

## Legislation Text

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**File #:** 22-564, **Version:** 2

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### **P.H. 2022-90: (PUBLIC HEARING 2ND READING)**

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.

(Fiscal Impact: N/A)

### **FIRST READING: SEPTEMBER 13, 2022**

(Staff Contact: Daniel Keester-O'Mills/David Recor)

#### **Summary Explanation/Background:**

On behalf of property owner James Batmasian, the applicants John Voigt, Attorney and James Kahn, Planner, are requesting to amend the Motor Vehicle Sales and Service Uses of the Zoning Code [section 155.4219] in order to create a new use designation for Used Luxury Automobile Sales with Indoor and Outdoor Display. This new use designation will create section 155.4219.W. Used Luxury Automobile Sales with Indoor/Outdoor Display. Concurrently, the Consolidated Use Table of the City's Zoning Code (also known as Appendix A) and Article 9: Definitions and Interpretation, Part 5: Terms and Uses Defined will be updated to reflect the new use and definition.

The proposed text amendment was presented to the Planning and Zoning Board on August 24, 2022. At this meeting the Board recommended approval, 6-1, along with five (5) recommended conditions:

1. Add the following sentence within the definition to address inflation: "Beginning with the year 2027, and every five (5) years thereafter, the requisite minimal \$60,000 sale price shall automatically increase in accordance with any increase in the Consumer Price Index (CPI) for the five-year period."
2. Add the I-1 zoning district as permitted by right.
3. Add the following sentence for clarification within the definition: "All automobiles included in the category must provide increased levels of comfort, equipment, amenities, quality, performance, and associated status compared to moderately priced cars."
4. Add the following standard below the definition: "The use shall not be located within two miles of another Used Luxury Automobile Sales with Indoor/Outdoor Display use."
5. Revise the proposal for this use to be permitted by Special Exception in the B-3 Zoning District rather than be permitted by right.

The applicant has agreed to recommendations 1-4, however, did not agree to recommendation 5. Following the

discussion during the first reading of the ordinance, the text amendment has been amended to increase the minimum sales value of luxury vehicles to \$75,000 & an additional standard has been added related to compliance and reporting of the sales.

**Origin of request for this action:** James Batmasian

**Fiscal impact and source of funding:** N/A