



Staff Report

File #: LN-308

PLANNING AND ZONING BOARD

Meeting Date: AUGUST 24, 2022

LUXURY CAR TEXT AMENDMENT

Request:	Public Initiated Text Amendment
P&Z#	22-81000002
Owner:	James Batmasian
Project Location:	3051 N. Federal Highway
Folio Number:	484224140020
Land Use Designation:	C (Commercial)
Zoning District:	B-3 (General Business)
Commission District:	2 (Rhonda Eaton)
Agent:	John Rinaldi (954-788-3400)
Project Planner:	Lauren Gratzner (954-545-7792 / lauren.gratzner@copbfl.com)

Summary:

On behalf of property owner James Batmasian, the applicants John Voigt, Attorney and James Kahn, Planner, are requesting to amend the Motor Vehicle Sales and Service Uses of the Zoning Code [section 155.4219] in order to create a new use designation for Used Luxury Automobile Sales with Indoor and Outdoor Display. This new use designation will create section 155.4219.W. Used Luxury Automobile Sales with Indoor/Outdoor Display. Concurrently, the Consolidated Use Table of the City's Zoning Code (also known as Appendix A) and Article 9: Definitions and Interpretation, Part 5: Terms and Uses Defined will be updated to reflect the new use and definition.

CODE AMENDMENT, AS SUBMITTED BY THE APPLICANT

CHAPTER 155: ZONING CODE

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155.4219 COMMERCIAL:MOTOR VEHICLE SALES AND SERVICE USES

...

W. Used Luxury Automobile Sales with Indoor/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
														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			

2. Definition

A Used Luxury Automobile Sales with Indoor/ Outdoor Display consists of on-site used luxury automobiles, where each vehicle shall be advertised and sold for no less than \$60,000. Used luxury vehicles must be in operating condition and may be displayed for sale completely within a showroom or where the majority of vehicles are displayed outside.

3. Standards

- The minimum parcel size shall be 1.0 acre.
- A minimum building of 7,500 square feet with 1,200 indoor showroom required.
- Outdoor display of vehicles shall not impede site circulation.
- Type C buffer adjacent to residential property.
- 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 uses that are located within said boundaries.
- The use shall not be permitted within the Atlantic Boulevards Overlay (AOD) district boundaries as established by Ordinance No.99-27 and amended.

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 E = 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	CE	FU	T		BP	RPUD	PCD	PD-TO	LAC
PRINCIPAL USES																																		
COMMERCIAL USES																																		
Motor Vehicle Sales and Service Uses	Battery exchange station															S	P			P	P										P			155.4219.G
	Car wash or auto detailing															S	S			P	P										P			155.4219.H
	Gasoline filling station													P	P	P			P	P	P									P		P	155.4219.I	
	New Automobile and Light Truck sales															P	P			P	P										P			155.4219.J
	Used Automobile and Light Truck sales with indoor display only																P			P	P									P			155.4219.K	
	Used Automobile and Light Truck sales with outdoor display																S			S	P										S			155.4219.L
	Automobile and Light Truck rental															P	P			P	P										P			155.4219.M
	Muffler/transmission sales and installation															S	P			P	P										P			155.4219.N
	Parking deck or garage (as principal use)														P	P	P			P	P	P		P		P				P	P	P	P	155.4219.O
	Used luxury automobile sales with indoor/outdoor display																P	P														P		

P = Proposed Text Amendment Modification to Appendix A: Used Luxury Automobile Sales with Indoor/Outdoor Display as a permitted use in the B-3, B-4, and PCD Zoning Districts.

CHAPTER 155: ZONING CODE

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ARTICLE 9: DEFINITIONS AND INTERPRETATION, PART 5 TERMS AND USES DEFINED

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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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Used Automobile and Light Truck Sales with Outdoor Display

Premises on which used automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are

displayed for sale or lease outdoors.

Used Luxury Automobile Sales with Indoor/Outdoor Display

A Used Luxury Automobile Sales with Indoor/ Outdoor Display consists of on-site used luxury automobiles, where each vehicle shall be advertised and sold for no less than \$60,000. Used luxury vehicles must be in operating condition and may be displayed for sale completely within a showroom or where the majority of vehicles are displayed outside."

Utility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, gas compressor stations, and electrical substations.

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STAFF ANALYSIS

The proposed text amendment seeks to permit a used car dealership of automobiles that are of a value in excess of \$60,000 within the B-3 (General Business), B-4 (Heavy Business), and PCD (Planned Commercial/Industrial District) Zoning Districts, subject to the proposed standards. This text amendment will permit the automobiles for sale to be displayed both indoors and outdoors.

