

ORDINANCE NO. 2023-017

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AMENDING CHAPTER 28, ENTITLED “ZONING” BY SPECIFICALLY AMENDING SECTION 28-209, CREATING SUBSECTION (H) PROVIDING FOR CERTAIN TEMPORARY USES; PROVIDING FOR EXPIRATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, BH 2550 LLC has petitioned the Town in conformance with Section 28-37 of the Town’s Code to amend certain permitted uses in the MXE Mixed-Use Entertainment District; and

WHEREAS, the Town’s Planning and Zoning Board recommended approval of this ordinance at its October 5, 2023 meeting; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare, and aesthetics of the community and the proper administration of its government; and

WHEREAS, the Town Commission has conducted a public hearing in accordance with the requirements of Florida law; and

WHEREAS, the Town Commission finds it to be in the best interests of the citizens and residents of the Town to amend the Town’s Code of Ordinances in accordance herewith.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:

Section 1: That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2: Section 28-209(B)(1)(h) is hereby created to provide certain temporary uses

for the property described in Exhibit “A” attached hereto in the “MXE Mixed-Use Entertainment District” as follows:

Sec. 28-209 Intent

B. Permitted Uses

1. The following uses are permitted in the MXE Mixed Use Entertainment District:
 - a) Accommodation uses including hotel, condominium hotel, extended stay hotel.
 - b) Commercial Recreation uses including indoor and outdoor commercial recreation facilities which are open to the public or require membership.
 - c) Entertainment uses including theater, entertainment venue, convention center, hall-for-hire, aquarium, nightclub, bar, tavern, billiard room, museum, exhibition space.
 - d) Retail uses including antiques, clothing, convenience market, florist, gift, greeting cards, grocery, jewelry, leather goods, newsstand, notions, pharmacy, souvenir, sporting goods, stationery and books and sundry.
 - e) Restaurant uses including bakery, delicatessen and ice cream parlor.
 - f) Office uses including general office, medical office, banks and financial institutions.
 - g) Multi-family Residential uses as specified in Sec. 28-209.C Specific Use Regulations
 - h) Upon Town Commission approval, certain temporary uses may be permitted for the period expiring on January 1, 2028, with the option, upon the written approval of the Town Manager based on the status of the sanitary sewer installation and certification, for two (2) additional two (2) year extensions up to and including January 1, 2033, at which time this provision shall be null and void. The temporary uses controlled by this Section (h) shall be as follows:
 1. On-Street parking pursuant to a duly executed parking use agreement;
 2. Retail showroom and storage; and
 3. Parking uses in conformance with any conditions specified by the Town Commission.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: It is the intention of the Town Commission of the Town of Pembroke Park that the provisions in this ordinance shall become and be made a part of the Code of Ordinances of the town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered, and the word “ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 5: If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

Section 6: This ordinance shall become effective immediately upon its passage and adoption.

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BEEN INTENTIONALLY LEFT BLANK**

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2023.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE
PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF
_____, 2023.**

ATTEST:

AHIRA MOHAMMED
Mayor

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency

JACOB G. HOROWITZ
Interim Town Attorney

VOTE

AHIRA MOHAMMED	_____
ERIK MORRISETTE	_____
WILLIAM R. HODGKINS	_____
MUSFIKA KASHEM	_____
GEOFFREY JACOBS	_____

CODE: ~~Strike through~~ indicates deletion. Underline indicates additions.