

ORDINANCE NO. 2019-_____

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 CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO MODIFY SPECIFIC PROHIBITED USES; BY AMENDING SECTION 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES; BY AMENDING SECTION 155.4215., "COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES," TO MODIFY CERTAIN ADDITIONAL PERMITTED USES; BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES AND ESTABLISH STANDARDS FOR SAME; BY AMENDING SECTION 155.4227., "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," TO MODIFY CERTAIN PERMITTED USES; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE TO CONFORM WITH MODIFICATIONS MADE FOR PERMITTED USES IN VARIOUS ZONING DISTRICTS; 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 155.4201., "General," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4201. GENERAL

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B. STANDARDS APPLICABLE TO ALL USES

The following use standards shall be applicable to all uses:

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10. The manufacturing of hazardous substances is strictly prohibited. Hazardous substances include:
- a. Acids, ~~ammunition~~, fertilizer, soap, insecticides, and/or batteries;

...

SECTION 2. That Section 155.4211., "Institutional: Other Institutional Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES

...

C. LODGE OR CLUB

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		S		P							P	P	P	

...

SECTION 3. That Section 155.4215., "Commercial: Boat and Marine 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:

§ 155.4215. COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES

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B. BOAT DRY STORAGE 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	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	

...

SECTION 4. That Section 155.4225., "Commercial: Visitor Accommodation Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

A. CONDO HOTEL

1. Districts Where Permitted

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2. Definition

A condo hotel is a hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room which is accessible by a lock-out key is considered a separate lodging unit for purposes of Zoning and Land Use. On any parcel designated Residential on the Future Land Use Map, for density purposes two lodging units shall be equal to one dwelling unit and the maximum number of dwelling units

permitted for the parcel of land will be calculated based on the gross area of the property.

3. Standards

A condo hotel shall comply with the following standards:

- a. **Owner-occupation.** Lodging units shall not be occupied by their owner(s) for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period. The restriction on owner-occupation shall be included in the Declaration of Condominium.

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- f. Up to 15 percent of the gross floor area of ~~an~~ a condo hotel may be devoted to business-related accessory uses other than eating or drinking establishments—including conference and meeting rooms, business centers, retail services such as newsstands and gift shops, and similar uses. Such uses may have a patron entrance from outside the principal building.

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C. HOTEL OR MOTEL

1. Districts Where Permitted

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2. Definition

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each lodging unit. Each room which is accessible by a lock-out key is considered a separate lodging unit for purposes of Zoning and Land Use. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning

products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses. On any parcel designated Residential on the Future Land Use Map, for density purposes two lodging units shall be equal to one dwelling unit and the maximum number of dwelling units permitted for the parcel of land will be calculated based on the gross area of the property.

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SECTION 5. That Section 155.4227., "Industrial: Manufacturing and Production Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4227. INDUSTRIAL: MANUFACTURING AND PRODUCTION USES

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F. MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

1. Districts Where Permitted

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2. Definition

A heavy manufacturing, assembly, or fabrication use is an establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, ammunition, precision items and other electrical items; and lumber mills, pulp and paper mills, and the manufacture of other wood products.

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SECTION 6. 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-5	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	T-1	H-X	OF	M-2	TO	PR	CF	PC	T	BP		RPD	PD-TO	LAC	PD-1		
Boat and Marine Sales and Service Uses	Principal Uses																																		
	Commercial Uses																																		
	Boat dry storage facility																	P					<u>P</u>	P							P	P	P	155.4215.B	
	Boat or marine parts sales without installation																P	P	P				P	P							P	P	P	155.4215.C	
	Boat or marine parts sales with installation																P	P	P				P	P							P	P	P	155.4215.D	
	Boat or marine repair and servicing																P	P	P				P								P			155.4215.E	
	Boat sales or rental																P	P	P				P								P	P	P	155.4215.F	
	Boat towing service																	P	P	P				P							P	P	P	155.4215.G	
	Docking facility, barge																		P																155.4215.H
	Docking facility, commercial fishing boat																		P					P										P	155.4215.I
	Docking facility, recreational boat																P	P	P	P			P								P	P	P	155.4215.J	
	Marina																P	P	P													P	P	P	155.4215.K
	Yacht club																P	P	P	P			P	P							P	P	P	P	155.4215.L

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SECTION 7. 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 8. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2018.

PASSED SECOND READING this _____ day of _____, 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm:jmz
10/11/18
l:ord/ch155/2018-324