundaries, as approved at first reading during the June 28, 2016 City Commission meeting;

j. Accessory car washing, auto detailing, automotive repair, or automotive maintenance is subject to special exception approval. This requirement applies in addition to the special exception requirement for the principal use in the B-3 and B-4 districts; and

k. The use shall not be located within two miles of another limited auto dealership - fleet automobile sales use.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2013-82](#), passed 9-24-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2015-75](#), passed 9-8-15; Am. Ord. [2017-24](#), passed 2-14-17; Am. Ord. [2018-18](#), passed 12-12-17; Am. Ord. [2019-17](#), passed 1-8-19)

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PZ22-81000002

7/6/2022

Ordinance NO. 2022-_____

City of Pompano Beach

Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO AMEND PERMITTED USES IN SECTION 155.4219.J NEW AUTOMOBILE AND LIGHT TRUCK SALES TO INCLUDE LUXURY AUTOMOBILES; PROVIDE DEFINITION BY AMENDING APPENDIX A: "CONSOLIDATED USE 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 155.4219., "Commercial: Motor Vehicles and Service Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

EXHIBIT "B"

DRC

PZ22-81000002
7/6/2022

155.4219.J COMMERCIAL: MOTOER VEHICLE SALES AND SERVICE USES

1. DISTRICTS WHERE PERMITTED

RS -1	RS -2	RS -3	RS -4	RS -L	RD -1	RM -7	RM -12	RM -20	RM -30	RM -45	MH -12	B -1	B -2	B -3	B -4
														P	P

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

2. Definition

High value new and used vehicles both domestic and foreign including electric and high performance vehicles that are not collectively found at traditional dealerships.

3. Standards

Luxury Used Automobile Dealerships shall comply with the following standards:

- The minimum parcel size for such use shall be 1.0 acres;
- A minimum 7,500 square foot building is required for the facility with or without accessory uses in addition to outdoor display;
- A Luxury Auto Dealership can only be located on Federal Highway (US 1);
- The use shall not be permitted within the community Redevelopment Agency (CRA) boundaries as established by Ordinance No. 90-9 and Resolution No. 2002-11. This

DRC

PZ22-81000002

7/6/2022

Prohibition shall survive the life of said CRA and shall be Applicable currently, and in the future, to all areas that are located Within said boundaries;

- e. The use shall not be permitted within the Atlantic Boulevard Overlay (AOD) District boundaries as established by Ordinance No. 99-27 and amended;
- f. The use shall not be permitted within the East Transit Oriented Corridor (ETOC) boundaries as established by Ordinance No. xxxxx;
- g. Accessory uses include Car Washing and Detailing, Automotive Repair or Maintenance, Automotive part sales with installation, Automotive Paint and Body Shop, and Tire Sales and Mounting is subject to Special Exception approval in addition to the Special Exception requirement for the principle use in the B-3 district.
- h. Special Exception requirements:
 - i. Hours of operation for Maintenance and repair is 7:30 to 6:00 Monday thru Saturday;
 - ii. Type C buffer adjacent to direct residential property;
 - iii. No loud speakers;
 - iv. All Maintenance work to be enclosed structure;
 - v. No banners on front display area;
 - vi. No wrecked vehicles
 - vii. No storage of vehicles
 - viii. Lighting adjacent to residential to be reduced after 9PM.

SECTION 2. That Article 9, Definitions and Interpretation, 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 INTERPRETION

PART 5 TERMS AND USES DEFINED

DRC

PZ22-81000002
7/6/2022

The following words, terms, and phrases, when used in this code, shall have the meaning ascribed to them in this section.

LUXURY AUTOMOBILE

High value new and used vehicles both domestic and foreign including electric and high performance vehicles that are not collectively found at traditional dealerships.

