

ORDINANCE NO. 2018-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 1, "GENERALLY," BY ENACTING SECTION 13-5, "SEVERABILITY," TO PROVIDE FOR GENERAL SEVERABILITY AMONG THE PROVISIONS OF THE LAND DEVELOPMENT CODE; ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-295, "DEFINITIONS," TO OMIT THE DEFINITION OF CHURCH AND AMEND THE DEFINITION OF HOUSE OF WORSHIP; DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," SECTIONS 13-331, "GENERAL PROVISIONS," 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT," 13-354, "COMMUNITY FACILITY DISTRICT," 13-355, "PLANNED COMMERCE DISTRICT;" AND DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST – B-2, B-3, AND B-4," 13-622, "MASTER BUSINESS LIST – IO-1, IM-1," 13-623, "MASTER BUSINESS LIST – O-2, O-3," TO PROVIDE CONSISTENCY WITH THE FEDERAL RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, in 2000, the U.S. Congress passed the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., which is a civil rights law that protects individuals and religious assemblies and institutions from discriminatory and unduly burdensome land use regulations; and

**WHEREAS**, the land use provisions of RLUIPA protect individuals, houses of worship, and other religious institutions from discrimination in zoning and regulations pertaining to land; and

**WHEREAS**, the City of Coconut Creek is committed to ensuring that the rights of

houses of worship and religious institutions are protected through the administration of the City's Land Development Code; and

**WHEREAS**, specifically, the City intends to create equal opportunity for religious land uses where other equivalent assembly uses are permitted in the B-2, "Convenience Shopping District," B-3, "Community Shopping District," B-4, "Regional Shopping District," IO-1, "Industrial Office District," O-2, "Local Office District," CF, "Community Facility District," PUD, "Planned Unit Development District," and PCD, "Planned Commerce District," zoning categories; and

**WHEREAS**, the City Commission finds and determines that adherence to the federal law codified through the enactment of this Ordinance will be beneficial to the City as a whole.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article I, "Administration, Regulations and Procedures," Division 1, "Generally," by enacting Section 13-5, "Severability," to read as follows:

Sec. 13-5 - Severability.

(a) Generally. If any article, division, part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Chapter 13, "Land Development Code," as amended from time to time, of the Coconut Creek Code of Ordinances is declared unconstitutional or invalid by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other article, division, part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word contained within Chapter 13, "Land Development Code."

**Section 3:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article III, "Zoning

Regulations,” Division 1, “Generally,” by amending Section 13-295, “Definitions,” to read as follows:

Sec. 13-295. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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~~Church means and shall include all uses as defined under the term "house of worship."~~

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~~House of worship means a building or portion thereof used as a place wherein persons regularly assemble for the sole purpose of religious worship, including but not limited to sanctuaries, temples, mosques, chapels and cathedrals, and where permitted, such other onsite buildings supporting the principal use such as including but not limited to parsonages, friaries, convents, fellowship halls, non-academic and religious schools such as Sunday schools, but not including day care centers, community recreation facilities and private primary and or secondary educational facilities.~~

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**Section 4:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” Article III, “Zoning Regulations,” by amending specific sections within Division 3, “Zoning District Regulations and Tables,” to read as follows:

DIVISION 3 – ZONING DISTRICT REGULATIONS AND TABLES

Sec. 13-331. - General provisions.

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(h) *Exceptions to height limitations.* The height limitations of this article shall not apply to ~~church~~ spires, belfries, minarets, cupolas, and domes, not used for human occupancy; nor to bridges, chimneys, ventilators, skylights, water tanks, bulkheads or similar features and necessary mechanical appurtenances usually carried above the roof level, such as elevator penthouses, air-conditioning equipment, etc.

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(n) *Community facilities.* Any building or structure used for house of worship, public or parochial schools, libraries, museums, similar cultural facilities, and municipal uses, when not permitted by right in the specific zoning district, the community facilities uses listed herein may be permitted in any zoning district as a special land use.

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Sec. 13-348. - Planned unit development district.

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(c) *Permitted uses.* Permitted commercial uses within the planned unit development districts are found in the master business list under the B-3 community shopping district.

(1) ~~Reserved.~~

(2) ~~Reserved.~~

(3) ~~No use shall be established in a planned unit development district unless such use is specified for the location in the enacted planned unit development zoning plan and is reviewed by the planning and zoning board and approved by the city commission. Uses shall be enacted only if they conform to the requirements of subsection (d) of this section.~~

(4) ~~Special facilities:~~

a. ~~Group home facility as listed in section 13-650;~~

b. ~~Community residential facilities as listed in section 13-651;~~

c. ~~High intensity residential care facility as listed in section 13-652.~~

(5) ~~Existing PUD zoning districts: All PUD zoning districts in effect on the effective date of this ordinance shall retain their permitted uses and uses permitted as special land uses. Special land uses shall be reviewed using the procedures set forth in section 13-35, as may be amended from time to time. Nothing herein grants further permitted uses to such districts.~~

(c.1) ~~Uses permitted as special land uses:~~

(1) ~~Nursing and personal care facilities as listed in section 13-653.~~

(2) ~~Health care facilities as listed in section 13-654.~~

(3) ~~Outpatient care facilities as listed in section 13-655.~~

(4) ~~High intensity outpatient facilities as listed in section 13-656.~~

(5) ~~Institutional care facilities as listed in section 13-657.~~

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Sec. 13-354. - CF community facility district.

