

**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 155.2203., "ZONING BOARD OF APPEALS (ZBA)" AND SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE; BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE AND ESTABLISH SUPPLEMENTAL CRITERIA FOR PROJECT REVIEW; BY AMENDING SECTION 155.2405., "PLANNED DEVELOPMENT," TO MODIFY PROCEDURES AND STANDARDS FOR PLANNED DEVELOPMENT APPLICATIONS, REVIEW AND APPROVALS; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY THE APPLICABILITY OF MAJOR SITE PLANS AND TO MODIFY STANDARDS FOR MAJOR AND MINOR SITE PLAN REVIEW; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY THE APPLICABILITY OF MAJOR BUILDING DESIGN AND TO MODIFY STANDARDS FOR APPROVAL REVIEW STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO REVIEW STANDARDS; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," TO MODIFY COMPLIANCE PERMIT REVIEW STANDARDS; BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO MODIFY THE APPLICABILITY TO OBTAIN A ZONING USE CERTIFICATE, AND THE EFFECT OF APPROVAL OF SAME, AND TO MODIFY THE EFFECT OF A REVOCATION OF A ZONING USE CERTIFICATE; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION 155.2424., "APPEAL," TO MODIFY THE TYPES OF DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR THAT MAY BE APPEALED TO THE ZONING BOARD OF APPEALS; BY AMENDING SECTION 155.3602., "GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS," TO MODIFY REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT PLANS; BY AMENDING SECTION 155.4214., "COMMERCIAL: ANIMAL CARE USES," TO REVISE SETBACK STANDARDS FOR ANIMAL EXERCISE AREAS, OUTDOOR RUNS AND PENS FOR AN ANIMAL SHELTER OR KENNEL; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO REVISE DEFINITION OF A GASOLINE FILLING STATION; BY AMENDING SECTION 155.4220., "COMMERCIAL: OFFICE USES," TO REVISE STANDARDS FOR PROFESSIONAL OFFICES IN MULTIFAMILY RESIDENTIAL DISTRICTS; BY AMENDING SECTION 155.4221., "COMMERCIAL: RETAIL SALES AND SERVICE USES –

PERSONAL SERVICES," TO MODIFY STANDARDS FOR BANK OR FINANCIAL INSTITUTION USES; BY AMENDING SECTION 155.4222., "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE REQUIREMENTS FOR GROCERY OR CONVENIENCE STORES WHICH SELL GASOLINE AND SIMILAR FUELS; BY AMENDING SECTION 155.5101., "ACCESS AND CIRCULATION," TO MODIFY VEHICLE STACKING SPACE REQUIREMENTS FOR DRIVE-THROUGH AND RELATED USES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE QUANTITY AND SIZE OF OFF-STREET PARKING SPACES, AND TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AREAS AND VALET PARKING PLANS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING DEFINITIONS FOR BANKS OR FINANCIAL INSTITUTIONS AND FOR GASOLINE FILLING STATIONS; 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 155.2203., "Zoning Board of Appeals (ZBA)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2203. ZONING BOARD OF APPEALS (ZBA)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the ZBA who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the ZBA or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

SECTION 2. That Section 155.2204., "Planning and Zoning Board (P&Z)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2204. PLANNING AND ZONING BOARD (P&Z)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the P&Z who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the P&Z or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

SECTION 3. That Section 155.2205., "Architectural Appearance Committee (AAC)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the AAC who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the AAC or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

J. SUPPLEMENTAL CRITERIA

The AAC may adopt Supplemental Criteria subject to City Commission approval, which augments the design standards found within the Zoning Code. The Supplemental Criteria will enable the AAC to determine if the design elements of proposed developments would enhance the City and, more specifically, if the City's desired aesthetics are actualized in the design of the proposed developments. Copies shall be made available for public inspection in the Development Services Department.

SECTION 4. That Section 155.2405., "Planned Development," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2405. PLANNED DEVELOPMENT

...

B. SCOPE

Planned developments are established by amendments of the Official Zoning Map that rezone land to a Planned Development (PD) zoning district for which applicable development regulations are defined by a planned development master plan (PD Plan) ~~and a planned development agreement~~

~~(PD Agreement)~~. Subsequent development within the PD district occurs through the appropriate site plan and plat review procedures and standards (as appropriate), which ensure compliance with the PD Plan ~~and PD Agreement~~.