SECTION 3. 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:

SECTION 4. If any provision of this Ordinance or 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 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 2022

PASSED SECOND READING this ____ day of _____, 2022

MAYOR

ATTEST:

CITY CLERK

DRC

PZ22-81000002

7/6/2022

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Owner/Applicant: James Batmasian

Application: Text Amendment to Section 155.4219

Companion Applications: Minor Site Plan and Special Exception

Property Address: 3051 N. Federal Highway
Pompano Beach, FL 33064

Date: May 12, 2022

RESPONSES TO SECTION 155.2402. TEXT AMENDMENT CRITERIA

The applicant is the owner of the former Firestone parcel located at 3051 N. Federal Highway. The property is bounded by Federal Highway to the east with the City of Lighthouse Point industrial areas on the east side of Federal Highway. There is a McDonald's immediately to the north, and single family residential to the west. To the south is an auto shop, and to the southwest is multi-family residential.

The property is zoned B-3, which permits new car dealerships, but not used car dealerships, which are limited to zoning section B-4. A review of the existing used car dealerships in the B-4 zoning area on Dixie Highway show mostly lower-end dealerships that appear to have been banished to Dixie Highway because of their characteristics and their lack of an attractive appearance. In the B-3 district on Federal Highway there are new car dealerships as well as some existing used car dealerships that apparently continue as nonconforming uses.

The applicant obtained a special exception to continue the auto servicing in a Firestone-type operation, but has chosen to move forward in a different direction. The applicant is hopeful to put a high-end, luxury used car, full-service dealership on the site. The applicant seeks a Text Amendment to Section 155.4219 of the City Code to allow such a high-end dealership with great restrictions on appearance and methods of operation of said dealership.

Any application for a Text Amendment must respond to the following criteria as to whether and to the extent to which a proposed amendment meets the following:

1. Is consistent with the comprehensive plan;

Applicant's Response:

The applicant has reviewed the entire 164 pages of the City's comprehensive plan and has found nothing about a proposed luxury used car dealership that would be contrary to this comprehensive plan. Certainly element 1, the future land use element, would be most applicable. Since car dealerships already exist in the City of Pompano Beach, I believe it is safe to say that these policy considerations have been previously addressed and the proposed use is found to be adequate. Certainly, none of the other 13 elements would be brought into consideration other than element 12 on climate change. The dealership will have EV charging stations and include electric vehicles among the inventory, which would help address climate change considerations.

2. Does not conflict with any provision of this Code or the Code of Ordinances;

Applicant's Response:

The applicant is not aware of any provision of the code which would be in conflict with an approved automobile dealership. Certainly, said dealership would have to comply with all such Code provisions.

3. Is required by changed conditions;

Applicant's Response:

As a result of the pandemic, new car sales stalled and used cars have been at a premium. There has also been a renewed emphasis on high-end, luxury and customized performance vehicles which are not generally sold at mass market dealerships. The applicant would suggest that the automobile dealership would be a less intensive use than the Firestone-type of repair facility, and would be more appropriate for Federal Highway and adjoining residential neighborhoods as demonstrated by the existence of other dealerships within the vicinity.

4. Addresses a demonstrated community need;

Applicant's Response:

The applicant has experience in the luxury used car business and believes there is a need and a market for these types of vehicles. Normally used car lots are a mixture of almost any cars available to the dealer. Here the goal is to have a collection of high-end and exotic vehicles that would be unlike anything else found in the city.

5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The applicant submits that an automobile dealership has already been demonstrated to be consistent with the purpose and intent of this zoning district in that many exist in the immediate vicinity. Certainly, this different type of dealership would be compatible and not redundant with the other dealerships. The applicant would submit that this is efficient development within this City district.

- Given the existence of many automobile dealerships in the vicinity, the applicant would say that offering a different version of such dealerships would be logical and would constitute an orderly development pattern for the district.

- As demonstrated by the existing automobile dealerships on Federal Highway in this immediate vicinity, there is no reason to believe that the luxury dealership would result in any significantly adverse impacts on the environment. Certainly, the volume of sales and on-site work performed would be less than a full-scale larger dealership. As a specialty dealership, this will be maintained as more of a boutique dealership that should not have such a negative impact.

John G. J.