

ADMINISTRATIVE MEMORANDUM NO. 20-197

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services *DLR*
 Jennifer Gomez, AICP, Assistant Director of Development Services *JG*
FROM: Daniel Keester-O'Mills, AICP, Principal Planner *DK*
SUBJECT: Text Amendment to Section 155.4211. C. 1. , Private Clubs
DATE: August 10, 2020

The Applicant, Rod Feiner, Esq., is requesting to amend the zoning districts where a "Lodge or Club," is permitted to include the I-1X zoning district. Concurrently, the Consolidated Use Table of the City's Zoning Code (also known as Appendix A) will be updated to reflect the use as permitted in the I-1X zoning district. The Zoning Code currently permits by right a Lodge or Club in B-3 (General Business), B-4 (Heavy Business), I-1 (General Industrial); the use is permitted by special exception in the O-IP (Office Industrial Parks) zoning district.

The Applicant is representing Beeline Entertainment Partners, LLC.

CODE AMENDMENT, AS SUBMITTED BY THE APPLICANT

155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES

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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
														P-S	P

M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		P	P	S		P							P	P	P	

2. Definition

A lodge or club consists of a building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership. This use shall not include a nightclub, sexually oriented business, or an establishment that exists primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.

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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.

STAFF ANALYSIS

The City's original zoning code (adopted by Ordinance 664 in August 1957) had four (4) distinct Industrial Districts (Industrial "1" Districts – Highway Light Industrial, Industrial "1-A" Districts – Highway Light Industrial," Industrial "I-1X" Districts & Industrial "2" Districts – Light and Medium Industry and Manufacturing). It was the general purpose for both of these zoning districts to separate industrial uses from residential areas, as well as making distinction between certain compatible commercial uses and more intensive/ disruptive industry. The City of Pompano Beach's Zoning Code was substantially re-written in 1991 (Ordinance 91-63), where the City consolidated all "Industrially" zoned land under one zoning category (I-1 – General Industrial). The intent of this zoning district was to accommodate a "wide range of manufacturing, storage and construction industry uses but not heavy or hazardous manufacturing processes." In 1997, the City Commission revisited the uses within Industrial Land uses and re-established the "I-1X" Zoning District (Ordinance 97-30). At the same, four areas of the City were rezoned from I-1 to I-1X. The purpose for re-creating this zoning district was to accommodate uses which "need to be separated from residential areas and arterial roadways."

In 2018, the City Commission amended the zoning code to allow "Lodge or Clubs," within the I-1 zoning district. The General Industrial zoning designation (I-1) "may include some uses that are ancillary to industrial development" because over time, through several annexations from Broward County, the City acquired several residential areas that abut industrial zoning districts. Lodges and Clubs intend to attract a group of individuals, sometimes their functions or events may attract larger crowds that are inappropriate in residential areas, but the zoning districts where Clubs or Lodges are currently permitted are separate from residential areas (B-3, B-4 or I-1). Although not within residential areas, these zoning districts are all typically adjacent to neighborhoods or in commercial areas – where large groups are anticipated.

A "lodge or club is defined in the city's zoning code as: "... a building or facilities owned and operated by a corporation, association, or group of individual established for fraternal, social, educational, or recreational, or cultural enrichment of its members and primarily not for profit, whose members meet certain prescribed qualifications for membership." It is explicitly stated that groups of people are intended gather, and for this reason the use has historically been in commercial zoning districts. The City's zoning code does not regulate hours of operation for most businesses, but in the code of ordinances there are limitations to the hours of operation for alcoholic beverage establishments (Chapter

110). The Applicant's narrative notes that private clubs are not governed by the State of Florida, and as such, private clubs are not subject to the restrictions in Chapter 110. There are several uses that may be operating 24 hours a day, 7 days a week, but permitted in commercial zoning districts and adjacent to residential areas in an effort to separate less compatible uses further away from residential areas.

DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following Alternative Motions 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. If the board recommends Alternative Motion I, the Department requests the following amendment be made to the proposal prior to placement on the City Commission agenda:

1. The proposal shall add I-1X as a permitted use for "Lodge or Club," without striking the B-3 zoning district as a by right permitted use which would result in the creation of nonconforming uses.

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 having sufficiently addressed the review standards for a code amendment as listed in this report.