C. PLANNED DEVELOPMENT PROCEDURE

...

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.), except that applications may be initiated only by the owner(s) of all property included in the proposed planned development district (to ensure unified control), and shall include the following:

- a. A PD Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing; and
- ~~b. A PD Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development incorporated in the PD Plan; and~~
- ~~e. b.~~ A copy of the title to all land that is part of the proposed PD district (to ensure unified control).

...

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the City Commission, following a quasi-judicial public hearing (See Section 155.2307.), except that the City Commission's final decision shall be one of the following:

- a. Approval of the application subject to the PD Plan ~~and PD Agreement~~ included in the application;
- b. Approval of the application subject to conditions related to the PD Plan ~~and the PD Agreement~~; or
- c. Denial of the application.

D. PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification; and the PD Plan, and PD Agreement with the review standards in Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards, and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

E. REQUIRED CONCURRENT OR PRIOR APPROVAL OF FLEX OR RESERVE UNITS

The applicant shall submit an application for and obtain flex or reserve units necessary to implement the PD Plan ~~and PD Agreement~~ prior to or concurrent with the approval of the Planned Development (PD) Zoning District.

F. RECORDATION

The Development Services Director shall record the adopting ordinance, and the PD Plan, and the PD Agreement with the Broward County Records.

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H. EFFECT OF APPROVAL

Lands rezoned to a PD zoning district shall be subject to the approved PD Plan ~~and PD Agreement~~. The PD Plan and PD Agreement are is binding on the land as an amendment to the Official Zoning Map. ~~They~~ The PD Plan shall be binding on the landowners and their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan ~~and the PD Agreement~~. The applicant may apply for and obtain subsequent development permits necessary to implement the PD Plan in accordance with the appropriate procedures and standards set forth in this Code. Any development permits shall be in substantial compliance with the PD Plan ~~and PD Agreement~~.

I. EXPIRATION

The PD Plan ~~and PD Agreement~~ shall automatically expire if an application for a Site Plan (Major or Minor) for any part of the development shown on the approved PD Plan is not submitted within two years after approval of the Planned Development, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

J. MINOR DEVIATIONS FROM APPROVED PD PLAN

Subsequent applications for development permits within an approved PD district may include minor deviations from the PD Plan ~~or PD Agreement~~, without the need to amend the PD Plan ~~or PD Agreement~~, provided such

deviations are limited to changes that the Development Services Director determines:

1. Address technical considerations that could not reasonably be anticipated during the planned development approval process; and
2. Have no material effect on the character of the approved PD district, and the basic terms and concept of the PD Plan, ~~and the terms in the PD Terms and Conditions~~. These include, but are not limited to, the following:

...

K. AMENDMENT

Deviations from the PD Plan ~~or PD Agreement~~ that would have a material effect on the character of the approved PD district, and the basic terms and concept of the PD Plan, ~~or the terms in the PD Agreement~~, including, but not limited to, the following modifications, shall require amendment of the Planned Development in accordance with Section 155.2308.C, Modification or Amendment of Development Order:

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SECTION 5. That Section 155.2407., "Site Plan," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2407. SITE PLAN

...

B. APPLICABILITY

There are two types of Site Plans authorized by this Code: Major Site plans and Minor Site Plans.

1. Major Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Major Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for the following development listed in Table 155.2407.B.1:

~~a. Residential Use~~

- ~~i. Development of more than ten new or additional multifamily dwelling units.~~

~~b. Institutional Use, Commercial Use, and Industrial Use~~

- i. ~~New Development that contains more than 5,000 square feet of gross floor area; or~~
 - ii. ~~Development that adds a total of more than 25,000 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 25%, or that increases the gross floor area of the primary building of such existing development by more than 25%.~~
- e. ~~Property owned by the City, regardless of use type and Brownfield Designation~~**
- i. ~~All new development and additions to existing development.~~
- d. ~~Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site~~**
- i. ~~Development of more than fifteen new or additional multifamily dwelling units.~~
 - ii. ~~New non-residential development that contains more than 7,500 square feet of gross floor area; or~~
 - iii. ~~Non-residential development that adds a total of more than 37,500 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 37.5%, or that increases the gross floor area of the primary building of such existing development by more than 37.5%.~~

