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CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE NEW ZONING CODE, CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2403, "GENERAL ZONING MAP AMENDMENT (REZONING)," TO MODIFY REVIEW STANDARDS FOR GENERAL ZONING MAP AMENDMENT REVIEW; BY AMENDING SECTION 155.2404, "SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)," TO REVISE REVIEW STANDARDS FOR SITE-SPECIFIC ZONING MAP AMENDMENT REVIEW; BY AMENDING SECTION 155.4201, "GENERAL," TO ADD STANDARDS APPLICABLE TO ALL USES FOR SALES OF USED MERCHANDISE AND GOODS; BY AMENDING SECTION 155.4202, "RESIDENTIAL: HOUSEHOLD LIVING USES," TO SUBSTITUTE COMMUNITY RESIDENTIAL HOME WITH SIX OR FEWER RESIDENTS FOR FAMILY CARE HOME AND AMEND DEFINITION AND RELATED STANDARDS; BY AMENDING SECTION 155.4203, "RESIDENTIAL: GROUP LIVING USES," TO REVISE THE DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR ASSISTED LIVING FACILITIES; CHANGING COMMUNITY RESIDENTIAL HOME TO COMMUNITY RESIDENTIAL HOME WITH SEVEN TO 14 RESIDENTS, AND ACCORDINGLY AMENDING DEFINITION AND STANDARDS RELATED THERETO; BY AMENDING SECTION 155.4208, "INSTITUTIONAL: GOVERNMENT USES," TO PERMIT A CORRECTIONAL FACILITY ONLY AS A SPECIAL EXCEPTION USE AND AMENDING THE DEFINITION OF SAME; BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO MODIFY THE DEFINITION OF DRUG OR ALCOHOL TREATMENT FACILITY; BY AMENDING SECTION 155.4211, "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO ADD SHELTERS AS AN INSTITUTIONAL USE EQUIVALENT TO HALFWAY HOUSES AND MODIFYING THE DEFINITION AND STANDARDS; BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO MODIFY THE DEFINITION OF GASOLINE FILLING STATIONS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY ADDING AND REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach ("City Commission") found it necessary to revise its Zoning Code of Ordinances ("Code") in order to update its zoning regulations and procedures; and

WHEREAS, the City Commission finds it now necessary to revise the City of Pompano Beach Zoning Code; and

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 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,

WHEREAS, the City Commission finds that adoption of the amendments to Zoning Code through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City's Comprehensive Plan; now, therefore,

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

SECTION 1. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That the City of Pompano Beach Zoning Code is hereby amended as provided in Exhibit "A," attached hereto and made a part hereof.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 immediately upon passage.

PASSED FIRST READING this 10th day of September, 2013.

PASSED SECOND READING this 24th day of September, 2013.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
8/16/13
ord/ch155/2013-380

ARTICLE 2 ADMINISTRATION

PART 4 APPLICATION-SPECIFIC REVIEW PROCEDURES

155.2403. GENERAL ZONING MAP AMENDMENT (REZONING)

C. GENERAL ZONING MAP AMENDMENT REVIEW STANDARDS

1. Is consistent with and furthers the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan;
2. Is in conflict with any provision of this Code;
3. Addresses a demonstrated community need;
4. Is required by changed conditions;
5. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
6. Would result in a logical and orderly development pattern;
7. Would result in significant 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;
8. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities); and
9. Would adversely affect the property values in the area; and
10. Would be in conflict with the public interest, and is in harmony with the purposes and intent of this Code.

155.2404. SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)

C. SITE-SPECIFIC ZONING MAP AMENDMENT REVIEW STANDARDS

1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
 - a. Is consistent with and furthers the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans;
 - b. Is not in conflict with any portion of this Code;
 - c. Addresses a demonstrated community need;
 - d. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
 - e. Would result in a logical and orderly development pattern;
 - f. Would not adversely affect the property values in the area;
 - g. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities); and
 - h. 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; and
2. There is no competent substantial evidence demonstrating that maintaining the current zone district designation accomplishes a legitimate public purpose, as is defined by any one or a combination of the standards set out below:

- ~~a. The proposed amendment will encourage urban sprawl, either by resulting in strip or ribbon commercial development, or low density single dimensional development, and otherwise meets the standards for classifying a proposal as urban sprawl in the Florida Administrative Code.~~
- ~~b. The proposed amendment will result in development in a location where there are no plans by the city or other governmental entities to provide public facilities to serve the development (roads, potable water, wastewater, solid wastes, storm water, and fire/EMS facilities), and there are no assurances by the private sector that public facilities are planned and will be available to adequately accommodate development.~~
- ~~c. The proposed amendment will result in the creation of an isolated zoning district that is unrelated to adjacent and surrounding zone districts, unless consistent with the comprehensive plan.~~
- ~~d. The uses permitted by the proposed amendment are incompatible with existing land uses of adjacent lands and/or the uses permitted by the zone district designations of adjacent lands.~~
- ~~e. The uses permitted by the proposed amendment will deviate from the logical development pattern (both established and as proposed by surrounding zone districts) of the area where the proposed amendment is located.~~
- ~~f. The proposed amendment will have a significant and adverse impact 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.~~
- ~~g. The proposed amendment will result in significant adverse impacts on the property values of surrounding land uses.~~
- ~~h. The proposed amendment will adversely affect the character of the general area where it is proposed to be located by creating excessive traffic, density and/or intensities of use, building height and bulk, noise, lights, or other physical effects or nuisances.~~

