

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 CLARIFY LIMITATIONS OF PRINCIPAL USES INVOLVING SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.4224., "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," TO INCLUDE CUSTOMARY ACCESSORY USES; BY AMENDING SECTION 155.4302., "GENERAL," TO CLARIFY GENERAL STANDARDS FOR ACCESSORY USES IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Code changes proposed herein were approved by the Planning and Zoning Board at its April 2019 meeting where the matter became "Zoning in Progress," in accordance with Section 155.2309 of the city's Zoning Code.

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

...

C. DEVELOPMENT WITH MULTIPLE PRINCIPAL USE TYPES

A development may include multiple principal uses, provided each principal use is a principal use type allowed in the applicable zoning district and the development complies with any use-specific standards applicable to each of the included use types. If a use within a development is determined to be an accessory use to a principal use in the development, such accessory use shall be subject to the accessory use standards in Article 4: Part 3 (Accessory Uses and Structures). However if no accessory use standards are established in Section 155.4303, Standards for Specific Accessory Uses and Structures, such accessory use shall be subject to the principal use standards in Article 4: Part 2, Principal Uses and Structures, as well as the standards in Section 155.4302.B, General Standards for All Accessory Uses and Structures.

1. Exemptions

Sexually Oriented Businesses (155.4224.A.), due to the operational characteristics, shall not be permitted to have multiple principal uses. Additionally, permitted accessory uses shall be limited to those identified as Customary Accessory Uses to a sexually oriented business identified in the use-specified standards. All Principal and Customary Accessory Uses shall be regulated by the use-specific standards of a Sexually Oriented Business (155.4224.A.).

...

SECTION 2. That Section 155.4224., "Commercial: Sexually Oriented Businesses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4224. COMMERCIAL: SEXUALLY ORIENTED BUSINESSES

A. SEXUALLY ORIENTED BUSINESS

1. Purpose

...

4. Standards

a. Separation Requirements

A new sexually oriented business shall be separated from certain existing uses and zoning in accordance with Table 155.422.A.4: Minimum Separation from Certain Existing Uses and Zoning.

...

b. Customary Accessory Uses

The maximum cumulative aggregate gross floor area of all accessory uses on a parcel shall be 49% of the gross floor area of a principal building or use on the development site.

i. Bar or Lounge.

ii. Restaurant.

iii. Specialty eating or drinking establishment.

iv. Retail Sales (provided the gross floor area occupied by the retail sales use does not exceed 20 percent of the gross floor occupied by the principal use).

b.c. Exterior Observation and Display Prohibited

...

e.d. Presentations in Enclosed Rooms

...

d.e. Punitive Standards and Right to Appeal

...

§ 155.4302. GENERAL

...

B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. Relationship to Principal Use or Structure

...

- d. Accessory uses in connection with Sexually Oriented Businesses (155.4224.A.), due to the operational characteristics, shall be limited to the customary accessory uses identified as permitted with the principal use.

...

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 _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jmz:jrm
6/19/19
l:ord/ch155/2019-183