

ORDINANCE NO. 2020-_____

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 POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO PERMIT DRIVE-THROUGH SERVICE IN A SPECIFIC DESIGNATED PORTION OF THE EAST OVERLAY DISTRICT; AND MODIFYING THE DIAGRAM TO REFLECT CHANGES IN THE CODE; BY AMENDING 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY THE CORRESPONDING CHART TO PROPERLY DESIGNATE DISTRICTS AUTHORIZED FOR DRIVE-THRU SERVICE; AND BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO CONFORM TO CHANGES IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

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 before the City Commission were held pursuant to the published notice described above, at which hearings the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.3709., "East Overlay District (EOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3709. EAST OVERLAY DISTRICT (EOD)

A. Purpose

The East Overlay District (EOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development in the area connecting the Downtown Pompano Beach Overlay District and the Atlantic Boulevard Overlay District. The purpose of the district standards is to stimulate economic revitalization, create a pedestrian-friendly environment and promote mixed-use development. It is also intended to help implement the Pompano Beach Transportation Corridor Study Transformation Plan and the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District

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E. Use-Areas/Density Regulating Plan

The Use-Areas/Density Regulating Plan is intended to delineate the areas where different types of land uses and densities are permitted in order to establish compatibility with the single-family neighborhoods.

1. Use-area Designations and Standards

The designation of moderate- to high-intensity, compact, mixed-use, and pedestrian-oriented development, within walking distance of the commercial core and transit routes and facilities, is intended to provide a critical mass of housing and improve walkability of the district.

a. The following is encouraged:

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c. Principal Uses Regulating Table

Table 155.3709.E.2 includes the principal uses permitted in the EOD along with any required restrictions on such uses, for each of the use areas listed above. Principal uses not included in Table 155.3709.E.2 are not permitted in the

EOD. Principal uses in the EOD shall be subject to the use-specific standards as provided for in Part 2, of Article 4, unless specifically noted otherwise in Section 155.3709.E.1.e (Modified Use Standards).

d. Permitted Accessory Uses and Structures

Accessory uses and structures in the EOD shall be subject to the use-specific standards as provided for in Part 3, of Article 4. The following accessory uses shall be allowed by right in the EOD:

i. Walk-up window service as accessory to an eating or drinking establishment.

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iii. Outdoor seating as accessory to an eating or drinking establishment (including sidewalk cafes), in accordance with the standards in Section 155.4303.V.

iv. Drive-Through Service may be permitted as an accessory use, in accordance with the standards in Section 155.4303.I, Drive-Through Service, and the following:

a. The principal use fronts on to Federal Hwy. and is located north of E. Atlantic Blvd.

b. Point of access for a drive aisle and/or stacking space related to the Drive-Through Service must be from internal site circulation rather than a property line or right-of-way.

c. Drive aisles related to the Drive-Through Service may not exit on to a public right-of-way.

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TABLE 155.3709.E.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only if multistory building fronting Federal Highway or Atlantic in the core sub-area 2 = In core sub-area only east of 20th Avenue 3 = Except if directly abutting or across the street from an RM or RS use-area/zoning district 4 = Maximum 30,000 sf 5 = Except for residential lobby entrances (no greater than 50% of building frontage), the first 20-feet of depth fronting on Federal Highway and Atlantic must be nonresidential active use 6 = See modified use standards in 155.3709.E.1.e.

Use Types	Use Areas (EOD)							
	MM		MUR		RM24	RM36	PR	
	1st & 2nd Floors	3rd Floor & above	1st & 2nd Floors	3rd Floor & above				
...								
ACCESSORY USES A = Permitted Accessory Use T = Temporary Use Allowed with a Major Temporary Use Permit t = Temporary use Allowed with a Minor Temporary Use Permit I = Interim use allowed with an Interim Use Permit								
...								
	Dock	A	A	A		A	A	A
	<u>Drive-Through Service</u>	<u>A(6)</u>						
	Drop-in childcare	A	A	A				
...								

SECTION 2. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A. ACCESSORY DWELLING UNIT

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I. Drive-Through 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
														A	A

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

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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

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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	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I	
...																																		
ACCESSORY USES AND STRUCTURES																																		
...																																		
Dock	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	155.4303.H	
Drive-through service															A	A			A	A	A		A						A			A	155.4303.I	
Drop-in child care													A	A	A	A					A		A						A	A	A		155.4303.J	
...																																		

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 _____, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
8/10/2020
L:ord/ch155/2020-265