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY

PROPERTY TYPE		RESIDENTIAL AND NONRESIDENTIAL USE		
<u>Property owned by the City</u>	All new free standing buildings and all new attached additions.			
	<u>RESIDENTIAL USE</u>		<u>NONRESIDENTIAL USE</u>	
<u>Designated Brownfield Area or Brownfield site</u>	<u>New Development</u>	More than 15 new multifamily dwelling units	<u>New Development</u>	More than 7,500 sq ft gfa

	<u>Existing Development</u>	<u>Addition of more than 15 new multifamily dwelling units</u>	<u>Existing Development that is 7,500 sq ft gfa or less</u>	<u>An addition that results in development that contains more than 7,500 sq ft gfa</u>
			<u>Existing Development that is more than 7,500 sq ft gfa</u>	<u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <u>An addition that adds more than 37,500 sq ft gfa.</u> <u>An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</u> <u>An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</u>
<u>All Other Property Types</u>	<u>New Development</u>	<u>More than 10 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 5,000 sq ft gfa</u>
	<u>Existing Development</u>	<u>Addition of more than 10 new multifamily dwelling units</u>	<u>Existing Development that is 5,000 sq ft gfa or less:</u>	<u>An addition that results in development that contains more than 5,000 sq ft gfa</u>
			<u>Existing Development that is more than 5,000 sq ft gfa:</u>	<u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <u>An addition that adds more than 25,000 sq ft gfa.</u> <u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u> <u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u>

E. SITE PLAN REVIEW STANDARDS

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

...

- Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and

- 9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support; and
- 10. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

...

SECTION 6. That Section 155.2408., "Building Design," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2408. BUILDING DESIGN

...

B. APPLICABILITY

1. Major Building Design

Unless exempted in accordance with subsection 3 below, a development order for Major Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for the following development listed in Table 155.2408.B.1:

~~a. Residential Use~~

- ~~i. Development of more than ten new or additional multifamily dwelling units.~~

~~b. Institutional Use, Commercial Use, and Industrial Use~~

- ~~i. New development that contains more than 5,000 square feet of gross floor area; or~~
- ~~ii. Development that adds a total of more than 25,000 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 25%, or that increases the gross floor area of the primary building of such existing development by more than 25%.~~

~~c. Property owned by the City, regardless of use type and Brownfield Designation~~

- ~~i. All new development and additions to existing development.~~

d. ~~Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site~~

- ~~i. Development of more than fifteen new or additional multifamily dwelling units.~~
- ~~ii. New non-residential development that contains more than 7,500 square feet of gross floor area; or~~
- ~~iii. Non-residential development that adds a total of more than 37,500 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 37.5%, or that increases the gross floor area of the primary building of such existing development by more than 37.5%.~~

TABLE 155.2408.B.1: MAJOR BUILDING DESIGN APPLICABILITY

PROPERTY TYPE		RESIDENTIAL AND NONRESIDENTIAL USE	
All property		Landscape projects of at least 10,000 sq ft.	
Property owned by the City		All new free standing buildings and all new attached additions.	
Property abutting a designated arterial or collector road as defined by the Broward County Trafficways Plan		All new free standing buildings and all new attached additions facing or visible from the roadway. New free standing buildings or attached additions that are not facing or visible from the roadway shall comply with other applicable thresholds below.	
		RESIDENTIAL USE	NONRESIDENTIAL USE
Designated Brownfield Area or Brownfield Site	New Development	More than 15 new multifamily dwelling units	New Development More than 7,500 sq ft gfa
	Existing Development	Addition of more than 15 new multifamily dwelling units	Existing Development that is 7,500 sq ft gfa or less An addition that results in development that contains more than 7,500 sq ft gfa One of the following, whichever is less: <ul style="list-style-type: none"> • An addition that adds 37,500 sq ft gfa. • An addition that increases the amount of lot coverage of such existing development by more than 37.5%. • An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.