Today's current Code has four (4) similar uses related to automobile dealerships: 155.4219.J. New Automobile and Light Truck Sales, 155.4219. K. Used Automobile and Light Truck Sales with Indoor Display Only, 155.4219.L. Used Automobile and Light Truck Sales with Outdoor Display, and 155.4219.V. Limited Auto Dealership - Fleet Automobile Sales. These Code sections have been attached for reference.

The current Code does not permit used car dealerships (of any value), regardless of indoor or outdoor display, to operate in the B-3 Zoning District. Used car dealerships with indoor display only are permitted by right to operate in the B-4 Zoning Districts, however, a used car dealerships that requests outdoor display in the same zoning district must seek approval of a Special Exception from the Zoning Board of Appeals (ZBA). The subject text amendment proposes to permit used car dealerships (regardless if the cars are displayed inside or outside a building) with automobiles in excess of \$60,000 by right in both the B-3 and B-4 Zoning District without approval of a Special Exception from the ZBA.

In contrast, new automobile dealerships are permitted by right in both the B-3 and B-4 Zoning District. Automobiles sold to the public that were previously owned by a corporate entity for short-term rental purposes are defined in the City's code as "Limited Auto Dealership - Fleet Automobile Sales." This use category requires approval of a Special Exception in order to operate in either the B-3 or the B-4 Zoning District. Below is a visual illustration of where these uses are permitted.

	B-3	B-4	PCD
155.4219.J. New Automobile and Light Truck Sales	Permitted	Permitted	Permitted
155.4219. K. Used Automobile and Light Truck Sales with Indoor Display Only	Not Permitted	Permitted	Permitted
155.4219.L. Used Automobile and Light Truck Sales with Outdoor Display	Not Permitted	Requires Special Exception	Requires Special Exception
155.4219.V. Limited Auto Dealership - Fleet Automobile Sales	Requires Special Exception	Requires Special Exception	Permitted
<u>155.4219.W. Used Luxury Automobile Sales with Indoor/Outdoor Display</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

A map highlighting the eligible properties that meet the proposed text amendment criteria has been enclosed for reference. This map shows one-hundred and eleven (111) properties within Pompano Beach would be qualified for this new proposed use that previously would otherwise either 1) not allow a used car dealership or 2) would require approval of a Special Exception by the Zoning Board of Appeals. The eligible properties are found throughout the City, although there is a noticeable amount of properties located on Federal Highway and Dixie Highway, where a high concentration of car dealership and auto repair shops currently exist. Within the total 111 properties, 68 of them are located on Federal Highway and 11 of them are located on Dixie Highway. Other noticeable locations are on major City thoroughfares such as Sample Road, Copans Road, and S Pompano Parkway (Powerline Road).

CODE AMENDMENT REVIEW STANDARDS

The Planning & Zoning Board must make a recommendation to the City Commission on applications for code amendments based on the competent substantial evidence in the record that the amendment addresses the following standards:

155.2402. TEXT AMENDMENT

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C. Text Amendment Review Standards

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances ;

3. Is required by changed conditions;
4. Addresses a demonstrated community need;
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;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following alternative motion options, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the text amendment to the City Commission for their consideration.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies, or addressed the review standards for a code amendment as listed in this report.

155.4219.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
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		P	P										P			
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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.

155.4219.K. Used Automobile and Light Truck Sales with Indoor Display Only

1. Districts Where Permitt

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.

155.4219.L. Used Automobile and Light Truck Sales with Outdoor Display

1. Districts Where Permitt

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

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.

155.4219.V. Limited Auto Dealership - Fleet Automobile Sales**1. Districts Where Permitt**

