

**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 SERVICES USES," TO PROVIDE AUTHORIZATION FOR THE SALE OF USED LUXURY AUTOMOBILES IN THE B-3 (GENERAL BUSINESS), B-4 (HEAVY BUSINESS), I-1 (GENERAL INDUSTRIAL) AND PCD (PLANNED COMMERCIAL/INDUSTRIAL) ZONING DISTRICTS. PROVIDING REQUIREMENTS AND STANDARDS FOR SUCH SALES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY PROVIDING A DEFINITION FOR USED LUXURY AUTOMOBILE SALES WITH INDOOR/OUTDOOR DISPLAY; 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 Vehicle Sales 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:

**§ 155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES**

...

**W. USED LUXURY AUTOMOBILE SALES WITH INDOOR/OUTDOOR DISPLAY**

**1. Districts Where Permitted**

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

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

**2. Definition**

A Used Luxury Automobile Sales with Indoor/Outdoor Display consists of on-site used luxury automobiles, where each vehicle shall have a value of, and shall be advertised and sold for no less than \$75,000. 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 outdoors with the remainder displayed within a showroom. All automobiles included in the category must provide increased levels of comfort, equipment, amenities, quality, performance, and associated status compared to moderately priced cars. Beginning with the year 2027, and every five (5) years thereafter, the requisite minimal \$75,000 sale price shall automatically increase in accordance with any increase in the Consumer Price Index (CPI) for the five-year period.

**3. Standards**

- a. The minimum parcel size shall be 1.0 acre.
- b. A building with a minimum of 7,500 square feet and with a required minimum 1,200 square feet indoor showroom.
- c. Outdoor display of vehicles shall not impede site circulation.
- d. Type C buffer adjacent to residential property.
- e. 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.

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

g. The use shall not be located within two miles of another Used Luxury Automobile Sales with Indoor/Outdoor Display use.

h. Compliance.

i. City Code Enforcement inspectors are authorized to enforce all standards required by this section. All businesses in the City classified under this section shall cooperate with Code Enforcement to demonstrate compliance with required standards as set forth above. Inspectors may request a list or report documenting all auto sales and selling prices for a prior 90-day period, up to four times per calendar year. Said information shall be provided within fourteen business days of any such request.

ii. Per section 162.09(2)(a), F.S., any violation of the standards required by this section shall be deemed irreparable or irreversible in nature upon a finding of violation at hearing before the City's Special Magistrate, who may impose a fine of up to \$5,000 per violation. More than two (2) violations within a calendar year of any required standard shall constitute grounds for revocation of the Zoning Use Certificate of the offending business, by the Special Magistrate following written notice to the business of a public hearing to be held for such purpose.

**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 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.

...

**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 have a value of, and shall be advertised and sold for no less than \$75,000. 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 outdoors with the remainder displayed within a showroom. All automobiles included in the category must provide increased levels of comfort, equipment, amenities, quality, performance, and associated status compared to moderately priced cars. Beginning with the year 2027, and every five (5) years thereafter, the requisite minimal \$75,000 sale price shall automatically increase in accordance with any increase in the Consumer Price Index (CPI) for the five-year period.

...

**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:

...

## 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-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I				
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				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	155.4219.O				
	<u>Used Luxury Automobile Sales with Indoor/Outdoor Display</u>														<u>P</u>	<u>P</u>			<u>P</u>										<u>P</u>									
Motor Vehicle Sales and Service Uses	Parking lot (as principal use)														P	P			P	P	P		P	P					P	P	P	P	P	155.4219.P				
	...																																					

**SECTION 4.** 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 5.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**REX HARDIN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm/meb  
09/14/22  
L:ord/ch155/2022-255