<u>All Other Property Types</u>	<u>New Development</u>	<u>More than 10 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 5,000 sq ft gfa</u>
	<u>Existing Development</u>	<u>Addition of more than 10 new multifamily dwelling units</u>	<u>Existing Development that is 5,000 sq ft gfa or less:</u> <u>Existing Development that is more than 5,000 sq ft gfa:</u>	<u>An addition that results in development that contains more than 5,000 sq ft gfa</u> <u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <u>An addition that adds more than 25,000 sq ft gfa.</u> <u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u> <u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u>

...

3. Exemptions

The following development shall be exempted from the requirements of this section:

- a. Construction or alteration of a single-family dwelling; and or two-family dwelling; or
- b. Construction or alteration of a two family dwelling Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

...

E. BUILDING DESIGN APPROVAL REVIEW STANDARDS

An application for Major Building Design or Minor Building Design shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building, or structure, or sign:

1. Complies with the applicable design standards in Section 155.3703.F and Article 5;
2. Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC supplemental Criteria; and

3. Complies with CPTED Standards for natural surveillance, natural access control, territorial reinforcement, and maintenance-;
4. Complies with the Ch 156: Sign Code, if applicable;
5. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable; and
- 4.6. Additionally, any application for Minor Building Design not required to comply with the Design Standards in Part 6 of Article 5:, shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the building or structure is cohesive, consistent, and complimentary to the existing vernacular design.

...

SECTION 7. That Section 155.2410., "Plat," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2410. PLAT

...

D. PLAT REVIEW STANDARDS

An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

...

4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to public by deed or grant of easement; ~~and~~
5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance-; and
6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

...

SECTION 8. That Section 155.2413., "Zoning Compliance Permit," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2413. ZONING COMPLIANCE PERMIT

...

D. ZONING COMPLIANCE PERMIT REVIEW STANDARDS

A Zoning Compliance Permit shall be approved only on a finding that the application complies with all applicable standards in this Code and all conditions as required by review and decision-making authorities as set forth in a development order.

...

SECTION 9. That Section 155.2414., "Zoning Use Certificate," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2414. ZONING USE CERTIFICATE

...

B. APPLICABILITY

A Zoning Use Certificate is required for any person to operate or engage in any use (which includes business, profession or occupation) within the city limits. A new Zoning Use Certificate is required for any change in use, additional use, change in location, change in ownership, and/or change in business name. A Zoning Use Certificate is required ~~before~~ prior to the issuance of a Business Tax Receipt, which is required before operation of any business or the occupation of a premises where a business is conducted.

...

E. EFFECT OF APPROVAL

A Business Tax Receipt shall only be issued for the use specified in the approved Zoning Use Certificate. An approved Zoning Use Certificate is only valid for the specific address, business name, corporate name, and type of business for which it was approved.

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EF. EXPIRATION

A Zoning Use Certificate shall automatically expire if a Business Tax Receipt is not obtained within 60 days after the date of approval. A Zoning Use Certificate may be revoked in accordance with Section 155.8502.B.2, Revocation of Zoning Use Certificate.

FG. APPEAL

A party aggrieved by the decision rendered by the Development Services Director may appeal the decision to the ZBA in accordance with the procedures in Section 155.2424, Appeal.

GH. REVOCATION

A Zoning Use Certificate may be revoked in accordance with the procedures in Section 155.8402.B.2, Revocation of Zoning Use Certificate. A Zoning Use Certificate that has been revoked nullifies the accompanying Business Tax Receipt.

SECTION 10. That Section 155.2421., "Administrative Adjustment," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2421. ADMINISTRATIVE ADJUSTMENT

...

B. APPLICABILITY

1. General

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TABLE 155.2421.B.1: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS		
STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT	
	MINOR ADMINISTRATIVE ADJUSTMENT (All Zoning Districts)	MAJOR ADMINISTRATIVE ADJUSTMENT (AOD, TO, CRAO, and Nonresidential Districts)

	DEVELOPMENT WITHIN ATLANTIC BOULEVARD OVERLAY DISTRICT OR REDEVELOPMENT OF BROWNFIELD SITE WITHIN DESIGNATED BROWNFIELD AREA	OTHER DEVELOPMENT	
Minimum vehicular use area interior landscaped island or area width	20%	10%	30%
...			

...

