

ORDINANCE NO. 2023-035

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 III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," TO AMEND SECTION 13-626, "MASTER BUSINESS LIST – PLANNED MAINSTREET DEVELOPMENT DISTRICT," TO ADOPT THE LIST OF PERMITTED AND SPECIAL LAND USES FOR THE MAINSTREET @ COCONUT CREEK PLANNED MAINSTREET DEVELOPMENT DISTRICT, GENERALLY LOCATED SOUTH OF WILES ROAD, WEST OF LYONS ROAD, NORTH OF SAMPLE ROAD, AND EAST OF STATE ROAD 7/U.S. 441 IN THE CITY OF COCONUT CREEK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Scott Backman of Dunay, Miskel & Backman, LLC, and the property owner, David Auld of Johns Family Partners, LLLP, request to amend Section 13-626, "Master Business List – Planned MainStreet Development District" of the City's Land Development Code to include the permitted and special land uses for the "MainStreet @ Coconut Creek Planned MainStreet Development District" ("MainStreet @ Coconut Creek PMDD") generally located south of Wiles Road, west of Lyons Road, north of Sample Road, and east of State Road 7/U.S. 441 in the City of Coconut Creek; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes proposed in this ordinance are consistent with and further the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, the City Commission finds and determines that Section 13-626 of the City's Code of Ordinances should be amended as provided herein and same is in the best interest of the City.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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: Amendment. 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 8, “Master Business List,” Section 13-626, “Master Business List – Planned MainStreet Development District,” to read as follows:

CHAPTER 13 – LAND DEVELOPMENT CODE

ARTICLE III. – ZONING REGULATIONS

DIVISION 8. – MASTER BUSINESS LIST

Sec. 13-626. Master Business List – Planned MainStreet Development District (PMDD)

| Master Business List | Infiniti-Lincoln of Coconut Creek PMDD | <u>MainStreet @ Coconut Creek PMDD</u> |
|---|---|---|
| <u>Adult Day Care Center</u> | | <u>S</u> |
| <u>Ambulatory Surgical Center</u> | | <u>P</u> |
| <u>Amusement center (indoor only)</u> | | <u>S</u> |
| <u>Animal boarding services</u> | | <u>S⁽³⁾(9)</u> |
| <u>Animal grooming (no overnight boarding)</u> | | <u>P⁽³⁾</u> |
| <u>Apparel and accessory stores</u> | | <u>P</u> |
| <u>Arts, crafts and drafting supplies</u> | | <u>P</u> |
| <u>Assisted Living Facility</u> | | <u>S</u> |
| <u>Auctioneers</u> | | <u>P</u> |
| Automobile dealership | P | <u>S⁽¹¹⁾(12)</u> |
| Automobile Body Shop (incidental to an automobile dealership only) | P | |
| Automobile Parts (service and installation incidental to an automobile dealership only) | P | |

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| <u>Automobile parts (no service or installation)</u> | | <u>P</u> ⁽²⁾ |
| <u>Automobile and truck rental agency (office only)</u> | | <u>P</u> |
| Automobile Service (no fuel sales, incidental to an automobile dealership only) | P | |
| <u>Automobile tag agency</u> | | <u>P</u> |
| Automobile Wash (incidental to an automobile dealership only) | P | |
| <u>Bake shop and delicatessen</u> | | <u>P</u> |
| <u>Ballrooms and dance halls</u> | | <u>S</u> |
| <u>Barbershops, beauty/nail salons and tanning salons</u> | | <u>P</u> |
| <u>Bicycle sales and repair</u> | | <u>P</u> |
| "Big box" retail over 75,000 sq.ft. | | <u>S</u> |
| <u>Bowling alleys</u> | | <u>S</u> |
| <u>Building materials</u> | | <u>P</u> ⁽²⁾⁽⁵⁾ |
| <u>Business services</u> | | <u>P</u> |
| <u>Catering and meeting halls</u> | | <u>S</u> |
| <u>Child Care Facility</u> | | <u>S</u> |
| <u>Clinic</u> | | <u>P</u> |
| <u>Coin operated Laundromats</u> | | <u>S</u> |
| <u>Community Facilities</u> | | <u>P</u> |
| <u>Community residence, except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed or certified by the state to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence</u> | | <u>P</u> ⁽¹⁴⁾ |
| <u>Convenience stores without fuel sales</u> | | <u>P</u> |
| <u>Dance, musical instruction and martial arts studios</u> | | <u>P</u> |
| <u>Detective and security agencies</u> | | <u>P</u> ⁽⁶⁾ |
| <u>Drug stores and pharmacies</u> | | <u>S</u> |
| <u>Dry cleaners</u> | | <u>P</u> ^(1,2) |
| <u>Employment agencies</u> | | <u>P</u> |
| <u>Financial institutions, mortgage and stockbrokers</u> | | <u>P</u> ^(1,2) |
| <u>Florists</u> | | <u>P</u> |
| <u>General Office</u> | | <u>P</u> |