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. Definiti

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. Standar

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

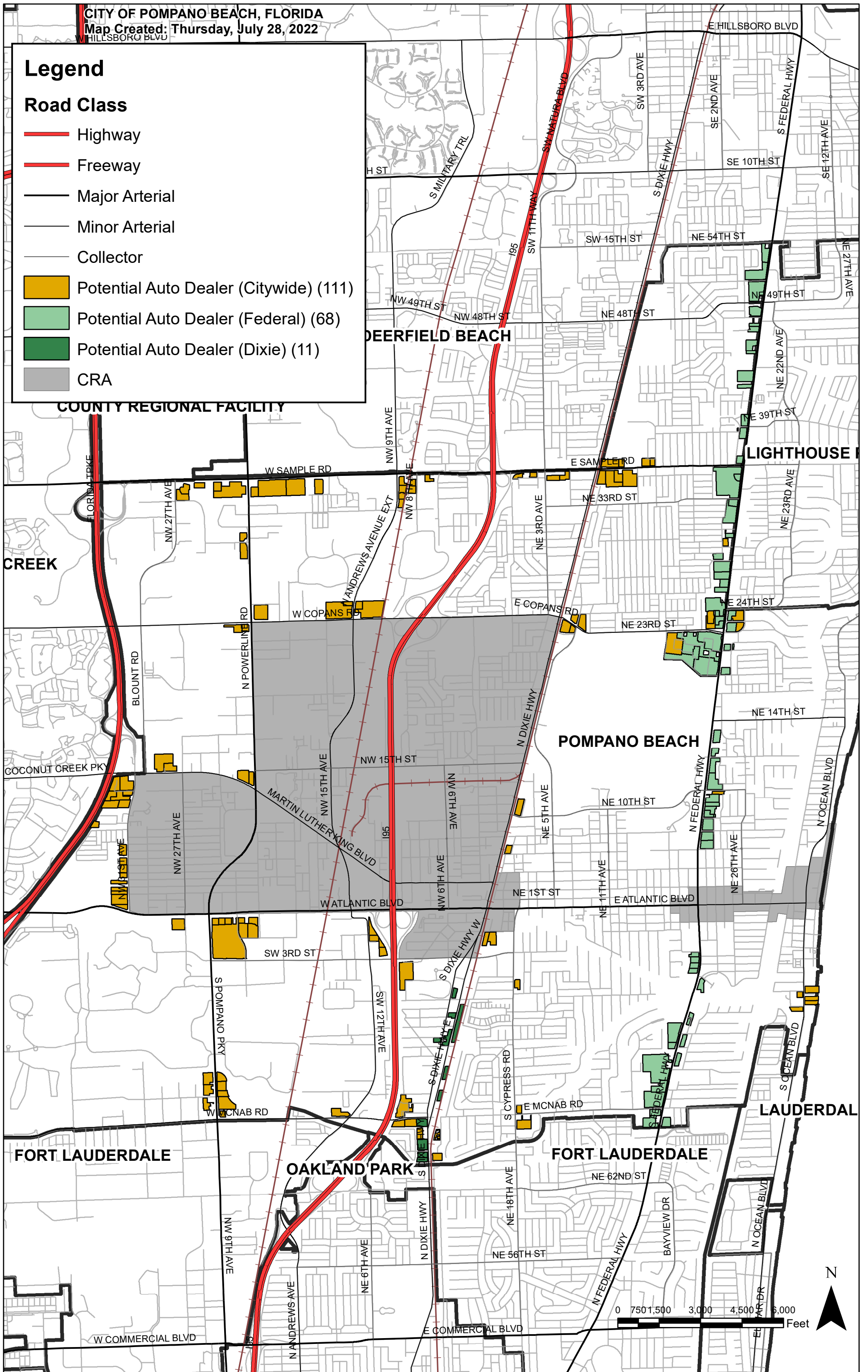
- a. The minimum parcel size for such use shall be
- b. Fleet automobiles offered for sale shall not be more than two model
- c. Fleet automobiles offered for sale shall have less than 35,000 miles on th
- d. Fleet automobiles offered for sale shall be in good working condition such that they shall not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