SECTION 11. That Section 155.2424., "Appeal," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2424. APPEAL

...

B. RIGHT TO APPEAL

- Parties aggrieved by a final decision by the Development Services Director.

A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with the procedures as set forth in Section 155.2424.C, Appeal Procedure.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
Application Type	Board Responsible for Reviewing Appeal
Minor Building Design	Architectural Appearance Committee (AAC)
Minor Certificate of Appropriateness	Historic Preservation Committee (HPC)
Interpretation All other application types and waiver requests	Zoning Board of Appeals (ZBA)
Sexually Oriented Business	Zoning Board of Appeals (ZBA)
Zoning Use Certificate	Zoning Board of Appeals (ZBA)

...

SECTION 12. That Section 155.3602., "General Standards for all Planned Development Districts," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3602. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district classification, ~~as well as~~ and the associated PD Plan and the PD Agreement included as part of the application, comply with the following standards:

A. PD PLAN

The PD Plan shall include the following:

1. ~~Include a~~ A statement of planning objectives for the district;
2. Detailed description of the following for the entire PD District and for each development area:
 - a. Dimensional Standards as follows:
 - i. the land area;
 - ii. Types and mix of land uses;
 - iii. Maximum number of residential units (by use type);
 - iv. Maximum nonresidential floor area (by use type);
 - v. Minimum lot area;
 - vi. Minimum lot width;
 - vii. Maximum impervious surface area;
 - viii. Maximum building height;
 - ix. Maximum individual building size;
 - x. Minimum and maximum setbacks; and
 - xi. Minimum setbacks from adjoining residential development or residential zoning districts.
 - b. Modifications of Development Standards;

- c. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - d. Provisions related to environmental protection and monitoring;
 - e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;
 - f. Development Phasing Plan;
 - g. Conversion Schedule; and
 - h. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.
2. 3. Identify the general location of the following: ~~individual development areas, identified by land use(s) and/or development density or intensity;~~
- a. Individual development areas, identified by land use(s) and/or development density or intensity;
 - b. Open space (whether designated for active or passive recreation), including amount, and type of;
 - c. All public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;
 - d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
 - e. On-site potable water and wastewater facilities, and how they will connect to city systems;
 - f. On-site stormwater management facilities, and how they will connect to city systems; and
 - g. All other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.

3. ~~Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;~~
4. ~~Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;~~
4. Graphics demonstrating the following:
 - a. Projects with structures greater than 35 feet in height, the shadowing on adjacent properties at the following times: two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.
 - b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.
5. ~~Identify the location of environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;~~
6. ~~Identify the on site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;~~
7. ~~Identify the general location of on-site potable water and wastewater facilities, and how they will connect to city systems;~~
8. ~~Identify the general location of on-site stormwater management facilities, and how they will connect to city systems; and~~
9. ~~Identify the general location of all other on site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.~~

B. CONSISTENCY WITH CITY PLANS

The PD zoning district designation, and the PD Plan, ~~and the PD Agreement~~ shall be consistent with the comprehensive plan.

...

G. PD AGREEMENT

The PD Agreement shall incorporate by reference or include, but not be limited to:

- ~~1. Conditions related to approval of the application for the PD zoning district classification;~~
- ~~2. The PD Plan, including any density/intensity standards, dimensional standards, and development standards established in the PD Plan;~~
- ~~3. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;~~
- ~~4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;~~
- ~~5. Provisions related to environmental protection and monitoring;~~
- ~~6. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and~~
- ~~7. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.~~

H. G. USES

The principal, accessory, and temporary uses allowable in each type of PD district are identified in Appendix A: Consolidated Use Table. Allowed principal uses in a particular PD district shall be established in the PD Plan, subject to conversion in accordance with a schedule incorporated in the PD Plan in accordance with Section 155.3602.E, Conversion Schedule. Allowed uses shall be consistent with city plans and the purpose of the particular type of PD district, and subject to applicable use-specific standards in (Principal Uses), Part 3 (Accessory Uses and Structures), and Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, and any additional limitations or requirements set forth in Sections 155.3603 to 155.3607 for the particular type of PD district.

H. H. DENSITIES/INTENSITIES

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the comprehensive plan and other adopted special area and city plans, and with the purpose of the particular type of PD district.

