

Ord. 21

**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 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS 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 155.4219., "Commercial: Motor Vehicles 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**

...

**3. Standards**

A gasoline filling station use shall comply with the following standards:

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- d. Gasoline pump canopies shall ~~have a maximum clearance height of feet above grade, except where state or federal law requires higher clearances~~ comply with the applicable standards in Section 155.4303.E.3.
- e. A lot containing a gasoline filling station shall be located at least 750 feet from a lot containing another gasoline filling station.
- f. A clearly identified pedestrian route, distinguished by varied paving treatments, shall be provided between the fueling pumps and the primary pedestrian entrance(s) to the building(s).

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**SECTION 2.** That Section 155.4303., "Standards for Specific Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES**

...

**E. CANOPY, VEHICULAR AREA**

...

**3. Standards**

A canopy is allowed as accessory to a gasoline filling station or other nonresidential use or structure, subject to the following standards:

- a. The form, pitch, ~~and materials,~~ and architectural details used for the roof of a canopy covering a drive-through service facility shall be designed to appear as an extension of the roof covering the principal structure.

- b. The canopy shall have a maximum clearance height of ~~15~~ 16 feet, as measured from the finished grade to the underside of the canopy.
- c. The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.
- ~~d. A canopy covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising except as authorized by the Sign Code (Chapter 156 of the Code of Ordinances).~~
- e d. In addition to meeting the standards of Part 4 (Exterior Lighting) of Article 5: Development Standards, a canopy shall not be internally illuminated and any lighting on the canopy shall be fully recessed into the canopy and shall not extend downward beyond the ceiling of the canopy.
- f e. A canopy may be located in front of the principal structure.
- f. Compliance with the following additional design standards for a canopy accessory to a gasoline filling station:
  - i. **Subordinate Design.** The size, mass, shape, and architecture shall ensure that the proposed canopy is a subordinate structure to the principal building on the site. The canopy will be considered a subordinate structure if it meets one or more of the following designs:
    - (A) The canopy is located behind the principal building;
    - (B) The canopy is physically connected to the principal building and the connection shall be wide enough to cover a pedestrian walkway;
    - (C) The length of the canopy is less than the length of the principal building; or

(D) The height of the canopy is less than the average height of the principal building.

ii. **Canopy Support Design.** The colors, materials, and architectural details of the canopy supports shall match that of the principal building. The canopy supports shall be covered with decorative cladding of material that is consistent with the architectural treatment of the principal building's façade.

iii. **Canopy Length.** The maximum length of a canopy is 120 feet for gasoline filling stations with fueling areas longer than 120 feet multiple canopies are permitted and encouraged.

iv. **Canopy Banding.** Striping or color accent banding on the canopy or the canopy support structures is prohibited.

v. **Signage.** All signage, including logos and trademarks, are strictly prohibited on the canopy and canopy supports. This prohibition does not include noncommercial information located on support structures provided the size of the information shall be the minimum necessary to convey such noncommercial information.

vi **Waivers.**

(A) The Development Services Director may waive compliance with the maximum 16 feet clearance standard provided the canopy complies with all of the following standards:

(1) The canopy is not a flat roof;

(2) The height of the canopy is less than the average height of the principal building;



(3) At least one elevation of the canopy has a 16 foot clearance; and

(4) The Architectural Appearance Committee approves the canopy design via a Major Building Design application.

(B) The Development Services Director may waive compliance with the standards for Subordinate Design and Canopy Support Design for those canopies located at sites where there is no principal structure or for those canopies located at existing gasoline filling stations.

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**SECTION 3.** 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 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 24th day of January, 2017.

**PASSED SECOND READING** this 14th day of February, 2017.

  
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**LAMAR FISHER, MAYOR**

**ATTEST:**

  
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**ASCELETA HAMMOND, CITY CLERK**

MEB/ds/jrm  
1/9/17  
L:ord/ch155/2016-230