Legend

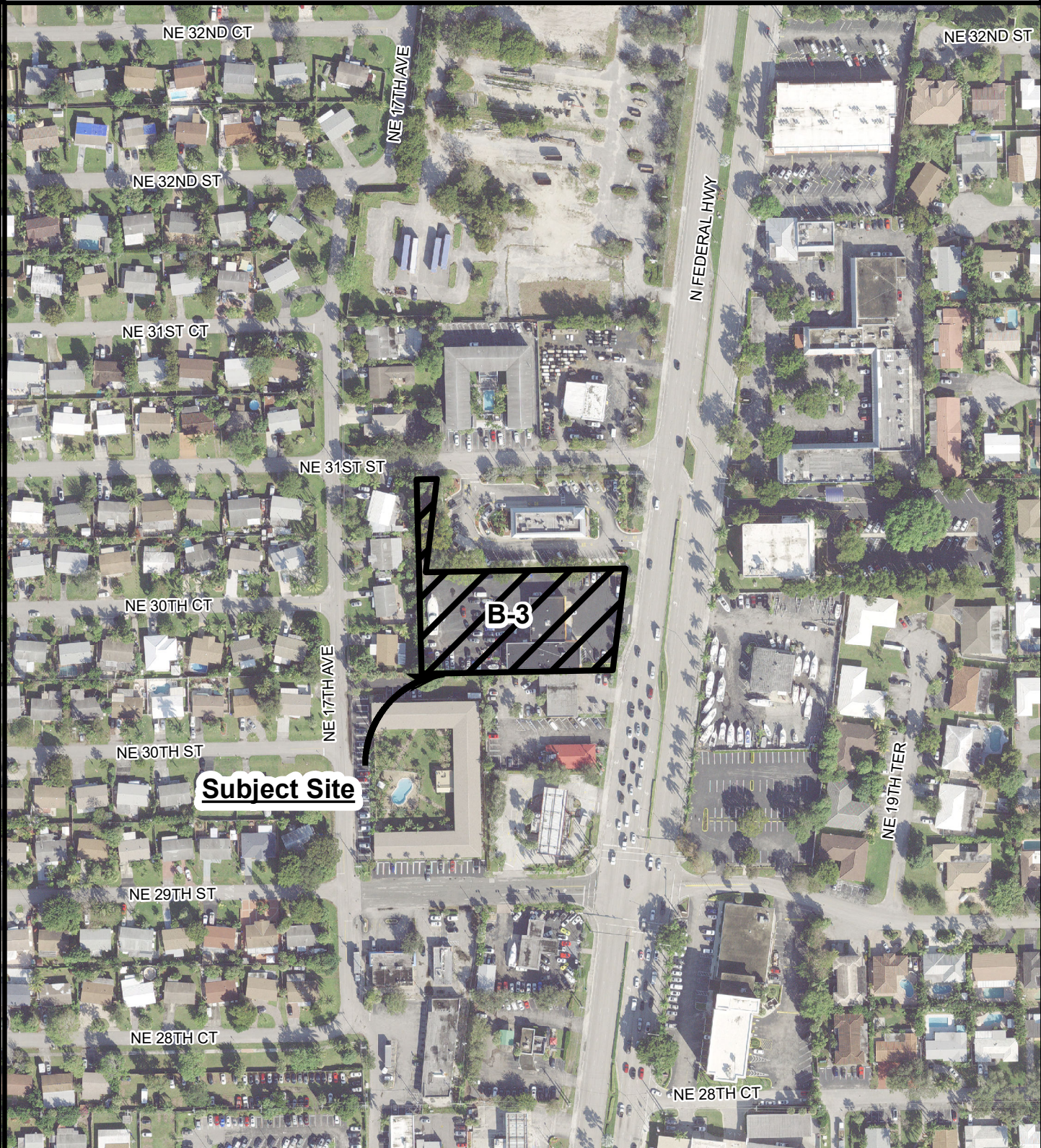
Road Class

- Highway
- Freeway
- Major Arterial
- Minor Arterial
- Collector

- Potential Auto Dealer (Citywide) (111)
- Potential Auto Dealer (Federal) (68)
- Potential Auto Dealer (Dixie) (11)
- CRA



CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

3051 N FEDERAL HIGHWAY

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 208 ft

3051 N FEDERAL HIGHWAY

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP

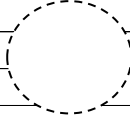


1 in = 208 ft

3051 N FEDERAL HIGHWAY

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

LEGEND

FOR LAND USE PLAN			FOR ZONING MAP	
Symbol	Classification Units/ Acre		Symbol	District
			RS-1	Single-Family Residence 1
L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
H	High (25-46 DU/AC)			
12	Irregular Density		RD-1	Two- Family Residence
36	Irregular Density			
			RM-7	Multiple-Family Residence 7
*	C Commercial		RM-12	Multiple-Family Residence 12
	CR Commercial Recreation		RM-20	Multiple-Family Residence 20
			RM-30	Multiple-Family Residence 30
I	Industrial		RM-45	Multiple-Family Residence 45
			MH-12	Mobile Home Park
T	Transportation			
			B-1	Limited Business
U	Utilities		B-2	Neighborhood Business
		*	B-3	General Business
CF	Community Facilities		B-4	Heavy Business
			M-1	Marina Business
OR	Recreation & Open Space		CR	Commerical Recreation
W	Water		I-1	General Industrial
			I-1X	Special Industrial
RAC	Regional Activity Center		O-IP	Office Industrial Park
			M-2	Marina Industrial
LAC	Local Activity Center			
			TO	Transit Oriented
DPTOC	Downtown Pompano		PR	Parks & Recreation
	Transit Oriented Corridor		CF	Community Facilities
	Number		PU	Public Utility
			T	Transportation
			BP	Business Parking
*	Current Designation		LAC	Local Activity Center
>	Proposed Designation		RPUD	Residential Planned Unit Dev.
			PCD	Planned Commercial Development
			PD-TO	Planned Development - Transit Oriented
			PD-I	Planned Development - Infill
			RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
			AOD	Atlantic Boulevard Overlay District
			CRAO	Community Redevelopment Area Overlay
			NCO	Neighborhood Conservation Overlay
			APO	Air Park Overlay
			DP	Downtown Pompano Beach Overlay