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| <u>General retail not otherwise specified</u> | | <u>P</u> |
| <u>Government offices</u> | | <u>P</u> |
| <u>Gyms and exercise clubs</u> | | <u>P</u> |
| <u>Hardware stores</u> | | <u>P</u> ⁽⁵⁾ |
| <u>Hotel</u> | | <u>S</u> ⁽⁸⁾ |
| <u>Hotel, extended stay</u> | | <u>S</u> ⁽⁸⁾ |
| <u>House of worship</u> | | <u>P</u> |
| <u>Household equipment rental</u> | | <u>P</u> ⁽⁵⁾ |
| <u>Indoor tennis, racket ball, handball and similar court sports</u> | | <u>S</u> |
| <u>Indoor theatres</u> | | <u>S</u> |
| <u>Jewelry shops with repair (no smelting)</u> | | <u>P</u> |
| <u>Laboratory</u> | | <u>S</u> ⁽¹⁰⁾ |
| <u>Lawn and garden supplies and equipment</u> | | <u>P</u> ^(2,5) |
| <u>Liquor stores</u> | | <u>S</u> |
| <u>Live/Work Units</u> | | <u>P</u> |
| <u>Maid, valet and janitorial services</u> | | <u>P</u> |
| <u>Massage therapist</u> | | <u>P</u> ⁽⁷⁾ |
| <u>Medical marijuana dispensary</u> | | <u>S</u> |
| <u>Medical office</u> | | <u>P</u> |
| <u>Micro-brewery, winery, distillery</u> | | <u>S</u> |
| <u>Motorcycle and recreation vehicles sales and service</u> | | <u>S</u> ⁽¹³⁾ |
| <u>Multiple-family dwellings</u> | | <u>P</u> |
| <u>Municipal Parking Garage (stand-alone)</u> | | <u>P</u> |
| <u>Newsstands</u> | | <u>P</u> ⁽²⁾ |
| <u>Pet stores</u> | | <u>P</u> ⁽³⁾ |
| <u>Photographic and artist studios</u> | | <u>P</u> |
| <u>Printing, lithograph and reproduction</u> | | <u>P</u> |
| <u>Private clubs and lodges</u> | | <u>S</u> |
| <u>Professional offices not otherwise specified</u> | | <u>P</u> |
| <u>Public Recreational Facilities</u> | | <u>P</u> |
| <u>Real estate office</u> | | <u>P</u> |
| <u>Public & Private Schools (including Charter)</u> | | <u>S</u> |
| <u>Repair shops for small household appliances and locksmiths</u> | | <u>P</u> ⁽²⁾⁽⁵⁾ |
| <u>Restaurants, carry-out snack shops, etc.</u> | | <u>P</u> ⁽¹⁾ |
| <u>Retail electronic-cigarette/vaporizer store</u> | | <u>S</u> |

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| <u>Secretarial, data processing and temporary staffing services</u> | | <u>P</u> |
| <u>Shoe repair</u> | | <u>P</u> |
| <u>Skating rinks</u> | | <u>S</u> |
| <u>Smoking lounge, cigar bar, hookah bar, vapor bar, vapor lounge</u> | | <u>S</u> |
| <u>Townhouses</u> | | <u>P</u> |
| <u>Trade, technical and business schools</u> | | <u>P</u> ⁽⁴⁾ |
| <u>Travel agencies</u> | | <u>P</u> |
| <u>Urgent Care Center</u> | | <u>P</u> |
| <u>Veterinary clinics (no boarding services)</u> | | <u>P</u> ⁽³⁾ |
| <u>Video stores</u> | | <u>P</u> |
| <u>Villas</u> | | <u>P</u> |

- P – Indicates permitted use.
- S – Indicates special land use (see section 13-35, “Special land use”).
- (1) Facilities with drive-thrus are special land uses.
- (2) Permitted use when occupying an in-line bay. Free-standing units are special land uses.
- (3) Must conduct business wholly within a building, but limited outside dog walking is permitted except that any business which includes animal boarding services and/or outdoor exercise/play areas, shall be subject to the supplemental regulations listed in section 13-35(j), “Standards for animal boarding facilities,” in addition to the standard requirements in 13-35, “Special land use.”
- (4) No motor vehicle or marine repair.
- (5) No outside storage or display of equipment or supplies.
- (6) Parking spaces for business vehicles must be provided in excess of the required number for the use.
- (7) Must be licensed by the department of professional regulation.
- (8) Subject to supplemental regulations listed in section 13-323, “Hotels.”
- (9) Permitted by right when ancillary to a pet store or ancillary veterinary clinic.
- (10) Permitted by right when ancillary to a medical office.
- (11) Electric vehicle sales only, permitted by right.
- (12) Interior vehicle sales showrooms only, test drive vehicles shall be the same as those on display or stored in the building and with no exterior inventory storage area or outdoor sales display.
- (13) Service shall be prohibited.
- (14) Community residence where the operator or applicant is not licensed by the state to operate the proposed community residence because no state license is applicable or does

not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence require a special exception permit.

Section 3: 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 4: 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 5: 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 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF DECEMBER, 2023.

PASSED SECOND READING THIS 25TH DAY OF JANUARY, 2024.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

| | <u>1st</u> | <u>2nd</u> |
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| Rydell | <u>Aye</u> | <u>Aye</u> |
| Welch | <u>Aye</u> | <u>Aye</u> |
| Railey | <u>Aye</u> | <u>Aye</u> |
| Brodie | <u>Aye</u> | <u>Aye</u> |
| Wasserman | <u>Aye</u> | <u>Aye</u> |