

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES - PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES - RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING 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; PROVIDING AN EFFECTIVE DATE.

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 155.4221., "Commercial: Retail Sales and Service Uses – Personal Services," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

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C. BANK OR FINANCIAL INSTITUTION

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2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

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M. CHECK CASHING OR PAYDAY LOAN STORE

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 |
| | | | | | | | | | | | | <u>S</u> | <u>S</u> | <u>P</u> | <u>P</u> |

| | | | | | | | | | | | | | | | | |
|-----|----|-----|------|-----|-----|----|----|----|----|---|----|-------|----------|-------|----------|------|
| M-1 | CR | I-1 | I-IX | OIP | M-2 | TO | PR | CF | PU | T | BP | RP UD | PC D | PD-TO | LA C | PD-I |
| | | | | | | | | | | | | | <u>P</u> | | <u>P</u> | |

2. Definition

A check cashing or payday loan store is an establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

3. Standards

A check cashing or payday loan store shall be located at least 1,000 feet from another check cashing or payday loan store or from a pawn shop.

SECTION 2. That Section 155.4222., "Commercial: Retail Sales and Service Uses – Retail Sales," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4222. COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES

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L. PAWN SHOP

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3. Standards

A pawn shop shall be located at least 1,000 feet from another pawn shop or from a check cashing or payday loan store.

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SECTION 3. That Section 155.5102., "Off-Street Parking and Loading," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5102. OFF-STREET PARKING AND LOADING

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D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

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| TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES | | |
|---|---|----------------------------------|
| Use Category | Use Type | Minimum Number of Parking Spaces |
| COMMERCIAL USES | | |
| Retail Sales and Service Uses - Personal Services | ... | ... |
| | Bank or financial institution | 1 per 300 sq ft |
| | <u>Check Cashing or Payday Loan Store</u> | <u>1 per 300 sq ft</u> |
| | ... | ... |

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SECTION 4. That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

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PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

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BANK OR FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, credit union services, or similar financial services to individuals and businesses. ~~This use type also includes those establishments engaged in the on site circulation of cash money and check-cashing facilities, but does not include bail bond brokers.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. This use does not include a business commonly referred to as a check cashing store or payday loan store.

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CHANGE IN USE

The change in the use of a structure or land from one use to another use listed in the table of uses as a permitted use. A mere change in use requires a Zoning Use Certificate.

CHECK CASHING OR PAYDAY LOAN STORE

An establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

SECTION 5. 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:

SECTION 6. 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 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of February, 2016.

PASSED SECOND READING this 8th day of March, 2016.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

:jrm
1/26/16 - 12/29/15
L:ord/ch155/2016-78