H. I. DIMENSIONAL STANDARDS

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the purpose of the

particular type of PD district. ~~The PD Plan shall include at least the following types of dimensional standards, unless the PD Plan expressly states otherwise:~~

- ~~1. Maximum dwelling units per acre (residential development) and/or maximum floor area ratio (nonresidential development);~~
- ~~2. Minimum lot area;~~
- ~~3. Minimum lot width;~~
- ~~4. Maximum impervious surface area;~~
- ~~5. Maximum building height;~~
- ~~7. Minimum and maximum setbacks; and~~
- ~~8. Minimum setbacks from adjoining residential development or residential zoning districts.~~

K J. DEVELOPMENT STANDARDS

All development in a PD district shall comply with the development standards of Article 5: Development Standards, or any modifications of those standards established in the PD Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Section 155.3603 to 155.3607 for the particular type of PD district.

L. M. AMENDMENTS TO APPROVED PD PLAN ~~OR PD AGREEMENT~~

Deviations from and amendments to a PD Plan ~~or PD Agreement~~ shall be considered in accordance with the standards in Sections 155.24

SECTION 13. That Section 155.4214., "Commercial: Animal Care Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4214. COMMERCIAL: ANIMAL CARE USES

...

B. ANIMAL SHELTER OR KENNEL

...

3. Standards

An animal shelter or kennel shall comply with the following standards:

- a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ~~b. Any open exercise runs or pens shall be located at least 75 feet from any lot line, and at least 100 feet from any residential use, with a type B perimeter buffer provided between the run or pen and the property line.~~
- e b. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 8:00 a.m.
- d c. Accessory uses to an animal shelter may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
- e d. No crematory facilities are allowed.
- e. Exercise runs or pens shall comply with the following distance requirements:

i. **From property line abutting a residential district and/or education use:**

Outdoor runs, animal exercise areas or pens shall not be located within 50 feet of the property line. Except that outdoor runs, animal exercise areas or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located 25 feet from the property line.

ii. **From property line abutting a non-residential district (except education use):**

Outdoor runs, animal exercise areas or pens shall not be located within 25 feet of the property line. Except that outdoor runs, animal exercise areas or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located 10 feet from the property line.

iii. From property line abutting a roadway:

Outdoor runs, animal exercise areas or pens shall not be located within 15 feet from the property line.

...

SECTION 14. That Section 155.4219., "Commercial: Motor Vehicle Sales and Service Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

...

I. GASOLINE FILLING STATION

...

2. Definition

A gasoline filling station consists of buildings and premises where gasoline and similar fuels for automotive use are supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). This use may also involve the sale of oils and greases, batteries, tires, automobile accessories, drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. ~~The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.~~

...

SECTION 15. That Section 155.4220., "Commercial: Office Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4220. COMMERCIAL: OFFICE USES

...

B. PROFESSIONAL OFFICE

...

3. Standards

In the ~~Multifamily Residential (RM) districts~~ RM-12 District, a professional office use is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less.

SECTION 16. 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

...

C. BANK OR FINANCIAL INSTITUTION

...

2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, 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. ~~Banks and financial institutions are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

3. ~~Standards~~

~~A bank or financial institution shall comply with the following standards:~~

~~a. In the Multifamily Residential (RM) districts, a bank or financial institution is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less.~~

...

SECTION 17. 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

...

F. GROCERY OR CONVENIENCE STORE

...

3. Standards

Grocery or Convenience Stores where gasoline and similar fuels for automotive use are supplied and dispensed at retail shall comply with §155.4219.I.3, Gasoline Filling Station, Standards.

...

SECTION 18. That Section 155.5101., "Access and Circulation," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5101. ACCESS AND CIRCULATION

...

G. VEHICULAR ACCESS AND CIRCULATION

...

8. Vehicle Stacking Space

a. For Drive-through and Related Uses

i. Required Number of Stacking Spaces

...

TABLE 155.5101.G.8.A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES

Use or Activity	Minimum Number of Stacking Spaces	Measured From
...		

Valet Parking for Residential Uses	10% of the total parking capacity of the facility up to a maximum of 5 spaces	Designated Drop-Off Area
Valet Parking for Nonresidential Uses	10% of the total parking capacity of the facility up to a maximum of 8 spaces	Designated Drop-Off Area
Other	...	

