

**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 155.5203, "LANDSCAPING," SECTION 155.5301, "SCREENING," SECTION 155.5302, "FENCES AND WALLS," AND SECTION 155.5401, "GENERAL EXTERIOR LIGHTING," TO PROVIDE FOR WAIVER OF STANDARDS IF IN CONFLICT WITH ADOPTED CPTED GUIDELINES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

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

SECTION 1. That Section 155.5203, "Landscaping," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5203 LANDSCAPING

A. APPLICABILITY

...

4. Conflict with CPTED Guidelines

The Development Services Director may waive all or part of the standards in this section, 155.5203, if it is

demonstrated that the implementation of the standard result in a conflict with the city's adopted CPTED guidelines.

45. Landscape Plan Required

Uses subject to the standards in this section shall include a landscape plan as a part of any application for a Special Exception (Section 155.2406), Site Plan Approval (Section 155.2407), or Zoning Compliance Permit (Section 155.2413), as appropriate. Landscape plans shall be prepared by a Landscape Architect registered in Florida and shall show replacements trees for any trees missing from previously approved landscape plans.

...

D. VEHICULAR USE AREA LANDSCAPING

1. Applicability

a. General

...

b. Exemptions

The standards in this subsection shall not apply to single-family dwellings.

c. Conflict With CPTED Guidelines

The Development Services Director may waive all or part of the standards in this subsection 155.5203 D, if it is demonstrated that the implementation of the standards result in a conflict with the city's adopted CPTED guidelines.

...

F. PERIMETER BUFFERS

...

2. Applicability

...

- d. Any new establishment of Outdoor Storage, including principal and accessory Outdoor Storage, and any additions to existing Outdoor Storage areas shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.
- e. The Development Services Director may waive all or part of the standards in this subsection, 155.5203 F, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

...

SECTION 2. That Section 155.5301, "Screening," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5301 SCREENING

A. SCREENING OF MECHANICAL EQUIPMENT

1. Applicability

a. New Development

...

- c. The Development Services Director may waive all or part of the standards in this subsection, 155.5301 A, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

...

B. SCREENING OF OFF-STREET LOADING AND SERVICE AREAS

...

- 3. Screening walls and fences shall incorporate at least one of the primary materials or colors of the primary structure on the lot. Screening hedges shall be of a type and quality as that used for site landscaping.

4. The Development Services Director may waive all or part of the standards in this subsection, 155.5301 B, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

C. LOCATION AND SCREENING OF COMMERCIAL CONTAINERS

1. Applicability

a. Multifamily and Nonresidential Development

...

d. The Development Services Director may waive all or part of the standards in this subsection, 155.5301 C, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

SECTION 3. That Section 155.5302, "Fences and Walls," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5302 FENCES AND WALLS

...

B APPLICABILITY

1. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot.

2. If there is any inconsistency between the provisions of this section and any screening standards in Section 155.5301, Screening, the standards in Section 155.5301, Screening, shall control.

3. The Development Services Director may waive all or part of the standards in this Section, 155.5302, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

...

SECTION 4. That Section 155.5401, "General Exterior Lighting Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5401 GENERAL EXTERIOR LIGHTING STANDARDS

...

B. APPLICABILITY

1. General

...

2. Exemptions

- a. The following are exempted from the exterior lighting standards of this section:

...

- c. The Development Services Director may waive all or part of the standards in this Section, 155.5401, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

...

SECTION 5. 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 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 22nd day of July, 2014.

PASSED SECOND READING this 9th day of September, 2014.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
5/29/14
L:ord/ch155/2014-291