ARTICLE 4: USE STANDARDS

PART 2 PRINCIPAL USES AND STRUCTURES

155.4201. GENERAL

B. STANDARDS APPLICABLE TO ALL USES

11. Sales of used merchandise and/or goods.

- a. Unless specifically provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is prohibited in all Residential, Special Base, Planned Development, and Overlay Zoning Districts, as well as in the Limited Business (B-1), Community Business (B-2), and Commercial Recreation (CR) Zoning Districts.
- b. Unless specifically provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is limited to 20% of the floor space in the General Business (B-3) Zoning District.
- c. Unless specifically restricted to the sale of new merchandise and/or goods as provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is permitted in the Heavy Business (B-4), Marine Business (M-1), and in the Industrial Zoning Districts.

155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

H. FAMILY CARE HOME COMMUNITY RESIDENTIAL HOME WITH SIX OR FEWER RESIDENTS

2. Definition

~~A family care home community residential home with six or fewer residents is a state-licensed dwelling unit providing a family living environment and care for a group of six or fewer unrelated persons who meet statutory requirements of Fla. Stat. §419.001(2), as amended. A community residential home with six or fewer residents may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. This use does not include community residential homes (in which seven to 14 such persons reside) or dwelling units that qualify as a single-family dwelling.~~

3. Standards

~~A family care home community residential home with six or fewer residents shall comply with the following standards: not be located within a radius of 1,000 feet of another existing such community residential home with six or fewer residents, per Fla. Stat. §419.001(2), as amended.~~

- a. ~~The family care home shall be located at least 1,000 feet from another family care home or a community residential home (measured as the shortest distance between the proposed family care home and the other existing family care home or community residential home).~~

155.4203. RESIDENTIAL: GROUP LIVING USES**A. ASSISTED LIVING 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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PDH
							P	P	P	P				P								P		P						P	P	

2. Definition

An assisted living facility is a state-licensed building(s) or part(s) of a building or residential facility that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services includes direct physical assistance with or supervision of the activities of daily living (e.g., eating, bathing, dressing, toileting, transferring, continence) and the self-administration of medication and other similar services but does not include the provision of medical, nursing, dental, or mental health services (as does a nursing home facility). Accessory uses may include dining rooms and recreation rooms for facility residents, and offices and storage facilities for supervisory staff. building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

3. Standards

An assisted living facility with a licensed capacity of six or fewer persons shall comply with the permitted districts and standards for Community Residential Home with Six or Fewer Residents. An assisted living facility with a licensed capacity of seven to 14 persons shall comply with the permitted districts and standards for Community Residential Home with Seven to 14 Residents.

B. COMMUNITY RESIDENTIAL HOME WITH SEVEN TO 14 RESIDENTS

2. Definition

A community residential home with seven to 14 residents is a state-licensed dwelling unit to provide a family living environment and care for seven to 14 unrelated persons who meet statutory requirements of Fla. Stat. §419.001(1)(a), as amended. A community residential home with seven to 14 residents may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A dwelling unit providing a family living environment and care for six or fewer such persons is a family care home or may be a single-family dwelling (depending on the number of unrelated residents).

3. Standards

A community residential home with seven to 14 residents shall comply with the following standards: not be located within a radius of 1,200 feet of another existing community residential home with six or fewer residents or another existing community residential home with seven to 14 residents, per Fla. Stat. §419.001(3)(c), as amended. A community residential home with seven to 14 residents shall not be located within a radius of 500 feet of a single-family zoning district, per Fla. Stat. §419.001(3)(c), as amended.

- a. The home shall be located at least 1,200 feet from another existing community residential home, measured as the shortest distance between the dwelling units constituting the proposed and existing community residential homes.

155.4208. INSTITUTIONAL: GOVERNMENT USES**A. CORRECTIONAL 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-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I

2. Definition

A correctional facility is a federal, state, or county licensed facility, publicly or privately operated facility for the confinement of persons in lawful detention, especially persons awaiting trial or convicted of a crime. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale. by the Florida Department of Corrections, Broward County, Florida Department of Children and Families, and/or the Federal Bureau of Prisons and shall include the following: prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm, or work release center or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained, under the custody and jurisdiction of the Florida Department of Corrections; county jails; juvenile detention centers or similar facilities operated by the Florida Department of Children and Families; and residential reentry centers contracted by the Federal Bureau of Prisons.