...

SECTION 19. 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

...

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

...

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
Use Category	Use Type		Minimum Number of Parking
RESIDENTIAL USES			
Household Living Uses	Dwelling, live/work		1 per DU
	Dwelling, multifamily	...	
		Townhouse Guest Spaces	1 per 5 Townhouse Units; In addition to the required parking spaces based on dwelling unit
...			

...

I. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

1. General

...

TABLE 155.5102.I.1: ABOVE: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES					
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT)

A	B	C	D	E	F
RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL USES					
0	10	10	14	23	24
45	10	21.2	14	14.1	56.4
60	10	22.3	16	11.5	60.6
90	10	20 ²	23	10	63
INDUSTRIAL USES					
0	9	9	14	23	32
45	9	19.1	14	12.7	52.2
60	9	20.1	16	10.4	56.2
90	9	18	23	9	59

2. ~~Smaller Parking Spaces for Tandem Parking and Certain Uses and Districts~~ **Compact Parking Spaces in Parking Garages**

~~The~~ When provided in a parking garage, the dimensions of up to 20% of the required off-street parking stalls spaces may be reduced to a width of ~~9 8 feet and 6 inches~~ and a depth/length of ~~18 16 feet~~ where the parking stalls are. The spaces shall be marked as Compact Parking Spaces.

a. ~~Used for tandem parking (See Section 155.5102.J.6, Valet and Tandem Parking.);~~

b. ~~Located within a development containing industrial services uses, manufacturing and production uses, or warehouse and freight movement uses; or~~

e. ~~Located within the Atlantic Boulevard Overlay district (AOD) Northwest Community Redevelopment Area, or the Transit-Oriented (TO) District.~~

...

J. OFF-STREET PARKING ALTERNATIVES

...

6. Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for a development ~~with commercial uses~~ in accordance with the following standards:

a. Number of Valet or Tandem Spaces

- ~~i. The development served by the valet or tandem parking shall provide a total of 75 or more off-street parking spaces.~~
- ~~ii. No more than 30 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 100 percent of parking spaces may be designated for valet parking.~~
- i. All uses, except Hotels, may designate a maximum of 75 percent of the total number of required off-street parking spaces as valet parking. The valet spaces may be tandem.
- ii. Hotels may designate a maximum of 100 percent of the total number of required off-street parking spaces as valet parking. The valet spaces maybe tandem.

b. Drop-Off and Pick-Up Areas

~~The development shall provide a designated drop-off and pick-up area in compliance with the following standards: The drop-off and pickup area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.~~

- i. The drop-off and pickup area shall be in compliance with Table 155.5101.G.8.a, Minimum Stacking Spaces for Drive-Through and Related Uses.
- ii. The drop-off and pick up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.

c. Valet Parking Plan

The alternative parking plan requesting valet shall include, but not be limited to, the following:

- i. Identification of the type and nature of the use for which the valet service is being provided;
- ii. The location of the valet parking and self-parking spaces, including how the valet parking area shall be isolated from use by the general public.

- iii. The pick-up and drop off area(s);
- iv. A site traffic circulation plan; and
- v. The number of parking attendants (and any other personnel) needed to operate the valet service.

e.d. Valet Parking Agreement

Valet parking may be established and managed only in accordance with a valet agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking, except for Residential and Visitor Accommodation Uses, which shall provide valet parking attendants twenty-four hours a day. The agreement shall also include a legal description of the parcel where parking will be located and states the number of parking spaces utilized for valet parking. The agreement shall be submitted to the Development Services Director, who shall forward it to the City Attorney for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit or Zoning Use Certificate for any use to be served by the valet parking. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

SECTION 20. 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

...

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.

...

BANK OR FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, 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. ~~Banks and financial institutions are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

...

GASOLINE FILLING STATION

Buildings and premises where gasoline, oils and greases, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). This use may also involve the sale of drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. ~~The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.~~

...

SECTION 21. 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 22. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 28th day of July, 2015.

PASSED SECOND READING this 8th day of September, 2015.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

GBL/jrm
9/9/15
L:ord/ch155/2015-390