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(b) *Permitted uses.* Permitted uses in the CF community facility district are as follows:

(1) Uses permitted by right:

- a. Public, elementary, middle and high schools;
- b. Libraries;
- c. Museums and art galleries;
- d. Public auditoriums, amphitheatres and band shells;
- e. Cultural, civic and community centers;

- f. Governmental buildings;
- g. Governmental water and wastewater treatment facilities;
- h. Uses generally accessory to the above principal uses;
- i. Child care facility;
- j. Houses of Worship.

(2) Uses permitted as special land uses:

- a. Colleges, universities or other schools which award degrees;
- b. Private schools, including business schools;
- c. Private water and wastewater treatment facilities;
- d. Private fraternal, civic, charitable, professional or educational clubs;
- e. Cemeteries, crematories, or mausoleums;
- ~~f. Houses of worship;~~
- gf. Uses generally accessory to the above principal uses;
- hg. Community residential facilities;
- ih. Educational facility related to diet and nutrition.

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~~(18) No places of assembly permitted by right or by special exception in the CF community facility district shall be located within one thousand (1,000) feet of any other place of assembly or house of worship.~~

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Sec. 13-355. - PCD, planned commerce district—Generally.

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(c) *Permitted uses:*

- (1) Maximum intensity in PCD: The maximum intensity of nonresidential buildings per acre permitted within any proposed PCD shall not exceed the combined intensity recommendations of the Coconut Creek Comprehensive Plan and the Broward County Comprehensive Plan over the area where a particular PCD is proposed. Intensity calculations shall include all land within the proposed PCD designated for nonresidential use by the land use element of the comprehensive plan. Traffic generation shall be based on specific land use.
- (2) CommunitySustainable development staff shall review commercial, industrial, office and mixed-use commerce/employment center as listed in Article III Zoning Regulations; Division 8, Master Business List~~Commercial and Industrial Land Use Definitions, Division 8.1, Special Facilities Land Use Permitted Uses,~~ and Division 9, Prohibited Uses. In situations where a use is not specifically listed in the aforementioned divisions, the communitysustainable development director may consult the United States Office of Management and Budget Standard

Industrial Code Manual to determine if a proposed use is similar in nature to permitted uses that express the intent and purpose of the district.

- (3) Special land uses: Uses listed as a special land uses under current zoning categories shall remain a special land use unless a master site plan satisfactorily addresses the following conditions:
  - a. Setbacks in excess of those required.
  - b. Enhanced landscaping.
  - c. Signage consistent with approved master sign plans and appropriate city sign codes.
  - d. Safe and proper access.
  - e. Consistent and acceptable aesthetic and architectural design.
  - f. Nuisance abatement (noise, odor, visual).
  - g. Proper security measures.
  - h. Public safety issues (lighting, flammability, hours of operation).
  - i. Proper location and stacking capability of any drive-through facility.
  - j. Other items deemed appropriate by the community development director.
- (4) Existing PCD zoning districts: All PCD zoning districts in effect on the effective date of this ordinance shall retain their permitted uses and have such additional religious assembly and religious institutional uses which are dictated by the zoning district table detailed in Division 8, "Master Business List," that most closely matches the similar type of permitted uses described in the specified location within the PCD. Special land uses shall be reviewed using the procedures set forth in section 13-35, as may be amended from time to time. Nothing herein grants further permitted uses to such districts.

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**Section 5:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article III, "Zoning Regulations," by amending specific sections within Division 8, "Master Business List," to read as follows:

DIVISION 8 – MASTER BUSINESS LIST

Sec. 13-621. - Master business list—B-2, B-3, and B-4.

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|----------------------|-----|-----|-----|
| Master Business List | B-2 | B-3 | B-4 |
|----------------------|-----|-----|-----|

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| <u>House of Worship</u> | <u>P</u> | <u>P</u> | <u>P</u> |
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Sec. 13-622. - Master business list—IO-1, IM-1.

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|----------------------|------|------|
| Master business list | IO-1 | IM-1 |
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| <u>Gymnasium</u> | <u>P</u> |  |
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| <u>House of Worship</u> | <u>P</u> |  |
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Sec. 13-623. - Master business list—O-2, O-3.

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|----------------------|-----|-----|
| Master business list | O-2 | O-3 |
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| <u>House of Worship</u> | <u>P</u> |  |
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**Section 6: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 7: Severability.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 8: Codification.** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 9: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 25<sup>TH</sup> DAY OF OCTOBER, 2018.**

**PASSED SECOND READING THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2018.**

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

|           | <u>1st</u>    | <u>2nd</u> |
|-----------|---------------|------------|
| Rydell    | <u>Aye</u>    | <u>Aye</u> |
| Welch     | <u>Aye</u>    | <u>Aye</u> |
| Tooley    | <u>Absent</u> | <u>Aye</u> |
| Sarbone   | <u>Aye</u>    | <u>Aye</u> |
| Belvedere | <u>Aye</u>    | <u>Aye</u> |

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