155.4209. INSTITUTIONAL: HEALTH CARE USES

B. DRUG OR ALCOHOL TREATMENT FACILITY

2. Definition

A drug or alcohol treatment facility is an inpatient treatment a state-licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311, care for persons with drug and/or alcohol dependency problems and that may include outpatient follow-up care to the facility's patients.

155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES

B. HALFWAY HOUSE OR SHELTER

2. Definition

A halfway house or shelter is a state-licensed residential facility providing transitional housing, including housing on an emergency basis, as well as food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult to cope in society or have been placed in the facility on release from, or in lieu of, more

restrictive custodial confinement under the criminal justice system or to abused and/or homeless persons. ~~The purpose of such facilities is to provide residents a supportive family living environment and care that will help mainstream them back into society.~~

3. Standards

- a. A halfway house or shelter shall be located at least 1,000 feet from any shelter or other halfway house.

E. SHELTER

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

2. Definition

A shelter is a facility with support and supervisory personnel that provides temporary living accommodations for abused and/or homeless persons.

3. Standards

- a. A shelter shall be located at least 1,000 feet from any halfway house or other shelter.

155.4219 COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

I. GASOLINE FILLING STATION

2. Definition

A gasoline filling station with repair and servicing consists of buildings and premises where gasoline and similar fuels for automotive use are, ~~oils and greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where automotive repair and servicing activities typical of an automotive repair and serving use are performed.~~ This use may also involve the sale of oils and greases, batteries, tires, automobile accessories, drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. Other accessory uses include the provision of road maps and other information material to customers and the provision of restroom facilities. The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.

ARTICLE 9 – DEFINITIONS AND INTERPRETATION

PART 5 TERMS AND USES DEFINED

ASSISTED LIVING FACILITY

State-licensed building(s) or part(s) of a building or residential facility that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services includes direct physical assistance with or supervision of the activities of daily living (e.g., eating, bathing, dressing, toileting, transferring, continence) and the self-administration of medication and other similar services but does not include the provision of medical, nursing, dental, or mental health services (as does a nursing home facility). Accessory uses may include dining rooms and recreation rooms for facility residents, and offices and storage facilities for supervisory staff. building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

COMMUNITY RESIDENTIAL HOME WITH SEVEN TO 14 RESIDENTS

A state-licensed dwelling unit to provide a family living environment and care for seven to 14 unrelated persons who meet statutory requirements of Fla. Stat. §419.001(1)(a), as amended. A community residential home with seven to 14 residents may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A dwelling unit providing a family living environment and care for six or fewer such persons is a family care home or may be a single-family dwelling (depending on the number of unrelated residents).

COMMUNITY RESIDENTIAL HOME WITH SIX OR FEWER RESIDENTS

A state-licensed dwelling unit providing a family living environment and care for a group of six or fewer unrelated persons who meet statutory requirements of Fla. Stat. §419.001(2), as amended. A community residential home with six or fewer residents may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

CORRECTIONAL FACILITY

A federal, state, or county licensed facility, publicly or privately operated facility for the confinement of persons in lawful detention, especially persons awaiting trial or convicted of a crime. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale by the Florida Department of Corrections, Broward County, Florida Department of Children and Families, and/or the Federal Bureau of Prisons and shall include the following: prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm, or work release center or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained, under the custody and jurisdiction of the Florida Department of Corrections; county jails; juvenile detention centers or similar facilities operated by the Florida Department of Children and Families; and residential reentry centers contracted by the Federal Bureau of Prisons.

DRUG OR ALCOHOL TREATMENT FACILITY

Inpatient treatment A state-licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311, care for persons with drug and/or alcohol dependency problems and that may include outpatient follow-up care to the facility's patients.

FAMILY CARE HOME

~~A state-licensed dwelling unit providing a family living environment and care for a group of six or fewer unrelated persons who meet statutory requirements of Fla. Stat. §419.001, as amended. This use does not include community residential homes (in which seven to 14 such persons reside) or dwelling units that qualify as a single-family dwelling.~~

GASOLINE FILLING STATION

Buildings and premises where gasoline, oils and greases, ~~batteries, tires, and automobile accessories~~ may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), ~~and where automotive repair and servicing activities typical of an automotive repair and serving use are performed.~~ This use may also involve the sale of drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. ~~Other accessory uses include the provision of road maps and other information material to customers and the provision of restroom facilities.~~ The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.

HALFWAY HOUSE

~~A state-licensed residential facility providing transitional housing, including housing on an emergency basis, as well as food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult to cope in society or have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system or to abused and/or homeless persons. The purpose of such facilities is to provide residents a supportive family living environment and care that will help mainstream them back into society.~~

SHELTER

~~A facility with support and supervisory personnel that provides temporary living accommodations for abused and/or homeless persons.~~

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

[illegible]